

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 15, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross; Cook Absent.

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

CAMP Having been appointed to read the minutes of the City Council proceedings of December 8, 2008 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Mayor's Award of Excellence for the month of October, 2008 to Greg Topil of the Public Works & Utilities Department, Engineering Division, for Customer Relations and Productivity. He was nominated for his key role of organizing traffic control for the Oak Lake Park 4th of July event combined with a fun run the morning of the 4th and the approving and delivery of barricades for the 78 block parties throughout the year. It was stated that Greg is very well organized, confident in his ability, tireless and energetic.

Scott Opfer, Manager of Traffic Engineering, came forward stating the Special Events Team urged him to nominate Greg for this award because of his work for the July 4th event. He is very deserved of this award.

Greg Topil came forward to thank the Mayor for the award and to thank the employees who work on the 4th of July to make everything go well so others can celebrate.

Mayor Beutler also presented the Mayor's Award of Excellence for the month of November, 2008 to Mike Heyl, Public Educator II of the Health Department, in the category of Productivity. Mike works in the Health Promotion and Outreach Division. He was nominated for his hard work with the summer food program for children. He is the Wellness representative providing health screenings to enable more people to participate. He has helped develop Lincoln in Motion, Walking, School Bus, Lincoln Safari, Trail Usage & Bike Route programs. He attends Community Health Fairs on weekends and after school hours.

Charlotte Burke, came forward to acknowledge he does wonderful work with the summer food program which provides an important service for so many children in the community. He does fabulous work with the Partners in the Community because they all have to work together to get it accomplished. He works a lot with childhood obesity and adult obesity getting more people physically active.

Mike Heyl came forward to thank the Mayor and everyone else for nominating him. I will share this with about 30 other agencies who want to be involved in these programs.

PUBLIC HEARING

APPLICATION OF DAWGHOUSE, INC. DBA DAWGHOUSE BAR FOR A CLASS C LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY;
MANAGER APPLICATION OF RYAN D. WORLEY FOR DAWGHOUSE, INC. DBA DAWGHOUSE BAR AT 2050 CORNHUSKER HIGHWAY -Ryan D. Worley, 1926 Connor Street, took oath and came forward to answer questions. He stated he has taken the Responsible Hospitality Class and found it helpful being a new manager.
This matter was taken under advisement.

APPLICATION OF BDF, LLC DBA CHASERS FOR A CLASS C AND K LIQUOR LICENSE AT 140 NORTH 12TH STREET;
MANAGER APPLICATION OF BARRY D. FRANZEN FOR BDF, LLC DBA CHASERS AT 140 NORTH 12TH STREET - Kevin Reynolds, 2515 Washington St. came forward to take the oath and stated he is a co-owner.
Barry Franzen, no address given, took oath and came forward to answer questions. He completed the RHC training as well.
This matter was taken under advisement.

APPLICATION OF RAIDER, LLC DBA BLUE MOUNTAIN SMOKEHOUSE PIZZA FOR A CLASS I LIQUOR LICENSE AT 8600 AMBER HILL COURT, SUITE 100;
MANAGER APPLICATION OF KELVIN M. KORVER FOR RAIDER, LLC DBA BLUE MOUNTAIN SMOKEHOUSE PIZZA AT 8600 AMBER HILL COURT, SUITE 100 - Kelvin Korver, 8600 Amber Hill Court, came forward to take the oath. He stated the Quizno's was shut down and reopened as Blue Mountain Smokehouse Pizza.
This matter was taken under advisement.

APPLICATION OF L&M FOODS, INC. DBA SAM & LOUIE'S FOR A CLASS I LIQUOR LICENSE AT 4131 PIONEER WOODS DRIVE, SUITE 102;
MANAGER APPLICATION OF LARRY J. JURGENS FOR L&M FOODS, INC. DBA SAM & LOUIE'S AT 4131 PIONEER WOODS DRIVE, SUITE 102 - Mary Jurgens, 4714 W. Highridge Rd., came forward to take the oath and to answer questions.
This matter was taken under advisement.

APPLICATION OF DOWN HOME INC. DBA COURT SIDE BANQUET FOR A CLASS I LIQUOR LICENSE AT 710 HILL STREET;
MANAGER APPLICATION OF JAMES E. JONESON FOR DOWN HOME INC. DBA COURTSIDE BANQUET AT 710 HILL STREET - James E. Joneson, 5008 NW Cummings St., came forward to take the oath and to answer questions. The owner of the building is the same, but the person leasing is different. He was asked to talk to the neighboring businesses about the parking issues. The banquet facility operation will be the same as it was by renting it out.
This matter was taken under advisement.

APPLICATION OF BEACON HILLS OF LINCOLN LLC DBA BEACON HILLS FOR AN I AND K LIQUOR LICENSE AT 5353 NORTH 27TH STREET;
MANAGER APPLICATION OF RONNIE L. SORENSEN FOR BEACON HILLS OF LINCOLN LLC DBA BEACON HILLS AT 5353 NORTH 27TH STREET - Clark Anderson, 2100 Wilderness Ridge Dr., new owner. Mr. Sorensen has been the manager for the past eight years and his first name is spelled Ronn.
This matter was taken under advisement.

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 1;
AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 2 - John Spatz moved to Place Bill No. 08R-311 & 08R-312 on Indefinite Pending.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA-LINCOLN TO CONDUCT STORMWATER MONITORING TO MEET THE REQUIREMENTS OF THE CITY'S NPDES STORMWATER PERMIT FOR A PERIOD OF ONE YEAR FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2009 - Ben Higgins, Public Works & Utilities, came forward to state this is a contract with UNL to provide dry weather monitoring to check for illicit discharges in the storm drain system and for wet weather monitoring to monitor the pollutants in the urban drainage system in Lincoln. This is for the calendar year 2009.
This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2008 - Kellie Price, 532 N. 26th Street, came forward to state she received a bill from Weed Control. She stated a lawn care service mowed her front lawn and she and her neighbor were in the process of mowing the backyard when someone sent by Weed Control came to mow the front yard again and were there for only 5 minutes cutting the grass down to the dirt. She was disputing a bill received from the Lancaster Weed Control.
Russ Shultz, Superintendent of Weed Control Authority, came forward to provide information of the process. The complaint is received through Urban Development's Hotline which then was forwarded to the Weed Control Authority. The amount of the bill was \$80.00 plus \$60.00 administrative fee for a total of \$140.00 which included one hour of mowing and half hour of power trimming. The contractor claimed he cut the backyard on 8/22/08 from 4:00 to 5:30 p.m.
Ms. Price stated Weed Control personnel told her they drove by and looked at the front yard, but not the backyard.
Grant Wieland, 2030 Herel Street, came forward on behalf of Coldwell Banker Commercial Towns and Realty Group property managers for Westpark LLC. They received a weed notice for a property they were under the impression was a wetlands area and should not mow it. They

did mow an area they thought was the issue, but then the City came and mowed the entire area in question and billed the association for \$400 + \$60 administrative fee. He requested a definitive answer as to whether this entire area should be mowed or not since they thought it was wetlands.

Mr. Shultz stated the entire area in question should be mowed unless it is wet then it is not expected to be cut.

Ken Svoboda, Council Member, suggested the contractor hired to mow properties take a before and after picture of the property.

Mr. Shultz stated that was a good idea.

Jon Camp, Council Member, mentioned Patricia Kontos, 3846 Sumner, whose brother called to state she has not lived at this property since 1999. He reported he is conservator of this property and is trying to take care of it. This property has three outstanding bills for mowing the property.

Mr. Shultz stated Ms. Kontos' brother visited with him looking for some help on this issue as he is trying to take care of the property. There were three previous bills unpaid. Any unpaid bill will be assessed against the property and will need to be paid before the property is sold. He stated last year they billed 110 properties for mowing and this year it was 205 with 70 of those being unoccupied.

This matter was taken under advisement.

AUTHORIZING ACCEPTANCE OF A DONATION BY NOEL CHADD OF APPROXIMATELY 0.53 ACRES OF LAND GENERALLY LOCATED BETWEEN THE WESTERN BOUNDARY OF WEST LINCOLN PARK AND N - Lynn Johnson, Parks and Recreation Dept., the area is West Lincoln Park which is a neighborhood park serving the area that is north and west of 1st and Cornhusker. This is an area of about 3.8 acres with a tennis park in the eastern area of the park and a playground in the central portion. The property donated by Mr. Chadd is west of the park. This will provide a western access to the park from NW 4th Street. It is requested this property is approved for acceptance.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND HBE BECKER MEYER LOVE, LLP, FOR THE PROVISION OF AN AGREED UPON PROCEDURE RELATING TO GOVERNMENT FUNDS FOR COMPENSATION IN AN AMOUNT NOT TO EXCEED \$5,500 - Don Herz, Finance Director, this contract is for the CPA firm to examine the fund balances of the various funds within the City. This contract is the result of the creation of a City Audit Advisory Board and the Council's direction to examine the City fund balances. They will begin work as soon as the resolution is approved. The firm would like to get the work done by late January as they are primarily a tax firm. They will mostly be interviewing management and documenting the responses sending their report to the committee then the committee will report to the Council.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF MONDAY, JANUARY 12, 2009, 1:30 P.M. FOR THE BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP BY PUBLIC WORKS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85167 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City Clerk be and she is hereby instructed to give ten days notice by publication according to law that the City Council will, at a regular meeting to be held on the **5th day of January, 2009, at 1:30 P.M.**, assess the improvements in the following special assessment districts:

Paving District 2628 - N. 36th St., Vine to W Street

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on **Monday, January 12, 2009, at 1:30 p.m.** with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Doug Emery

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF SEPTEMBER 2008: WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM NEBRASKA, TWC DIGITAL PHONE, NEW CINGULAR WIRELESS, SPRINT, USCOC OF GREATER IOWA, NEBRASKA TECHNOLOGY & TELECOMM., AT&T COMM. OF MIDWEST, CRICKET, GLOBALSTAR USA, WHOLESALE CARRIER, UCN, GRANITE, GLOBAL CROSSING, WHO'S CALLING, TRANS NATIONAL COMM. INT'L, USCOC OF NEBRASKA/KANSAS, PRIMUS, MCLEODUSA, WORKING ASSETS FUNDING SERVICE, ACCESSLINE COMM., QWEST, ACN COMM., VERIZON LONG DISTANCE/BELL ATLANTIC, ONSTAR, PNG, AIRESRING, BROADWING, NETWORK BILLING SYSTEMS, HELIO, VERIZON SELECT SERVICES, AIRCELL, IDT DOMESTIC, TCG OMAHA, COMTEL TELECOM ASSETS, INTELICALL OPERATOR SERVICE, VIRGIN MOBILE USA, CIMCO, GUARANTEED PHONE SERVICE, TELECORP, BUSINESS TELECOM., ARIZONA TELEPHONY, EARTHLINK, NEW EDGE NETWORKS, CINCINNATI BELL ANY DISTANCE, TRACFONE WIRELESS, VOICECOM, XO COMM., QUANTUM SHIFT, KDDI AMERICA, TON SERVICES, BUSINESS PROD. SOLUTIONS, ATI, IBM GLOBAL, NORSTAN NETWORK; OCTOBER 2008: NEXTEL, D&D COMM., ALLTEL, ALLTEL COMM. OF NEBRASKA, MCI COMM., SBC LONG DISTANCE, TRI-M, ZONE TELECOM, LIGHTYEAR NETWORK SOLUTIONS, GTC, ENHANCED COMM., 360NETWORKS (USA), NOSVA, GLOBAL COM, FIRST COMM., WHOLESALE CARRIER, NOS COMM., COVISTA, LDMI, ATS MOBILE

TELEPHONE CO., UNITE PRIVATE NETWORKS; JULY 2008 -SEPTEMBER 2008:
TELENATIONAL COMM., T-MOBILE CENTRAL, STARTEC GLOBAL OPERATING, RELIANCE
COMM. INT'L, SOUTHWEST COMM., OPEX, MEGAPATH, WINDSTREAM NEBRASKA -
CLERK presented said report which was placed on file in the Office of
the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE 3RD QUARTER, JULY 2008 -
SEPTEMBER 2008, FROM MATRIX TELECOM, INC. - CLERK presented said report
which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF E911 TELECOMMUNICATION OCCUPATION TAX FOR
OCTOBER, 2008: LEVEL 3 COMM., TWC DIGITAL PHONE, GRANITE TELECOMM., ACN
COMM. SERVICES, COMTEL TELCOM ASSETS, AT&T COMM. OF MIDWEST, BUDGET
PREPAY, LEVEL 3 COMM., TWC DIGITAL PHONE, QWEST COMM., AT&T COMM. OF
MIDWEST, 8X8, INC. - CLERK presented said report which was placed on
file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 12, 2009 AT 1:30 P.M. FOR THE
APPLICATION OF NAV V. DUONG DBA NAM'S FOR A CLASS C LIQUOR LICENSE
LOCATED AT 940 N. 27TH STREET - CLERK read the following resolution,
introduced by Doug Emery, who moved its adoption:

A-85168 BE IT RESOLVED by the City Council, of the City of Lincoln, that
a hearing date is hereby set for Monday, January 12, 2009 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 Nav V
Duong dba Nam's for a Class C liquor license located at 940 N. 27th
Street.

