

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 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.

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

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

PUBLIC HEARING

APPLICATION OF LOS DOS HERMANOS MEXICAN CAFÉ INC. DBA LOS DOS HERMANOS FOR A CLASS I LIQUOR LICENSE AT 6117 HAVELOCK AVE.;
MANAGER APPLICATION OF MARIA G. RICO FOR LOS DOS HERMANOS MEXICAN CAFÉ' INC. DBA LOS DOS HERMANOS AT 6117 HAVELOCK AVE. - Maria Rico, 15346 (unclear), took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN TWO FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT. (REQUEST TO HAVE 2ND & 3RD READINGS W/ACTION 12/17/07) - Nick McElvain, Lincoln Water System, came forward to state extra money is needed for this project to connect to some critical locations and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 19.03 OF THE LMC (THE FIRE CODE) TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE FIRE CODE TASK FORCE AND CODE STUDY COMMITTEE - Ron Peery, Building and Safety Dept., came forward to provide information and to answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 20.10 OF THE LMC (THE LINCOLN RESIDENTIAL BUILDING CODE) TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE BUILDING CODE TASK FORCE AND CODE STUDY COMMITTEE;

AMENDING CHAPTER 20.08 OF THE LMC (THE LINCOLN BUILDING CODE) TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE BUILDING CODE TASK FORCE AND CODE STUDY COMMITTEE - Chuck Zimmerman, Building and Safety Manager, came forward to provide information and answer questions. Discussion followed.

Dave Johnson, 720 O Street, came forward as President with Studio951 Architects who served on the International Residential Code Task Force and the Building Code Task Force came forward in favor of the amendments. Discussion followed.

Vance Behrens, 105 N. 8th Street, local structure engineering consultant, who also served on the International Residential Code and Building Code Task Force came forward in favor of the amendments.

This matter was taken under advisement.

AMENDING SECTION 14.24.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SIZE AND LOCATION OF BUILDING NUMBERS TO REFERENCE THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL FIRE CODE - Ron Peery, Building and Safety Dept., came forward to provide information and to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 21.01 OF THE LINCOLN MUNICIPAL CODE (LINCOLN HOUSING CODE) TO MAKE THE HOUSING CODE COMPATIBLE WITH THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL FIRE CODE - Ron Peery, Building and Safety Dept., came forward to provide information and to answer questions.

This matter was taken under advisement.

SPECIAL PERMIT 07049 - APPEAL OF DANELLE CATLETT TO THE PLANNING COMMISSION CONDITIONAL APPROVAL OF THE APPLICATION OF DAN LESOING DBA D.J.'S BARTENDING FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES GENERALLY LOCATED AT 710 HILL STREET. (12/10/07-PUBLIC HEARING & ACTION CON'T. 1 WEEK TO 12/17/07) - Dan Loesing, 6001 The Knolls, came forward to state he has addressed the parking concerns and stated he is in compliance with what the City has required and asks for approval. Discussion followed.

Danelle Catlett, 2010 Southern Light Dr., stated she was fine with the unlimited SDL's. She feels a liquor license would create a financial burden potentially on her business. Discussion followed.

Don Frank, 1411 Sioux Street, came forward to state he has no problem with the current owner, but has a concern with any future owners.

Ken Svoboda, Council Member, asked the City Attorney if he was comfortable with the definition of competitive sporting events?

Dana Roper, City Attorney, stated he could work with that and would follow what has been said if there is a tournament or people have to register to participate that tends to be more of a competitive event. We could clarify it to say competitive events as opposed to practices or not including practices. Discussion followed.

Dan Loesing came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPLICATION OF PEOPLES CITY MISSION FOR THE USE OF PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A PARKING LOT AT NORTH 1ST STREET, NORTH OF Q STREET - Tom Huston, 233 S. 13th Street, Suite 1900, came forward representing Peoples City Mission to state the vacation will be introduced in January. He provided further information and was available to answer questions.

This matter was taken under advisement.

APPROVING A TEMPORARY EARLY RETIREMENT INCENTIVE PROGRAM AND ESTABLISHING ELIGIBILITY REQUIREMENTS, ENROLLMENT PERIOD, REQUIRED RETIREMENT DATE AND INCENTIVE AMOUNTS FOR THE FY 2008 - 2009 BUDGET - Steve Hubka, Budget Officer, came forward to answer questions.

Don Taute, Personnel Director, came forward to provide information and to answer questions. Discussion followed.

Kyle Fisher, 1135 M Street, Chamber of Commerce representative, came forward in support.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2007 - Russ Shultz, Superintendent of Weed Control, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 3:55 P.M.

RECONVENED 4:05 P.M.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LOS DOS HERMANOS MEXICAN CAFÉ INC. DBA LOS DOS HERMANOS FOR A CLASS I LIQUOR LICENSE AT 6117 HAVELOCK AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-84654 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 Los Dos Hermanos Mexican Café Inc. dba Los Dos Hermanos for a Class "I" liquor license at 6117 Havelock Ave., Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the conditions that the applicant obtains a valid special permit, including the parking requirements, and that the premise complies in every respect with the conditions of its special permit and 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 MARIA G. RICO FOR LOS DOS HERMANOS MEXICAN CAFÉ' INC.
DBA LOS DOS HERMANOS AT 6117 HAVELOCK AVE. - CLERK read the following
resolution, introduced by Jon Camp, who moved its adoption for approval:
A-84655 WHEREAS, Los Dos Hermanos Mexican Café Inc. dba Los Dos Hermanos
at 6117 Havelock Ave., Lincoln, Nebraska has been approved for a Retail
Class "I" liquor license, and now requests that Maria G. Rico be named
manager;

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

Introduced by Jon Camp

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

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

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN
PROJECTS WITHIN TWO FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT
- PRIOR to reading:

SVOBODA Moved to waive the rules to have 2nd and 3rd readings w/action this
date.

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

CLERK Read an ordinance, introduced by Robin Eschliman, approving the
transfer of unspent and unencumbered appropriations and cash (if any)
between certain capital improvement projects within the Water
Construction Fund and Sanitary Sewer Construction Fund within the Public
Works & Utilities Department, the second and third time.

ESCHLIMAN 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 **#19025**, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 19.03 OF THE LMC (THE FIRE CODE) TO ADOPT THE 2006 EDITION OF
THE INTERNATIONAL FIRE CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS
RECOMMENDED BY THE FIRE CODE TASK FORCE AND CODE STUDY COMMITTEE - CLERK
read an ordinance, introduced by Robin Eschliman, amending Chapter 19.03
of the Lincoln Municipal Code, the Fire Code, to adopt the 2006 edition
of the International Fire Code except as provided by specific amendments
recommended by the Fire Code Task Force and code Study Committee, the
second time.

AMENDING CHAPTER 20.10 OF THE LMC (THE LINCOLN RESIDENTIAL BUILDING CODE) TO
ADOPT THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE EXCEPT AS
PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE BUILDING CODE TASK
FORCE AND CODE STUDY COMMITTEE - CLERK read an ordinance, introduced by
Robin Eschliman, amending Chapter 20.10 of the LMC (the Lincoln
Residential Building Code) to adopt the 2006 edition of the
International Residential Code except as provided by specific amendments
recommended by the Building Code Task Force and Code Study Committee,
the second time.

AMENDING CHAPTER 20.08 OF THE LMC (THE LINCOLN BUILDING CODE) TO ADOPT THE
2006 EDITION OF THE INTERNATIONAL BUILDING CODE EXCEPT AS PROVIDED BY
SPECIFIC AMENDMENTS RECOMMENDED BY THE BUILDING CODE TASK FORCE AND CODE
STUDY COMMITTEE - CLERK read an ordinance, introduced by Robin
Eschliman, amending Chapter 20.08 of the LMC (the Lincoln Building Code)
to adopt the 2006 edition of the International Building Code except as
provided by specific amendments recommended by the Building Code Task
Force and Code Study Committee, the second time.

AMENDING SECTION 14.24.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SIZE
AND LOCATION OF BUILDING NUMBERS TO REFERENCE THE INTERNATIONAL BUILDING
CODE AND THE INTERNATIONAL FIRE CODE - CLERK read an ordinance,
introduced by Robin Eschliman, amending Section 14.24.030 of the Lincoln
Municipal Code relating to the size and location of building numbers to
reference the International Building Code and the International Fire
Code; and repealing Section 14.24.030 of the Lincoln Municipal Code as
hitherto existing, the second time.

AMENDING CHAPTER 21.01 OF THE LINCOLN MUNICIPAL CODE (LINCOLN HOUSING CODE) TO MAKE THE HOUSING CODE COMPATIBLE WITH THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL FIRE CODE - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 21.01 of the Lincoln Municipal Code (LMC), the Lincoln Housing Code, by amending LMC Section 21.01.090 to revise Section 504.2 of the Uniform Housing Code (UHC) relating to light to allow artificial light when in compliance with the International Building Code as adopted by the City; amending LMC Section 21.01.100 to amend UHC Section 504.3 relating to ventilation to provide that mechanical ventilation shall comply with the International Building Code as adopted by the City; amending Section 21.01.160 to amend UHC Section 801 relating to exits to provide that emergency escape openings shall be maintained in accordance with the Building Code and Fire Code in effect at the time of construction; and repealing Sections 21.01.090, 21.01.100, and 21.01.160 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING RESOLUTIONS

SPECIAL PERMIT 07049 - APPEAL OF DANELLE CATLETT TO THE PLANNING COMMISSION CONDITIONAL APPROVAL OF THE APPLICATION OF DAN LESOING DBA D.J.'S BARTENDING FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES GENERALLY LOCATED AT 710 HILL STREET. (12/10/07-PUBLIC HEARING & ACTION CON'T. 1 WEEK TO 12/17/07) (AMENDED, 4-3; COOK, ESCHLIMAN, MARVIN DISSENTING; ADOPTED AS AMENDED, 4-3; COOK, ESCHLIMAN, MARVIN DISSENTING; A-84656)- PRIOR to reading:

SVOBODA Moved to amend Bill No. 07R-240 on page 2, line 8, after the word "plan" add the following language: but only in conjunction with the use of the premises as a social hall and then only in the event the adjoining area described on the site plan as the "gym" is not being used at the same time.

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

CAMP Moved a friendly amendment to capitalize the word social hall.

SVOBODA Moved to place a period after Social Hall and delete everything after.

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

CLERK Read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84656 WHEREAS, Dan Lesoing dba DJ's Bartending ("Tenant") and Down Home, Inc. ("Owner") have submitted an application designated as Special Permit No. 07049 for authority to sell alcoholic beverages for consumption on the premises generally located at 710 Hill Street, legally described as:

Lot 149 I.T., located in the Southwest Quarter of Section 35, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission conditionally approved said application after holding a public hearing thereon; and

WHEREAS, Danelle Catlett filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 07049; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed from is deemed advisory and the City Council is authorized to take final action on the matter; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Dan Lesoing dba DJ's Bartending and Down Home, Inc., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcohol for consumption on the premises as designated by the cross-hatched shading on the site plan; ~~but only in conjunction with the use of the premises as a Social Hall. and then only in the event the adjoining area described on the site plan as the "gym" is not being used at the same time.~~ Said area is described on the site plan as the "Courtside Banquet Hall.

2. The construction plans must comply with the approved plans.

3. Before engaging in the sale of alcohol for consumption on the premises:

- i. The Permittee shall submit five copies of the final site plan to the Planning Department for review and approval; and
- ii. All development and construction must conform to the approved plans.

4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

7. Special Permit 07003 is hereby rescinded.

Introduced by Robin Eschliman

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 16 - 30, 2007 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84657 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 December 3, 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/SETTLED</u>
Mary Doyle	\$250,000.00	Jami Pickering \$ 5,778.00
Wally Martin	1,145.90	Tom Langston 682.74
		Miles Vasina 1,200.00
		Matthew J. Hunter 847.08
		Robert L. Lute 2,067.48
		Michael Brainard 43,000.00

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 Robin Eschliman

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

APPLICATION OF PEOPLES CITY MISSION FOR THE USE OF PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A PARKING LOT AT NORTH 1ST STREET, NORTH OF Q STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84658 WHEREAS, Peoples City Mission has submitted an application for a permit to use the public right-of-way in North 1st Street, north of Q Street, for construction of a parking lot; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Peoples City Mission to use the public right-of-way in North 1st Street, north of Q Street, for the purpose of constructing a parking lot, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Robin Eschliman

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

APPROVING A TEMPORARY EARLY RETIREMENT INCENTIVE PROGRAM AND ESTABLISHING ELIGIBILITY REQUIREMENTS, ENROLLMENT PERIOD, REQUIRED RETIREMENT DATE AND INCENTIVE AMOUNTS FOR THE FY 2008 - 2009 BUDGET - PRIOR To reading:

COOK Moved to have a special meeting on Friday, December 21, 2007 at 10:30 a.m.

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

ASSESSING THE COSTS INCURRED FOR CUTTING, CLEARING AND REMOVING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2007 -PRIOR to reading:

COOK Moved to amend Bill No. 07R-246 on page 2 of the attached Weed Assessment Notice, delete "Reeve Subdivision, Block 1, Lot 4 (\$100)."

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

COOK Moved to change the amount owned by owner of property at Youngs East Lincoln, Block 15, Lot 1 from \$97.50 to \$37.50.

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

CLERK Read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84659 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2007 through December 31, 2007 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Robin Eschliman

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

APPROVING THE ASSIGNMENT OF THE FRANCHISE AGREEMENT FOR THE PROVISION OF NATURAL GAS SERVICES TO LINCOLN BETWEEN THE CITY AND AQUILA TO BLACK HILLS/NEBRASKA GAS UTILITY COMPANY, LLC AND AUTHORIZING THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY - PRIOR to reading:

SVOBODA Moved to delay Bill No. 07R-247 to have action only on January 7, 2008.

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION FROM GERALD R. SPAHN FOR LMI FUNDING AND PAVING OF Q STREET BETWEEN N. 35TH AND N. 36TH STREET IN ACCORD WITH GUIDELINES ESTABLISHED BY ORDINANCE NO. 18842 - CLERK presented said petition which was referred to the Public Works Department.

SETTING THE HEARING DATE OF MONDAY, JANUARY 7, 2008 AT 1:30 P.M. FOR MANAGER APPLICATION OF RICHARD J. HURT FOR KWIK SHOP, INC. DBA KWIK SHOP #618, 4750 CALVERT ST.; KWIK SHOP #619, 2302 CORNHUSKER HWY.; KWIK SHOP #632, 5900 FREMONT ST.; KWIK SHOP #634, 2940 N. 14TH ST.; KWIK SHOP #635, 2330 N. 1ST ST.; KWIK SHOP #637, 2710 W ST.; KWIK SHOP #641, 2811 N. 48TH ST.; KWIK SHOP #642, 3939 A ST.; KWIK SHOP #646, 3301 HOLDREGE ST.; KWIK SHOP #650, 5600 HOLDREGE ST.; KWIK SHOP #662, 2040 S. 56TH ST.; KWIK SHOP #663, 4400 CORNHUSKER HWY.; KWIK SHOP #680, 1441 N. COTNER; KWIK SHOP #681, 4400 O ST. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84660 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 7, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Manager Application of Richard J. Hurt for Kwik Shop, Inc. dba Kwik Shop #618, 4750 Calvert St.; Kwik Shop #619, 2301 Cornhusker Hwy.; Kwik Shop #632, 5900 Fremont St.; Kwik Shop #634, 2940 N. 14th St.; Kwik Shop #635, 2330 N. 1st St.; Kwik Shop #637, 2710 W. St.; Kwik Shop #641, 2811 N. 48th St.; Kwik Shop #642, 3939 A St.; Kwik Shop #646, 3301 Holdrege St.; Kwik Shop #650, 5600 Holdrege St.; Kwik Shop #662, 2040 S. 56th St.; Kwik Shop #663, 4400 Cornhusker Hwy.; Kwik Shop #680, 1441 N. Cotner; Kwik Shop #681, 440 O St.

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 7, 2008 AT 1:30 P.M. FOR APPLICATION OF HY-VEE, INC. DBA HY-VEE 5 FOR AN ADDITION TO PREMISE LOCATED AT 7151 STACY LANE - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84661 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 7, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Hy-Vee, Inc. dba Hy-Vee 5 for an addition to premise/reconstruction at 7151 Stacy Lane.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 7, 2008 AT 1:30 P.M. FOR MANAGER APPLICATION OF JEFFERY BALL FOR OMAHA FRANCHISE, LLC DBA RUBY TUESDAY LOCATED AT 2700 N. HILL ROAD - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84662 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 7, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Manager Application of Jeffrey Ball for RT Omaha Franchise, LLC dba Ruby Tuesday located at 2700 North Hill Road.

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

Introduced by John Spatz

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 3, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPOINTING CATHY BEECHAM AND BERWYN JONES TO THE HISTORIC PRESERVATION COMMISSION FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2010 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84663 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Cathy Beecham and Berwyn Jones to the Historic Preservation Commission for three-year terms expiring April 15, 2010 is hereby approved.

Introduced by Robin Eschliman

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

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Experience Work for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of August 1, 2007 through June 30, 2008 whereby the City of Lincoln is subleasing space to Experience Works, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

CHANGE OF ZONE 07058 - AMENDING SECTION 27.63.680 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES BY SPECIAL PERMIT TO ALLOW SUCH SALES ON THE PREMISES OF A RESTAURANT IN THE B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 DISTRICTS SUBJECT TO APPROVAL OF A SPECIAL PERMIT AND PROVIDING CONDITIONS THEREFOR, - CLERK read an ordinance, introduced by John Spatz, amending Section 27.63.680 of the Lincoln Municipal Code relating to sale of alcoholic beverages for consumption on the premises by special permit to allow such sales on the premises of a restaurant in B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-1 districts subject to approval of a special permit and providing conditions therefor; and repealing Section 27.63.680 of the Lincoln Municipal Code as hitherto existing, the first time.

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

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CREATING THE JOB CLASSIFICATIONS OF "WATER SERVICE TECHNICIAN I," "WATER SERVICE TECHNICIAN II," AND "SENIOR WATER SERVICE TECHNICIAN" - CLERK read an ordinance, introduced by Doug Emery, amending Section 1 of Ordinance No. 18972 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N," by creating the job classifications of "Water Service Technician I," "Water Service Technician II," and "Senior Water Service Technician," the third time.

EMERY 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 #19026, is recorded in Ordinance Book #26, Page

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE JOB CLASSIFICATIONS OF "WATERSHED MANAGEMENT SPECIALIST" AND "COMMUNICATIONS SUPERVISOR" - CLERK read an ordinance, introduced by Doug Emery, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by creating the job classifications of "Watershed Management Specialist" and "Communications Supervisor," the third time.

EMERY 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 #19027, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 3134C - APPLICATION OF ALPHA DEVCO, LLC, TO AMEND THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO INCREASE THE AMOUNT OF MEDICAL OFFICE FLOOR AREA FROM 18,000 SQ. FT. TO APPROXIMATELY 22,500 SQ. FT., ON PROPERTY GENERALLY LOCATED AT PIONEERS BOULEVARD AND LUCILLE DRIVE - CLERK read an ordinance, introduced by Doug Emery, amending the Development Plan for Willow Springs Planned Unit Development on property generally located at Pioneers Boulevard and Lucille Drive, the third time.

EMERY 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 #19028, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 04075A - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND THE VILLAGE GARDENS PLANNED UNIT DEVELOPMENT TO REVISE THE INTERNAL ZONING DISTRICT BOUNDARY LINE BETWEEN THE B-3 PUD AREA AND THE R-3 PUD AREA, TO SPECIFY THAT ALL SIGNAGE IN THE UNDERLYING B-3 DISTRICT IS GOVERNED BY THE B-3 SIGNAGE REGULATIONS INSTEAD OF THE PUD SIGNAGE REGULATIONS AND TO ALLOW A CENTER IDENTIFICATION GROUND SIGN AT THE MAIN ARTERIAL ENTRANCE TO THE B-3 ZONED AREA, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Doug Emery, amending the underlying zoning and the Development Plan for Village Gardens Planned Unit Development to change the zoning on 2.17 acres from R-3 Residential to B-3 Commercial and to adjust the sign requirements to allow center identification signs near the intersections of South 59th Street and Pine Lake Road, and at Boboli Lane and South 56th Street, on property generally located at South 59th Street and Pine Lake Road, the third time.

EMERY 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 #19029, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07057 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070 RELATING TO HEIGHT AND AREA REGULATIONS IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, B-5 PLANNED REGIONAL BUSINESS DISTRICT, H-1 INTERSTATE COMMERCIAL DISTRICT, H-2 HIGHWAY BUSINESS DISTRICT, H-3 HIGHWAY COMMERCIAL DISTRICT, AND H-4 GENERAL COMMERCIAL DISTRICT, RESPECTIVELY, TO INCREASE THE MAXIMUM HEIGHT OF BUILDINGS TO 55 FEET AND TO PROVIDE THAT, IF THE HEIGHT OF THE BUILDING IS OVER 40 FEET IN THE B-2 AND B-5 DISTRICTS AND OVER 45 FEET IN THE H-1, H-2, H-3, AND H-4 DISTRICTS, THAT PORTION OF THE BUILDING IN EXCESS OF SUCH HEIGHT SHALL BE REQUIRED TO HAVE ONE ADDITIONAL FOOT OF SETBACK TO ANY REQUIRED SIDE AND/OR REAR YARD ABUTTING AN R-1 THROUGH R-4 RESIDENTIAL DISTRICT FOR EACH ONE FOOT OF BUILDING HEIGHT IN EXCESS OF THE APPLICABLE 40 FEET OR 45 FEET DEPENDING ON THE ZONING DISTRICT IN QUESTION, EXCEPT THAT THE ADDITIONAL REAR YARD SETBACK IS NOT REQUIRED IN THE B-5 DISTRICT - PRIOR to reading:

COOK Asked that the question be divided and vote on B2 & B5 districts separate from H1 to H4.

CLERK Read an ordinance, introduced by Doug Emery, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070 relating to Height and Area Regulations in the B-2 Planned Neighborhood Business District, B-5 Planned Regional Business District, H-1 Interstate Commercial District, H-2 Highway Business District, H-3 Highway Commercial District, and H-4 General Commercial District, respectively to increase the maximum height of buildings to 55 feet and to provide that if the height of the building is over 40 feet in the B-2 and B-5 districts and over 45 feet in the H-1, H-2, H-3, and H-4 districts, that portion of the building in excess of such height shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 Residential District for each one foot of building height in excess of the applicable 40 feet or 45 feet depending on the zoning district in question, except that the additional rear yard setback is not required in the B-5 district; and repealing Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, and 27.45.070 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK H-1 through H-4 Districts only allowing buildings to increase their height with certain restrictions with terms of increased setbacks if they go over the limited amount.

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

COOK B2 and B-5 Districts only allowing buildings to increase their height with certain restrictions with terms of increased setbacks if they go over the limited amount.
Seconded by Svoboda & **LOST** by the following vote: AYES: Eschliman, Spatz, Svoboda; NAYS: Camp, Cook, Emery, Marvin.
The ordinance, being numbered **#19030**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE SPIRITS BY BECKMAN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 N. CHESTNUT ST., WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 708 N. Chestnut, Wahoo, NE 68066, for a 12-month term from January 1, 2008 through December 31, 2008, the third time.

EMERY 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 **#19031**, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cumming, came forward to thank the Council for holding down taxes and presented his wish list for the upcoming year.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 7, 2008
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 January 7, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 4:34 P.M.

CAMP Moved to adjourn the City Council meeting of December 17, 2007.
Seconded by Svoboda & 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

