

AGENDA

MONDAY, NOVEMBER 10, 2008, 5:30 P.M.  
BOARD OF EQUALIZATION HEARING

- 1) ELECTION OF CHAIR
- 2) READING OF OPENING STATEMENT BY CHAIR PERSON  
CITY CLERK READS ITEMS 3, 4, AND 5 INTO THE RECORD
- 3) DOWNTOWN BUSINESS IMPROVEMENT DISTRICT generally bounded by H, 6<sup>th</sup>, R, and 17<sup>th</sup> Streets.
- 4) CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY generally bounded by Centennial Mall, M, 9<sup>th</sup>, and Q Streets.
- 5) DOWNTOWN MAINTENANCE DISTRICT generally extending from 7<sup>th</sup> Street on the west to 17<sup>th</sup> Street on the east and from R Street on the north, to M Street on the south and shall in addition thereto include the properties abutting on the west side of 7<sup>th</sup> Street from N Street to R Street; the properties abutting on the east side of 17<sup>th</sup> Street from Q Street to M Street; the properties abutting on the north side of R Street from 7<sup>th</sup> Street to 10<sup>th</sup> Street and the properties abutting the south side of M Street from 8<sup>th</sup> Street to 17<sup>th</sup> Street. In addition, the district shall include properties abutting both sides of 13<sup>th</sup> Street from M Street to Lincoln Mall and all of Cornhusker Square.
- 6) REMARKS BY/QUESTIONS OF URBAN DEVELOPMENT DEPARTMENT STAFF
- 7) PUBLIC TESTIMONY
- 8) VOTING SESSION
- 9) ADJOURNMENT (Sine die or must set another date and time)

THE MINUTES OF THE BOARD OF EQUALIZATION HELD  
MONDAY, NOVEMBER 10, 2008 AT 5:30 P.M.

The Board of Equalization met at 5:30 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska as required by law.

Members Present: Jon Camp, Jonathan Cook, Doug Emery, Robin Eschliman, Dan Marvin, Jon Spatz, Ken Svoboda.

ESCHLIMAN Our first order of business is to elect a chair.

SVOBODA I nominate Robin Eschliman.

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

ESCHLIMAN Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

PUBLIC HEARING

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6<sup>TH</sup>, R, AND 17<sup>TH</sup> STREETS.

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9<sup>TH</sup>, AND Q STREETS.

DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7<sup>TH</sup> STREET ON THE WEST TO 17<sup>TH</sup> STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7<sup>TH</sup> STREET FROM N STREET TO R STREET; THE PROPERTIES ABUTTING ON THE EAST SIDE OF 17<sup>TH</sup> STREET FROM Q STREET TO M STREET; THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7<sup>TH</sup> STREET TO 10<sup>TH</sup> STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8<sup>TH</sup> STREET TO 17<sup>TH</sup> STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13<sup>TH</sup> STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE.

Ron Cane, Urban Development Dept., came forward to answer any questions.

**VOTING SESSION**

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT generally bounded by H, 6<sup>th</sup>, R, and 17<sup>th</sup> Streets;

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY generally bounded by Centennial Mall, M, 9<sup>th</sup>, and Q Streets;

DOWNTOWN MAINTENANCE DISTRICT generally extending from 7<sup>th</sup> Street on the west to 17<sup>th</sup> Street on the east and from R Street on the north, to M Street on the south and shall in addition thereto include the properties abutting on the west side of 7<sup>th</sup> Street from N Street to R Street; the properties abutting on the east side of 17<sup>th</sup> Street from Q Street to M Street; the properties abutting on the north side of R Street from 7<sup>th</sup> Street to 10<sup>th</sup> Street and the properties abutting the south side of M Street from 8<sup>th</sup> Street to 17<sup>th</sup> Street. In addition, the district shall include properties abutting both sides of 13<sup>th</sup> Street from M Street to Lincoln Mall and all of Cornhusker Square:

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

**ADJOURNMENT**

**5:35 P.M.**

EMERY Moved to adjourn Sine Die the Board of Equalization meeting.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 10, 2008 AT 5:30 P.M.**

The Meeting was called to order at 5:35 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

**READING OF THE MINUTES**

EMERY Having been appointed to read the minutes of the City Council proceedings of November 3, 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**

AMENDING CHAPTER 2.18 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PURCHASING DIVISION TO UPDATE DEPARTMENT EXPENDITURE AMOUNTS AND TO INCORPORATE THE CHANGES TO THE CITY CHARTER APPROVED BY THE VOTERS IN THE MAY 2008 ELECTION, BY AMENDING SECTION 2.18.020 TO INCREASE THE LEVEL OF REPAIR EXPENDITURES WHICH REQUIRE PURCHASE BY BIDDING, AND TO CONFORM LANGUAGE TO THE REVISED CHARTER PROVISIONS; AMENDING SECTION 2.18.030 TO INCREASE THE THRESHOLD OF EXPENDITURES WHICH REQUIRE BIDDING TO \$25,000, TO UPDATE DEPARTMENT EXPENDITURE AMOUNTS, TO UPDATE OBSOLETE LANGUAGE TO REFLECT ELECTRONIC BIDDING PROVISIONS, TO PROVIDE ADDITIONAL GROUNDS UNDER WHICH THE CITY COULD DISQUALIFY VENDORS FROM BIDDING, TO CREATE AN APPEAL PROCESS FOR DISQUALIFIED VENDORS, AND TO STREAMLINE PURCHASING PROVISIONS ALLOWING JOINT PURCHASING WITH OTHER UNITS OF GOVERNMENT; BY AMENDING SECTION 2.18.060 TO AUTHORIZE THE PURCHASING AGENT TO REQUIRE PRE-DELIVERY OR POST DELIVERY INSPECTIONS FOR PURCHASES, AND TO REQUIRE INSPECTIONS FOR ALL PURCHASES OVER \$100,000; AND REPEALING SECTIONS 2.18.020, 2.18.030, AND 2.18.060 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Steve Huggenberger, Assistant City Attorney, came forward to provide a brief explanation of the changes. Some of the changes in Section 2.18.020 are two allowances by departments with one for \$1,500 for materials, parts, and supplies and the \$4,000 for repairs of equipment facilities is to be changed to \$10,000. 2.18.030 in Subsection F is to change the purchasing amount to \$25,000; Subsection N to increase the grounds in which a bidder can be declared irresponsible which previously could be done only if they defaulted on their bids or contracts. There will be several other grounds for that to occur now. It is suggested an appeal process is provided if a bidder is declared irresponsible. Performance issues would include failure to complete project, collusion, or unpaid debt to City. Subsection O will remove a requirement that if the purchasing agent goes out for a piggyback contract, a GSA piggyback or another state piggyback, they will not have to jump through the hoop to the extent of giving notice and preference to qualified local bidders which would eliminate the Purchasing Agent from having to go for bids before he did that which would take several weeks and he would have to take the lowest bidder which may have no relationship to the GSA price. 2.18.060 gives the Purchasing Agent additional authority to require pre-delivery or post-delivery inspections in order to determine compliance with whatever the specs are. Discretion is removed from the Purchasing Agent and requires the inspections.

Vince Mejer, Purchasing Agent, stated they have 15 to 20 bids over \$100,000 per year that would require minimum mandatory inspections. He will probably require more than the minimum mandatory inspections. It is at his discretion to require inspections up to a \$100,000.

Mr. Huggenberger stated the Charter and Code allows informal bidding requirements which are informal quotes. The department or director or whoever is making that purchase has a requirement to consult three vendors, get informal quotes and take the lowest informal quote that is under \$25,000 bidding requirement. The requirement includes the below \$10,000 for repairs.

This matter was taken under advisement.

APPROVING RFOX, INC. DBA RED FOX WESTSIDE GRILLE AS A KENO SATELLITE SITE AT 1339 WEST O STREET - John Hewitt, Big Red Keno, came forward on behalf of Red Fox to answer any questions.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE CITY OF LINCOLN LANCASTER COUNTY RAILROAD TRANSPORTATION SAFETY DISTRICT ACCEPTING THE TRANSFER OF FUNDING FOR THE WEST HAYMARKET STUDY - Kent Morgan, Planning Dept. and Chad Blahak, Public Works, Dept., came forward to answer any questions.

This matter was taken under advisement.

USE PERMIT 107C - APPLICATION OF NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION TO AMEND THE FIRETHORN OFFICE PARK USE PERMIT TO ADJUST THE FRONT YARD SETBACK FROM 20 FEET TO 6 FEET TO ALLOW A GROUND SIGN ON PROPERTY GENERALLY LOCATED TWO BLOCKS EAST OF THE INTERSECTION OF SOUTH 84TH STREET AND FIRETHORN LANE - Gus Ponstingl, Architectural Design Associates, came forward on behalf of National Rural Electric Cooperative Association to answer questions and to state this application has been recommended for approval by the Planning Commission. He stated the setback is only for a sign and will not have an affect on other property lines.

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 OCTOBER 27, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

A-85120 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended September 30, 2008, \$463,727.03 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by John Spatz

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF AUGUST & SEPTEMBER, 2008 FROM BLACK HILLS/NEBRASKA GAS UTILITY COMPANY, LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE THIRD QUARTER ENDING SEPTEMBER 30, 2008 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF E911 TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF SEPTEMBER, 2008: QWEST COMM., LEVEL 3 COMM., TWC DIGITAL PHONE, LEVEL 3 COMM., AT&T COMM. OF MIDWEST, GRANITE TELECOMM., ACN COMM., AT&T COMM. OF MIDWEST, BUDGET PREPAY, COMTEL TELCOM ASSETS; QUARTER ENDING SEPTEMBER, 2008: WINDSTREAM COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JULY, 2008: GUARANTEED PHONE SERVICE; JULY - SEPTEMBER, 2008: DIGIZIP.COM, CAUSE BASED COMMERCE, AMERIVISION, ASSOCIATION ADM., NECC TELECOM., COMTECH 21; AUGUST, 2008: NEBRASKA TECHNOLOGY & TELECOMM., WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, CRICKET, USCOC OF GREATER IOWA, NEW CINGULAR WIRELESS PCS, AT&T COMM. OF MIDWEST, TWC DIGITAL PHONE, SPRINT, GUARANTEED PHONE SERVICE, BROADBAND DYNAMICS, TCG OMAHA, QWEST, BELL ATLANTIC, NEW EDGE NETWORK, ONSTAR CORP., VIRGIN MOBILE USA, TELECORP, BROADWING, XO COMM. SERVICES, USCOC OF NEBRASKA/KANSAS, VERIZON SELECT SERVICES, MCLEOD USA, GRANITE, CINCINNATI BELL ANY DISTANCE, ADVANCED TEL INC, EARTHLINK, VOICECOM, GLOBALSTAR USA, INTELICALL OPERATOR SERVICES, TRACFONE WIRELESS, WHOLESALE CARRIER, TRANS NATIONAL COMM. INT'L., GLOBAL CROSSING, UCN, WORKING ASSETS FUNDING SERVICE, PRIMUS, ACN COMM. SERVICES, CIMCO, BUSINESS PROD. SOLUTIONS, NORSTAN NETWORK SERVICES; SEPTEMBER, 2008: ALLTEL COMM. OF NEBRASKA, ALLTEL, NEXTEL, MCI, D&D, SPRINT SPECTRUM, GTC, ENHANCED COMM. NETWORK, LIGHTYEAR NETWORK SOLUTIONS, TRI-M, ZONE TELECOM., ACCERIS, NOS, NOSVA LIMITED, 800 RESPONSE INFORMATION SERVICES, LONG DISTANCE, UNITE PRIVATE NETWORKS, ENHANCED COMM. GROUP, 360NETWORKS (USA), FIRST COMM., COVISTA, BT AMERICAS, LDMI, ATS MOBILE TELEPHONE CO. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**PETITIONS & COMMUNICATIONS - NONE**

**MISCELLANEOUS**

SETTING THE HEARING DATE OF MONDAY, DECEMBER 1, 2008 AT 1:30 P.M. FOR THE APPLICATION OF JOHN ESQUIVEL DBA THE RIB PIT FOR A CLASS C LIQUOR LICENSE LOCATED AT 1501 CENTER PARK RD. #100 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85121 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 1, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of John Esquivel dba The Rib Pit for a Class C liquor license located at 1501 Center Park Rd., #100.