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

Introduced by Doug Emery

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

LIQUOR RESOLUTIONS

APPLICATION OF CARMELA'S BISTRO & WINE BAR LLC DBA CARMELA'S BISTRO & WINE BAR
FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE AT
4141 PIONEER WOODS DRIVE, SUITE 110 - CLERK read the following
resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85169 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 Carmela's Bistro & Wine Bar LLC dba Carmela's Bistro &
Wine Bar for the issuance of a Catering Permit to the existing liquor
license, located at 4141 Pioneer Woods Drive, Suite 110, 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 Emery & carried by the following vote: AYES: Camp,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

APPLICATION OF DAWGHOUSE, INC. DBA DAWGHOUSE BAR FOR A CLASS C LIQUOR LICENSE AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85170 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 DawgHouse, Inc. dba DawgHouse Bar for a Class "C" liquor license at 2050 Cornhusker Highway, 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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF RYAN D. WORLEY FOR DAWGHOUSE, INC. DBA DAWGHOUSE BAR AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85171 WHEREAS, DawgHouse, Inc. dba DawgHouse Bar located at 2050 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ryan D. Worley be named manager;

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

APPLICATION OF BDF, LLC DBA CHASERS FOR A CLASS C AND K LIQUOR LICENSE AT 140 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85172 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 BDF, LLC dba Chasers for a Class "C" and "K" liquor license at 140 North 12th Street, 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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF BARRY D. FRANZEN FOR BDF, LLC DBA CHASERS AT 140 NORTH 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85173 WHEREAS, BDF, LLC dba Chasers located at 140 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Barry D. Franzen be named manager;

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

APPLICATION OF RAIDER, LLC DBA BLUE MOUNTAIN SMOKEHOUSE PIZZA FOR A CLASS I LIQUOR LICENSE AT 8600 AMBER HILL COURT, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85174 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 Raider, LLC dba Blue Mountain Smokehouse Pizza for a Class "I" liquor license at 8600 Amber Hill Court, Suite 100, 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF KELVIN M. KORVER FOR RAIDER, LLC DBA BLUE MOUNTAIN SMOKEHOUSE PIZZA AT 8600 AMBER HILL COURT, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85175 WHEREAS, Raider, LLC dba Blue Mountain Smokehouse Pizza located at 8600 Amber Hill Court, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kelvin M. Korver be named manager;

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

APPLICATION OF L&M FOODS, INC. DBA SAM & LOUIE'S FOR A CLASS I LIQUOR LICENSE AT 4131 PIONEER WOODS DRIVE, SUITE 102 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85176 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 L&M Foods, Inc. dba Sam & Louie's for a Class "I" liquor license at 4131 Pioneer Woods Drive, Suite 102, 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.

Introduction by Jon Camp

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

MANAGER APPLICATION OF LARRY J. JURGENS FOR L&M FOODS, INC. DBA SAM & LOUIE'S AT 4131 PIONEER WOODS DRIVE, SUITE 102 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85177 WHEREAS, L&M Foods, Inc. dba Sam & Louie's located at 4131 Pioneer Woods Drive, Suite 102, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Larry J. Jurgens be named manager;

WHEREAS, Larry J. Jurgens 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 Larry J. Jurgens 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.

Introduction by Jon Camp

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

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 for approval:

A-85178 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 Down Home Inc. dba Court Side Banquet for a Class "I" liquor license at 710 Hill 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF JAMES E. JONESON FOR DOWN HOME INC. DBA COURTSIDE BANQUET AT 710 HILL STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85179 WHEREAS, Down Home Inc. dba Court Side Banquet located at 710 Hill Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that James E. Joneson be named manager; WHEREAS, James E. Joneson 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 James E. Joneson 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

APPLICATION OF BEACON HILLS OF LINCOLN LLC DBA BEACON HILLS FOR AN I AND K LIQUOR LICENSE AT 5353 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85180 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 Beacon Hills of Lincoln LLC dba Beacon Hills for a Class "I" and "K" liquor license at 5353 North 27th Street, Lincoln, Nebraska, for the license peending 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.

Introduction Jon Camp

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

MANAGER APPLICATION OF RONNIE L. SORENSON FOR BEACON HILLS OF LINCOLN LLC DBA BEACON HILLS AT 5353 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85181 WHEREAS, Beacon Hills of Lincoln LLC dba Beacon Hills located at 5353 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" and "K" liquor license, and now requests that Ronnie L. Sorenson be named manager;

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING RESOLUTIONS

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 1 - PRIOR to reading:

SPATZ Moved to place Bill No. 08R-311 on Indefinite Pending.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 2 - PRIOR to reading:

SPATZ Moved to place Bill No. 08R-311 on Indefinite Pending.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA-LINCOLN TO CONDUCT STORMWATER MONITORING TO MEET THE REQUIREMENTS OF THE CITY'S NPDES STORMWATER PERMIT FOR A PERIOD OF ONE YEAR FROM JANUARY 1, 2009 THROUGH DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, moved by Dan Marvin for its adoption:

A-85182 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and the University of Nebraska-Lincoln to conduct stormwater quality monitoring to evaluate urban stormwater quality required under the City's National Pollutant Discharge Elimination System (NPDES) stormwater permit for a period of one year from January 1, 2009 through December 31, 2009 is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the 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, and one fully executed copy of this Agreement to Susan Lund, Office of Sponsored Programs, Alexander Building West, 312 North 14th Street, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Jonathan Cook

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

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, moved by Dan Marvin for its adoption:

A-85183 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2008 through December 31, 2008 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Jonathan Cook

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

AUTHORIZING ACCEPTANCE OF A DONATION BY NOEL CHADD OF APPROXIMATELY 0.53 ACRES OF LAND GENERALLY LOCATED BETWEEN THE WESTERN BOUNDARY OF WEST LINCOLN PARK AND N.W. 4TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, moved by Dan Marvin for its adoption:

A-85184 WHEREAS, Noel Chadd has offered to donate approximately 0.53 acres of land located between the western boundary of West Lincoln Park and N.W. 4th Street to the City of Lincoln for use by the Parks and Recreation Department which will allow direct pedestrian access to West Lincoln Park from residential areas west of the park; and

WHEREAS, acquisition of this tract of land by the City would further accomplish the goals of the Comprehensive Plan relating to parks, trails and open space.

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

That, on behalf of the City of Lincoln, Nebraska, the City Council hereby accepts the offer to donate a tract of land proposed to be replatted as Lot 3, Midway 3rd Addition for public park purposes and subject to the terms and conditions contained in the Deed of Dedication

from Noel Chadd.

BE IT FURTHER RESOLVED that the City Council, on behalf of the City of Lincoln, Nebraska, and its citizens, does hereby express its appreciation and gratitude to Noel Chadd for his most gracious donation.

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16 - 30, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, moved by Dan Marvin for its adoption:

A-85185 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated December 1, 2008, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED/RESOLVED</u>
Justin T. Hall	\$ 10.00	Duane Bartelt	\$100.00
Joani A. Moore	1,500.00	Scott Colborn, on behalf of Gentry Colborn	275.00

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

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY AND UNITED WAY FOR THE PURPOSE OF DEFINING THE PARTIES' PARTICIPATION IN THE FUNDING OVERSIGHT AND ADMINISTRATION OF THE COMMUNITY SERVICES INITIATIVE - LINCOLN (CSI) PROJECT - CLERK read the following resolution, introduced by Jonathan Cook, moved by Dan Marvin for its adoption:

A-85186 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, the County of Lancaster, and United Way of Lincoln for the purpose of defining the parties' participation in the funding of oversight and administration of the Community Services Initiative-Lincoln (CSI) Project, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to forward on fully executed original of said Interlocal Agreement to Susan Starcher, Lancaster County Clerk's Office, and to United Way of Lincoln and Lancaster County, Suite 100, 206 South 13th Street, Lincoln, NE 68508, for their records.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND HBE BECKER MEYER LOVE, LLP, FOR THE PROVISION OF AN AGREED UPON PROCEDURE RELATING TO GOVERNMENT FUNDS FOR COMPENSATION IN AN AMOUNT NOT TO EXCEED \$5,500 - CLERK read the following resolution, introduced by Jonathan Cook, moved by Dan Marvin for its adoption:

A-85187 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached "Agreement For the Provision of an Agreed upon Procedure relating to Government Funds as set out by the City" between HBE Becker Meyer Love, LLP (HBE) and the City of Lincoln, wherein HBE agrees to conduct an Agreed-upon Procedures engagement relating to government funds in return for compensation not to exceed \$5,500.00, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the Mayor is authorized to agree on behalf of the City to amend said contract.

The City Clerk is hereby directed to transmit a fully executed original of the Agreement to Lanelle Herink, HBE Becker Meyer Love, LLP, P.O. Box 23110, Lincoln, NE 65842.

Introduced by Jonathan Cook

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

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

APPROVING A SIX-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FRONTIER HARLEY DAVIDSON INC. FOR SEVEN POLICE MOTORCYCLES - CLERK read an ordinance, introduced by Doug Emery, an ordinance accepting and approving a lease agreement between the City of Lincoln, Nebraska and Frontier Harley Davidson, Inc. For seven Harley Davidson police motorcycles for use by the Police Department, the first time.

CHANGE OF ZONE 08058 - APPLICATION OF BRIAN AND DEBRA MARSHALL AND EARL VISSER FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 3333 A STREET AND 3345 A STREET - Prior to reading:

MARVIN Moved to Suspend 1st reading with introduction on 1/5/09 with Use Permit 08002 and with Public Hearing on 1/12/09.

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

CHANGE OF ZONE 08057 - APPLICATION OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM B-3 COMMERCIAL DISTRICT TO B-3 COMMERCIAL PUD ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET FROM COLBY STREET TO ADAMS STREET - CLERK read an ordinance, introduced by Doug Emery, an ordinance 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)

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) - PRIOR to reading:

CAMP Moved to amend Bill No. 08R-170 by adopting Substitute Agreement #2.

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

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

A-85188 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Wilderness Commons Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Lincoln Federal Bancorp, Assurity Life Insurance Company, Switch Grass LLC, B&J Partnership, Allen R. Hohensee and Susan K. Hohensee and the City of Lincoln, Nebraska, outlining certain conditions and understandings relating to the annexation of approximately 94 acres of property generally located on the west side of South 40th Street and south of Yankee Hill Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation 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 Rick Peo, Chief Assistant City Attorney, for distribution to the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jon Camp

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

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 third time.

CAMP Moved to pass ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19182**, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19183**, is recorded in Ordinance Book #26, Page

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) - PRIOR to reading:

MARVIN Moved to amend Bill No. 08R-306 by adopting Substitute Agreement #2.
Seconded by Spatz & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

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

A-85189 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement titled Wilderness Heights Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between Lincoln Federal Bancorp and the City of Lincoln, Nebraska, outlining certain conditions and understandings 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, is approved. BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation 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 Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this Agreement to Michaela Dugan, Impact Fee Administrator.

Introduced by Jon Camp

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

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19184**, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19185, is recorded in Ordinance Book #26, Page

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 - PRIOR to reading:

MARVIN Moved to amend Bill No. 08-161 on page 2, line 7 delete the amount of \$350.00 and insert in lieu thereof the amount of \$390.00.

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

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 third time.

CAMP Moved to pass the ordinance as amended.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19186, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19187, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19188, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19189, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19190, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered #19191, is recorded in Ordinance Book #26, Page

RESOLUTIONS - FOR COUNCIL ACTION ONLY

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) (12/1/08 - ACTION DELAYED 1 WEEK TO 12/8/08) (12/8/08 - ACTION DELAYED 1 WEEK TO 12/15/08) - PRIOR to reading:

SPATZ Moved to delay action with Public Hearing on Bill No. 08R-291 to 1/5/09.
Seconded by Camp & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2009, TO BECOME EFFECTIVE JANUARY 1, 2009. (ACTION DATE: 12/15/08) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85190 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2009 was approved by the LES Administrative Board on November 14, 2008; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on December 1, 2008, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2009, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and

maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Ken Svoboda

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

RECONSIDERATION

Dan Marvin moved to reconsider Bill No. 08R-310/A-85166 approving the issuance of not to exceed \$65,000,000 principal amount of Lancaster County Correctional Facility Joint Public Agency Building Bonds.

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 5, 2009.
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on January 5, 2009
Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

REGULAR MEETING
DECEMBER 15, 2008
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ADJOURNMENT 3:19 P.M.

CAMP Moved to adjourn the City Council meeting of December 15, 2008.
Seconded by Emery & carried by the following vote: AYES: Camp,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant