THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, July 16, 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; City Clerk, Joan E. Ross.

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

CAMP

Having been appointed to read the minutes of the City Council proceedings of July 9, 2007, reported having done so, found same correct.

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

MAYOR’S AWARD OF EXCELLENCE

Mayor Beutler came forward to present the Mayor’s Award of Excellence to Police Officer/Investigator Cynthia Koenig-Warnke, of the Lincoln Police Department Technical Investigations division, in the category of Productivity. After a lengthy investigation Investigator Koenig-Warnke uncovered an identity theft ring.

Chief Casady came forward to express the departments appreciation of Investigator Koenig-Warnke’s good work and dedication to her job.

PUBLIC HEARING

MANAGER APPLICATION OF DEBORAH A. ROBERTS FOR BUGGY BATH WEST LLC DBA BUGGY BATH CAR WASH - WEST, AT 1502 WEST O STREET - Deborah Roberts, 1502 West O Street, took the oath and came forward to answer questions. This matter was taken under advisement.

APPLICATION OF RAMOS PIZZA INC. DBA RAMOS PIZZA PUB BUSTER’S BBQ TO EXPAND ITS LICENSED PREMISES BY AN OUTSIDE AREA MEASURING APPROXIMATELY 8 FT. X 20 FT. FOR A TOTAL AREA TO READ AS: A ONE STORY BUILDING APPROXIMATELY 30 FT. X 75 FT. INCLUDING IRREGULAR SHAPED BEER GARDEN APPROXIMATELY 56 FT. X 83 FT. - Jeff Dodge, 2435 S. 48th Street, took the oath and came forward to answer questions. This matter was taken under advisement.

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY’S TAVERN TO EXPAND ITS LICENSED PREMISES BY AN OUTSIDE L-SHAPED AREA MEASURING APPROXIMATELY 26 FT. X 40 FT. AT 1406 - 1412 O STREET - Scott S. Hatfield, 1412 O Street, took the oath and came forward to answer questions. Discussion followed. Chief Casady came forward to answer questions of problems with beer gardens. Discussion followed. This matter was taken under advisement.

APPLICATION OF CB HOLDINGS INC. DBA SHARKWATER LOUNGE FOR A CLASS C LIQUOR LICENSE AT 140 N. 12TH STREET;

MANAGER APPLICATION OF KOLBY WOOD FOR CB HOLDINGS INC. DBA SHARKWATER LOUNGE AT 140 N. 12TH STREET - Ward F. Hoppe, 1600 Stoney Hill Rd., came forward representing CB Holdings, Inc. He stated the dba Sharkwater Lounge name will be changed due to a conflicting name/trademark already existing. Discussion followed. Kolby Wood, 1223 N. 9th, #114, took the oath and came forward to answer questions. Austin McKillip, 1900 US Bank Bldg., took the oath and came forward representing Bugeater Investments, the client who owns the registered trade mark Sharkwater Kamakazi and also the common law mark Sharkwater. He requested a delay until CB Holdings, Inc. establishes a new DBA. Discussion followed. Mr. Hoppe came forward to confirm his client will be changing the DBA name not similar to Sharkwater. This matter was taken under advisement.
APPLICATION OF EUROPE COFFEE INC. DBA EUROPE COFFEE FOR A CLASS I LIQUOR LICENSE AT 1819 O STREET;

MANAGER APPLICATION OF ERMINA OSMANOVIC FOR EUROPE COFFEE INC. DBA EUROPE COFFEE AT 1819 O STREET - Ermina Osmanovic, no address given, took the oath and came forward to answer questions. Discussion followed.

Investigator Russ Fosler came forward to state his recommendation of denial and the reasons for this recommendation. Discussion followed.

Mr. Osmanovic came forward for rebuttal.

This matter was taken under advisement.

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 - Councilman Camp stated these leases are back dated and strongly encouraged city departments in the future to make sure the leases are done prospectively rather than retroactively.

This matter was taken under advisement.

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);

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);

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) - Jerry Slusky, 17445 Arbor Dr., Omaha, NE, came forward representing Holiday Inn to talk about the history of the C.U.P. in this area and request a change of zone to add a hotel.

Mike Eckert, Civil Design Group, Inc., came forward to talk about the waivers and setbacks. Discussion followed.

Mike Works, 5921 The Knolls, of DMK Development, part of the hotel group, came forward to state the draw will be the area the hotel is in. The study shows meeting space is a need in this area along with quality hotel rooms and reception areas. Discussion followed.

Wes Heiser, 4111 Pioneers Wood Dr., Ste. 100, Venue Restaurant, stated they originally wanted to be in this area so are excited to be a part of this project. Their current location is in need of larger meeting spaces and are turning away a lot of wedding receptions and business meetings. This will provide them with the opportunity to meet those needs. Discussion followed.

Marvin Krout, Director of Planning Dept., addressed the question of the height in reference to the Fire Department needing aerial ladders to fight fires in buildings of this height. He did not remember this concern being addressed by the Fire Department. Discussion followed.

This matter was taken under advisement.

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) - Marvin Krout, Director of Planning Dept., stated this is a technical correction to try to find the right words to do something we’ve been doing for many years called the Use Permit Districts. The purpose is to be able to have a more creative use of parking to be jointly used by multiple owners or multiple tenants in order to get more efficiencies and overall circulation. Discussion followed.

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) - Robert Findley of Findley & Associates, 16600 S. 82nd Street, Omaha, Nebraska, came forward to answer questions regarding the zero lot line request for the parking garage.

Margaret Griesen, 7240 S. Hampton Road, came forward in opposition. Discussion followed.

Marvin Krout, Director of Planning Dept., stated in answer to a question presented the staff did not send notices to the neighbors.

Several calls were received along with one letter from neighbors expressing inadequate parking on the site today causing employees to park in the residential neighborhood and walking to work. Discussion followed.
Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer the question about the possibility of a traffic light at 70th & Lincolnshire/Monterey Drive, saying a light draws traffic to the intersection.

Robin Linafelter, CEO of Lincoln Surgical Hospital, came forward to provide information and answer questions concerning this project. Discussion followed.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning Dept., came forward to explain the proposed amendments. Discussion followed.

This matter was taken under advisement.

ADOPTING THE LES RATE STANDARDS AS RECOMMENDED BY THE LES ADMINISTRATIVE BOARD - Terry Bundy, Administrator/CEO of LES, came forward to explain net metering that will be adopted for a trial period of five years. Proposed rate change requirements were also presented and a list of customers who request proposed rate information is not required any longer. Discussion followed.

Todd Hall, Vice President of Consumer Services Division for LES, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE HARRIS OVERPASS RECONSTRUCTION, CITY PROJECT 701781 - Roger Figard, Public Works & Utilities and Railroad Transportation Safety Division, came forward to inform the Council that bids were received and the contractors bid was under $18 million. Public Works estimate was $15.8 million. City Staff, a consultant, and Nebraska Department of Roads reviewed the bids came to the conclusion it was a responsible bid even though they were over estimate. There was not sufficient money in the CIP therefore the resolution was revised. It was proposed by the Mayor and the Director that RTSD increase their budget for fiscal 2007-2008 by $1.8 million. Discussion followed.

This matter was taken under advisement.

** END OF PUBLIC HEARING **

TOOK BREAK 3:50 P.M. RECONVENED 3:59 P.M.

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF DEBORAH A. ROBERTS FOR BUGGY BATH WEST LLC DBA BUGGY BATH CAR WASH - WEST, AT 1502 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84444

WHEREAS, Buggy Bath West L.L.C. dba “Buggy Bath Car Wash West” located at 1502 West O Street, Lincoln, Nebraska has been approved for a Retail Class “B” liquor license, and now requests that Deborah A. Roberts be named manager;

WHEREAS, Deborah A. Roberts 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 Deborah A. Roberts 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, Cook, Emery, Bachilman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF RAMOS PIZZA INC. DBA RAMOS PIZZA PUBL BUSTER’S BBQ TO EXPAND ITS LICENSED PREMISES BY AN OUTSIDE AREA MEASURING APPROXIMATELY 8 FT. X 20 FT. FOR A TOTAL AREA TO READ AS: A ONE STORY BUILDING APPROXIMATELY 30 FT. X 75 FT. INCLUDING IRREGULAR SHAPED BEER GARDEN APPROXIMATELY 56 FT. X 83 FT. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84445

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 Ramos Pizza Inc. dba Ramos Pizza Pub Busters BBQ to expand its licensed premises located at 2435 South 48th Street, Lincoln, Nebraska, by the addition of an outside area measuring approximately 8 feet by 20 feet for a total area to read: "A one story building approximately 30 feet by 75 feet including irregular shaped beer garden approximately 56 feet by 83 feet", be approved with the condition that the premise complies in every respect with all City and State regulations.

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

APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY’S TAVERN TO EXPAND ITS LICENSED PREMISES BY AN OUTSIDE L-SHAPED AREA MEASURING APPROXIMATELY 26 FT. X 40 FT. AT 1406-1412 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84446 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 Rhinodynamics, Inc. dba Duffy’s Tavern to expand its licensed premises by the addition of an L-shaped outside area measuring approximately 26 feet by 40 feet at the presently licensed premises located at 1406-1412 O Street, 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 the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

APPLICATION OF CB HOLDINGS INC. DBA SHARKWATER LOUNGE FOR A CLASS C LIQUOR LICENSE AT 140 N. 12TH STREET - PRIOR to reading:
CAMP Moved to amend liquor resolution for CB Holdings, Inc. By deleting any reference to dba Sharkwater Lounge in the resolution.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Bacllman, Marvin, Spatz, Svoboda; NAYS: None.
CLERK Read the following resolution, introduced by Jon Cook, who moved its adoption for approval as amended:
A-84447 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 CB Holdings, Inc. dba Sharkwater Lounge for a Retail Class "C" liquor license at 140 North 12th 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 Emery & carried by the following vote: AYES: Camp, Cook, Emery, Bacllman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF KOLBY WOOD FOR CB HOLDINGS INC. DBA SHARKWATER LOUNGE AT 140 N. 12TH STREET - PRIOR to reading:
CAMP Moved to amend liquor resolution for CB Holdings, Inc. by deleting any reference to dba Sharkwater Lounge in the resolution.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Bacllman, Marvin, Spatz, Svoboda; NAYS: None.
CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for approval as amended:
A-84448 WHEREAS, CB Holdings, Inc. dba Sharkwater Lounge located at 140 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kolby Wood be named manager;
WHEREAS, Kolby Wood 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 Kolby Wood 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, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF EUROPE COFFEE INC. DBA EUROPE COFFEE FOR A CLASS I LIQUOR LICENSE AT 1819 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

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 Europe Coffee, Inc. dba “Europe Coffee” for a Class “I” liquor license for the license period ending April 30, 2008, at 1819 “O” Street, 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 Jon Camp
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF ERMINA OSMANOVIC FOR EUROPE COFFEE INC. DBA EUROPE COFFEE AT 1819 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

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 Ermina Osmanovic as manager of Europe Coffee, Inc dba “Europe Coffee” located at 1819 “O” Street, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

ORDINANCES - 2ND 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 second 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 second 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 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 second 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 second time.


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 second time.


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. (RELATED ITEMS: 07-108, 07R-130) (ACTION DATE: 7/23/07).

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 16-30, 2007. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

WHEREAS, by virtue of Public Law entitled "Public Utility Regulatory Policies Act of 1978" (PURPA), as amended by the Energy Policy Act of 2005 (EPAct), the Lincoln Electric System (LES), a nonregulated utility, is required to consider and determine the appropriateness of certain rate Standards set forth in EPAct as applied to LES operations; and

WHEREAS, the purposes of PURPA are to encourage:

a. The conservation of energy supplied by electric utilities;

b. The optimization of the efficiency of use of facilities and resources by electric utilities; and

c. Equitable rates to electric consumers.
WHEREAS, the LES Administrative Board on February 20, 2007 conducted public hearings in which a record was properly established on six EPAct Standards:
   a. Time-Based Metering and Communications;
   b. Interconnection Standards;
   c. Net Metering;
   d. Fossil Fuel Generation Efficiency;
   e. Fuel Source Reliance; and
   f. Information to Consumers.
WHEREAS, the LES Administrative Board after examining the record established and the impact of these Standards on the goals of PURA and applicable Nebraska state law has adopted LES Resolutions 2007-8, 2007-9, 2007-10, and 2007-11, attached hereto, which designates LES’ determinations on each Standard; and
WHEREAS, pursuant to the LES Procedures for conducting PURPA hearings, the LES Administrative Board’s determinations become the Final Order of these proceedings when adopted by the City Council.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that such attached LES Resolutions 2007-8, 2007-9, 2007-10, and 2007-11 have been considered by the City Council and are hereby adopted by the City Council as the Final Order, regarding these proceedings.

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

ADOPTING THE LES RATE STANDARDS AS RECOMMENDED BY THE LES ADMINISTRATIVE BOARD
- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84452
WHEREAS, by virtue of Public Law entitled "Public Utility Regulatory Policies Act of 1978" (PURPA), as amended by the Energy Policy Act of 2005 (EPAct), the Lincoln Electric System (LES), a nonregulated utility, is required to consider and determine the appropriateness of certain rate Standards set forth in EPAct as applied to LES operations; and
WHEREAS, the purposes of PURPA are to encourage:
   a. The conservation of energy supplied by electric utilities;
   b. The optimization of the efficiency of use of facilities and resources by electric utilities; and
   c. Equitable rates to electric consumers.
WHEREAS, the LES Administrative Board on February 20, 2007 conducted public hearings in which a record was properly established on six EPAct Standards:
   a. Time-Based Metering and Communications;
   b. Interconnection Standards;
   c. Net Metering;
   d. Fossil Fuel Generation Efficiency;
   e. Fuel Source Reliance; and
   f. Information to Consumers.
WHEREAS, the LES Administrative Board after examining the record established and the impact of these Standards on the goals of PURA and applicable Nebraska state law has adopted LES Resolutions 2007-8, 2007-9, 2007-10, and 2007-11, attached hereto, which designates LES’ determinations on each Standard; and
WHEREAS, pursuant to the LES Procedures for conducting PURPA hearings, the LES Administrative Board’s determinations become the Final Order of these proceedings when adopted by the City Council.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that such attached LES Resolutions 2007-8, 2007-9, 2007-10, and 2007-11 have been considered by the City Council and are hereby adopted by the City Council as the Final Order, regarding these proceedings.

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

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE HARRIS OVERPASS RECONSTRUCTION, CITY PROJECT 701781 - PRIOR to reading:

CAMP Moved to amend Bill NO. 07R-128 on page 1, line 8; 1. delete the period and insert in lieu thereof a semicolon and the word "and".
2. On page 1, between lines 8 and 9, insert the following language:
WHEREAS, this approval of the City Council is conditioned and dependent upon the Railroad Transportation Safety District increasing its budget for the project by $3,850,000 to $8,650,000.
3. On page 1, line 12, at the end of line after "2008" insert the following:
"Public Works and Utilities CIP construction funds, along with the Railroad Transportation Safety District increasing its budget for the
A-84453

WHEREAS, the Harris Overpass reconstruction, City Project 701781, has been approved by the City; and

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

That the Mayor is authorized to execute a multi-year contract for the Harris Overpass Reconstruction Project 701781 to be paid from fiscal years 2007 and 2008.

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

THE FOLLOWING ITEMS HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 07037 - App. of Mark Hunzeker amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by adding a new section to define the term “social hall”; by adding a new section to allow social halls as permitted conditional uses in the B-1, B-2, B-3, B-5, H-2, H-3, H-4 and R-1 zoning districts respectively; amending code to allow social halls that do not meet the requirements for a conditional use to be allowed in the B-1, B-2, B-3, B-5, H-1, H-2, H-3 and H-4 zoning districts by special permit; by adding a new section numbered 27.63.800 to provide a permitted special use for social halls; by adding a new section 27.67.040 to add social halls to the list of uses with special parking requirements; and repealing Sections 27.29.030, 27.29.040, 27.31.040, 27.31.050, 27.33.030, 27.33.050, 27.37.025, 27.37.030, 27.39.030, 27.41.030, 27.41.040, 27.43.030, 27.43.040, 27.45.025, 27.45.030, 27.67.040, and Figure 27.67.040 of the Lincoln Municipal Code.

Special Permit 1629G - App. of Marlene Stroup to allow an indoor kennel on property located at S. 27th Street and Pine Lake Road (2801 Pine Lake Road).

Special Permit 07021 - App. of Mike Adams for expansion of a nonstandard dwelling on property located at S. 26th Street and High Street (2620 High Street).

Special Permit 07022 - App. of Fernando Ostiguiin for expansion of a nonstandard dwelling on property located at S. 4th Street and C Street (404 C Street).

Special Permit 07023 - App. of Mike Knapp for a scrap processing, salvage yard, on property located east of N. 57th Street and Cornhusker Highway.

Reconsideration of Use Permit 106R - App. of One Vista, LLC to consider a request to adjust the front yard on property in Talent Plus Addition located at S. 67th Street and Pioneers Boulevard.

SETTING THE HEARING DATE OF MONDAY, JULY 30, 2007 AT 5:30 P.M. FOR MANAGER APPLICATION OF THOMAS E. MADSEN FOR MADSEN BOWLING & BILLIARD DBA MADSEN’S BOWLING & BILLIARD CENTER LOCATED AT 1316 N. 47TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84454

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., July 30, 2007 at 5:30 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 Thomas E. Madsen for Madsen Bowling & Billiard dba Madsen’s Bowling & Billiard Center located at 1316 N. 47th Street.

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

Introduced by Jonathan Cook
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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MAY, 2007 FROM Aguila - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE MONTH OF JANUARY 2007 THROUGH MARCH 2007: TIME WARNER CABLE; MAY 2007: LEVEL 3 COMMUNICATIONS, LLC.; AT&T COMM. OF MIDWEST, COMTEL TELCOM ASSETS LP - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF APRIL 2007: TWC INFO, NEW CINGULAR WIRELESS, AT&T COMM. OF MIDWEST, USCOC OF GREATER IOWA, CRICKET COMM., SPRINT, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM, QWEST, VIRGIN MOBILE USA, MCLEODUSA, TANS NAT’L, BROADWING ACN COMM., VERIZON SELECT, FLYING J, AFFINITY NETWORK, LIGHTYEAR, ATS, GUARANTEED PHONE, WORKING ASSETS, WHO’S CALLING, UCN, GLOBAL CROSSING, ONSTAR, GLOBAL CROSSING BANDWIDTH, USCOC OF NE/KS, PRIMUS, MOVIDA, INTELLIGENT OPERATOR, TELECORP, VERIZON BELL ATLANTIC, GLOBALSTAR USA, LDMI, LIBERTY WIRELESS, BUSINESS PROG. SOLUTIONS, CIMCO, IBM GLOBAL, KDDI AMERICA, QUANTUM SHIPT, XO COMM., VOICECOM, CINCINNATI BELL ANY DISTANCE, TELECOMM. SYSTEMS OF MARYLAND, EARTHLINK, TRACFONE, ATI, ADNIAO; MAY 2007: D&D COMM., ALLTEL, ALLTEL COMM. OF NEBRASKA, TWC INFO, MCI WORLDCOMM, SPRINT COMM., NEXTEL PARTNERS, TWC DIGITAL PHONE, SPRINT SPECTRUM, WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM OR NEBRASKA, GLOBALCOM, GTC TELECOM., LIGHTYEAR, ZONE TELECOM, ENHANCED, TRI-M, ACCERIS, SBC LONG DISTANCE, NOS COMM., FIRST COMM., AFFINITY NETWORK, NEXTEL WEST, ATS MOBILE, 3600NETWORKS (USA), NOSVA LIMITED PARTNERSHIP, BT AMERICAS, COVISTA - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

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

APPROVING A LEASE AGREEMENT BETWEEN LINCOLN MEDICAL EDUCATION PARTNERSHIP AND THE CITY OF LINCOLN FOR A THREE-YEAR LEASE OF SPACE FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WIC PROGRAM AT 4500 VALLEY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Lincoln Medical Education Partnership for a lease of 200 sq. ft. of space at 4600 Valley Road, Lincoln, Lancaster County, Nebraska, on behalf of the Lincoln-Lancaster County Health Department for its WIC Program for a term of three years, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 23, 2007.
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Rachelman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July 23, 2007.
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Rachelman, Marvin, Spatz, Svoboda; NAYS: None.
REGULAR MEETING
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ADJOURNMENT 4:08 P.M.

CAMP Moved to adjourn the City Council meeting of July 16, 2007. Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None. So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant