

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 1, 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, Svoboda; Deputy City Clerk, Teresa J. Meier; Absent: Spatz.

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

SPATZ Having been appointed to read the minutes of the City Council proceedings of November 17, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING THE APPOINTMENT OF MARK A. KOLLER AS PERSONNEL DIRECTOR FOR THE LINCOLN-LANCASTER COUNTY PERSONNEL DEPARTMENT, EFFECTIVE DECEMBER 11, 2008 - Mark Koller, 6927 Berrywood, came forward to answer questions. This matter was taken under advisement.

APPLICATION OF JOHN R. ESQUIVEL DBA THE RIB PIT FOR A CLASS C LIQUOR LICENSE AT 1501 CENTER PARK ROAD, #100 - John Esquivel, 1601 N. 57th Street, took oath and came forward to answer questions. This matter was taken under advisement.

CHANGE OF ZONE 3134D - APPLICATION OF CASEYCO, INC. TO AMEND THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO EXPAND THE BOUNDARY BY APPROXIMATELY .41 ACRES AND TO ALLOW APPROXIMATELY 3,500 SQUARE FEET OF ADDITIONAL OFFICE FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT PIONEERS BOULEVARD AND LUCILE DRIVE - Jeremy Williams, 1609 N Street, Design Associates, came forward to request amending the Willow Springs P.U.D. by amending the boundaries allowing for more office space.

Marvin Krout, Planning Director, came forward to state this change is limited to offices with no operating hours designated due to concern that retail may eventually come in.

This matter was taken under advisement.

CHANGE OF ZONE 08053HP - APPLICATION OF ENGINEERING DESIGN CONSULTANTS ON BEHALF OF KEVIN D. AND CARLA J. PINNEO TO DESIGNATE THE FOSTER HOUSE AT 1021 D STREET AS A HISTORIC LANDMARK. (11/17/08 - VOTED TO HAVE 2ND, 3RD READINGS [P.H. & ACTION] 12/1/08) - Ed Zimmer, Planning Department, presented pictures of proposed historic landmark to show the basis for the designation. Planning looks at building, specific use & surroundings to determine office use in a residential area. Interior changes will be kept so it can go back to residential if needed.

Pam Dingman, Engineering Design Consultants, 2200 Fletcher Ave., Suite 102, stated few people will come to the office as most of the work is done electronically and usually go to the client. Parking will be minimal. The driveway will be repaved and will pave the alley behind the house and these will be used for parking as well as parking on the street. The Everett Neighborhood Association issued a letter of support.

Marvin Krout, Planning Director, came forward to state that if the house is not historic, mixed or close to downtown it probably would not be allowed to be commercial in a residential area. These determinations are done on a case by case basis.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2009, TO BECOME EFFECTIVE JANUARY 1, 2009 - Shelley Sahling-Zart, Vice President, 1040 O Street, stated they have merged a number of departments into a single corporate services division, and merged the Engineering Services Division and Operations Division to a Delivery System to be more efficient in the operations. An additional public meeting was added in October and will be incorporated every year. They have met with business groups to give greater detail of the \$268 million budget.

Keith Brown, LES Chief Financial Budget Officer, stated the total debt service is up because the last of the bond issues for the generation facilities adding \$322 million to the balance sheet in the last five years. Capitol construction is down to almost \$23 million due to the generation projects being completed.

Ms. Sahling-Zart added that the LES website has details of the budget.

Todd Hall, Lincoln Electric System, stated there are three key goals to the Sustainable Energy Program: 1. Financial savings to customer; 2. mitigation of year to year system load growth; 3. concentrate effort to reduce peak load impact. Compact fluorescent lighting was not included in the budget this year as they weren't price competitive, although they are becoming more so. They feel there would be more of an immediate impact using energy conservation versus the alternative energy/renewable energy at this time. All of these will be evaluated as they move forward.

Ms. Sahling-Zart stated the rate stabilization fund at the end of the year would be about \$2.4 million. It is projected it would be \$6 million by the end of year in 2009 which would mean there would need to be a \$4 million infusion into the rate stabilization fund in 2009 to bring it to a \$6 million balance at the end of the year. It is estimated an additional \$7 million revenue will be needed for 2009 which translates into an estimated 4% rate increase.

Doug Banter, Lincoln Electric System Vice President for Power Supply, 1040 O Street, stated some benefit is being seen due to the decline in oil and natural gas prices. The coal prices are up due to the large freight increases.

Mike Morosin, 1500 N. 15th St., came forward to state that when they are doing the weatherization program they do give out a couple CFL lights to help educate the public.

Bob Caldwell, representing Lincoln Employers Coalition, thanked LES for including them in a budget briefing. The Coalition is generally supportive.

Michael Snodgrass, Executive Director of Neighborworks Lincoln, 2121 N 27th Street, suggested considering a demonstration grant of Micro Wind/Geo Thermo for neighborhoods.

Coby Mach, Lincoln Independent Business Association, 620 N. 49th Street, stated they had looked at the budget and made suggestions to the LES budget.

Andre' Mick, LIBA, was available to answer questions.

Ms. Sahling-Zart commented there are no restrictions on the bonds so the interest of the rate stabilization fund could be left in the fund instead of being used for operating expenses and to acknowledge that the advertising budget is down \$200,000.

This matter was taken under advisement.

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY. (11/17/08 - P.H. & ACTION CON'T. TO 12/1/08)- Chad Blahak, Public Works & Utilities, stated the preliminary design for the roundabout is comparable to the 40th and Sheridan Blvd. roundabout.

Randy Hoskins, Asst. City Engineer, stated it is projected that 14th Street north of Cornhusker is to remain a two lane highway which would mean the roundabout would adequately handle the traffic going through there. The funding sources for this project is the State Safety Program which will pay for 90% of the project and there is an agreement with the State Department of Roads to pick up half of the 10% local share. If the agreement is signed the City will receive the funds. A crash history over a three year period showed there were 42 crashes with 15 of them being injury crashes.

Dave Connely, 721 Glacier Trail, came forward with concerns of this project and asked if it was part of the Antelope Valley Project.

Chad Blahak, Public Works & Utilities, answered no to this project being part of the Antelope Valley Project. It will cost the citizens of Lincoln approximately \$40,000.

This matter was taken under advisement.

AMENDING THE 2008/09 TO 2013/14 SIX YEAR CAPITAL IMPROVEMENT PROGRAM TO ADD THE PEROT SYSTEMS PROJECT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN PROJECT, DESIGNATE FUNDING IN THE FIRST YEAR OF THE CIP, IDENTIFY FUNDING SOURCES AND ESTABLISH APPROPRIATIONS - Wynn Hjermstad, Urban Development, came forward to request approval of the amendment to identify the funding sources of the CIP and to establish appropriations. She was available for questions.

This matter was taken under advisement.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN - Chairman Eschliman requested a motion to place Bill NO. 08-160 on Pending Indefinitely.

CAMP So moved.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO CONDUCT STORMWATER EDUCATION TO ASSIST IN MEETING THE REQUIREMENTS OF THE CITY'S NPDES STORMWATER PERMIT - Ben Higgins, Public Works Senior Engineer w/Watershed Management, explained this is an interlocal agreement with Lincoln Public Schools for use of the high school education classes. It will be used for a minimum of two years and will be used to collect water quality data and offsite water quality ponds, streams, and other areas within the city limits with the results of this data available to the City. The funds will come from the Nebraska Department of Environmental Quality.

This matter was taken under advisement.

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

TOOK BREAK 3:30 P.M.

RECONVENED 3:38 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING DR. MARGARET K. SUTTON AND BRITT C. MILLER TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85144 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Margaret K. Sutton and Britt C. Miller to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2011, is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING EDWARD D. WIMES AND RICHARD BOUCHER TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85145 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Edward D. Wimes and Richard Boucher to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2011, is hereby approved.

Introduced by Ken Svoboda

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

APPROVING THE APPOINTMENT OF MARK A. KOLLER AS PERSONNEL DIRECTOR FOR THE LINCOLN-LANCASTER COUNTY PERSONNEL DEPARTMENT, EFFECTIVE DECEMBER 11, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85146 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mark A. Koller to the position of Personnel Director effective December 11, 2008, is hereby approved.

Introduced by Ken Svoboda

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

SETTING HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR THE ASSESSMENT OF THE COST OF WEED REMOVAL INCURRED FOR THE PERIOD OF JANUARY 1, 2008 THROUGH DEC. 31, 2008 - Clerk requested a motion to approve setting the hearing date on Monday, December 15, 2008 at 1:30 p.m.

CAMP So moved.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON NOVEMBER 10, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON NOVEMBER 17, 2008 EXCEPT FOR RESOLUTION A-85142 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS OCTOBER 31, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

MAYOR'S APPROVAL OF RESOLUTION A-85142 PASSED BY COUNCIL ON NOVEMBER 26, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO PLANNING DEPT.:

CHANGE OF ZONE 08057 - APP. OF DIRECTOR OF URBAN DEVELOPMENT FOR 1) UNIVERSITY PLACE PLANNED UNIT DEVELOPMENT FROM B-3 COMMERCIAL TO B-3 COMMERCIAL PUD IN UNIVERSITY PLACE AND WEST ½ OF VACATED N. 49TH STREET, NORTH ½ OF VACATED COLBY STREET AND NORTHWEST 1/4 OF VACATED INTERSECTION OF COLBY STREET AND N. 49TH STREET. 2) FOR A CHANGE FROM B-3 COMMERCIAL DIST. TO P PUBLIC USE DIST. ON PROPERTY GENERALLY LOCATED AT N. 48TH STREET FROM COLBY TO ADAMS STREET.

CHANGE OF ZONE 08058 - APP. OF DEBORAH MARSHALL FROM R-2 TO R-T ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 33RD STREET AND A STREET.
SPECIAL PERMIT 384F - APP. OF TABITHA, INC. FOR AN AMENDMENT FOR A HEALTH CARE FACILITY TO ADD AN APPROXIMATELY 63 PERSON ASSISTED LIVING FACILITY AND TO EXPAND THE CAMPUS TO PROVIDE AN ADDITIONAL 65 PARKING SPACES WITH REQUESTS TO WAIVE SETBACKS AND HEIGHT ON PROPERTY GENERALLY LOCATED AT SOUTH 48TH STREET AND RANDOLPH STREET.

USE PERMIT 08002 - APP. OF DEBORAH MARSHALL TO ALLOW FOR OFFICE AND RESIDENTIAL USES ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 33RD STREET AND A STREET.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR APPLICATION OF CARMELA'S BISTRO & WINE BAR LLC DBA CARMELA'S BISTRO & WINE BAR FOR A CATERING LICENSE FOR CLASS C LIQUOR LICENSE LOCATED AT 4141 PIONEER WOODS DR., STE. 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85147 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 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 Carmela's Bistro & Wine Bar LLC dba Carmela's Bistro & Wine Bar for a Catering license for Class C liquor license located at 4141 Pioneer Woods Drive, Suite 110.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR APPLICATION OF BDF, INC. DBA CHASER'S FOR A CLASS CK LIQUOR LICENSE LOCATED AT 140 N. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85148 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 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 BDF, LLC dba Chaser's for a Class CK liquor license located at 140 N. 12th Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR APPLICATION OF DAWGHOUSE BAR, INC. DBA DAWGHOUSE BAR FOR A CLASS C LIQUOR LICENSE LOCATED AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85149 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 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 Dawghouse Bar Inc. dba Dawghouse Bar for a Class C liquor license located at 2050 Cornhusker Highway.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR APPLICATION OF L & M FOODS INC DBA SAM & LOUIE'S FOR A CLASS I LIQUOR LICENSE LOCATED AT 4131 PIONEER WOODS DRIVE, SUITE 102 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85150 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 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 L&M Foods Inc. dba Sam & Louie's for a Class I liquor license located at 4131 Pioneer Woods Drive, Suite 102.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008, AT 1:30 P.M. FOR APPLICATION OF RAIDER LLC DBA BLUE MOUNTAIN SMOKEHOUSE PIZZA FOR A CLASS I LIQUOR LICENSE LOCATED AT 8600 AMBER HILL COURT, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85151 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 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 Raider LLC dba Blue Mountain Smokehouse Pizza for a Class I liquor license located at 8600 Amber Hill Ct., Suite 100.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR APPLICATION OF DOWN HOME, INC. DBA COURT SIDE BANQUET FOR A CLASS I LIQUOR LICENSE AT 710 HILL STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85152 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 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 Down Home Inc. dba Courtside Banquet for a class I liquor license located at 710 Hill Street.

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

Introduced by Jon Camp

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

LIQUOR RESOLUTIONS

APPLICATION OF JOHN R. ESQUIVEL DBA THE RIB PIT FOR A CLASS C LIQUOR LICENSE AT 1501 CENTER PARK ROAD, #100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85153 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 John R. Esquivel dba The Rib Pit for a Class "C" liquor license at 1501 Center Park Road, #100, Lincoln, Nebraska, for the license period ending October 31, 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 Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSENT: Spatz.

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

CHANGE OF ZONE 3134D - APPLICATION OF CASEYCO, INC. TO AMEND THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO EXPAND THE BOUNDARY BY APPROXIMATELY .41 ACRES AND TO ALLOW APPROXIMATELY 3,500 SQUARE FEET OF ADDITIONAL OFFICE FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT PIONEERS BOULEVARD AND LUCILE DRIVE - CLERK read an ordinance, introduced by Ken Svoboda, amending the Development Plan for Willow Springs Planned Unit Development to include property generally located at Pioneers Boulevard and Lucile Drive, to expand the boundary of the PUD by approximately .41 of an acre, and increase the amount of office floor area by 3,500 square feet, the second time.

CHANGE OF ZONE 08053HP - APPLICATION OF ENGINEERING DESIGN CONSULTANTS ON BEHALF OF KEVIN D. AND CARLA J. PINNEO TO DESIGNATE THE FOSTER HOUSE AT 1021 D STREET AS A HISTORIC LANDMARK (11/17/08 - VOTED TO HAVE 2ND, 3RD READINGS [P.H. & ACTION] ON 12/1/08) - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSENT: Spatz.
The ordinance, being numbered #19178, is recorded in Ordinance Book #26, Page

PUBLIC HEARING RESOLUTIONS

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2009, TO BECOME EFFECTIVE JANUARY 1, 2009 - (ACTION DATE: 12/15/08)

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY. (11/17/08 - P.H. & ACTION CON'T. TO 12/1/08) - PRIOR to reading:

EMERY Moved to delay Action for one week to December 8, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Svoboda; NAYS: Marvin; ABSENT: Spatz.

AMENDING THE 2008/09 TO 2013/14 SIX YEAR CAPITAL IMPROVEMENT PROGRAM TO ADD THE PEROT SYSTEMS PROJECT TO THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN PROJECT, DESIGNATE FUNDING IN THE FIRST YEAR OF THE CIP, IDENTIFY FUNDING SOURCES AND ESTABLISH APPROPRIATIONS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85154 WHEREAS, Resolution No. A-84483, adopted by the City Council of Lincoln, Nebraska on August 20, 2007, adopted the fiscal year 2007-2008 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-84483 as Schedule No. 5; and

WHEREAS, Resolution No. A-84483 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, the City of Lincoln has adopted the Perot System Project as an approved project within the Northwest Corridors Redevelopment Plan; and

WHEREAS, a capital improvement project for the Perot System Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2007-2008; and

WHEREAS, the City desires to amend Project 071300000387, Northwest Corridors Redevelopment Plan, in the first year (2007-2008) of the Fiscal Year 2007/2008 - 2012/2013 Six Year Capital Improvement Program (CIP) to establish a project for the Perot Systems Project, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the Perot Systems Project for conformity or nonconformity with the Comprehensive Plan as a capital improvement project as part of the review of the Northwest Corridors Redevelopment Plan approved by Resolution No. A-85007; and

WHEREAS, the Planning Commission found the proposed Perot Systems Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the Perot Systems Project for Perot Systems Corporation to lease the project site and construct thereon a 150,000 square foot building and improvements for its commercial use, including parking and related uses, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-84483 be amended by adding the Perot Systems Project to the Urban Development Department's list of capital of improvement projects on Schedule 5 under Project 071300000387 - Northwest Corridors Redevelopment Plan.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of \$26,171,040.00 to designate \$3,171,040.00 from Tax Increment Financing and \$23,000,000.00 from Private Funding (donations) for this Perot Systems Project.

Introduced by Ken Svoboda

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

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN. (REQUEST TO PLACE ON PENDING INDEFINITELY) - PRIOR to reading:

CAMP Moved to place Bill No. 08R-297 on Pending Indefinitely.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO CONDUCT STORMWATER EDUCATION TO ASSIST IN MEETING THE REQUIREMENTS OF THE CITY'S NPDES STORMWATER PERMIT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85155 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Lancaster County School District 001 (Lincoln Public Schools) to provide stormwater education for high school biology and environmental science classes to assist in meeting the requirement of the City's NPDES stormwater permit, is hereby approved and the Mayor is authorized to execute the Interlocal Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Ben Higgins, Public Works and Utilities Department, for transmittal to Lincoln Public Schools.

Introduced by Ken Svoboda

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

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. (11/3/08 - 1ST READING SUSPENDED, TO HAVE INTRODUCTION 12/1/08 WITH P.H. 12/8/08) - PRIOR to reading:

SVOBODA Moved to place Bill No. 08-157 on Pending Indefinitely.

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

APPROVING THE WILDERNESS COMMONS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, SECURITY FINANCIAL LIFE INSURANCE, BUFFALO GRASS LLC, B&J PARTNERSHIP, ALLEN R. HOHENSEE AND SUSAN K. HOHENSEE, RELATING TO THE ANNEXATION OF APPROXIMATELY 92 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 08R-170, 08-95, 08-96) (ACTION DATE: 12/15/08)

ANNEXATION NO. 06019 - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 92 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD (RELATED ITEMS: 08R-170, 08-95, 08-96) - 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 first time.

CHANGE OF ZONE 06075 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF APPROXIMATELY 300 DWELLING UNITS IN THE UNDERLYING R-5 ZONED AREA AND APPROXIMATELY 600,000 SQUARE FEET OF OFFICE/RETAIL FLOOR AREA IN THE UNDERLYING B-2 ZONED AREA ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 08R-170, 08-95, 08-96) - 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 first time.

VACATION NO. 08007 - APPLICATION OF HOPPE PARTNERS, LTD. TO VACATE THE WEST 162 FEET OF THE EAST-WEST ALLEY BETWEEN SOUTH 19TH STREET AND SOUTH 20TH STREET AND BETWEEN K STREET AND L STREET - CLERK read an ordinance, introduced by Jon Camp, vacating the west 162 feet of the east-west alley between K Street and L Street from South 19th Street to South 20th Street, in Block 21, Original Plat, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE JANUARY 22, 2009 - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18969, passed by the City Council on August 6, 2007, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATIONS OF WOMEN'S COMMISSION MANAGER, AFFIRMATIVE ACTION OFFICER, AND DIRECTOR OF LIBRARIES - CLERK read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18971 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by deleting the job classifications of "Women's Commission Manager," "Affirmative Action Officer," and "Director of Libraries," the first time.

CHANGE OF ZONE NO. 08054 - AMENDING SECTION 27.67.030 OF THE LINCOLN MUNICIPAL CODE TO LIMIT PARKING IN THE FRONT YARD IN THE R-1 THROUGH R-4 ZONING DISTRICTS TO ONE- AND TWO-FAMILY DWELLINGS AND REPEALING SECTION 27.67.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.67.030 of the Lincoln Municipal Code to limit parking in the front yard in the R-1 through R-4 zoning districts to property used for one and two family dwellings; and repealing Section 27.67.030 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08055 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DOMESTIC SHELTERS TO BE OPERATED BY FOR-PROFIT ENTITIES IN THE H-2, H-3 AND H-4 COMMERCIAL DISTRICTS BY AMENDING SECTION 27.03.213 TO PROVIDE THAT DOMESTIC SHELTERS COMPLY WITH ALL APPLICABLE STATE LICENSURE REQUIREMENTS; AMENDING SECTIONS 27.41.020, 27.43.020, AND 27.45.020 TO ADD DOMESTIC SHELTERS AS A PERMITTED USE IN H-2, H-3, AND H-4 COMMERCIAL DISTRICTS, RESPECTIVELY; AND REPEALING SECTIONS 27.03.213, 27.41.020, 27.43.020, AND 27.45.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code to allow domestic shelters to be operated by for-profit entities in the H-2, H-3 and H-4 Commercial Districts by amending Section 27.03.213 to eliminate the requirement that domestic shelters shall be operated by a nonprofit entity and to provide that domestic shelters shall comply with all

applicable state licensure requirements; amending Sections 27.41.020, 27.43.020, and 27.45.020 to add domestic shelters as a permitted use in H-2, H-3 and H-4 Commercial Districts, respectively; and repealing Sections 27.03.213, 27.41.020, 27.43.020, and 27.45.020 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08056 - AMENDING SECTION 27.27.020 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DOMICILIARY CARE FACILITIES, GROUP HOMES, AND ELDERLY OR RETIREMENT HOUSING AS PERMITTED USES IN THE O-3 OFFICE PARK DISTRICT; AND REPEALING SECTION 27.27.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.27.020 of the Lincoln Municipal Code to allow domiciliary care facilities, group homes, and elderly or retirement housing as permitted uses in the O-3 Office Park District; and repealing Section 27.27.020 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE WILDERNESS HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP RELATING TO THE ANNEXATION OF APPROXIMATELY 153 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 08R-306, 08-167, 08-168) (ACTION DATE: 12/15/08)

ANNEXATION NO. 07003 - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 153.28 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 08R-306, 08-167, 08-168) - 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 first time.

CHANGE OF ZONE 07060 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT FOR WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT AND FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION ON THE B-2 PORTION OF THE PROPERTY, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND DESIGN STANDARDS TO ALLOW APPROXIMATELY 225,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND APPROXIMATELY 60 DWELLING UNITS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 08R-306, 08-167, 08-168) - 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 first time.

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

See "Ordinances - 2nd Reading & Related Resolutions (as required)" for Change of Zone 08053HP, Ordinance #19178.

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 Ken Svoboda for John Spatz who was absent, 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 third time

SVOBODA Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSENT: Spatz.
The ordinance, being numbered #19179, is recorded in Ordinance Book #26, Page

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 Ken Svoboda for John Spatz who was absent, ratifying and approving a Lease Agreement between the City of Lincoln and The Lamar Companies for the lease of billboard space for advertising at 27th and Y Streets, for a term commencing on October 1, 2008 and terminating on April 1, 2009, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Svoboda; NAYS: Marvin; ABSENT: Spatz.
The ordinance, being numbered #19180, 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 December 8, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSENT: Spatz.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on December 8, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSENT: Spatz.

ADJOURNMENT 3:49 P.M.

CAMP Moved to adjourn the City Council meeting of December 1, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: None; ABSENT: Spatz.
So ordered.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant