

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 4, 2008 AT 1:30 P.M.**

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

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

COOK Having been appointed to read the minutes of the City Council proceedings of January 28, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF SMITH ENTERPRISES, INC. DBA JACKPOT CONVENIENCE STORE FOR A CLASS D LIQUOR LICENSE AT 501 WEST A STREET;
MANAGER APPLICATION OF DEAN H. SMITH FOR SMITH ENTERPRISES, INC. DBA JACKPOT CONVENIENCE STORE AT 501 WEST A STREET - Dean Smith, 501 West A St., came forward to take oath and answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF DIANA NASSEFF FOR MISSION 3 LLC DBA U-STOP CONVENIENCE SHOP AT 110 WEST O STREET - Diana Nasseff, 110 W. O St., came forward to take oath and answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITIZEN POLICE ADVISORY BOARD BY AMENDING SECTION 4.08.010 RELATING TO THE POWERS AND DUTIES OF THE BOARD TO PROVIDE THAT THE BOARD SHALL HAVE NO JURISDICTION TO HEAR COMPLAINTS OR CONDUCT AN INVESTIGATION WHILE A CRIMINAL OR CIVIL ACTION RELATING TO THE COMPLAINT IS PENDING AGAINST EITHER THE COMPLAINANT OR THE OFFICER OR OFFICERS INVOLVED; AMENDING SECTION 4.08.020 RELATING TO THE JURISDICTION OF THE BOARD TO PROVIDE THE BOARD SHALL LOSE JURISDICTION OVER A COMPLAINT IF THE COMPLAINANT FILES A CIVIL ACTION RELATING TO THE SAME FACTS AS THE COMPLAINT BEFORE THEM; AMENDING SECTION 4.08.030 RELATING TO COMPLAINTS MADE TO THE CITIZEN POLICE ADVISORY BOARD TO PROVIDE THAT THE CHAIRPERSON MAY DISMISS CERTAIN TYPES OF COMPLAINTS, SUBJECT TO REVIEW BY THE BOARD AS A WHOLE - Richard Anderson, Asst. City Attorney, Police Legal Advisor, came forward to answer questions. Discussion followed.

Greg Key, 9233 Simi Ct., Chairman of the CPAB, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HOOG GEBOUW EAST LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N. 84TH AND HOLDREGE STREETS;
CHANGE OF ZONE 07059 - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET;
USE PERMIT NO. 128B - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. TO AMEND THE EXISTING USE PERMIT TO CHANGE APPROVED OFFICE USE TO HOTEL, RESTAURANT AND RETAIL USES, AND TO INCREASE THE MAXIMUM HEIGHT IN THE B-2 DISTRICT FROM 40' TO 45' ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET -

Michael Rierden, 645 "M" Street, Suite 200, came forward on behalf of the applicant to answer questions. He stated for the record that the development would be an extended stay hotel as outlined in paragraph 2a. of the Development and Conditional Zoning Agreement, Attachment "A". Discussion followed.

Don Linscott, 300 N. 44th St., came forward to clarify the change of zone with respect to traffic and the neighborhood. Discussion followed.

This matter was taken under advisement.

APPROVING A RELEASE OF CONSERVATION EASEMENTS OVER A PORTION OF LOT 2, 6TH & H ADDITION, AND A PORTION OF VACATED H STREET FOR CONSTRUCTION OF A BUILDING IN THE EASEMENT AREA AND APPROVING A CONSERVATION EASEMENT

AGREEMENT GRANTING A CONSERVATION EASEMENT OVER LOT 7 AND LOTS 9-12, BLOCK 141, ORIGINAL PLAT LINCOLN - Michael Rierden, 645 "M" Street, Suite 200, came forward on behalf of TMO Investments, 507 J Street, for an expansion of their business.

This matter was taken under advisement.

AMENDING ARTICLE IV, MEMBERSHIP, OF THE BYLAWS OF THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL TO DELETE THE TERM LIMIT PROVISION - Terry Genrich, Parks & Recreation Dept., came forward to answer questions.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND LAMAR COMPANIES FOR OUTDOOR ADVERTISING ON THE CITY OWNED BILLBOARD GENERALLY LOCATED AT 27TH AND Y STREETS - Terry Genrich, Parks & Recreation Dept., came forward to answer questions and stated Lamar Companies will pay \$6,000 annually. Discussion followed.

This matter was taken under advisement.

DESIGNATING THE CITY OF LINCOLN AS A PRESERVE AMERICA COMMUNITY AS A MEANS TO SUPPORT PRESERVATION, ECONOMIC DEVELOPMENT, AND COMMUNITY REVITALIZATION OF HISTORIC RESOURCES - Lynn Johnson, Director of Parks & Recreation, came forward to explain that this resolution can be a tourism tool and allow access to apply for Federal grant funds.

Mike Morosin, 1500 N. 15th St., came forward in support.

This matter was taken under advisement.

SUPPORTING PASSAGE OF LB 235 WITH ITS FINANCIAL INCENTIVES BY THE STATE LEGISLATURE TO ENCOURAGE FILM PRODUCTION WITHIN THE STATE OF NEBRASKA - Council Chair Dan Marvin spoke on behalf of this Legislative Bill in support.

This matter was taken under advisement.

ADOPTING THE LES 2008 RATE SCHEDULES, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 5.5 PERCENT, TO BE EFFECTIVE MARCH 1, 2008 - Terry Bundy, Administrator and CEO of Lincoln Electric System, came forward to answer questions. Discussion followed.

Todd Hall, Vice President of Consumer Services with LES, came forward to present a slide show and answer questions. Discussion followed.

W. Cecil Steward, 125 N. 11th St., came forward in support. Discussion followed.

Charlie Swingle, 1015 D St., #6, came forward in support.

Steve Osborn, 2250 Lynnridge Circle, came forward in opposition and to comment on the cost of electricity vs. gas.

Dan Schlitt, 2600 C St., came forward in support.

Bob Caldwell, 6100 Luann Ln., came forward representing Lincoln Employers Coalition in opposition and to propose a 4.5% increase instead. Discussion followed.

Russell Miller, 341 S. 52nd St., came forward in support.

Coby Mach, Executive Director of LIBA, came forward in opposition and suggested a 4% increase instead. Discussion followed.

André Mick, LIBA, was on hand for questioning.

Fred Hoke, Government Affairs Dir. for the Home Builders Association, came forward in opposition.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the Home Builders Association in opposition and suggested a rate freeze instead.

Stuart Long, 4412 NW 49th St., came forward in support stating electricity is a bargain in Lincoln and suggested an increase of 6%. Discussion followed.

Steve Larrick, 920 S. 8th St., came forward in support.

Foster Collins, 2100 Calvert St., came forward representing the Bluestem Branch of the Sierra Club in support. Discussion followed.

Ken Reitan, 2310 S. Canterbury Ln., representing the Wachiska Audubon Society of Southeast Nebraska, came forward in support.

Curt Donaldson, 2860 R St., came forward in support of geothermal energy. Discussion followed.

Mary Harding, 1919 D St., came forward in support to implement energy efficient measures.

John Carlini, 712 S. 11th St., came forward in support.

Mike Morosin, 1500 N. 15th St., came forward in support.

Mr. Bundy and Mr. Hall came forward for rebuttal.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF SMITH ENTERPRISES, INC. DBA JACKPOT CONVENIENCE STORE FOR A CLASS D LIQUOR LICENSE AT 501 WEST A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-84703 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 Smith Enterprises, Inc. dba Jackpot Convenience Store for a Class "D" liquor license at 501 West A 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF DEAN H. SMITH FOR SMITH ENTERPRISES, INC. DBA JACKPOT CONVENIENCE STORE AT 501 WEST A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84704 WHEREAS, Smith Enterprises, Inc. dba Jackpot Convenience Store located at 501 West A Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Dean H. Smith be named manager;

WHEREAS, Dean H. Smith 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 Dean H. Smith 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF DIANA NASSEFF FOR MISSION 3 LLC DBA U-STOP CONVENIENCE SHOP AT 110 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84705 WHEREAS, Mission 3 LLC dba U-Stop Convenience Shop located at 110 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Diana Nasseff be named manager;

WHEREAS, Diana Nasseff 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 Diana Nasseff 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

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

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITIZEN POLICE ADVISORY BOARD BY AMENDING SECTION 4.08.010 RELATING TO THE POWERS AND DUTIES OF THE BOARD TO PROVIDE THAT THE BOARD SHALL HAVE NO JURISDICTION TO HEAR COMPLAINTS OR CONDUCT AN INVESTIGATION WHILE A CRIMINAL OR CIVIL ACTION RELATING TO THE COMPLAINT IS PENDING AGAINST EITHER THE COMPLAINANT OR THE OFFICER OR OFFICERS INVOLVED; AMENDING SECTION 4.08.020 RELATING TO THE JURISDICTION OF THE BOARD TO PROVIDE

THE BOARD SHALL LOSE JURISDICTION OVER A COMPLAINT IF THE COMPLAINANT FILES A CIVIL ACTION RELATING TO THE SAME FACTS AS THE COMPLAINT BEFORE THEM; AMENDING SECTION 4.08.030 RELATING TO COMPLAINTS MADE TO THE CITIZEN POLICE ADVISORY BOARD TO PROVIDE THAT THE CHAIRPERSON MAY DISMISS CERTAIN TYPES OF COMPLAINTS, SUBJECT TO REVIEW BY THE BOARD AS A WHOLE - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 4.08 of the Lincoln Municipal Code relating to the Citizen Police Advisory Board by amending Section 4.080.010 relating to the powers and duties of the Board to provide that the Board shall have no jurisdiction to hear complaints or conduct an investigation while a criminal or civil action relating to the complaint is pending against either the complainant or the officer or officers involved; amending Section 4.08.020 relating to the jurisdiction of the Board to provide the Board shall lose jurisdiction over a complaint if the complainant files a civil action relating to the same facts as the complaint before them; amending Section 3.08.030 relating to complaints made to the Citizen Police Advisory Board to provide that the chairperson may dismiss certain types of complaints, subject to review by the Board as a whole; and repealing Sections 4.08.010, 4.08.020, and 4.08.030 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HOOG GEBOUW EAST LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N. 84TH AND HOLDREGE STREETS. (RELATED ITEMS: 08R-24, 08-7, 08R-25)

CHANGE OF ZONE 07059 - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 08R-24, 08-7, 08R-25) - 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 second time.

USE PERMIT NO. 128B - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. TO AMEND THE EXISTING USE PERMIT TO CHANGE APPROVED OFFICE USE TO HOTEL, RESTAURANT AND RETAIL USES, AND TO INCREASE THE MAXIMUM HEIGHT IN THE B-2 DISTRICT FROM 40' TO 45' ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 08R-24, 08-7, 08R-25)

PUBLIC HEARING RESOLUTIONS

APPROVING A RELEASE OF CONSERVATION EASEMENTS OVER A PORTION OF LOT 2, 6TH & H ADDITION, AND A PORTION OF VACATED H STREET FOR CONSTRUCTION OF A BUILDING IN THE EASEMENT AREA AND APPROVING A CONSERVATION EASEMENT AGREEMENT GRANTING A CONSERVATION EASEMENT OVER LOT 7 AND LOTS 9-12, BLOCK 141, ORIGINAL PLAT LINCOLN - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84706 WHEREAS, in 2001 the City conveyed a portion of vacated H Street to TMCO Investments subject to the retention of a conservation easement over said vacated H Street; and

WHEREAS, by an Agreement dated December 27, 2004 between TMCO Investments and the City of Lincoln, TMCO Investments granted the City of Lincoln a conservation easement over a portion of Lot 2, 6th & H Addition, Lincoln, Lancaster County, Nebraska to protect the existing floodplain; and

WHEREAS, TMCO Investments has requested the City to release the conservation easement TMCO granted to the City over Lot 2, 6th & H Addition and over a portion of vacated H Street, in order to construct a building within the easement area; and

WHEREAS, the City Council finds that, if TMCO Investments agrees to grant the City an equivalent conservation easement to replace the easement area proposed to be released, the conservation easement over Lot 2, 6th & H Addition and the retained conservation easement over a portion of vacated H Street are no longer needed to achieve the conservation purposes for which it was created; and

WHEREAS, TMCO Investments, in consideration of said release, is willing to enter into the Conservation Easement Agreement attached hereto marked as Attachment "A" to provide an equivalent conservation easement at an alternate location.

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

1. That, the Conservation Easement granted by TMCO Investments to the City of Lincoln over Lot 2, 6th & H Addition approved by

Executive Order No. 72082 is hereby released.

2. That the retained conservation easement over all of vacated H Street as vacated by Ordinance No. 17799 except for the west 198.51 feet of the south 37.5 feet as measured along the south line is hereby released.

3. That the Conservation Easement Agreement (Attachment "A") between TMCO Investments and the City of Lincoln, Nebraska is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City of Lincoln. Said Agreement grants the City a conservation easement over portions of Lot 7 and Lots 9 - 12, Block 141, Original Plat, Lincoln, Lancaster County, Nebraska.

4. That the City Clerk is directed to file this Resolution with the Register of Deeds, filing fees to be paid in advance by TMCO Investments. The Resolution shall be filed against Lot 2, 6th & H Addition, Lincoln, Lancaster County, Nebraska, and against Lots 7, 9, 10, 11, and 12, Block 141, Original Plat of Lincoln, Lancaster County, Nebraska.

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84707 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 January 16, 2008, 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>	
Joshua A. Hopeman	NAS*	Mildred Sweet	\$ 475.00
Robert Hraban		Esperanza Contreras	1,745.00
& Barbara Hraban	NAS*	Anthony P. Bayer	5,300.00
Joe Weyand		Ryan Moore	1,100.00
& Judy Weyand	NAS*	Leon Deunk/	
Gary L. Nichelson	\$ 85.00	L&R Building & Supply	744.91
LeRoy Juengel	300.00	Gene Kavanaugh	450.00
Timothy D. Loker	NAS*	Adem Mustafic	4,181.90
Lawrence M. Carranza	NAS*	John R. Wilson	616.99
Scott Elston	NAS*	Michael Matthews	100.00
June Taylor	NAS*		

* No Amount Specified.

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 Jonathan Cook

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

AMENDING ARTICLE IV, MEMBERSHIP, OF THE BYLAWS OF THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL TO DELETE THE TERM LIMIT PROVISION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84708 WHEREAS, the City of Lincoln created the Veterans Memorial Garden Advisory Council to carry out the duties assigned to it in Resolution No. A-77004;

WHEREAS, the Bylaws of the Veterans Memorial Garden Council were adopted by Resolution No. A-81803 on November 18, 2002; and

WHEREAS, Article IV, Membership, of the Bylaws limits the terms of membership on the Council to two consecutive terms or six consecutive years; and

WHEREAS, the Advisory Council desires to amend Article IV - Membership of the Bylaws by deleting the term limit provisions.

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

That Section 1 of Article IV of the Bylaws of the City of Lincoln Veterans Memorial Garden Council be and it hereby is amended to read as follows:

ARTICLE IV - MEMBERSHIP

Section 1. The Council shall consist of eleven members. Seven members shall be veterans. Four members need not be veterans.

All members shall serve without compensation. All members of the Council shall be appointed for a three-year term, except for initial appointments, which may be for terms of one, two or three years. At the end of a term members may be reappointed for ~~an~~ additional three-year terms. ~~However, no member shall serve more than two consecutive terms or six consecutive years.~~ Vacancies occurring on the Council shall be filled in the same manner as provided for in the original appointment. An individual appointed to fill a vacancy on the Council shall serve out the remainder of term of the member they are replacing.

That all other provisions of the Bylaws of the City of Lincoln Veterans Memorial Garden Council shall remain in full force and effect.

Introduced by Jonathan Cook

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND LAMAR COMPANIES FOR OUTDOOR ADVERTISING ON THE CITY OWNED BILLBOARD GENERALLY LOCATED AT 27TH AND Y STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84709 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Lease Agreement between The Lamar Companies and the City of Lincoln, under which The Lamar Companies will lease billboard space for advertising for a one year period on property generally located at 27th and Y Streets, upon the terms and conditions as set forth in said Lease Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of said Lease Agreement to Lynn Johnson, Director of Parks and Recreation for transmittal to The Lamar Companies.

Introduced by Jonathan Cook

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

DESIGNATING THE CITY OF LINCOLN AS A PRESERVE AMERICA COMMUNITY AS A MEANS TO SUPPORT PRESERVATION, ECONOMIC DEVELOPMENT, AND COMMUNITY REVITALIZATION OF HISTORIC RESOURCES - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84710 WHEREAS, *Preserve America* is a White House initiative developed in cooperation with the Advisory Council on Historic Preservation, the U.S. Department of the Interior, and the U.S. Department of Commerce; and

WHEREAS, the City of Lincoln's commitment to understanding and preserving our heritage has been embodied in our community's Comprehensive Plan since the 1970s, and in our zoning code since 1980, as reflected in our designation as a Certified Local Government for historic preservation in 1983; and

WHEREAS, the City of Lincoln shares the goals of the *Preserve America* initiative including sharing knowledge of America's past with our residents and visitors alike, strengthening our community's identity and economy, and engaging both public and private sectors in preserving our irreplaceable natural and built environment; and

WHEREAS, designation of the City of Lincoln as a *Preserve America* Community will strengthen our ability to protect and promote our historic resources.

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

That the City Council requests designation of the City of Lincoln as a *Preserve America* Community.

BE IT FURTHER RESOLVED that the City of Lincoln will continue to preserve our heritage, to build on our historic assets for economic development and community revitalization, and to share our historic resources with residents and visitors through education, celebration, and heritage tourism.

Introduced by John Spatz

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

SUPPORTING PASSAGE OF LB 235 WITH ITS FINANCIAL INCENTIVES BY THE STATE LEGISLATURE TO ENCOURAGE FILM PRODUCTION WITHIN THE STATE OF NEBRASKA - PRIOR to reading:

MARVIN Passed the gavel to Vice Chair Eschliman.

CAMP Moved to amend Bill No. 08R-32, by inserting language on line 13

after the words LB 235: as it was originally introduced,
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz; NAYS: Svoboda; ABSENT: Emery.

CLERK Read the following amended resolution, introduced by Dan
Marvin, who moved its adoption:

A-84711 WHEREAS, on January 9, 2008, the One Hundredth Legislature of the
State of Nebraska, Second Session, convened; and
WHEREAS, Lincoln Senator Danielle Nantkes introduced LB 235 during
the One Hundredth Legislature, First Session; and
WHEREAS, LB 235 provides incentives to companies that film movies,
television programs or commercials in the State of Nebraska; and
WHEREAS, thirty-seven states, including all of Nebraska's
neighbors, offer some form of financial incentive for such filming; and
WHEREAS, LB 235 is currently on Select File; and
WHEREAS, LB 235, if passed, would be a valuable tool in
encouraging film production in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska, that the City Council goes on record in support of LB
235, as it was originally introduced, with its financial incentives to
encourage film production within the State of Nebraska and urges the
Nebraska Legislature to adopt said legislation in the 2008 session.

BE IT FURTHER RESOLVED that the City Council of the City of
Lincoln intends to review City policies and ordinances, including
portions of the Special Events Ordinance (Chapter 14.32 of the Lincoln
Municipal Code), in order to further encourage film production in the
City of Lincoln.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a
copy of this resolution to the Nebraska Legislature.

Introduced by Dan Marvin

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

ADOPTING THE LES 2008 RATE SCHEDULES, SERVICE REGULATIONS, AND COST ANALYSIS
SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 5.5 PERCENT, TO BE
EFFECTIVE MARCH 1, 2008. (ACTION DATE: 2/11/08)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 3, 2008 AT 1:30 P.M. FOR THE
APPLICATION OF THE FALLS, LLC DBA THE FALLS FOR A CLASS I LIQUOR LICENSE
LOCATED AT 5925 ADAMS ST - CLERK read the following resolution,
introduced by Robin Eschliman, who moved its adoption:

A-84712 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Monday, March 3, 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 the application of The
Falls, LLC dba The Falls for a Class I liquor license located at 5925
Adams St.

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

SETTING THE HEARING DATE OF MONDAY, MARCH 3, 2008 AT 1:30 P.M. FOR THE
APPLICATION OF HY-VEE INC. DBA HY-VEE 2 FOR A CHANGE OF PREMISE OF THEIR
EXISTING CLASS C LIQUOR LICENSE CURRENTLY LOCATED AT 2343 N. 48TH ST. TO
THEIR NEW LOCATION DESCRIBED AS A ONE STORY IRREGULAR SHAPED BUILDING
APPROX. 270 FT. X 361 FT. LOCATED AT 1601 N. 84TH ST - CLERK read the
following resolution, introduced by Robin Eschliman, who moved its
adoption:

A-84713 BE IT RESOLVED by the City Council, of the City of Lincoln,
that a hearing date is hereby set for Monday, March 3, 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 the application
of Hy-Vee Inc. dba Hy-Vee 2 for a change of premise of their existing
Class C liquor license currently located at 2343 N. 48th St. to their
new location described as a one story irregular shaped building approx.
270 ft. x 361 ft. located at 1601 N. 84th St.

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

SETTING THE HEARING DATE OF MONDAY, MARCH 3, 2008 AT 1:30 P.M. FOR THE APPLICATION OF GRATA LLC DBA GRATA FOR AN ADDITION TO PREMISE OF THEIR EXISTING CLASS C LIQUOR LICENSE ADDING A ONE STORY AREA APPROX. 64 FT. X 23 FT. LOCATED AT 2755 JAMIE LANE, SUITE 15 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84714 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 3, 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 the application of Grata, LLC dba Grata for an addition to premise of their existing Class C liquor license adding a one story area approx. 64 ft. x 23 ft. located at 2755 Jamie Lane, Suite 15.

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07060, Wilderness Heights Planned Unit Development - App. of Lincoln Federal Bancorp, from AG Agricultural District to B-2 Planned Neighborhood Business District for Wilderness Heights Planned Unit Development, and from AG Agricultural District to R-3 Residential District, on property generally located at S. 40th Street and Yankee Hill Road, for a Planned Unit Development District designation on the B-2 portion of said property, and for approval of a development plan which proposes modifications to the Zoning Ordinance, Land Subdivision Ordinance and City of Lincoln Design Standards to allow approximately 225,000 square feet of commercial floor area and approximately 60 dwelling units.

Change of Zone No. 08001 - App. of Hartland Homes, Inc., from AG Agricultural District to H-4 General Commercial District on property generally located at N. 56th Street and Alvo Road.

Change of Zone No. 08002 - App. of Chris Pischel, from R-2 Residential District to B-1 Local Business District on property generally located at SW 6th Street and West A Street.

Change of Zone No. 08003 - App. of Chris Pischel, from O-2 Suburban Office District to B-3 Commercial District on property generally located at S. 48th Street and Meredith Street.

Change of Zone No. 08004 - App. of Chris Pischel, from R-T Residential Transition District to B-1 Local Business District on property generally located at N. 48th Street and Fremont Street.

Change of Zone No. 08005 - Req. by the Director of Planning, amending Section 27.63.280 of the Lincoln Municipal Code relating to Zoning Code Special Permits, to allow a special permit to be granted for the expansion or enlargement of premises devoted to or occupied by building or structures, the use of which constitutes a nonconforming or nonstandard use, and repealing Section 27.63.280 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 08001 - App. of Kabredlo's Inc., for the authority to sell alcoholic beverages for consumption off the premises on property generally located at NW 48th Street and West Adams Street.

Special Permit No. 08002 - App. of Kabredlo's Inc., for the authority to sell alcoholic beverages for consumption off the premises on property located at 2500 NW 12th Street.

Special Permit No. 08003 - App. of Mike McKeeman, to allow for seasonal outdoor sales on property generally located at S. 84th Street and Old Cheney Road.

Special Permit No. 08004 - App. of Land Construction Inc., for extraction of soil on property located at 3601 Waverly Road.

Special Permit No. 08005 - App. of David and Mary Jo Cassner, for an early childhood care facility on property generally located at S. 56th Street and Pine Lake Road.

Special Permit No. 08006 - App. of Chris Pischel, for the expansion of a non-conforming use on property generally located at SW 6th Street and West A Street.

Special Permit No. 08007 - App. of Chris Pischel, for the expansion of a non-conforming use on property generally located at S. 48th Street and Meredith Street.

Special Permit No. 08008 - App. of Chris Pischel, for the expansion of a non-conforming use on property generally located at N. 48th Street and Fremont Street.

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS - NONE

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/11/08)

APPROVING THE SECOND AMENDMENT TO THE FALLBROOK ANNEXATION AGREEMENT BETWEEN THE CITY AND NEBCO, INC. FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 1ST STREET, AND THE FUTURE DESIGN OF N.W. 12TH STREET FROM ALVO ROAD TO HIGHWAY 34. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/11/08)

AMENDING THE HIGHWAY ALLOCATION BOND ORDINANCE #18863 TO REVISE THE PROJECT DESCRIPTION FOR ALVO ROAD TO INCLUDE THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/25/08) - CLERK read an ordinance, introduced by Robin Eschliman, amending Ordinance No. 18863 by amending Section 1 to revise the project description for Project No. 902270 to provide that the Alvo Road improvements shall be from N.W. 12th Street to N. 16th Street and to also provide for improvements to N. 14th Street; and by repealing Section 1 of Ordinance No. 18863 as hitherto existing, the first time.

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

RESOLUTIONS - ACTION ONLY

APPLICATION OF PEKING PALACE LINCOLN, INC. DBA PEKING PALACE FOR A CLASS I LIQUOR LICENSE AT 8341 O STREET. (1/28/08 - ACTION DELAYED 1 WK. TO 2/4/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84715 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 Peking Palace Lincoln, Inc. dba Peking Palace for a Class "I" liquor license at 8341 O 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF TRUNG LUU FOR PEKING PALACE LINCOLN, INC. DBA PEKING PALACE AT 8341 O STREET. (1/28/08 - ACTION DELAYED 1 WK. TO 2/4/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84716 WHEREAS, Peking Palace Lincoln, Inc. dba Peking Palace located at 8341 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Trung Luu be named manager; WHEREAS, Trung Luu 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 Trung Luu 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

APPLICATION OF BLACK CADILLAC, INC. DBA LIBATIONS TOO FOR A CLASS C LIQUOR LICENSE AT 5310 S. 56TH STREET, SUITE 1. (1/28/08 - ACTION DELAYED 1 WK. TO 2/4/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84717 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 Black Cadillac, Inc. dba Libations Too for a Class "C" liquor license at 5310 S. 56th Street, Suite 1, Lincoln, Nebraska, for the license period ending October 31, 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF PAUL J. MILONI FOR BLACK CADILLAC, INC. DBA LIBATIONS TOO AT 5310 S. 56TH STREET, SUITE 1. (1/28/08 - ACTION DELAYED 1 WK. TO 2/4/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84718 WHEREAS, Black Cadillac, Inc. dba Libations Too located at 5310 S. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Paul J. Miloni be named manager; WHEREAS, Paul J. Miloni 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 Paul J. Miloni 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

RECONSIDERATION

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND S. 70TH STREET. (AMENDED, 7-0; LOST AS AMENDED, 2-5; ESCHLIMAN & SVOBODA ASSENTING; #38-4561)

CAMP Moved to Reconsider Bill No. 08R-22.

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

CAMP Moved to allow Bill No. 08R-22 to have Public Hearing & Action on 2/11/08.

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 11, 2008.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on February 11, 2008.

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

ADJOURNMENT **5:54 P.M.**

CAMP Moved to adjourn the City Council meeting of February 4, 2008.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.
 So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant

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