

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, July 9, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; Deputy City Clerk, Teresa J. Meier.

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of June 25, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR, SUITE 300 - Ryan French, 10030 N. 151st Street, Waverly, Nebraska, took oath and stated the catering license will be used at the Optimist Youth Center for softball.

This matter was taken under advisement.

APPLICATION OF HHMG, INC. DBA CHRISTO'S PUB FOR A CLASS C LIQUOR LICENSE AT 1200 O STREET;
MANAGER APPLICATION OF SCOTT HOFFMAN FOR HHMG, INC. DBA CHRISTO'S PUB AT 1200 O STREET - Scott Hoffman, 2811 Fletcher Ave., Apt. #28, took oath and came forward to answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1-15, 2007 - Councilman Camp referred to an e-mail received from Rita Imlay. He asked if this should be continued or does this fit in with the process of past denials.

Dana Roper, City Attorney, came forward to answer it fits in with past denials.

This matter was taken under advisement.

COMPREHENSIVE PLAN CONFORMANCE 07012 - ADOPTING THE SOUTH STREET REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY PLUM STREET ON THE NORTH, EXTENDING TO ROSE STREET BETWEEN 6TH AND 8TH STREETS, 6TH STREET TO THE WEST, SARATOGA STREET TO THE SOUTH AND 17TH STREET TO THE EAST - Ernie Castillo, Urban Development, came forward to state this project is supported by South Street businesses, neighborhood associations, and Saratoga School. He stated a Business and Civic Association has been formed in this area. This plan is in conformance with the Comp plan.

Adam Hinze, owner of Meadowlark at 1624 South Street, came forward in support.

Michael Rierden, 645 "M" Street, Suite 200, attorney representing RTT, Inc. owners of property where the former King's Restaurant and the Muffler Shop are located, came forward in opposition to the request asking the owner to relinquish all accesses onto South Street. Discussion followed.

Jesse Gibson, owner of Sun Tannery on South Street, came forward as co-chair of the Business and Civic Association stating a concern with pedestrian traffic and parking. Discussion followed.

David Landis, Director of Urban Development, came forward to comment that it was decided not to replace parking with landscaping. It serves the business and neighborhood interests better. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL FOR THE ADDITION OF A CATERING LICENSE TO THEIR CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR, SUITE 300 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84432 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 Playmakers, Inc. dba Playmakers Sports Bar & Grill for the issuance of a Catering Permit to the existing liquor license, located at 640 W. Prospector, Suite 300, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF HHMG, INC. DBA CHRISTO'S PUB FOR A CLASS C LIQUOR LICENSE AT 1200 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84433 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 HHMG, Inc. dba Christo's Pub for a Class "C" liquor license at 1200 O Street, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SCOTT HOFFMAN FOR HHMG, INC. DBA CHRISTO'S PUB AT 1200 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84434 WHEREAS, HHMG, Inc. dba Christo's Pub located at 1200 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Scott Hoffman be named manager;

WHEREAS, Scott Hoffman 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 Scott Hoffman be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1-15, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84435 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 June 18, 2007, 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 OR SETTLED</u>
Keith Bowder & Wanda Bowder	\$6,700.00	CLC Trucking	\$4,302.44
Egon Fagerberg Jr.	60.99	Cindy Peterson	2,114.22
Rosemary L. Horner	757.55	Nationwide Insurance	
Rita R. Imlay	124.00	(Claim #26E77673)	1,877.09

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 Ken Svoboda

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

COMPREHENSIVE PLAN CONFORMANCE 07012 - ADOPTING THE SOUTH STREET REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY PLUM STREET ON THE NORTH, EXTENDING TO ROSE STREET BETWEEN 6TH AND 8TH STREETS, 6TH STREET TO THE WEST, SARATOGA STREET TO THE SOUTH AND 17TH STREET TO THE EAST - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84436 WHEREAS, the City's Urban Development Department has prepared the South Street Redevelopment Plan ("Redevelopment Plan") to cover an area generally bounded by Plum Street on the north, extending to Rose Street between 6th and 8th Streets, 6th Street to the west, Saratoga Street to the south and 17th Street to the east; and

WHEREAS, the City Council, after consideration of the South Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on July 10, 2006; and

WHEREAS, the Director of Urban Development has filed with the City Clerk the Redevelopment Plan generally consisting of public improvements to streets, alleys and sidewalks including improvements to pedestrian movements. It also includes improvements to parking, public utilities, streetscape beautification and the development of commercial design principals. Said plan is attached hereto and marked Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on May 25, 2007 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on June 6, 2007 before the Lincoln City - Lancaster County Planning Commission regarding the Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on June 6, 2007 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

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WHEREAS, on June 22, 2007 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on July 9, 2007 regarding the proposed Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on June 22, 2007 and June 29, 2007 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on July 9, 2007 regarding the proposed Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on July 9, 2007 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That for projects utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and Estimated Expenditures.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Redevelopment Plan attached hereto as Attachment "A" is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JULY 23, 2007 AT 1:30 P.M. FOR APPLICATION OF SLAPSHOTZ BAR & GRILL, INC. DBA SLAPSHOTZ BAR & GRILL FOR AN ADDITION TO PREMISE/RECONSTRUCTION OF ONE STORY BUILDING APPROXIMATELY 69' X 69' INCLUDING A BEER GARDEN APPROXIMATELY 17' X 44' LOCATED AT 1245 LIBRA DR., STE. 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84437 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 23, 2007 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 Slapshotz Bar & Grill, Inc. dba Slapshotz Bar & Grill for an addition to premise/reconstruction one story building approximately 69 feet x 69 feet including a beer garden approximately 17 feet x 44 feet located at 1245 Libra Drive, Ste. 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JULY 23, 2007 AT 1:30 P.M. FOR APPLICATION OF POINT AFTER, INC. DBA POINT AFTER FOR AN ADDITION TO PREMISE TO ADD AN OUTDOOR BEER GARDEN APPROXIMATELY 16' X 16' LOCATED AT 1011 W. DAWES AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84438 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 23, 2007 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 Point After, Inc. dba Point After for an addition to premise to add an outdoor beer garden approximately 16 feet x 16 feet located at 1011 W. Dawes Avenue.

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

SETTING THE HEARING DATE OF MONDAY, JULY 23, 2007 AT 1:30 P.M. FOR MANAGER APPLICATION OF DON H. EHLI FOR HINKY DINKY LINCOLN #9, LLC DBA SUN MART #738 LOCATED AT 2145 S. 17TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84439 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 23, 2007 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 Manager Application of Don H. Ehly for Hinky Dinky Lincoln #9, LLC dba Sun Mart #738 located at 2145 S. 17th 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 18, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERKS LETTER AND MAYORS APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON JUNE 25, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS MAY 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

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APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84440 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended May 31, 2007, \$643, 042.96 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

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

LINCOLN WATER & WASTEWATER RECAPITULATION OF DAILY CASH RECEIPTS FOR JUNE 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REAPPOINTING MAGGIE STINE TO THE CITY PERSONNEL BOARD FOR A FIVE-YEAR TERM EXPIRING JUNE 22, 2012 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84441 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Maggie Stine to the City Personnel Board for a five-year term expiring June 22, 2012, is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING WAYNE HEYEN AND CAROL SWIGART TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 1, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84442 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Wayne Heyen and Carol Swigart to the Air Pollution Control Advisory Board for three-year terms expiring November 1, 2010, is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING JAY SNYDER TO THE AIR POLLUTION CONTROL ADVISORY BOARD TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING NOVEMBER 1, 2007 AND AN ADDITIONAL THREE-YEAR TERM EXPIRING NOVEMBER 1, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84443 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jay Snyder to the Air Pollution Control Advisory Board to fill an unexpired three-year term expiring November 1, 2007 and an additional three-year term expiring November 1, 2010, is hereby approved.

Introduced by Ken Svoboda

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

ASSESSMENT RESOLUTIONS FOR PUBLIC WORKS' SPECIAL ASSESSMENT GROUP I, BOARD OF EQUALIZATION MEETING TO BE HELD ON MONDAY, JULY 16, 2007, AT 10:00 A.M. (REQUIRES A MOTION) - CLERK requested a motion to approve the Assessment Resolutions.

SVOBODA So moved.

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION ON PUBLIC WORKS' SPECIAL ASSESSMENT GROUP I TO BE HELD ON MONDAY, JULY 16, 2007, AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) at 137 N. 8th Street, Geneva, NE 68361, for a 13-month term from July 1, 2007 through July 30, 2008, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE POLK SENIOR CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 330 N. STATE STREET, OSCEOLA, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and the Polk County Health Department for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln information For the Elderly (LIFE) at 330 N. State Street, Osceola, NE 68651, for a 13-month term from May 1, 2007 through May 31, 2008, the first time.

CHANGE OF ZONE 07031 - AMENDING SECTION 27.63.470 OF THE LINCOLN MUNICIPAL CODE TO ADD MOTELS AND HOTELS AND THE SALE OF ALCOHOL FOR USES THAT MEET THE CONDITIONS OF SECTIONS 27.63.680 AND 27.63.685 AS USES APPROVED BY SPECIAL PERMIT WITHIN A PLANNED SERVICE COMMERCIAL DEVELOPMENT. (RELATED ITEMS: 07-106, 07-107, 07R-129) - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.63.470 of the Lincoln Municipal Code to add motels and hotels and the sale of alcohol for uses that meet the conditions of Sections 27.63.680 and 27.63.685 as uses approved by special permit within a planned service commercial development; and repealing Section 27.63.470 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 07030 - APPLICATION OF THOMAS FOLSOM AND DONALD AND SUSAN BROUSE FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET AND TAMARIN RIDGE ROAD. (RELATED ITEMS: 07-106, 07-107, 07R-129) - 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.

SPECIAL PERMIT 07015 - APPLICATION OF THOMAS FOLSOM AND DONALD AND SUSAN BROUSE FOR A PLANNED SERVICE COMMERCIAL USE INCLUDING A HOTEL WITH MEETING ROOM SPACE AND A RESTAURANT, ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET AND TAMARIN RIDGE ROAD WITH VARIANCES OF HEIGHT AND YARD REQUIREMENTS. (RELATED ITEMS: 07-106, 07-107, 07R-129) (ACTION DATE: 7/23/07).

CHANGE OF ZONE 07033 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW JOINT PARKING LOTS AND PARKING GARAGES AS A PERMITTED CONDITIONAL USE IN THE O-3, R-T, B-2, B-5, AND I-3 ZONING DISTRICTS SUBJECT TO CONDITIONS. (RELATED ITEMS: 07-108, 07R-130) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.27.025, 27.28.030, 27.31.040, 27.37.025, and 27.51.040 to allow joint parking lots and parking garages as a permitted conditional use in the O-3, R-T, B-2, B-5 and I-3 zoning districts subject to the following conditions (1) the joint parking use shall be authorized by cross access easements or by written agreement between the parties to such use and (2) the aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use; and repealing Sections 27.27.025, 27.28.030, 27.31.040, 27.37.025, and 27.51.040 of the Lincoln Municipal Code as hitherto existing, the first time.

USE PERMIT/SPECIAL PERMIT 19A - APPLICATION OF 70TH STREET PROPERTIES TO ADJUST THE SIDE YARD SETBACK TO ZERO FEET FOR PARKING AT THE LINCOLN SURGICAL CENTER GENERALLY LOCATED AT 1710 S. 70TH STREET. (RELATED ITEMS: 07-108, 07R-130) (ACTION DATE: 7/23/07).

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CHANGE OF ZONE 07035 - AMENDING SECTION 27.35.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEIGHT AND AREA REGULATIONS IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT TO REDUCE THE FRONT, SIDE AND REAR YARDS TO 0 AND TO AMEND THE RELATED TABLES TO REFLECT SAID CHANGES - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.35.070 of the Lincoln Municipal Code relating to Height and Area Regulations in the B-4 Lincoln Center Business District to reduce the front, side and rear yards to 0 and to amend Table 27.35.070(a) and Table 27.35.070(b) to reflect said changes; and repealing Section 27.35.070 of the Lincoln Municipal Code as hitherto existing, the first time.

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

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN FOOD CODE, TO ADOPT THE FDA FOOD CODE AS THE BASIS FOR THE NEBRASKA PURE FOOD ACT AND TO BE CONSISTENT WITH THE NEBRASKA PURE FOOD ACT - CLERK read an ordinance, introduced by John Spatz, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Section 8.20.050 to reflect changes made by the State of Nebraska to the Pure Food Act, *Neb. Rev. Stat. § 81-2,239 et seq.*, which will provide consistency between the local ordinance and state law; and repealing Section 8.20.050 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18955**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07029 - APPLICATION OF CAPITAL SENIOR LIVING PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT GRAMERCY ROAD AND A STREET - CLERK read an ordinance, introduced by John Spatz, 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.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18956**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07032 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE FOR MORE FLEXIBILITY OF USES AND BUILDING ARRANGEMENTS ON RESIDENTIAL ZONED LOTS BY AMENDING SECTION 27.63.580 TO ALLOW THE CUSTOMARY SERVICES OF NONPROFIT RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS, EXCLUDING RETAIL USES, TO LOCATE WITHIN R-6, R-7, AND R-8 BY SPECIAL PERMIT; AMENDING SECTION 27.71.130 TO ALLOW, UNDER SPECIFIED CONDITIONS, MORE THAN ONE MAIN BUILDING OR USE ON A LOT LOCATED IN THE R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, OR I-3 DISTRICT; AMENDING SECTION 27.71.140 TO REDUCE THE MINIMUM SPACING BETWEEN TWO- AND THREE-STORY BUILDINGS TO 20 FEET, WITH FURTHER REDUCTION BY THE BUILDING AND SAFETY DEPARTMENT IF CODE REQUIREMENTS CAN BE MET - CLERK read an ordinance, introduced by John Spatz, amending Title 27 of the Lincoln Municipal Code to provide for more flexibility of uses and building arrangements on residential-zoned lots by amending Section 27.63.580 to allow the customary services of nonprofit religious, educational and philanthropic institutions, excluding retail uses, to locate within R-6, R-7, and R-8 by special permit; amending Section 27.71.130 to allow, under specified conditions, more than one main building or use on a lot located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District; amending Section 27.71.140 to reduce the minimum spacing between two-and three-story buildings to 20 feet, with further reduction by the Building and Safety Department if code requirements can be met; and repealing Sections 27.63.580, 27.71.130, and 27.71.140 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18957**, is recorded in Ordinance Book #26, Page

DECLARING APPROXIMATELY 5,697 SQUARE FEET GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. 27TH STREET AND RANDOLPH STREET AS SURPLUS PROPERTY - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 07-103 to have the final sale approved by Council approval.

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

COOK Moved to delete the legal description on page 1, lines 7 & 8 and insert in lieu thereof the following legal description:

Lot 1, Block 1, Houtz Place, Lincoln, Lancaster County, Nebraska, except the below described area:

Commencing at the northeast corner of the southeast quarter of Section 25, Township 10 North, Range 6 East of the 6th P.M., thence southerly along the east line of the southeast quarter to the intersection of a line 33 feet south of and parallel to the north line of said quarter; thence westerly to a line 33 feet west of and parallel to the east line of the southeast quarter being the northeast corner of Lot 1, Block 1, Houtz Place and the point of beginning, thence continuing westerly on said line and the north line of Lot 1 a distance of 18 feet to a point, thence southeasterly a distance of 19.72 feet to the intersecting with a line 41 feet west of and parallel to the east line of the southeast quarter, then southerly along that said line a distance of 122 feet to a point, thence southwesterly a distance of 9.49 feet to a point on the south line of Lot 1, thence easterly a distance of 17 feet along the said south line to the southeast corner of Lot 1, thence northerly along the east line of Lot 1 a distance of 142 feet to the point of beginning, containing an area of 1234.5 square feet, more or less.

This area to be declared surplus consists of 5155.5 square feet, more or less;

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

CLERK Read an ordinance, introduced by John Spatz, declaring the City-owned property located at the southwest corner of S. 27th Street and Randolph Street as surplus and authorizing the sale thereof, the third time.

SPATZ Moved to pass the ordinance as amended.

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

The ordinance, having **LOST**, was assigned the File #38-4556 & was placed on file in the Office of the City Clerk.

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cummings St., came forward to comment on the large amount of tax exempt property belonging to the State and private schools in Lincoln. He suggested that a wheel tax be charged students from outside of Lincoln and people working in Lincoln but living outside the city. He also expressed concern that the previous Mayor waived a million dollar fine to a company from outside of Lincoln who furnished new fire trucks to the Lincoln Fire Dept. and yet collected a non-conformance fine from a local business.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 16, 2007.

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

REGULAR MEETING

June 25, 2007

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UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July
16, 2007.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:30 P.M.

CAMP Moved to adjourn the City Council meeting of July 9, 2007.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
 So ordered.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant