

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 17, 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**

EMERY Having been appointed to read the minutes of the City Council proceedings of September 10, 2007 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler presented the Mayor's Award of Excellence for the month of August to Capt. Richard Klein of the Fire and Rescue Department in the category of Productivity. He has been the Logistics Manager for the City's FEMA Urban Rescue Task Force.

Asst. Chief Huff, Lincoln Fire Department, came forward to express his appreciation of all that Capt. Klein does for the department.

Capt. Klein expressed his thanks to the Mayor and the Task Force for all they do. He thanked the City for their support of the Task Force.

This matter was taken under advisement.

**PUBLIC HEARING**

APPLICATION OF MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 301 N. 8TH STREET;  
MANAGER APPLICATION OF NICK FRALEY FOR MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT AT 301 N. 8TH STREET - Nick Fraley, 705 S. 33<sup>rd</sup> Street, took oath and came forward to answer questions.

Councilman Camp asked what Magnolia's is going to be like.

Mr. Fraley stated it would be contemporary American food with a full vegetarian menu.

This matter was taken under advisement.

APPLICATION OF CRABBY BILL'S SEAFOOD SHACK, INC. DBA CRABBY BILL'S SEAFOOD SHACK FOR A CLASS C LIQUOR LICENSE AT 803 Q STREET;  
MANAGER APPLICATION OF MARK JOHNSON FOR CRABBY BILL'S SEAFOOD SHACK, INC. DBA CRABBY BILL'S SEAFOOD SHACK AT 803 Q STREET - Michael Frank, 927 Eldorado Dr., Omaha, NE, owner of Crabby Bill's, took oath and came forward to answer questions.

Mark Johnson, 3134 S. 29<sup>th</sup> Street, Lincoln, took oath and came forward to answer questions.

Councilman Camp asked them to tout their new establishment.

Mr. Frank said it would be a casual seafood place called the taste of old Florida in the Haymarket.

This matter was taken under advisement.

CHANGE OF ZONE 07043 - AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING BY AMENDING SECTION 27.67.020, THE PARKING MATRIX, TO ADD A NOTE PROVIDING THAT IF THE NUMBER OF SPACES REQUIRED BY THE BUILDING RATIO IS GREATER THAN REQUIRED BY THE EMPLOYEE RATIO, AN ADDITIONAL PARKING AREA SHALL BE RESERVED TO ACCOMMODATE THE ADDITIONAL SPACING; AMENDING SECTION 27.67.030 TO DELETE THE RESTRICTION IN SECTION 27.67.030 THAT PARKING LOTS, PARKING AREAS, AND DRIVING AISLES MAY NOT BE LOCATED IN THE FRONT SIX FEET OF THE FRONT YARD AND DELETING THE REQUIREMENT THAT SAID FRONT SIX FEET BE LANDSCAPED. (RELATED ITEMS: 07-141, 07R-169);

MISC. NO. 06007 - AMENDING CHAPTER 2.35, DESIGN STANDARDS FOR STREET TREES, REGARDING THE LOCATION OF STREET TREES, REPEALING SECTION 2 (APPROVED TREES FOR STREETS), AND REPEALING SECTION 3 (TREES THAT WILL NOT BE PERMITTED AS STREET TREES); AND BY AMENDING CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, BY AMENDING SECTION 3, GENERAL REQUIREMENTS, TO REQUIRE THE PLAN TO SHOW THE TOTAL SQUARE FEET OF THE PARKING LOT OR ADDITION, INCLUDING DRIVING AISLES, THE SQUARE FEET OF THE BUILDING ADDITION, THE ZONING OF THE LOT, AND THAT THE EXISTING PARKING AREAS OR BUILDINGS BE SHOWN AND LABELED AS EXISTING; BY AMENDING SECTION 4, PLANT MATERIAL FOR SCREENING AND LANDSCAPING, TO REQUIRE A ONE-HALF BUT NOT MORE THAN THREE-FOURTHS OF THE SCREEN BE CONIFEROUS OR A VARIETY OF PLANT MATERIAL THAT WILL RETAIN ITS LEAVES THROUGH THE WINTER MONTHS; BY AMENDING SECTION 7, HOW MUCH IS TO BE SCREENED AND

WHERE THE SCREENS ARE TO BE LOCATED ON THE PROPERTY, BY AMENDING SECTION 7.1, PARKING LOTS, PARKING AREAS, AND DRIVING AISLES, TO CLARIFY THE AMOUNT OF THE SCREEN WHEN THE PARKING LOT, PARKING AREAS AND DRIVING AISLES ARE SET BACK FROM THE EDGE OF THE PAVEMENT ON PRIVATE STREETS OR WHEN THE PARKING LOT, PARKING AREAS AND DRIVING AISLES ARE LESS THAN FIVE FEET FROM AN ALLEY RIGHT-OF-WAY, BY ADDING SPECIFIC SCREENING REQUIREMENTS FOR PARKING LOTS, PARKING AREAS, OR DRIVING AISLES IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 7.4 TO MODIFY THE MEASUREMENT OF THE SCREEN FOR RESIDENTIAL LOTS BACKING ONTO MAJOR STREETS AND RAILROADS; BY AMENDING SECTION 7.5 TO ADD ADDITIONAL REQUIREMENTS FOR SCREENING OF DIFFERENT USES IN THE B-1, B-2, B-3, H-2, H-3, H-4, O-2, I-1, I-2, AND I-3 DISTRICTS ABUTTING RESIDENTIAL DISTRICTS; BY AMENDING SECTION 7.6 TO ADD ADDITIONAL REQUIREMENTS FOR SCREENING REQUIRED YARDS, OPEN SPACE AREAS, MALLS AND AROUND PROPOSED BUILDINGS IN THE O-3, B-2, B-5, I-2, AND I-3 DISTRICTS AND CHURCHES IN THE R-1 THROUGH R-4 DISTRICTS; AND BY AMENDING SECTION 8, PROCEDURES, TO REQUIRE PLANS AND DOCUMENTS REQUIRED TO BE FILED WITH THE BUILDING OFFICIAL TO SHOW SCREENING AND LANDSCAPING; AND REPEALING CHAPTER 3.95, DESIGN STANDARDS FOR STREET TREES, IN ITS ENTIRETY. (RELATED ITEMS: 07-141, 07R-169) (ACTION DATE: 9/24/07) - Marvin Krout, Planning Dept., stated these amendments were needed to clarify the various code sections and to make them more flexible. Discussion followed.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND SAFE-HARBOUR EAT - XVII, LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST O STREET. (RELATED ITEMS: 07R-183, 07-149) (ACTION DATE: 9/24/07);

CHANGE OF ZONE 07048 - APPLICATION OF SAFE-HARBOUR EAT - XVII, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON 9.25 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST O STREET. (RELATED ITEMS: 07R-183, 07-149)- Mark Hunzeker, 600 Wells Fargo Center, 1248 O St., came forward representing Safe-Harbour Eat-XVII to ask for approval. Discussion followed.

SVOBODA Moved to waive the rules to have 2<sup>nd</sup> & 3<sup>rd</sup> Reading and action on this date.

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

This matter was taken under advisement.

CHANGE OF ZONE 07049 HP - APPLICATION OF MATTHEW AND LISA INNIS TO DESIGNATE THE PROPERTY AT 1204 PEACH STREET AS A HISTORIC LANDMARK - Ed Zimmer, Planning Dept., came forward to show slides of the historic landmark on Peach Street and to request the change of zone be approved.

Lisa & Matthew Innis, 1204 Peach Street came forward to answer questions. Discussion followed.

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 AUGUST 16 - 31, 2007 - Fred Matulka, 5700 Cuthills Court, came forward to request payment for described damages to his backyard landscaping. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward to answer questions of developer and city responsibility in this case. Discussion followed.

Dana Roper, City Attorney, came forward to answer legal questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN ALLOWING LINCOLN PUBLIC SCHOOLS TO LOCATE AND OPERATE A SPECIALTY FOCUS HIGH SCHOOL AND ASSOCIATED APPURTENANCES ON THE FOLSOM ZOO GROUNDS FOR A THREE-YEAR PERIOD ENDING JUNE 30, 2010 - Lynn Johnson, Director of Parks and Recreation Dept., stated this was an extension of a continuous agreement from 1997.

This matter was taken under advisement.

APPROVING AN EXTENSION AND MODIFICATION OF THE CURRENT SCHOOL RESOURCE OFFICER CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN PUBLIC SCHOOLS FOR THE CALENDAR YEAR 2008 - Chief Tom Casady, Lincoln Police Dept., stated this position will be funded with City and school funds. He stated for the school year 2003-2004 the Police funded the entire amount because the school was unable to. Discussion followed.

This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME FOR AN ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 11 FEET BY 21 FEET TO THE SOUTH OF ITS PRESENTLY LICENSED PREMISES AT 815 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84521 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 Box Awesome LLC dba Box Awesome to expand its licensed premises by the addition of an outside area measuring approximately 11 feet by 21 feet to the south of the presently licensed premises located at 815 O Street, Suite 2, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84522 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 Magnolia Restaurant Inc. dba Magnolia Restaurant for a Class "I" liquor license at 301 N. 8th Street, Lincoln, Nebraska, for the license period ending April 30, 2008, 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 NICK FRALEY FOR MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84523 WHEREAS, Magnolia Restaurant, Inc. dba Magnolia Restaurant located at 301 N. 8th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Nick Farley be named manager;

WHEREAS, Nick Farley 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 Nick Farley 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.

APPLICATION OF CRABBY BILL'S SEAFOOD SHACK, INC. DBA CRABBY BILL'S SEAFOOD SHACK FOR A CLASS C LIQUOR LICENSE AT 803 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84524 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 Crabby Bill's Seafood Shack, Inc. dba Crabby Bill's Seafood Shack for a Class "C" liquor license at 803 Q 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 MARK JOHNSON FOR CRABBY BILL'S SEAFOOD SHACK, INC. DBA CRABBY BILL'S SEAFOOD SHACK AT 803 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84525 WHEREAS, Crabby Bill's Seafood Shack, Inc. dba Crabby Bill's Seafood Shack located at 803 Q Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Mark Johnson be named manager;

WHEREAS, Mark Johnson 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 Mark Johnson 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 - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 07043 - AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING BY AMENDING SECTION 27.67.020, THE PARKING MATRIX, TO ADD A NOTE PROVIDING THAT IF THE NUMBER OF SPACES REQUIRED BY THE BUILDING RATIO IS GREATER THAN REQUIRED BY THE EMPLOYEE RATIO, AN ADDITIONAL PARKING AREA SHALL BE RESERVED TO ACCOMMODATE THE ADDITIONAL SPACING; AMENDING SECTION 27.67.030 TO DELETE THE RESTRICTION IN SECTION 27.67.030 THAT PARKING LOTS, PARKING AREAS, AND DRIVING AISLES MAY NOT BE LOCATED IN THE FRONT SIX FEET OF THE FRONT YARD AND DELETING THE REQUIREMENT THAT SAID FRONT SIX FEET BE LANDSCAPED. (RELATED ITEMS: 07-141, 07R-169) - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.67 of the Lincoln Municipal code relating to parking by amending Section 27.67.020 of the Parking Matrix, to add a note providing that if the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the additional spacing; amending Section 27.67.030 to delete the restriction in Section 27.67.030 that parking lots, parking areas, and driving aisles may not be located in the front six feet of the front yard and deleting the requirement that said front six feet be landscaped; and repealing Sections 27.67.020 and 27.67.030 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. NO. 06007 - AMENDING CHAPTER 2.35, DESIGN STANDARDS FOR STREET TREES, REGARDING THE LOCATION OF STREET TREES, REPEALING SECTION 2 (APPROVED TREES FOR STREETS), AND REPEALING SECTION 3 (TREES THAT WILL NOT BE PERMITTED AS STREET TREES); AND BY AMENDING CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, BY AMENDING SECTION 3, GENERAL REQUIREMENTS, TO REQUIRE THE PLAN TO SHOW THE TOTAL SQUARE FEET OF THE PARKING LOT OR ADDITION, INCLUDING DRIVING AISLES, THE SQUARE FEET OF THE BUILDING ADDITION, THE ZONING OF THE LOT, AND THAT THE EXISTING PARKING AREAS OR BUILDINGS BE SHOWN AND LABELED AS EXISTING; BY AMENDING SECTION 4, PLANT MATERIAL FOR SCREENING AND LANDSCAPING, TO REQUIRE A ONE-HALF BUT NOT MORE THAN THREE-FOURTHS OF THE SCREEN BE CONIFEROUS OR A VARIETY OF PLANT MATERIAL THAT WILL RETAIN ITS LEAVES THROUGH THE WINTER MONTHS; BY AMENDING SECTION 7, HOW MUCH IS TO BE SCREENED AND WHERE THE SCREENS ARE TO BE LOCATED ON THE PROPERTY, BY AMENDING SECTION 7.1, PARKING LOTS, PARKING AREAS, AND DRIVING AISLES, TO CLARIFY THE AMOUNT OF THE SCREEN WHEN THE PARKING LOT, PARKING AREAS AND DRIVING AISLES ARE SET BACK FROM THE EDGE OF THE PAVEMENT ON PRIVATE STREETS OR WHEN THE PARKING LOT, PARKING AREAS AND DRIVING AISLES ARE LESS THAN FIVE FEET FROM AN ALLEY RIGHT-OF-WAY, BY ADDING SPECIFIC SCREENING REQUIREMENTS FOR PARKING LOTS, PARKING AREAS, OR DRIVING AISLES IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 7.4 TO MODIFY THE MEASUREMENT OF THE SCREEN FOR RESIDENTIAL LOTS BACKING ONTO MAJOR STREETS AND RAILROADS; BY AMENDING SECTION 7.5 TO ADD ADDITIONAL REQUIREMENTS FOR SCREENING OF DIFFERENT USES IN THE B-1, B-2, B-3, H-2, H-3, H-4, O-2, I-1, I-2, AND I-3 DISTRICTS ABUTTING RESIDENTIAL

DISTRICTS; BY AMENDING SECTION 7.6 TO ADD ADDITIONAL REQUIREMENTS FOR SCREENING REQUIRED YARDS, OPEN SPACE AREAS, MALLS AND AROUND PROPOSED BUILDINGS IN THE O-3, B-2, B-5, I-2, AND I-3 DISTRICTS AND CHURCHES IN THE R-1 THROUGH R-4 DISTRICTS; AND BY AMENDING SECTION 8, PROCEDURES, TO REQUIRE PLANS AND DOCUMENTS REQUIRED TO BE FILED WITH THE BUILDING OFFICIAL TO SHOW SCREENING AND LANDSCAPING; AND REPEALING CHAPTER 3.95, DESIGN STANDARDS FOR STREET TREES, IN ITS ENTIRETY. (RELATED ITEMS: 07-141, 07R-169) (ACTION DATE: 9/24/07)

APPROVING AN AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church/Waverly of the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 14410 Folkestone Street, Waverly, NE for a term beginning September 1, 2007 through August 31, 2008, the second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND SAFE-HARBOUR EAT - XVII, LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST O STREET. (RELATED ITEMS: 07R-183, 07-149) (ACTION DATE: 9/24/07); PRIOR to reading:

SVOBODA Moved to waive the rules to have 2<sup>nd</sup> & 3<sup>rd</sup> Reading and action on this date.

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

CHANGE OF ZONE 07048 - APPLICATION OF SAFE-HARBOUR EAT - XVII, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON 9.25 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST O STREET. (RELATED ITEMS: 07R-183, 07-149) - PRIOR to reading:

SVOBODA Moved to waive the rules to have 2<sup>nd</sup> & 3<sup>rd</sup> Reading and action on this date.

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

CLERK Read an ordinance, introduced by Doug Emery, 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 07049 HP - APPLICATION OF MATTHEW AND LISA INNIS TO DESIGNATE THE PROPERTY AT 1204 PEACH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Doug Emery, 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 historic landmark, the second time.

**SPECIAL PUBLIC HEARING - SETTING THE 2007/2008 PROPERTY TAX RATE**

APPROVING THE 2007-2008 CITY TAX RATE OF 0.28788 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84526 A RESOLUTION establishing a final property tax levy for the City's 2007-2008 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 11, 2007, which date was at least five days prior to September 17, 2007 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 20, 2007 the tax rate was anticipated to be .28788 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2007-2008 fiscal year for a property tax request of \$45,064,524.00: \$.28788 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03597
General	.17780
Library	.04040
Social Security	.01344
Police and Fire Pension	<u>.02027</u>
Total	.28788

Introduced by Doug Emery

Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: 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 AUGUST 16 - 31, 2007 - PRIOR to reading:

CAMP Moved to remove the Matulka claim to have public hearing and action on 9/24/07.

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

CLERK Read the following resolution, introduced by Doug Emery, who moved its adoption as amended:

A-84527 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 September 4, 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>
Fred Matulka & Deb Matulka	\$6,889.44	
James J. Havlena		\$512.61
Joyce Barnhouse		967.19
John D. Gerber		351.85

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 Doug Emery

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN ALLOWING LINCOLN PUBLIC SCHOOLS TO LOCATE AND OPERATE A SPECIALTY FOCUS HIGH SCHOOL AND ASSOCIATED APPURTENANCES ON THE FOLSOM ZOO GROUNDS FOR A THREE-YEAR PERIOD ENDING JUNE 30, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84528 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, Nebraska and School District No.1, Lincoln Public Schools (LPS) and the Folsom Zoo, for the purpose of allowing LPS to continue to operate its Science Focus Program, a specialty focus high school, located on the grounds of the Folsom Children's Zoo and Botanical Gardens, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Lincoln Public Schools, 5901 O Street, Lincoln, NE 68510 and one copy to Folsom Zoo, Attention John Chapo.

Introduced by Doug Emery

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

APPROVING AN EXTENSION AND MODIFICATION OF THE CURRENT SCHOOL RESOURCE OFFICER CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN PUBLIC SCHOOLS FOR THE CALENDAR YEAR 2008 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84529 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Cooperation Act Agreement between the City of Lincoln, Nebraska and School District No.1, Lincoln Public Schools, for the calendar year 2008 to provide Lincoln Police Officers as school resource officers and to provide joint funding for the same, upon the terms and conditions as set out in said Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Lincoln Public Schools, 5901 O Street, Lincoln, NE 68510 and one copy to Lincoln Police Department, Attention Chief Casady.

Introduced by Doug Emery

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR ADDITIONAL FEDERAL FUNDS FOR RECONSTRUCTION OF THE HARRIS OVERPASS ALONG O STREET BETWEEN 3RD AND 9TH STREETS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84530 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. BR-5266(1), State CN-12572, City Project No. 701781, for additional federal funds for the reconstruction of the Harris Overpass along O Street between 3rd and 9th Streets, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Doug Emery

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Special Permit 07037 - App. of Saleoff Enterprises, Inc. for the authority to sell alcoholic beverages for consumption off the premises on property located at NW 19<sup>th</sup> Street and West O Street.

Special Permit 07038 - App. of Mark Hunzeker for the authority to sell alcoholic beverages for consumption on the premises located at N. 59<sup>th</sup> and Adams Streets.

Special Permit 07041 - App. of Pendel, Inc. Fox Trail Estates Community Unit Plan, for approx. 5 single family acreage lots, with requests to waive sidewalks, street trees, street lighting, landscape screening, block length, preliminary plat, and storm water detention on property located at SW 56<sup>th</sup> Street and Old Cheney Road.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 1, 2007 AT 1:30 P.M. FOR THE APPLICATION OF NEBRASKA STATE FAIR BOARD DBA NEBRASKA STATE FAIR PARK FOR A CLASS CK LIQUOR LICENSE AT 1800 STATE FAIR PARK DRIVE - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84531 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 1, 2007 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Nebraska State Fair Board dba Nebraska State Fair Board Park for a Class CK liquor license at 1800 State Fair Park Drive.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 1, 2007 AT 1:30 P.M. FOR THE APPLICATION OF EHPV OPERATING GROUP, LLC DBA BIG RED KENO SPORTS BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 955 WEST O STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84532 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 1, 2007 at 1:30 p.m. or as

soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of EHPV Operating Group, LLC dba Big Red Keno Sports Bar & Grill for a Class C liquor license at 955 West O Street.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 1, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF ALEX C. COYLE FOR 1339 O STREET, INC. DBA BROTHERS EST 1967 LOCATED AT 1339 O STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84533 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 1, 2007 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Manager Application of Alex C. Coyle for 1339 O Street, Inc. dba Brothers Est 1967 located at 1339 O Street.

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

Introduced by Robin Eschliman

Seconded by Camp & 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 JULY, 2007 FROM AQUILA - 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 JULY 2007: AT&T COMM. OF MIDWEST, LEVEL 3 COMM., LEVEL 3 COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE QUARTER APRIL - JUNE, 2007: STARTEC GLOBAL, TELENATIONAL, MEGAPATH, SOUTHWEST, RELIANCE COMM. INTN'L, FAST PHONES OF NE, BUSINESS TELCOM, ACCESSLINE, PNG, WHO'S CALLING, OPEX, COMTEL, CAUSE BASSO COMMERCE; JUNE, 2007: KDDI AMERICA, QUANTUM SHIFT, IBM GLOBAL, NORSTAN, BUSINESS PROD. SOLUTIONS, CIMCO, TON SERVICES, TELEPLUS WIRELESS, XO COMM., VOICECOM, ANDIAMO, TELECOM SYSTEM CORP OF MARYLAND, EARTHLINK, CINCINNATI BELL, LDMI, TRACFONE, GLOBAL CROSSING BANDWIDTH, ADVANCED TEL, INTELICALL OPERATOR SERVICES, GUARANTEED PHONE SERVICE, BROADBAND DYNAMICS, IDT, VERIZON-BELL, ACN, TRANSNATIONAL, PRIMUS, QWEST, VIRGIN MOBILE USA, TELECORP, AIRCELL, VERIZON-VERIZON SELECT, GLOBALSTAR USA, BROADWING, WORKING ASSETS FUNDING SERVICE, MCLEOD USA, ONSTAR, GLOBAL CROSSING, USCOC OF NE/KS, MORIBO, UCN, NEBRASKA TECHNOLOGY & TELECOMM., NEW CINGULAR WIRELESS, USCOC OF GREATER IOWA, AT&T COMM. OF MIDWEST, CRICKET; JULY, 2007: SPRINT, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM., MCI WORLDCOM NETWORK, SPRINT SPECTRUM, NEXTEL, ALLTEL, ALLTEL COMM. OF NEBRASKA, D&D, TWC DIGITAL PHONE, NORSTAN NETWORK, NEXTEL WEST, 360NETWORKS USA, ZONE TELECOM, ENHANCED COMM. NETWORK, GTC, LIGHTYEAR NETWORK SOLUTIONS, GLOBALCOM, TRI-M, FIRST COMM., AFFINITY NETWORK, ACCERIS, SBC LONG DISTANCE, NOS, NOSVA, BT AMERICAS, COVISTA, ATS MOBILE TELEPHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

APPOINTING PATTE NEWMAN, ANDREA SNOWDEN, RICK POORE, AND KATHLEEN NEARY TO THE CHARTER REVISION COMMISSION FOR TERMS EXPIRING JULY 15, 2011, JULY 15, 2011, JULY 15, 2010, AND JULY 15, 2010, RESPECTIVELY - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84534 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of the following persons to the Charter Revision Commission for four-year terms as set out below, is hereby approved.

<u>Name</u>	<u>Term Expires</u>
Patte Newman	July 15, 2011
Andrea Snowden	July 15, 2011
Rick Poore	July 15, 2010
Kathleen Neary	July 15, 2010

Introduced by Doug Emery

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



REAPPOINTING CINDY M. WOSTREL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84535 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Cindy M. Wostrel to the Community Forestry Advisory Board for a three-year term expiring August 17, 2010 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING DAN PUDENZ AND DON SCHROEDER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 15, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84536 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Pudenz and Don Schroeder to the Electrical Advisory, Appeals and Examining Board for three-year terms expiring August 15, 2010 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING ROBIN ESCHLIMAN, DAN MARVIN, AND KEN SVOBODA TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR ONE-YEAR TERMS EXPIRING AUGUST 31, 2008 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84537 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Robin Eschliman, Dan Marvin, and Ken Svoboda to the Railroad Transportation Safety District for one-year terms expiring August 31, 2008 is hereby approved.

Introduced by Doug Emery

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

APPOINTING DOUG EMERY AND ROBIN ESCHLIMAN TO THE JOINT BUDGET COMMITTEE FOR TWO-YEAR TERMS EXPIRING AUGUST 31, 2009 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84538 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Doug Emery and Robin Eschliman to the Joint Budget Committee for two-year terms expiring August 31, 2009 is hereby approved.

Introduced by Doug Emery

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

APPOINTING DAN MARVIN TO THE MULTICULTURAL ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 18, 2008 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84539 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dan Marvin to the Multicultural Advisory Committee to fill an unexpired term expiring September 18, 2008 is hereby approved.

Introduced by Doug Emery

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE TO REPEAL CHAPTER 4.10 "COMMUNITY DEVELOPMENT TASK FORCE" - CLERK read an ordinance, introduced by Robin Eschliman, amending Title 4 of the Lincoln Municipal Code relating to Board and Commission by repealing Chapter 4.10 entitled "Community Development Task Force" in its entirety by repealing Sections 4.10.010, 4.10.020, 4.10.030, and 4.10.040, the first time.

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 OCTOBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Asian Community and 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 October 1, 2007 through August 31, 2008, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

VACATION 05008 - VACATING PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND EASTSHORE - CLERK read an ordinance, introduced by Jon Camp, vacating Pine Lake Road between Westshore Drive and Eastshore Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CAMP 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 **#18990**, is recorded in Ordinance Book #26, Page

ANNEXATION 07002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40.48 ACRES OF PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. (RELATED ITEMS: 07-137, 07-138) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

COOK 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 **#18991**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07044 - APPLICATION OF CAMERON HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. (RELATED ITEMS: 07-137, 07-138) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

COOK 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 **#18992**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07045 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 5.87 ACRES GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD - PRIOR to reading:

CAMP Moved to amend Bill No. 07-139 by inserting Section 2A - No median cuts will be allowed on 84<sup>th</sup> Street to the East of this property nor on Old Cheney south of this property nor shall any connections be made on interior streets to the residential neighborhood.

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

SPATZ Moved to place Bill No. 07-139 on Pending for one week to 9/24/07.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Eschliman, Spatz, Svoboda; NAYS: Cook, Emery, Marvin.

CLERK Read an ordinance, introduced by Jonathan Cook, 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 as follows: Lots 90, 91 and 113 of Irregular Tracts, located in the Southeast Quarter of Section 10 North, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., the third time.

CHANGE OF ZONE 07041 - APPLICATION OF YASUFUKU U.S.A., INC. FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. COMMERCE WAY - CLERK read an ordinance, introduced by Jonathan Cook, 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 as follows: Lot 7, Block 1, Union Pacific Addition, the third time.

COOK 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 **#18993**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07046 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE  
RELATING TO ZONING BY ADDING A NEW SECTION 27.03.525 TO DEFINE  
RESTAURANT; AMENDING SECTIONS 27.27.025, 27.29.030, 27.33.030,  
27.41.030, 27.43.030, 27.49.030, 27.51.040 AND ADDING NEW SECTIONS  
NUMBERED 27.39.025, 27.45.025, AND 27.47.025 TO ALLOW AND ESTABLISH  
CONDITIONS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE  
PREMISES OF A RESTAURANT AS A PERMITTED CONDITIONAL USE IN THE O-3, B-1,  
B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 DISTRICTS, RESPECTIVELY; BY  
AMENDING SECTIONS 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040,  
27.45.030, 27.47.030, 27.49.040, 27.51.050, AND 27.63.680 TO ALLOW THE  
SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON ANY PREMISES NOT MEETING  
THE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON  
THE PREMISES OF A RESTAURANT AS A CONDITIONAL PERMITTED USE IN THE B-1,  
B-3, H-1, H-2, H-4, I-1, I-2 AND I-3 DISTRICTS AS SPECIAL PERMITTED USE;  
BY AMENDING SECTION 27.27.030 TO DELETE THE SALE OF ALCOHOL FOR  
CONSUMPTION ON THE PREMISES IN RESTAURANTS AS A SPECIAL PERMITTED USE IN  
THE O-3 DISTRICT; BY AMENDING SECTION 27.67.040 TO ADD SPECIAL PARKING  
REQUIREMENTS FOR BARS, COFFEE SHOPS AND SIMILAR USES FORMERLY CLASSIFIED  
AS A RESTAURANT; AND BY AMENDING FIGURE 27.67.040 TO ADD BARS, COFFEE  
SHOPS, AND SIMILAR USES TO THE LIST OF USES WHICH HAVE SPECIAL PARKING  
REQUIREMENTS - PRIOR to reading:

COOK Moved to delay action for one week to 9/24/07.  
Seconded by Camp & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 27  
of the Lincoln Municipal Code relating to zoning by adding a new Section  
27.03.525 to define restaurant; amending Sections 27.27.025, 27.29.030,  
27.33.030, 27.41.030, 27.43.030, 27.49.030, 27.51.040 and adding new  
Sections numbered 27.39.025, 27.45.025, and 27.47.025 to allow and  
establish conditions for the sale of alcoholic beverages for consumption  
on the premises of a restaurant as a permitted conditional use in the O-  
3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 Districts,  
respectively; by amending Sections 27.29.040, 27.33.040, 27.39.030,  
27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.050, and  
27.63.680 to allow the sale of alcoholic beverages for consumption on  
any premises not meeting the requirements for the sale of alcoholic  
beverages for consumption on the premises of a restaurant as a  
conditional permitted use in the B-1, B-3, H-1, H-2, H-4, I-1, I-2 and  
I-3 districts as special permitted use; by amending Section 27.27.030 to  
delete the sale of alcohol for consumption on the premises in  
restaurants as a special permitted use in the O-3 district; by amending  
Section 27.67.040 to add special parking requirements for bars, coffee  
shops and similar uses formerly classified as a restaurant; and by  
amending Figure 27.67.040 to add bars, coffee shops, and similar uses to  
the list of uses which have special parking requirements, the third  
time.

AMENDING SECTION 4.54.010 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE TERM  
LIMITS FOR COMMUNITY FORESTRY ADVISORY BOARD MEMBERS AND DELETING  
PROVISIONS REGARDING EX-OFFICIO MEMBERS - CLERK read an ordinance,  
introduced by Jonathan Cook, amending Section 4.54.010 of the Lincoln  
Municipal Code relating to the Community Forestry Advisory Board to  
delete the provision that no voting member of the Board may be appointed  
for more than two consecutive terms, and to delete provisions regarding  
ex-officio members; and repealing Section 4.54.010 of the Lincoln  
Municipal code as hitherto existing, the third time.

COOK 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 **#18994**, is recorded in Ordinance Book #26, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND AMERICAN LEGION POST #280 FOR THE  
LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE  
CENTER PROGRAM AT 970 MONROE, BENNET, NE FOR A PERIOD OF SEPTEMBER 1,  
2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by  
Jonathan Cook, accepting and approving a Lease Agreement between the  
City of Lincoln and American Legion Post #280 for the lease of office  
space by the Lincoln Area Agency on Aging for its ActivAge Center  
program at 970 Monroe, Bennet, NE 68317 for a term beginning September  
1, 2007 through August 31, 2008, the third time.

COOK 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 **#18995**, is recorded in Ordinance Book #26, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2007 through August 31, 2008, the third time.

COOK 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 #18996, is recorded in Ordinance Book #26, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. THIRD STREET, HICKMAN, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Hickman Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 300 E. Third Street, Hickman, NE 68372 for a term beginning September 1, 2007 through August 31, 2008, the third time.

COOK 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 #18997, 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 September 24, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on September 24, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 3:35 P.M.**

CAMP Moved to adjourn the City Council meeting of September 17, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant



