

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 2, 2007 AT 1:30 P.M.**

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

Council Chair Newman 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 March 26, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR;

MANAGER APPLICATION OF RYAN W. FRENCH FOR PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL AT 640 W. PROSPECTOR - Mike Rierden, 645 "M" Street, Suite 200, came forward to take oath and answer questions.

Ryan W. French, no address given, came forward to take oath and answer questions. He stated that he has matured in the past three years following the violations in his criminal background history. Discussion followed.

This matter was taken under advisement.

CREATING ALLEY REPAVING DISTRICT #48 IN THE EAST/WEST ALLEY OF O TO P STREETS, 17TH TO 18TH STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Mike Schafer, representing the League of Human Dignity, came forward in support, stating he feels it will improve the area greatly. Discussion followed.

Steve Carper, owner of O Street Carpet, came forward in support but is concerned with other property owners. Discussion followed.

Dean Hillhouse, 18th & O property owner, came forward in opposition, stating that money should be spent on other alleys in greater need. Discussion followed.

Redge Johnson, owner of Images II on 17 & O Street, came forward with the suggestion to wait a year as his construction project would tear up the alley.

Dennis Bartels, Public Works Dept., came forward to answer questions. Discussion followed.

Mr. Schafer came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

AMENDING SECTIONS 10.12.030 AND 10.14.220 OF THE LINCOLN MUNICIPAL CODE TO ADD A DEFINITION FOR RED ARROW AND TO PROHIBIT RIGHT-HAND TURNS BY VEHICLES FACING A STEADY RED TURN ARROW - Nicole Fleck-Tooze, Public Works & Utilities, came forward requesting to place this item on pending so issues can be resolved between departments.

This matter was taken under advisement.

APPROVING THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN CARL AND VICKIE SCHMIDT, SAP-SE LLC, MIDWEST NET LEASE INVESTORS SE LLC, AND CALRUBY LLC, AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 194 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 70TH STREET SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) (ACTION DATE: 4/9/07);

ANNEXATION 05015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46);

CHANGE OF ZONE 05068 - APPLICATION OF CARL SCHMIDT, MIDWEST NET LEASE INVESTORS, AND SAP-SE, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT AND APPROVING A DEVELOPMENT PLAN FOR APPROXIMATELY 500 DWELLING UNITS AND

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APPROXIMATELY 324,000 SQUARE FEET OF COMMERCIAL AND OFFICE AREA OVER THE UNDERLYING R-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - Rick Krueger, of Krueger Development, came forward to explain the change of zone in the mixed-use area. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, attorney representing the applicant, came forward to request that the Council vote today on the amendment to the agreement. Discussion followed.

Steve Bors, 6800 Rebel Dr., came forward in opposition stating his many concerns about the development.

Marvin Krout, Director of Planning, came forward to answer questions. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward stating her department was in agreement with the language of the amendment.

Mr. Krueger came forward in rebuttal.

Mr. Hunzeker came forward to answer Council questions regarding the amendment. Discussion followed.

This matter was taken under advisement.

ANNEXATION 07001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 118 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48);

CHANGE OF ZONE 07002 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48) - DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing the applicant, to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07008 - APPLICATION OF PREMIUM PROTEIN PRODUCTS, LLC, FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N.W. 48TH STREET AND W. ADAMS STREET - Tim Gergen, Olsson Associates, 1111 Lincoln Mall, came forward representing the owners of this property, to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07009 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SUNDANCE DRIVE AND CAMPFIRE CIRCLE - Ray Hill, Planning Department, came forward to answer questions.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 640 W. PROSPECTOR - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for denial: A-84310 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 Playmakers, Inc. dba Playmakers Sports Bar & Grill for a Class "C" liquor license for the license period ending October 31, 2007, at 640 W. Prospector, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.

2. The City Council has determined that the existing licenses are adequately serving the area.

3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.

4. The applicant has not demonstrated the propriety of the issuance of such license.

5. The issuance of the license will not be required by the present or future public convenience and necessity.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

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

MANAGER APPLICATION OF RYAN W. FRENCH FOR PLAYMAKERS, INC. DBA PLAYMAKERS SPORTS BAR & GRILL AT 640 W. PROSPECTOR - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for denial: A-84311 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 Ryan W. French as manager of Playmakers, Inc. dba Playmakers Sports Bar & Grill located at 640 W. Prospector, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Dan Marvin

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

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

CREATING AN ALLEY REPAVING DISTRICT NO. 48 IN THE EAST/WEST ALLEY OF O TO P STREETS, 17TH TO 18TH STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Alley Re-paving District No. 48, defining the limits thereof, establishing the width of the alley roadway to be re-paved, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

AMENDING SECTIONS 10.12.030 AND 10.14.220 OF THE LINCOLN MUNICIPAL CODE TO ADD A DEFINITION FOR RED ARROW AND TO PROHIBIT RIGHT-HAND TURNS BY VEHICLES FACING A STEADY RED TURN ARROW - PRIOR to reading:

COOK Moved to Place Bill No. 07-44 on Pending, No Date Certain.

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

CLERK Read an ordinance, introduced by Ken Svoboda, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic by amending Section 10.12.030 of the Lincoln Municipal Code, Traffic-Control Signal Legend, to add a definition for Red Arrow; amending Section 10.14.220 of the Lincoln Municipal Code relating to turns at intersections with automatic signals, to prohibit right-hand turns by vehicles facing a steady red turn arrow; and repealing Sections 10.12.030 and 10.14.220 of the Lincoln Municipal Code as hitherto existing the second time.

APPROVING THE WOODLANDS AT YANKEE HILL CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN CARL AND VICKIE SCHMIDT, SAP-SE LLC, MIDWEST NET LEASE INVESTORS SE LLC, AND CALRUBY LLC, AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 194 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 70TH STREET SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) (ACTION DATE: 4/9/07) - PRIOR to reading:

COOK Moved to waive the rules and amend Bill No. 07R-79 on this date.

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

COOK Moved to amend Bill No. 07R-79 as follows:

1. Paragraph 4 of the Agreement shall be amended to read as follows:

4. Yankee Hill Road (70th - 84th) Improvements.

A. Arterial Street Construction. Owner shall construct the Yankee Hill Road Arterial Street Impact Fee Facility Improvements, including right- and left-turn provisions at 70th Street, 73rd Street, 77th Street, and 81st Street as shown on Exhibit "C" attached pursuant to the City's Executive Order construction process. City shall budget and pay for one 12-foot wide lane at the same unit price provided in the

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successful bid for the project, and City obligates funding for its cost from existing Impact Fee funds in the Arterial Street Impact Fee Benefit District No. 6 Account. Turn lanes shall be constructed at a length and width acceptable to the City's Department of Public Works and Utilities. Owner shall request the Executive Order and provide all required bonds to guarantee construction of the Yankee Hill Road Arterial Street Impact Fee Facility Improvements and Site Related Turn Lanes on or before December 31, 2009. Owner's bond to guarantee Owner's share of the cost shall provide for retainage based only upon Owner's share of the cost, not the entire cost of construction of the Yankee Hill Road Street Impact Fee Facility Improvements. City shall pay its share of the cost by paying to the paving contractor the first, and subsequent progress payments on the project as they become due, up to the full amount of the City's share of the cost of the project. In the event City fails to budget and appropriate funds for its share of the cost of the Yankee Hill Road Arterial Street Impact Fee Facility Improvements, Owner may proceed to construct Yankee Hill Road as depicted on Exhibit "C-1", pages 1 and 2, and be reimbursed for same as provided in Paragraph 4.b. below.

2. Exhibit "C-1" attached hereto, consisting of two pages, shall be attached to the agreement.

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

COOK Moved to have Action on amended Bill 07R-79 on April 9, 2007.

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

ANNEXATION 05015 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 05068 - APPLICATION OF CARL SCHMIDT, MIDWEST NET LEASE INVESTORS, AND SAP-SE, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT AND APPROVING A DEVELOPMENT PLAN FOR APPROXIMATELY 500 DWELLING UNITS AND APPROXIMATELY 324,000 SQUARE FEET OF COMMERCIAL AND OFFICE AREA OVER THE UNDERLYING R-3 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 70TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 07R-79, 07-45, 07-46) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ANNEXATION 07001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 118 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48)- CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 07002 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-1 LOCAL BUSINESS DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT NORTH 98TH AND O STREETS. (RELATED ITEMS: 07-47, 07-48) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 07008 - APPLICATION OF PREMIUM PROTEIN PRODUCTS, LLC, FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N.W. 48TH STREET AND W. ADAMS STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 07009 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SUNDANCE DRIVE AND CAMPFIRE CIRCLE - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2007 - PRIOR to reading:

MARVIN Moved to Amend Bill No. 07R-76 in the following manner:
 1. On line 27, the claim of Guy Matson in the amount of \$75.00 should be removed from the list of DENIED claims.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84312 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 March 16, 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>	
Peggy Cline	\$ 1,823.94	Thomas M. Hawco	\$3,123.43
Homesite Insurance (Claim No. 1049940)	6,999.15	Michel S. Mason	500.00
Jerry Beck	4.80	Edward Masters	45.98
Daniel Jackson	NAS*	Friday Vi-Ura & Love Vi-Ura	2,000.00
Tom Reents	NAS*	Adam Wallingford	2,749.88
Kathy DeBoer	20.00	Kenny McCown & Kathy McCown	65.00
Tom Ochsner	183.99	Jim Batt	72.97
Eyde Olson	300.00	Trisha Nelson	596.94
William Gewain	1,250.00	Judy Wissink	55.00
Gary Beyke	95.00	Denise Olsen-Payne	1,611.67
Jack Burke & Barbara Burke	100.00	Joe Beebe & Marilyn Beebe	123.72
Patricia Drahota	37.42	Dave Bruner & Barb Bruner	30.00
James Hubbell	NAS*		
Terry J. Kurtzhals	NAS*		
Vincent Nunnally	35,995.40		
Darrell Polacek	150.00		
Guy Matson	75.00		
Jan Pitsch	NAS*		
William Micek	NAS*		
Frank McArthur	35.00		
Alex Sampson	1,318.05		
Joey Decker	121.89		
Chris Gentry	NAS*		
Mike Fayad	NAS*		
Gayle Jasper	NAS*		
Heather Stowell	240.33		
Bob Beard	587.50		
Greg Miller	NAS*		

* No Amount Specified

Introduced by Ken Svoboda
 Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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APPROVING CONVEYANCE OF A PERMANENT CONSERVATION EASEMENT TO PRESERVE THE RESTORED NATIVE PRAIRIE FROM LARRY AND PEGGY KLETCHER TO THE WACHISKA AUDUBON SOCIETY OVER AN AREA APPROXIMATELY 25.48 ACRES GENERALLY LOCATED AT S. 105TH AND A STREETS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84313 WHEREAS, Larry Fletcher and Peggy J. Fletcher have proposed to convey to Wachiska Audubon Society a permanent conservation easement to preserve the restored native prairie over an area consisting of approximately 25.48 acres generally located at S. 105th Street and A Street and legally described as Outlot A, Camelot Acres 1st Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the Wachiska Audubon Society is authorized to accept and hold conservation easements under the terms of the Conservation and Preservation Easement Act (Neb. Rev. Stat. §§ 76-2,111 to 76,2,118); and

WHEREAS, Neb. Rev. Stat. § 76-2,112 requires that, in order to minimize conflicts with land use planning, the acquisition of a proposed conservation easement must be approved by the governing body of the City having zoning jurisdiction over the easement area as being in the public interest; and

WHEREAS, the acquisition of the proposed conservation easement by Wachiska Audubon Society has been submitted to the Lincoln City - Lancaster County Planning Commission and the Commission has found the acquisition to be in conformance with the Lincoln City/Lancaster County Comprehensive Plan.

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

That the proposed conveyance of a conservation easement from Larry Fletcher and Peggy J. Fletcher to the Wachiska Audubon Society to preserve the restored native prairie and to restrict the development on the property described above be and the same is hereby found to be in conformance with the Lincoln City/Lancaster County Comprehensive Plan and in the public interest.

The foregoing Resolution was approved by the Lincoln City-Lancaster County Planning Commission on this 14th day of March, 2007.

Introduced by Ken Svoboda

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

APPROVING AN AMENDMENT TO RESOLUTION NO. A-84134 WHICH GRANTED THE USE OF PUBLIC RIGHT-OF-WAY TO R STREET LOFTS LLC FOR CONSTRUCTION OF COURTYARDS AND CANOPIED ENTRYWAYS AT THE SOUTHEAST CORNER OF 7TH AND R STREETS, TO LIMIT THE PERMISSION TO OCCUPY THE PUBLIC RIGHT-OF-WAY TO THE ACTUAL DATES OF CONSTRUCTION BEING FEBRUARY 15, 2007 TO SEPTEMBER 30, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84314 WHEREAS, R Street Lofts, LLC was granted permission to use the public right-of-way at the southeast corner of 7th and R Streets for the purpose of constructing courtyards and canopied entryways by Resolution No. A-84134 adopted by the City Council on December 4, 2006; and

Whereas R Street Lofts, LLC has requested that the permission granted be modified in order to reduce the rental fee by limiting the permission granted to the dates that the right-of-way will be occupied, i.e. February 15, 2007 to September 30, 2007; and

WHEREAS, the City is not opposed to said modification.

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

That Resolution No. A-84134 be amended by amending page 1, line 12, to insert the words from February 15, 2007 to September 30, 2007 following the word Streets.

BE IT FURTHER RESOLVED that all other conditions of approval for the use of public space shall remain in full force and effect.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 16, 2007 AT 1:30 P.M. FOR THE APPLICATION OF STATE THEATRE, INC. DBA STATE THEATRE FOR A CLASS I LIQUOR LICENSE LOCATED AT 1415 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84315 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 16, 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 the application of State Theatre, Inc. dba State Theatre for a Class I liquor license located at 1415 O 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 McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07013 - Req. by the Director of Building and Safety to amend Section 27.71.210 of the Lincoln Municipal Code, "Enlargement and Alteration of Lots", to add language relative to yards for adjusted lots.

Change of Zone No. 07016 - App. of David Titterington, from R-2 Residential District to H-2 Highway Business District, on property generally located at N. 48th St. and Orchard St.

Change of Zone No. 07017 - App. of Olsson Associates, from R-3 Residential District to B-1 Local Business District, on property generally located at 98th St. and O St.

Special Permit No. 07007 - App. of Jeff Downing on behalf of Zion Church, for the expansion of a nonconforming use on property generally located at S. 8th St. and D St.

Special Permit No. 07008 - App. of Casey's Retail Company dba Casey's General Store, for expansion of a nonconforming use on property generally located at N. Cotner Boulevard and Leighton Avenue.

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS - NONE

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET, FOR A PERIOD OF MARCH 1, 2007 THROUGH SEPTEMBER 30, ~~2008~~ 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and Asian Community & Cultural Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2615 O Street, Lincoln, NE for a term beginning March 1, 2007 through September 30, 2007, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 5, 2007 THROUGH JUNE 26, 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Public Market Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Jazz in June public market in the Marketplace area, 12th Street from Q to R Streets and R Street from 12th to 13th Streets, on each Tuesday from June 5, 2007 through June 26, 2007, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 5, 2007 THROUGH OCTOBER 13, 2007 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 16, 2007 THROUGH AUGUST 11, 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 5, 2007 through October 13, 2007, and on 8th Street from P to Q Street from June 16, 2007 through August 11, 2007, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

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

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO RULES OF THE ROAD BY AMENDING SECTION 10.14.360, MOTOR VEHICLE RESTRAINT; CHILDREN, BY CHANGING USE REQUIREMENTS FOR CHILD OCCUPANT RESTRAINTS, ADDING REQUIREMENTS FOR PERSONS WEARING OCCUPANT PROTECTION SYSTEMS IN VEHICLES OPERATED BY HOLDERS OF PROVISIONAL OPERATOR'S PERMITS OR SCHOOL PERMITS, AMENDING EXEMPTIONS, AND MODIFYING PENALTY PROVISIONS, IN ORDER TO REMAIN CONSISTENT WITH STATE STATUTE PROVISIONS, AND AMENDING SECTION 10.14.365, OCCUPANT PROTECTION SYSTEM; USE REQUIRED, BY DELETING OBSOLETE LANGUAGE, ADDING EXEMPTIONS, AND AMENDING LANGUAGE IN ORDER TO REMAIN CONSISTENT WITH STATE STATUTE - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 10.14 of the Lincoln Municipal Code relating to Rules of the Road by amending Section 10.14.360 (Motor Vehicle Restraint: Children) by changing use requirements for child occupant restraints, adding requirements for persons wearing occupant protection systems in vehicles operated by holders of provisional operator's permits or school permits, amending exemptions, and modifying penalty provisions, in order to remain consistent with state statute provisions; amending Section 10.14.365 (Occupant Protection System; Use Required) by deleting obsolete language, adding exemptions, and amending language in order to remain consistent with state statute; and repealing Sections 10.14.360 and 10.14.365 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18905, is recorded in Ordinance Book #25, Page

AMENDING SECTION 2.38.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE STARTRAN ADVISORY BOARD SHALL HAVE FINAL AUTHORITY AFTER FIRST HOLDING A PUBLIC HEARING TO ADD OR DELETE SPECIFIC TRIPS FROM REGULARLY SCHEDULED LINE SERVICE, ADJUST SCHEDULES, ADD NEW OR ADJUST EXISTING ROUTES, AND AUTHORIZE SPECIAL PROMOTIONAL FARES, AND TO PROVIDE WHEN SUCH CHANGES SHALL GO INTO EFFECT; BY ADDING SECTION 2.38.125 TO PROVIDE FOR NOTICE OF PUBLIC HEARING; AND BY ADDING SECTION 2.38.127 TO PROVIDE FOR APPEALS FROM ACTION OF THE STARTRAN ADVISORY BOARD - PRIOR to reading:

MARVIN Moved to Amend Bill No. 07-43 as follows:

1. On page 1, line 7 strike the word "and".
2. On page 1, line 8, at the end of the sentence, insert the following: ";and establishing an effective date of September 1, 2007".
3. On page 2, line 12, strike "thirty" and insert in lieu thereof "forty-five".
4. On page 4, lines 10 and 11, delete the words "its passage and publication according to law" and insert in lieu thereof the words "September 1, 2007".
5. On page 2, line 15 insert "30 days" before the word prior.
6. Insert the following as Section 5. Changes to be reviewed on September 1, 2008, and renumber accordingly.

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

CLERK Read an ordinance, introduced by Annette McRoy, amending Chapter 2.38 of the Lincoln Municipal Code relating to StarTran by amending Section 2.38.100 to provide that the StarTran Advisory Board shall have final authority after first holding a public hearing thereon to add or delete specific trips from regularly scheduled line service, adjust schedules, add new or adjust existing routes, and authorize special promotional fares, and to provide when such changes shall go into effect; adding a new section numbered 2.38.125 to provide for notice of public hearing; adding a new section numbered 2.38.127 to provide for appeals from action of the StarTran Advisory Board; and repealing Section 2.38.100 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as amended.

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

The ordinance, being numbered #18906, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS - NONE

PENDING -

CAMP Moved to extend the Pending List to April 9, 2007.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April
9, 2007.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 3:07 P.M.

CAMP Moved to adjourn the City Council meeting of April 2, 2007.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
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