

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 23, 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

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of April 16, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF LUCAS R. PROFFITT FOR HARDAGE HOTELS I, LLC DBA CHASE SUITE HOTEL AT 200 S. 68TH PLACE - Lucas R. Proffitt, no address given, came forward to take oath and answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF RACHEL RICKLEY FOR SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-0217 AT 333 N. 48TH STREET - Rachel Rickley, 333 N. 48th St., came forward to take oath and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07011 - APPLICATION OF TRINITY UNITED METHODIST CHURCH TO DESIGNATE TRINITY METHODIST EPISCOPAL CHURCH AT 1345 SOUTH 16TH STREET AS A HISTORIC LANDMARK - Ed Zimmer, Planning Department, came forward to present the application and provide a slide show history of the church.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF LUCAS R. PROFFITT FOR HARDAGE HOTELS I, LLC DBA CHASE SUITE HOTEL AT 200 S. 68TH PLACE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84339 WHEREAS, Hardage Hotels I, LLC dba Chase Suite Hotel located at 200 S. 68th Place, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Lucas R. Proffitt be named manager;

WHEREAS, Lucas R. Proffitt 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 Lucas R. Proffitt 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 Dan Marvin

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

MANAGER APPLICATION OF RACHEL RICKLEY FOR SUPER TARGET LIQUOR OF NEBRASKA, INC. DBA TARGET STORE T-0217 AT 333 N. 48TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84340 WHEREAS, Super Target Liquor of Nebraska dba Target Store T-0217 located at 333 N. 48th Street, Lincoln, Nebraska has been approved for a

Retail Class "D" and "K" liquor license, and now requests that Rachel Rickley be named manager;

WHEREAS, Rachel Rickley 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 Rachel Rickley 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 Dan Marvin

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

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

APPROVING A FIVE-YEAR LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND MUNICIPAL SERVICES GROUP, INC. FOR THE LEASE OF GOLF COURSE MAINTENANCE EQUIPMENT. (REQUEST 2ND & 3RD READINGS ON 4/23/07) - PRIOR to reading:

SVOBODA Moved to waive the rules on Bill No. 07-64 to have 3rd Reading and Action this date.

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

CLERK Read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City"), and Municipal Services Group, Inc. ("Lessor") for a five-year lease of golf course maintenance equipment for use by the City Parks and Recreation Golf Division, the second time. (See Council Action under "ORDINANCES - 3RD READING".)

CHANGE OF ZONE 07011 - APPLICATION OF TRINITY UNITED METHODIST CHURCH TO DESIGNATE TRINITY METHODIST EPISCOPAL CHURCH AT 1345 SOUTH 16TH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

RESOLUTIONS - NONE

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A PAVING DISTRICT FOR NORTH 36TH STREET BETWEEN VINE STREET AND W STREET BY BETH A. WHITAKER FOR JAKE T. WHITAKER - CLERK presented said petition which was referred to the Public Works Department.

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON APRIL 9, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

CREATING WATER DISTRICT NO. 1197 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH DIAMETER WATER MAIN IN S. 34TH STREET FROM VAN DORN STREET NORTH APPROXIMATELY 300 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Dan Marvin, creating Water District No. 1197 designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, 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 first time.

AMENDING CHAPTER 14.70 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCAVATIONS BY AMENDING SECTION 14.70.010 TO AUTHORIZE CONDITIONS TO BE PLACED IN EXCAVATION PERMITS THAT ARE FOR THE PUBLIC INTEREST, AND ADDING A NEW SECTION NUMBERED 14.70.015 TO SET FORTH SPECIFIC CONDITIONS AND REQUIREMENTS TO BE PLACED ON EXCAVATION PERMITS THAT ARE REASONABLY NECESSARY FOR THE PUBLIC INTEREST - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 14.70 of the Lincoln Municipal Code relating to Excavations by amending Section 14.70.010 to authorize conditions to be placed on excavation permits that are for the public interest; adding a new section numbered 14.70.015 to indicate specific conditions to be placed on excavation permits; and repealing Section 14.70.010 of the Lincoln Municipal Code as hitherto existing, the first time.

DECLARING APPROXIMATELY ~~7~~ 0.07 ACRES GENERALLY LOCATED AT S. 44TH STREET AND CALVERT STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at South 44th Street and Calvert Street as surplus and authorizing the sale thereof, the first time.

DECLARING APPROXIMATELY .7 ACRES GENERALLY LOCATED AT S. 39TH STREET AND VAN DORN STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at South 39th Street and Van Dorn Street as surplus and authorizing the sale thereof, the first time.

CHANGE OF ZONE 07013 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.71.210, ENLARGEMENT AND ALTERATION OF LOTS, TO CLARIFY LANGUAGE THAT CONFLICTS WITH OTHER PROVISIONS OF THE ZONING REGULATIONS - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.71.210 of the Lincoln Municipal Code relating to Enlargement and Alteration of Lots to clarify language that conflicts with other provisions of the zoning regulations; and repealing Section 27.71.210 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 07016 - APPLICATION OF DAVID TITTERINGTON FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT N. 49TH STREET AND ORCHARD STREET - CLERK read an ordinance, introduced by Dan Marvin, 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.

CHANGE OF ZONE 07017 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF N. 98TH STREET AND O STREET - CLERK read an ordinance, introduced by Dan Marvin, 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 A FIVE-YEAR LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND MUNICIPAL SERVICES GROUP, INC. FOR THE LEASE OF GOLF COURSE MAINTENANCE EQUIPMENT. (REQUEST 2ND & 3RD READINGS ON 4/23/07) - PRIOR to reading:

SVOBODA Moved to waive the rules on Bill No. 07-64 to have 2nd and 3rd Reading this date.

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

CLERK Read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City"), and Municipal Services Group, Inc. ("Lessor") for a five-year lease of golf course maintenance equipment for use by the City Parks and Recreation Golf Division, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18917, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 30, 2007.
Seconded by Marvin & 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
30, 2007.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 1:43 P.M.

CAMP Moved to adjourn the City Council meeting of April 23, 2007.
Seconded by Marvin & 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