

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 7, 2008 AT 1:30 P.M.**

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

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**

SPATZ Having been appointed to read the minutes of the City Council proceedings of March 31, 2008 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF RFOX INC. DBA F.O.X. NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE AT 1245 LIBRA DRIVE, SUITE 110;  
MANAGER APPLICATION OF DONALD J. ARENA FOR RFOX INC. DBA F.O.X. NEIGHBORHOOD GRILL & BAR AT 1245 LIBRA DRIVE, SUITE 110 - Donald Arena, 1200 W. Burnham, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF GARAGE SPORTS BAR & GRILL INC. DBA GARAGE SPORTS BAR & GRILL FOR THE ADDITION OF A BEER GARDEN AREA MEASURING APPROXIMATELY 14 FT. BY 64 FT. TO THE WEST OF THE LICENSED PREMISES AT 5551 S. 48TH STREET - Heinz O. Westphal, 8830 Oakmont Dr., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF TEXAS ROADHOUSE HOLDINGS LLC DBA TEXAS ROADHOUSE FOR A CLASS IK LIQUOR LICENSE AT 6301 APPLES WAY;  
MANAGER APPLICATION OF JACOB CORTON FOR TEXAS ROADHOUSE HOLDINGS LLC DBA TEXAS ROADHOUSE AT 6301 APPLES WAY - Jacob Corton, 17018 Sahler Street, Omaha, NE, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 3, 2008 THROUGH OCTOBER 11, 2008 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 14, 2008 THROUGH AUGUST 9, 2008;

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK JAZZ IN JUNE PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 3, 2008 THROUGH JUNE 24, 2008 - Jeff Cunningham, 3721 Chapel Hills Lane, Business Manager for Haymarket Farmer's Market, came forward to ask consideration to allow them to stage this event. This is the 23<sup>rd</sup> season for the Haymarket Farmer's Market.

Terry Uland, 4210 S. 37<sup>th</sup> St., came forward representing the Downtown Lincoln Association for approval to have the Jazz in June Public Market.

This matter was taken under advisement.

AMENDING TITLE 28 OF THE LINCOLN MUNICIPAL CODE RELATING TO STORMWATER QUALITY AND EROSION AND SEDIMENT CONTROL BY CREATING A NEW CHAPTER 28.02, REGULATIONS FOR ILLICIT DISCHARGES;

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ( NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - Scott Holmes, Health Dept., Environmental Division, came forward to propose a new ordinance on illicit discharges stating the City of Lincoln is required under Federal law to comply with the Clean Water Act and as part of that it holds a National Pollution Discharge Elimination System permit for the stormwater system. The work to comply with these federal requirements have been hampered by the lack of specific authority in local ordinance and inadequate program resources. The ordinance proposed has been modeled after the Overland Park, Kansas ordinance. The Board of Health unanimously supported the ordinance. The resolution will adopt fees to support the ordinance.

Dan Marvin, Council Chairperson, asked if the EPA had written the City a letter specifically citing that we don't comply with the federal requirements.

Mr. Holmes stated an 18 page audit report was received stating the City has to adopt this ordinance.

Mr. Marvin asked if this was the same audit report that dealt with the mini SWPP (Stormwater Pollution Prevention)?

Mr. Holmes answered yes. There was only one required action in that report all the others were recommendations. The required action of the City was to adopt this ordinance.

John Spatz, Council Member, asked what or where this language was based upon?

Mr. Holmes stated an ordinance adopted in Overland Park, Kansas was utilized. A lot of changes were made to it.

Mr. Spatz stated that on page 11, line 13, "upon presentation of proper credentials the Health Director may enter at reasonable times any premise building, facility, structure, property to determine compliance." Do we need any reasonable cause to inspect a business or facility?

Mr. Holmes answered the reasonable cause is that they hold a permit. In this case they already hold an NPS permit issued by the State.

Rick Peo, Law Department, came forward to recommend the resolution be delayed until next week when the ordinance is voted on.

Lt. Col. Jay Rutten, Environmental Engineer of the Nebraska Air National Guard, stated he was involved in meetings with the Health Department reviewing the ordinance and all their concerns which were met in the ordinance. He was in approval of the ordinance.

This matter was taken under advisement.

CHANGE OF ZONE 3312 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71);

USE PERMIT 135 - APPLICATION OF RIDGE DEVELOPMENT TO DEVELOP APPROXIMATELY 198,825 SQ. FT. OF RETAIL FLOOR AREA, WITH WAIVERS TO REDUCE THE FRONT YARD SETBACKS AND INTERNAL YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Southview, Inc. and Northern Lights, LLC the owners of the property of North 14<sup>th</sup> and Fletcher. It was stated that additional notes were drafted to be added to the plan and were submitted to the neighbors and the Planning Department for review. The neighbors, City, and clients were in agreement with these changes which specifically dealt with design standards, outdoor areas under lighted canopies, and the orientation of loud speakers to the neighborhood. They are requesting approval of the change of zone and use permit.

Jonathan Cook, Council Member, asked if the City Attorney has reviewed this?

Ms. Kalkowski answered yes.

J.R. Brown, 5501 Rockford Dr., North Hills Homeowners Association Board of Directors, came forward to say thank you for the opportunity to work out some of the technical details. The neighborhood is in full support of the Use Permit as amended, but shared a concern for neighbors along Kennedy Drive with the water level getting very high in a common drainageway and the pond. It is encroaching closer and closer to their property line. The neighbors don't have a maintenance plan for this area and hope the City took this into account.

Mr. Spatz thanked them for their efforts in this development.

Mr. Marvin asked who maintains this area?

Mr. Brown stated the association collects dues for the maintenance of all the common areas and the pond.

Ms. Kalkowski came forward to add the drainage area is directly to the east of Fletcher and the commercial property owners association will be sharing a portion of the cost of maintenance because they also have drainage that flows in that area.

Mr. Marvin thanked them for working this out.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

APPOINTING FRANCIS MOUL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-EAR TERM EXPIRING AUGUST 17, 2010 CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84803 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Francis Moul to the Community Forestry Advisory Board for a three-year term expiring August 17, 2010 is hereby approved.

Introduced by John Spatz

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

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, APRIL 28, 2008, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

08-42 TO PROVIDE AUTHORITY TO CREATE AND CONSTRUCT AN 8-INCH SANITARY SEWER ALONG THE SOUTH SIDE OF L STREET AT APPROXIMATELY SOUTH 37<sup>TH</sup> STREET AND ASSESS THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK requested a motion to approve the request of Public Works for hearing on April 28, 2008 at 5:30 p.m.

SPATZ So moved.

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION FOR NORTH 27<sup>TH</sup> STREET MAINTENANCE IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION FOR UNIVERSITY PLACE MAINTENANCE BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 24, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS FEBRUARY 29, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MARCH 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 21, 2008 AT 1:30 P.M. FOR APPLICATION OF LUEDTKE-THORSON INVESTMENTS, INC. DBA SUITE 1 PUB & PIZZA FOR A CLASS C LIQUOR LICENSE LOCATED AT 311 N. 8<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84804 BE IT RESOLVED by the City -Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 21, 2008 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 Luedtke-Thorson Investments, Inc. dba Suite 1 Pub & Pizza for a Class C liquor license located at 311 N. 8<sup>th</sup> Street.

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

Introduced by Ken Svoboda

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

SETTING HEARING DATE OF MONDAY, APRIL 21, 2008 AT 1:30 P.M. FOR APPLICATION OF U.R. ROCKIN, INC. DBA THE ROCK OF LINCOLN FOR A CLASS C LIQUOR LICENSE LOCATED AT 2137 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84805 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 21, 2008 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 U.R. Rockin, Inc. dba The Rock of Lincoln for a Class C liquor license located at 2137 Cornhusker Highway.

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

Introduced by Ken Svoboda

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

MISCELLANEOUS BUSINESS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF RFOX INC. DBA F.O.X. NEIGHBORHOOD GRILL & BAR FOR A CLASS I LIQUOR LICENSE AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84806 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 RFox Inc. dba F.O.X. Neighborhood Grill & Bar for a Class "I" liquor license at 1245 Libra Drive, Suite 110, Lincoln, Nebraska, for the license period ending April 30, 2009, 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 John Spatz

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

MANAGER APPLICATION OF DONALD J. ARENA FOR RFOX INC. DBA F.O.X. NEIGHBORHOOD GRILL & BAR AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84807 WHEREAS, RFox Inc. dba F.O.X. Neighborhood Grill & Bar located at 1245 Libra Drive, Suite 110, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Donald J. Arena be named manager;

WHEREAS, Donald J. Arena 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 Donald J. Arena 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 John Spatz

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

APPLICATION OF GARAGE SPORTS BAR & GRILL INC. DBA GARAGE SPORTS BAR & GRILL FOR THE ADDITION OF A BEER GARDEN AREA MEASURING APPROXIMATELY 14 FT. BY 64 FT. TO THE WEST OF THE LICENSED PREMISES AT 5551 S. 48TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84808 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 Garage Sports Bar & Grill Inc. dba Garage Sports Bar & Grill to expand its licensed premises by the addition of an area measuring approximately 14 feet by 64 feet to the west of the presently licensed premises located at 5551 S. 48th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by John Spatz

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

APPLICATION OF TEXAS ROADHOUSE HOLDINGS LLC DBA TEXAS ROADHOUSE FOR A CLASS IK LIQUOR LICENSE AT 6301 APPLES WAY - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84809 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 Texas Roadhouse Holdings LLC dba Texas Roadhouse for a Class "IK" liquor license at 6301 Apples Way, Lincoln, Nebraska, for the

license period ending April 30, 2009, 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 John Spatz

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

MANAGER APPLICATION OF JACOB CORTON FOR TEXAS ROADHOUSE HOLDINGS LLC DBA TEXAS ROADHOUSE AT 6301 APPLES WAY - CLERK read the following resolution, introduced by John Spatz, who moved its adoption for approval:

A-84810 WHEREAS, Texas Roadhouse Holdings LLC dba Texas Roadhouse located at 6301 Apples Way, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Jacob Corton be named manager;

WHEREAS, Jacob Corton 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 Jacob Corton 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 John Spatz

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

#### ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS FROM MAY 3, 2008 THROUGH OCTOBER 11, 2008 AND ON 8TH STREET FROM P TO Q STREET FROM JUNE 14, 2008 THROUGH AUGUST 9, 2008 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7<sup>th</sup> Street from P to Q Streets and P Street from 7<sup>th</sup> to 8<sup>th</sup> Streets, from May 3, 2008 through October 11, 2008, and on 8<sup>th</sup> Street from P to Q Street from June 14, 2008 through August 9, 2008, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK JAZZ IN JUNE PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 3, 2008 THROUGH JUNE 24, 2008 - CLERK read an ordinance, introduced by John Spatz, accepting and approving the Public Market Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Jazz in June public market in the Marketplace area, 12<sup>th</sup> Street from Q to R Streets and R Street from 12<sup>th</sup> to 13<sup>th</sup> Streets, on each Tuesday from June 3, 2008 through June 24, 2008, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

AMENDING TITLE 28 OF THE LINCOLN MUNICIPAL CODE RELATING TO STORMWATER QUALITY AND EROSION AND SEDIMENT CONTROL BY CREATING A NEW CHAPTER 28.02, REGULATIONS FOR ILLICIT DISCHARGES - CLERK read an ordinance, introduced by John Spatz, amending Title 28 of the Lincoln Municipal Code relating to stormwater quality and erosion and sediment control by creating a new Chapter 28.02, Regulations for Illicit Discharges, the second time.

#### PUBLIC HEARING RESOLUTIONS

ADOPTING FEES TO COVER THE EXPENSES OF CONDUCTING NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ( NPDES) STORMWATER PERMIT COMPLIANCE INSPECTIONS AT REGULATED INDUSTRIAL FACILITIES BY HEALTH DEPARTMENT STAFF - PRIOR to reading:

COOK Moved to delay action on Bill No. 08R-84 for one week to 4/14/08 in order to have action with Bill No. 08-36.

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

PUBLIC HEARING ORDINANCES - 3<sup>rd</sup> READING & RELATED RESOLUTIONS (as required)

CHANGE OF ZONE 3312 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71) (ACTION DATE: 3/24/08) - 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: Cook, Emery, Eschliman, Spatz, Svoboda; NAYS: None; ABSENT: Camp; ABSTAINED: Marvin.

The ordinance, being numbered #19066, is recorded in Ordinance Book #26, Page

USE PERMIT 135 - APPLICATION OF RIDGE DEVELOPMENT TO DEVELOP APPROXIMATELY 198,825 SQ. FT. OF RETAIL FLOOR AREA, WITH WAIVERS TO REDUCE THE FRONT YARD SETBACKS AND INTERNAL YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS 08-26, 08R-71) (ACTION DATE: 3/24/08)- PRIOR to reading:

COOK Moved to amend Bill No. 08R-71 in the following manner: On page 4, between lines 4 and 5, insert the following language, and renumber paragraphs 2 through 7.

(b) Permittee must revise the site plan to add the following General Notes:

30. PRIOR TO RECEIVING A BUILDING PERMIT FOR A BUILDING OF LESS THAN 30,000 SQUARE FEET OF FLOOR AREA, THE ARCHITECT OF RECORD FOR THE BUILDING PLANS SHALL CERTIFY THAT THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES COMPLY WITH ONE OF THE FOLLOWING TWO CONDITIONS:

A. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES MEET ALL OF THE FOLLOWING ITEMS:

i. The building shall be faced with a minimum of 20% brick or stone (including cultured stone) in the buff/earth tone color range or shades thereof, and the remainder of the building shall be constructed of one or more of the following in a color range compatible with the brick or stone masonry: split-face concrete masonry architectural pre-cast, synthetic stucco, EIFS, hardy plank siding, cast-in-place concrete with a brick masonry veneer, or pre-cast concrete with a brick masonry veneer.

ii. The roof of the building shall be flat, sloped with a minimum slope of 4:12, or a combination of flat and sloped. The roof material for sloped roofs shall be high quality upscale asphalt shingles, synthetic slate shingles or standing seam metal, and shall be a color compatible with the brick or stone masonry.

iii. All mechanical units and condensing units shall be visually screened from public view.

iv. All trash dumpsters shall be screened on three sides with a masonry screen wall.

B. THE BUILDING'S ARCHITECTURAL FEATURES AND DESIGN ARE APPROVED BY THE DIRECTOR OF PLANNING AS ACHIEVING AN APPEARANCE THAT IS SUBSTANTIALLY EQUIVALENT TO MEETING THE CONDITIONS IN A. ABOVE.

31. PRIOR TO RECEIVING A BUILDING PERMIT FOR A BUILDING OF 30,000 OR MORE SQUARE FEET OF FLOOR AREA, THE ARCHITECT OF RECORD FOR THE BUILDING PLANS SHALL CERTIFY THAT THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES COMPLY WITH ONE OF THE FOLLOWING TWO CONDITIONS:

A. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES MEET ALL OF THE FOLLOWING ITEMS:

i. The building shall be constructed of one or more of the following in the buff/earth tone color range or shades thereof: brick, stone (including cultured stone), split-face concrete masonry, architectural pre-cast, synthetic stucco, EIFS, hardy plank siding, cast-in-place concrete with a brick masonry veneer, or pre-cast concrete with a brick masonry veneer.

ii. The roof of the building shall be flat, sloped with a minimum slope of 4:12, or a combination of flat and sloped. The roof material for sloped roofs shall be high quality upscale asphalt shingles, synthetic slate shingles or standing seam metal, and shall be a color compatible with the brick or stone masonry.

iii. All mechanical units and condensing units shall be visually screened from public view.

iv. All trash dumpsters shall be screened on three sides with a masonry screen wall.

B. THE BUILDING'S ARCHITECTURAL FEATURES AND DESIGN ARE APPROVED BY THE DIRECTOR OF PLANNING AS ACHIEVING AN APPEARANCE THAT IS SUBSTANTIALLY EQUIVALENT TO MEETING THE CONDITIONS IN A. ABOVE.

32. Outdoor areas under lighted canopies, such as gas pump islands and ATM bays, shall not exceed average maintained illuminance of 20 footcandles. If any portion of the canopy area is within 500 feet of residential zoning, the average maintained illuminance shall not exceed 20 footcandles and the luminaires shall be full cutoff for the entire canopy area.

33. No drive-thru loudspeaker shall be oriented to face Fletcher Avenue.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84811 WHEREAS, Ridge Development Company has submitted an application in accordance with Section 27.27.090 of the Lincoln Municipal Code designated as Use Permit No. 135 to develop 198,825 square feet of retail floor area, including requested waivers to adjust the internal yard setbacks within individual building lots, on property generally located at N. 14th Street and Fletcher Avenue, legally described as follows:

The remaining portion of Outlot "C", North Hills 5th Addition, located in the Northwest Quarter of Section 1, Township 10 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southwest corner of said Outlot "C", said point being on the east line of North 14th Street right-of-way and on the north line of Fletcher Avenue right-of-way, said point being the true point of beginning; thence northerly along the west line of said remaining portion of Outlot "C", said line being the east line of North 14th Street right-of-way, said line being 65.00 feet east of and parallel with the west line of said Northwest Quarter on an assumed bearing of north 00 degrees 08 minutes 46 seconds west, a distance of 274.86 feet to a point of deflection; thence north 09 degrees 44 minutes 54 seconds east along a west line of said remaining portion of Outlot "C", said line being an east line of said right-of-way, a distance of 324.57 feet to a point of deflection; thence north 53 degrees 25 minutes 21 seconds east along a northwest line of said remaining portion of Outlot "C", said line being a southeast line of Interstate 80 right-of-way, a distance of 979.37 feet to the northwest corner of said remaining portion of Outlot "C", said point being on the north line of said Northwest Quarter; thence south 89 degrees 49 minutes 08 seconds east along a north line of said remaining portion of Outlot "C", said line being a north line of said Northwest Quarter, a distance of 424.96 feet to the northeast corner of said remaining portion of Outlot "C", said point being on the west line of Fletcher Avenue right-of-way, said point being a point of curvature of a non-tangent curve in a counter clockwise direction having a radius of 1,070.00 feet, a central angle of 10 degrees 02 minutes 20 seconds, an arc distance of 187.48 feet along an east line of said remaining portion of Outlot "C", a tangent length of 93.98 feet, a chord bearing of south 30 degrees 22 minutes 27 seconds west, and a chord distance of 187.24 feet to a point of tangency; thence south 25 degrees 21 minutes 17 seconds west along a southeast line of said remaining portion of Outlot "C", said line being a northwest line of said right-of-way, a distance of 157.47 feet to a point of deflection; thence south 70 degrees 21 minutes 16 seconds west along a south line of said remaining portion of Outlot "C", said line being a north line of said right-of-way, a distance of 15.63 feet to a point of deflection; thence north 64

degrees 38 minutes 44 seconds west along a south line of said remaining portion of Outlot "C", said line being a north line of said right-of-way, a distance of 15.00 feet to a point of deflection; thence south 25 degrees 21 minutes 17 seconds west along an east line of said remaining portion of Outlot "C", said line being a west line of said right-of-way, a distance of 60.00 feet to a point of deflection; thence south 64 degrees 38 minutes 44 seconds east along a north line of said remaining portion of Outlot "C", said line being a south line of said right-of-way, a distance of 15.01 feet to a point of deflection; thence south 19 degrees 38 minutes 44 seconds east along an east line of said remaining portion of Outlot "C", said line being a west line of said right-of-way, a distance of 29.76 feet to a point of deflection; thence south 25 degrees 21 minutes 17 seconds west along an east line of said remaining portion of Outlot "C", said line being a west line of said right-of-way, a distance of 374.54 feet to a point of deflection; thence north 64 degrees 38 minutes 43 seconds west along a south line of said remaining portion of Outlot "C", said line being a north line of said right-of-way, a distance of 10.00 feet to a point of deflection; thence south 25 degrees 21 minutes 17 seconds west along an east line of said remaining portion of Outlot "C", said line being a west line of said right-of-way, a distance of 126.18 feet to a point of curvature of a curve in a clockwise direction having a radius of 580.00 feet, a central angle of 13 degrees 04 minutes 51 seconds, an arc length of 132.42 feet along an east line of said remaining portion of Outlot "C", said line being a west line of said right-of-way, a tangent length of 66.50 feet, a chord bearing of south 31 degrees 53 minutes 42 seconds west, and a chord distance of 132.13 feet to a point of compound curvature of a curve in a clockwise direction having a radius of 577.38 feet, a central angle of 04 degrees 55 minutes 05 seconds, an arc length of 49.56 feet along a southeast line of said remaining portion of Outlot "C", said line being a northwest line of said right-of-way, a tangent length of 24.80 feet, a chord bearing of south 40 degrees 53 minutes 40 seconds west, and a chord length of 49.54 feet to a point of deflection; thence north 85 degrees 01 minutes 29 seconds west along a south line of said remaining portion of Outlot "C", said line being a north line of said right-of-way, a distance of 24.99 feet to a point of deflection; thence north 40 degrees 01 minutes 29 seconds west along a southwest line of said remaining portion of Outlot "C", said line being a northeast line of said right-of-way, a distance of 10.00 feet to a point of deflection; thence south 49 degrees 58 minutes 31 seconds west along a southeast line of said remaining portion of Outlot "C", said line being a northwest line of said right-of-way, a distance of 70.00 feet to a point of deflection; thence south 40 degrees 01 minutes 29 seconds east along a northeast line of said remaining portion of Outlot "C", said line being a southwest line of said right-of-way, a distance of 15.00 feet to a point of deflection; thence south 06 degrees 12 minutes 10 seconds west along an east line of said remaining portion of Outlot "C", said line being a west line of said right-of-way, a distance of 31.41 feet to a point of curvature of a non-tangent curve in a clockwise direction having a radius of 587.38 feet, a central angle of 08 degrees 29 minutes 28 seconds, an arc distance of 87.05 feet along a southeast line of said remaining portion of Outlot "C", said line being a northwest line of said right-of-way, a tangent length of 43.60 feet, a chord bearing of south 59 degrees 36 minutes 22 seconds west, and a chord distance of 86.97 feet to a point of curvature of a non-tangent curve in a clockwise direction having a radius of 585.00 feet, a central angle of 27 degrees 08 minutes 26 seconds, an arc distance of 277.11 feet along a southeast line of said remaining portion of Outlot "C", said line being a northwest line of said right-of-way, a tangent length of 141.21 feet, a chord bearing of south 76 degrees 17



minutes 01 seconds west, and a chord distance of 274.53 feet to a point; thence south 89 degrees 51 minutes 14 seconds west along a south line of said remaining portion of Outlot "C", said line being a north line of said right-of-way, a distance of 327.10 feet to a point of beginning; said tract contains a calculated area of 849,109.46 square feet or 19.49 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this construction of retail space 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 Ridge Development Company, hereinafter referred to as "Permittee", to develop 198,825 square feet of retail floor area be and the same is hereby granted under the provisions of Section 27.27.090 of the Lincoln Municipal Code upon condition that construction and operation of said retail space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 198,825 square feet of retail floor area with a waiver of internal yard setbacks.

2. Permittee must revise the site plan to add the following General Notes:

30. PRIOR TO RECEIVING A BUILDING PERMIT FOR A BUILDING OF LESS THAN 30,000 SQUARE FEET OF FLOOR AREA, THE ARCHITECT OF RECORD FOR THE BUILDING PLANS SHALL CERTIFY THAT THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES COMPLY WITH ONE OF THE FOLLOWING TWO CONDITIONS:

A. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES MEET ALL OF THE FOLLOWING ITEMS:

i. The building shall be faced with a minimum of 20% brick or stone (including cultured stone) in the buff/earth tone color range or shades thereof, and the remainder of the building shall be constructed of one or more of the following in a color range compatible with the brick or stone masonry: split-face concrete masonry architectural pre-cast, synthetic stucco, EIFS, hardy plank siding, cast-in-place concrete with a brick masonry veneer, or pre-cast concrete with a brick masonry veneer.

ii. The roof of the building shall be flat, sloped with a minimum slope of 4:12, or a combination of flat and sloped. The roof material for sloped roofs shall be high quality upscale asphalt shingles, synthetic slate shingles or standing seam metal, and shall be a color compatible with the brick or stone masonry.

iii. All mechanical units and condensing units shall be visually screened from public view.

iv. All trash dumpsters shall be screened on three sides with a masonry screen wall.

B. THE BUILDING'S ARCHITECTURAL FEATURES AND DESIGN ARE APPROVED BY THE DIRECTOR OF PLANNING AS ACHIEVING AN APPEARANCE THAT IS SUBSTANTIALLY EQUIVALENT TO MEETING THE CONDITIONS IN A. ABOVE.

31. PRIOR TO RECEIVING A BUILDING PERMIT FOR A BUILDING OF 30,000 OR MORE SQUARE FEET OF FLOOR AREA, THE ARCHITECT OF RECORD FOR THE BUILDING PLANS SHALL CERTIFY THAT THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES COMPLY WITH ONE OF THE FOLLOWING TWO CONDITIONS:

A. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES MEET ALL OF THE FOLLOWING ITEMS:

i. The building shall be constructed of one or more of the following in the buff/earth tone color range or shades thereof: brick, stone (including cultured stone), split-face concrete masonry, architectural pre-cast, synthetic stucco, EIFS, hardy plank siding, cast-in-place concrete with a brick masonry veneer, or pre-cast concrete with a brick masonry veneer.

ii. The roof of the building shall be flat, sloped with a minimum slope of 4:12, or a combination of flat and sloped. The roof material for sloped roofs shall be high quality upscale asphalt shingles,

synthetic slate shingles or standing seam metal, and shall be a color compatible with the brick or stone masonry.

iii. All mechanical units and condensing units shall be visually screened from public view.

iv. All trash dumpsters shall be screened on three sides with a masonry screen wall.

B. THE BUILDING'S ARCHITECTURAL FEATURES AND DESIGN ARE APPROVED BY THE DIRECTOR OF PLANNING AS ACHIEVING AN APPEARANCE THAT IS SUBSTANTIALLY EQUIVALENT TO MEETING THE CONDITIONS IN A. ABOVE.

32. Outdoor areas under lighted canopies, such as gas pump islands and ATM bays, shall not exceed average maintained illuminance of 20 footcandles. If any portion of the canopy area is within 500 feet of residential zoning, the average maintained illuminance shall not exceed 20 footcandles and the luminaires shall be full cutoff for the entire canopy area.

33. No drive-thru loudspeaker shall be oriented to face Fletcher Avenue.

~~2~~ 3. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan including seven copies to the Planning Director.
- b. The construction plans must comply with the approved plans.
- c. Final plats within the area of the Use Permit must be approved by the City.

~~3~~ 4. Before occupying the commercial buildings all development and construction shall have been completed on compliance with the approved plans.

~~4~~ 5. All privately-owned improvements, including landscaping, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.

~~5~~ 6. 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.

~~6~~ 7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

~~7~~ 8. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The 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 applicant.

Introduced by Jonathan Cook

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

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

AMENDING CHAPTER 2.54 OF THE LINCOLN MUNICIPAL CODE RELATING TO CONFLICTS OF INTEREST OF OFFICERS AND EMPLOYEES TO DECLARE THE POLICY OF THE CHAPTER; TO REVISE THE DEFINITION OF IMMEDIATE FAMILY; TO ADOPT STANDARDS FOR ETHICAL CONDUCT OF OFFICERS AND EMPLOYEES, INCLUDING GENERAL PRINCIPALS RELATING TO FINANCIAL INTERESTS, USE OF INFORMATION, STATUS, OR PROPERTY FOR PRIVATE GAIN, AND CONTRACTING WITH THE CITY; TO REQUIRE CANDIDATES FOR OFFICE TO DISCLOSE EXISTING OR PENDING CONTRACTUAL RELATIONSHIPS WITH THE CITY; TO DECLARE INTERESTS IN CONTRACTS BY REVISING LANGUAGE, POSTING OF INFORMATION ON WEBSITES, TO REQUIRE ADDITIONAL INFORMATION ON DISCLOSURES, TO EXTEND BID DEADLINES, AND TO REQUIRE COUNCIL APPROVAL OF SUCH CONTRACTS - PRIOR to reading:

SPATZ Moved to continue 1<sup>st</sup> Reading for Bill No. 08-37 on April 14, 2008 with Public Hearing on April 21, 2008.

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

CLERK Read an ordinance, introduced by John Spatz, amending Chapter 2.54 of the Lincoln Municipal Code relating to conflicts of interest of officers and employees to declare the policy of the Chapter; to revise the definition of immediate family; to adopt standards for ethical conduct of officers and employees, including general principals relating to financial interests, use of information, status, or property for private gain, and contracting with the City; to require candidates for office to disclose existing or pending contractual relationships with the City; to declare interests in contracts by revising language, posting of information on websites, to require additional information on disclosures, to extend bid deadlines, and to require Council approval of such contracts, the first time.

ANNEXATION NO. 08002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 64 ACRES OF PROPERTY GENERALLY LOCATED AT CORNHUSKER HIGHWAY AND FLETCHER AVENUE - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

MISCELLANEOUS NO. 08004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO SUBDIVISIONS BY AMENDING SECTION 26.11.060 TO MODIFY WHEN AN APPLICATION FOR A FINAL PLAT SHALL AUTOMATICALLY EXPIRE AND BECOME NULL AND VOID; AMENDING SECTION 26.15.020 TO DELETE THE REQUIREMENT THAT AN AERIAL PHOTOGRAPH FROM THE LANCASTER COUNTY SOIL SURVEY MAPS DESIGNATING SOIL TYPES AND AN EXPLANATION ON HOW (1) THE ENGINEERING PROPERTIES, AND (2) THE PHYSICAL CHEMICAL AND WATER PROPERTIES OF THE SOIL WILL AFFECT THE PROPOSED DEVELOPMENT TO BE INCLUDED WITH THE PRELIMINARY PLAT AND FURTHER DELETING THE REQUIREMENT FOR A CERTIFICATION FROM A GEOTECHNICAL ENGINEER THAT THE SOIL DATA SUPPLIED IS STILL APPROPRIATE IF THE GRADING PLAN SHOWS MORE THAN A FIVE-FOOT CUT ON A SIGNIFICANT PART OF THE AREA OR A LARGE NUMBER OF BASEMENTS ARE ANTICIPATED - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 26 of the Lincoln Municipal Code relating to subdivisions by amending Section 26.11.060 to modify when an application for a final plat shall automatically expire and become null and void; amending Section 26.15.020 to delete the requirement that an aerial photograph from the Lancaster County soil survey maps designating soil types and an explanation on how (1) the engineering properties, and (2) the physical chemical and water properties of the soil will affect the proposed development to be included with the preliminary plat and further deleting the requirement for a certification from a geotechnical engineer that the soil data supplied is still appropriate if the grading plan shows more than a five-foot cut on a significant part of the area or a large number of basements are anticipated; and repealing Sections 26.11.060 and 26.15.020 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE SALE OF CITY OWNED PROPERTIES LOCATED AT 1747, 1801, 1803, AND 1807 NORTH 24TH STREET AND 429 B STREET TO NEIGHBORWORKS-LINCOLN AND AFFORDABLE HOUSING INITIATIVE - CLERK read an ordinance, introduced by Ken Svoboda, authorizing the sale of City owned property at 1747, 1801, 1803, 1807 North 24<sup>th</sup> Street and 429 B Street, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND SLICK GRAPHIX FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 370 FIFTH STREET, DAVID CITY, NEBRASKA - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Lease Agreement between the City of Lincoln and Jamie Sylvester dba Slick Graphix for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program office located at 370 Fifth Street, David City, NE 68632, for a 12-month term from March 1, 2008 through February 28, 2009, the first time.

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

CHANGE OF ZONE 08003 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH AND MEREDETH STREET. (RELATED ITEMS: 08-17, 08R-65) (ACTION DATE: 3/10/08) (3/3/08 - P.H. CON'T. 4 WEEKS TO 3/31/08) (ACTION DATE: 4/7/08) - PRIOR to reading:

COOK Moved to delay action on Bill No. 08-17 for one week to 4/14/08.  
Seconded by Spatz & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Ken Svoboda, 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.

SPECIAL PERMIT 08007 - APPEAL OF KEITH SACKSCHEWSKY TO THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE APPLICATION OF OLDERBAK ENTERPRISES NORTH LLC TO EXPAND A NONCONFORMING USE TO INCREASE THE AREA WHERE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES IS ALLOWED, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH STREET AND MEREDETH STREET. (RELATED ITEMS: 08-17, 08R-65) (ACTION DATE: 3/10/08) (3/3/08 - P.H. CON'T. 4 WEEKS TO 3/31/08) (ACTION DATE: 4/7/08)- PRIOR to reading:

COOK Moved to delay action on Bill No. 08R-65 for one week to 4/14/08.  
Seconded by Spatz & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

DECLARING APPROXIMATELY 58,520 SQUARE FEET OF THE CORNHUSKER CONVENTION CENTER AT S. 13TH STREET AND M STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Robin Eschliman, declaring the City-owned property generally located at South 13<sup>th</sup> Street and M Street as surplus and authorizing the sale thereof to Shubh Hotels Lincoln, LLC, a Florida limited liability company, the third time.

ESCHLIMAN Moved to pass the ordinance.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.  
The ordinance, being numbered #19067, is recorded in Ordinance Book #26, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to April 14, 2008.  
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

**UPCOMING RESOLUTIONS -**

SVOBODA Moved to approve the resolutions to have Public Hearing on April 14, 2008.  
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 2:03 P.M.**

CAMP Moved to adjourn the City Council meeting of April 7, 2008.  
Seconded by Cook & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant