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

**LIQUOR RESOLUTIONS - NONE**

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

AMENDING CHAPTER 2.18 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PURCHASING DIVISION TO UPDATE DEPARTMENT EXPENDITURE AMOUNTS AND TO INCORPORATE THE CHANGES TO THE CITY CHARTER APPROVED BY THE VOTERS IN THE MAY 2008 ELECTION, BY AMENDING SECTION 2.18.020 TO INCREASE THE LEVEL OF REPAIR EXPENDITURES WHICH REQUIRE PURCHASE BY BIDDING, AND TO CONFORM LANGUAGE TO THE REVISED CHARTER PROVISIONS; AMENDING SECTION 2.18.030 TO INCREASE THE THRESHOLD OF EXPENDITURES WHICH REQUIRE BIDDING TO \$25,000, TO UPDATE DEPARTMENT EXPENDITURE AMOUNTS, TO UPDATE OBSOLETE LANGUAGE TO REFLECT ELECTRONIC BIDDING PROVISIONS, TO PROVIDE ADDITIONAL GROUNDS UNDER WHICH THE CITY COULD DISQUALIFY VENDORS FROM BIDDING, TO CREATE AN APPEAL PROCESS FOR DISQUALIFIED VENDORS, AND TO STREAMLINE PURCHASING PROVISIONS ALLOWING JOINT PURCHASING WITH OTHER UNITS OF GOVERNMENT; BY AMENDING SECTION 2.18.060 TO AUTHORIZE THE PURCHASING AGENT TO REQUIRE PRE-DELIVERY OR POST DELIVERY INSPECTIONS FOR PURCHASES, AND TO REQUIRE INSPECTIONS FOR ALL PURCHASES OVER \$100,000; AND REPEALING SECTIONS 2.18.020, 2.18.030, AND 2.18.060 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 2.18 of the Lincoln Municipal Code relating to the City's Purchasing Division to update department expenditure amounts and to incorporate the changes to the City Charter approved by the voters in the May 2008 election, by amending Section 2.18.020 to increase the level of repair expenditures which require purchase by bidding, and to conform language to the revised Charter provisions; amending Section 2.18.030 to increase the threshold of expenditures which require bidding to \$25,000, to update department expenditure amounts, to update obsolete language to reflect electronic bidding provisions, to provide additional grounds under which the City could disqualify vendors from bidding, to create an appeal process for

disqualified vendors, and to streamline purchasing provisions allowing joint purchasing with other units of government; by amending Section 2.18.060 to authorize the Purchasing Agent to require pre-delivery or post delivery inspections for purchases, and to require inspections for all purchases over \$100,000; and repealing Sections 2.18.020, 2.18.030, and 2.18.060 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08052 - APPLICATION OF VIEN C. LE FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND W 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 RFOX, INC. DBA RED FOX WESTSIDE GRILLE AS A KENO SATELLITE SITE AT 1339 WEST O STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85122 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with EHPV Lottery Services, LLC, a Nebraska limited liability company; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of RFox, Inc. dba Red Fox Westside Grille, 1339 West O Street, Lincoln, NE 68528.

The City Clerk is directed to return an executed copy of this Resolution to Red Fox Westside Grille and a copy to EHPV Lottery Services, LLC.

Introduced by Dan Marvin

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

APPROVING A CONTRACT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND ROBERTS DAIRY TO PROVIDE AND DELIVER MILK AND RELATED DAIRY PRODUCTS FOR THE LINCOLN AREA AGENCY ON AGING, LANCASTER MANOR, AND MIDTOWN CENTER THROUGH LOCAL INTER-GOVERNMENTAL COOPERATIVE PURCHASING WITH THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AT LINCOLN, FOR AN INITIAL THREE-YEAR TERM WITH TWO ADDITIONAL ONE-YEAR TERMS - CLERK read the following resolution, introduced by John Spatz for Dan Marvin who is abstaining, who moved its adoption:

A-85123 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Contract between the City of Lincoln, Lancaster County, and Roberts Dairy to provide and deliver milk and related dairy products for the Lincoln Area Agency on Aging, Lancaster Manor, and Midtown Center through local inter-governmental cooperative purchasing with the Board of Regents of the University of Nebraska at Lincoln, for an initial three-year term with the option for two additional one-year terms, upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Contract on behalf of the City.

Introduced by Dan Marvin

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE CITY OF LINCOLN LANCASTER COUNTY RAILROAD TRANSPORTATION SAFETY DISTRICT ACCEPTING THE TRANSFER OF FUNDING FOR THE WEST HAYMARKET STUDY - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85124 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of

mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate together in the design, right-of-way acquisition and construction activities for the West Haymarket Project; and

WHEREAS, the District has allotted \$200,000 in its 2008-2009 budget for participation in the project.

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

That the Interlocal Agreement between the City and the Lancaster County Railroad Transportation Safety District attached hereto as Exhibit "A" in connection with the design and preliminary engineering of railroad related items for the West Haymarket Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Dan Marvin

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

USE PERMIT 107C - APPLICATION OF NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION TO AMEND THE FIRETHORN OFFICE PARK USE PERMIT TO ADJUST THE FRONT YARD SETBACK FROM 20 FEET TO 6 FEET TO ALLOW A GROUND SIGN ON PROPERTY GENERALLY LOCATED TWO BLOCKS EAST OF THE INTERSECTION OF SOUTH 84TH STREET AND FIRETHORN LANE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85125 WHEREAS, National Rural Electric Cooperative Association has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 107C to amend the existing use permit by adjusting the front yard setback from 20 feet to 6 feet to allow a ground sign, on property generally located two blocks east of the intersection of South 84th Street and Firethorn Lane, and legally described as:

Lot 1, Firethorn 25th Addition, Lincoln, Lancaster County, Nebraska; and

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

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

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

That the application of National Rural Electric Cooperative Association, hereinafter referred to as "Permittee", to amend the existing use permit by adjusting the front yard setback from 20 feet to 6 feet to allow a ground sign, on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an adjustment of the front yard setback from 20 feet to 6 feet to allow a ground sign on Lot 1, Firethorn 25th Addition.

2. Before receiving building permits, the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies showing the following revisions:

- a. Label the subject lot on the site plan as Lot 5, and remove the parking lot detail showing individual parking spaces.
- b. Revise General Note #12 to state "The front yard setback on Lot 5 is adjusted from 20' to 6' to allow a ground sign as shown. Otherwise, signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
- c. Label Montello Road as Firethorn Lane.
- d. Indicate the lines of sight distance to demonstrate compliance with the requirements of the Design Standards.

3. Prior to the issuance of a building permit, the construction plans must substantially comply with the approved plans.

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

approved site plan.

5. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

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

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

Introduced by Dan Marvin

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

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF TWO YEARS FROM JANUARY 1, 2009 TO DECEMBER 31, 2010 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2009 through December 31, 2010 whereby the City of Lincoln is subleasing space to Goodwill Industries, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

AMENDING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES; AND REPEALING SECTION 5.38.050 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

COOK Moved to withdraw Bill No. 08-157 from the Agenda to be reintroduced at a later date.

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

CAMP Moved to have 1<sup>st</sup> reading suspended to have introduction on December 1, 2008 with Public Hearing on 12/8/08 at 5:30 p.m.

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

APPROVING AND RATIFYING A LEASE AGREEMENT BETWEEN THE CITY AND LAMAR COMPANIES FOR ADVERTISING ON THE BILLBOARD GENERALLY LOCATED AT NORTH 27TH AND Y STREETS FROM OCTOBER 1, 2008 TO APRIL 1, 2009 - CLERK read an ordinance, introduced by John Spatz, ratifying and approving a Lease Agreement between the City of Lincoln and The Lamar Companies for the lease of billboard space for advertising at 27<sup>th</sup> and Y Streets, for a term commencing on October 1, 2008 and terminating on April 1, 2009, the first time.

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

AMENDING ORDINANCE NO. 19110, PASSED BY THE CITY COUNCIL ON JULY 28, 2008, TO INCLUDE LOTS 14-19, BLOCK 3, MCMURTRY'S ADDITION, IN THE CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO O-1 OFFICE DISTRICT, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 18TH STREET AND K STREET - CLERK read an ordinance, introduced by Doug Emery, amending Ordinance 19110 passed by the City Council of the City of Lincoln, Nebraska on July 28, 2008, for a change of zone from the R-6 and R-7 Residential Districts to the O-1 Office District on property generally located at South 18th and K Streets, to correct the legal description, the third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19175**, is recorded in Ordinance Book #26, Page



REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to state he did not feel that Jon Camp had a conflict of interest with the North Haymarket Arts & Humanities Phase II Redevelopment project.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 17, 2008.  
Seconded by Spatz & 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 November 17, 2008.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 6:10 P.M.

CAMP Moved to adjourn the City Council meeting of November 10, 2008.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

