

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 27, 2007 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

Council Chair Marvin asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of August 20, 2007 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF GSCS, INC. DBA THE PIT CREW FOR A CLASS C LIQUOR LICENSE AT 3223 CORNHUSKER HIGHWAY;
MANAGER APPLICATION OF ERIC FORTUNE FOR GSCS, INC. DBA THE PIT CREW AT 3223 CORNHUSKER HIGHWAY - Eric Fortune, 3223 Cornhusker, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF LINCOLN HOLDINGS LTD. DBA MARZ BAR FOR A CLASS C LIQUOR LICENSE AT 1140 O STREET;
MANAGER APPLICATION OF NADER SEPAHPUR FOR LINCOLN HOLDINGS LTD. DBA MARZ BAR AT 1140 O STREET - Russ Fosler, Lincoln Police Dept., came forward to state Mr. Sepahpur was not able to be before the Council due to him being in a minor traffic accident.

This matter was taken under advisement.

APPLICATION OF DEVA, INC. DBA GRISANTI'S FOR A CLASS I LIQUOR LICENSE AT 6820 O STREET;
MANAGER APPLICATION OF DEMETRIS KOTSALIS FOR DEVA, INC. DBA GRISANTI'S AT 6820 O STREET - Thomas Penk 406 N. 130th St., Omaha, NE, came forward representing Demetris Kotsalis, took the oath and was available to answer questions. Mr. Demetris Kotsalis took oath and was available to answer questions as well.

This matter was taken under advisement.

APPLICATION OF 55DEGREES, INC. DBA BREAD & CUP FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING 122' BY 15' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 440 N. 8TH STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 13, 20; NOVEMBER 10, 2007 FROM 8:00 A.M. TO 1:00 A.M. - Russ Fosler, Lincoln Police Dept., came forward to state there are two conditions that are yet to be met and an inspection by Building & Safety has to be done.

This matter was taken under advisement.

VACATION 05008 - VACATING PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND EASTSHORE DRIVE - Jennifer Cusiek-Rawlinson, 6441 Westshore Dr., came forward as president of the Pine Lake Assn., requesting approval. Discussion followed.

Clint Thomas, Real Estate Division, came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to state it is standard procedure to retain ownership of the property so the City can sell the land. If they can't sell the land at least it will be maintained. Discussion followed.

This matter was taken under advisement.

Jon Camp, Council Member, moved to waive the rules to re-open public hearing on Item #7.

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

Kerry Knight, Manager for Bread & Cup, took oath and came forward to answer questions.

Councilman Camp asked Mr. Knight if he understood the requirements of this request as to inspections and proper paperwork.

Mr. Knight responded in the affirmative.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO LEASE AGREEMENT, THE GOLD'S BUILDING, BETWEEN THE CITY OF LINCOLN AND SECURITY NATIONAL PROPERTIES FUNDING, LLC, TO STRIKE PARAGRAPH 9, SUBROGATION, FROM THE LEASE;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF LABOR TO SUBLEASE 6,568 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2011;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES TO SUBLEASE 154 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2009 - David Landis, Director of Urban Development, came forward to explain the lease agreements. Discussion followed.

This matter was taken under advisement.

APPROVING THE 2007 - 08 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT REGARDING STORMWATER QUALITY AND QUANTITY ISSUES - Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPEAL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 07026 FOR AUTHORITY TO CONSTRUCT A 31 UNIT DOMICILIARY CARE FACILITY FOR 33 RESIDENTS ON APPROXIMATELY 1.84 ACRES GENERALLY LOCATED AT S. 25TH STREET AND OLD CHENEY ROAD - Marty Hug, 2920 Smoky Hill Rd., Hastings, NE, came forward as Chief Operating Officer for AgeMark Corp., came forward stating this facility would be very residential, house 33 residents and create 30 jobs with an annual payroll of \$678,000. He is requesting approval. Discussion followed.

Lee Bateman, 5820 S. 25th Street, came forward in opposition. Discussion followed.

Kelly Winkler, 5737 S. 25th Street, came forward in opposition. Discussion followed.

Sharon Gewain, 2601 Cindy Dr., came forward in opposition. Discussion followed.

Steve Fishbein, 5905 S. 25th Street, came forward in opposition. Discussion followed.

Nancy Elliott, 2511 Cindy Dr., came forward in opposition. Discussion followed.

Jason Stevens, 5830 S. 25th Street, came forward in opposition. Discussion followed.

Brandon McDaniel, 5727 S. 25th Street, came forward in opposition. Discussion followed.

Vicky Shank, 5800 S. 25th Street, came forward in opposition. Discussion followed.

Dana Roper, City Attorney, came forward to state that zoning restrictions & covenants are two separate land restrictions. Zoning restrictions are independent of covenants. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward to answer there is too much traffic to have a curb cut on Old Cheney at this location making it a safety hazard. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF GSCS, INC. DBA THE PIT CREW FOR A CLASS C LIQUOR LICENSE AT 3223 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84492 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 GSCS, Inc. dba The Pit Crew for a Class "C" liquor license at 3223 Cornhusker Highway, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF ERIC FORTUNE FOR GSCS, INC. DBA THE PIT CREW AT 3223 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84493 WHEREAS, GSCS, Inc. dba The Pit Crew located at 3223 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "C"

liquor license, and now requests that Eric Fortune be named manager;
WHEREAS, Eric Fortune 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 Eric Fortune be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LINCOLN HOLDINGS LTD. DBA MARZ BAR FOR A CLASS C LIQUOR LICENSE AT 1140 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84494 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 Lincoln Holdings Ltd. dba Marz Bar for a Class "C" liquor license at 1140 O Street, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF NADER SEPAHPUR FOR LINCOLN HOLDINGS LTD. DBA MARZ BAR AT 1140 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84495 WHEREAS, Lincoln Holdings Ltd. dba Marz Bar located at 1140 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Nader Sepahpur be named manager;
WHEREAS, Nader Sepahpur 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 Nader Sepahpur be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF DEVA, INC. DBA GRISANTI'S FOR A CLASS I LIQUOR LICENSE AT 6820 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84496 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 Deva, Inc. dba Grisanti's for a Class "I" liquor license at 6820 O Street, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DEMETRIS KOTSALIS FOR DEVA, INC. DBA GRISANTI'S AT 6820 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84497 WHEREAS, Deva, Inc. dba Grisanti's located at 6820 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Demetris Kotsalis be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF 55DEGREES, INC. DBA BREAD & CUP FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING 122' BY 15' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 440 N. 8TH STREET ON SEPTEMBER 1, 15, 22, 29; OCTOBER 13, 20; NOVEMBER 10, 2007 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84498 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 55 Degrees, Inc. dba Bread & Cup for a Special Designated License to cover an area measuring 122' by 15' at 440 N. 8th Street, Lincoln, Nebraska, on September 1, 15, 22 and 29, October 13, and 20 and November 10, 2007, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification shall be checked on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. An additional second exit from the fenced in area shall be provided.
6. One portable toilet facility shall be provided.
7. The sidewalk café adjacent to the dock area must be constructed in accordance with the design site plan, approved by the Outdoor Dining Committee and must meet City inspections prior to the issuance of this special designated liquor license.

BE IT FURTHER RESOLVED 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)

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11th Street, Lincoln, NE for a term beginning September 1, 2007 through August 31, 2008, the second time.

APPROVING AN AMENDMENT TO LEASE AGREEMENT, THE GOLD'S BUILDING, BETWEEN THE CITY OF LINCOLN AND SECURITY NATIONAL PROPERTIES FUNDING, LLC, TO STRIKE PARAGRAPH 9, SUBROGATION, FROM THE LEASE - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Amendment to Lease Agreement, the Gold's Building, between the City of Lincoln and Security National Properties Funding, LLC, to strike paragraph 9 Subrogation from the Lease, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF LABOR TO SUBLEASE 6,568 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2011 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2011 whereby the City of Lincoln is subleasing 6,568 sq. ft. of space to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES TO SUBLEASE 154 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2009 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, and DAS/State Building Division on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2009 whereby the City of Lincoln is subleasing 154 sq. ft. of space to Nebraska Department of Education, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84499 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 August 16, 2007, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Lacey M. Harre	\$250.00	Gary Turner & Patsy Turner	\$2,140.46
		Capital Humane Society	423.98
		Yaroslav Krasivsky	1,657.32

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 Jon Camp

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

APPROVING THE 2007 - 08 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT REGARDING STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84500 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2007-2008 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2007-2008 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2007-2008 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2007 - 2008 Work Plan for the Interlocal Agreement on Stormwater Management to Glenn Johnson, Lower Platte South Natural Resources District, PO Box 93581, Lincoln, NE 68501 and a copy of the same to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, Lincoln, NE 68508.

Introduced by Jon Camp

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

APPEAL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 07026 FOR AUTHORITY TO CONSTRUCT A 31 UNIT DOMICILIARY CARE FACILITY FOR 33 RESIDENTS ON APPROXIMATELY 1.84 ACRES GENERALLY LOCATED AT S. 25TH STREET AND OLD CHENEY ROAD. (REQUEST TO HOLD P.H. ON 9/10/07) (8/20/07 - P.H. TO BE HELD ON 8/27/07 W/CON'T P.H. & ACTION ON 9/10 /07)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF SEPT. 17, 2007 AT 1:30 P.M. FOR APPLICATION OF CRABBY BILL'S SEAFOOD SHACK FOR A CLASS C LIQUOR LICENSE AT 803 Q STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84501 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 17, 2007 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 Crabby Bill's Seafood Shack for a Class C liquor license located at 803 Q Street.

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

Introduced by Jonathan Cook

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

MAGNOLIA RESTAURANT, INC. DBA MAGNOLIA RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 301 N. 8TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84502 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 17, 2007 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 Magnolia Restaurant, Inc. dba Magnolia Restaurant for a Class I liquor license located at 301 N. 8th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF SEPT. 17, 2007 AT 1:30 P.M. FOR AN APPLICATION OF BOX AWESOME, LLC FOR AN ADDITION OF APPROXIMATELY 25 FEET X 130 FEET WITH BEER GARDEN 21 FEET X 11 FEET ON THE SOUTH SIDE OF THE BUILDING AT 815 O STREET, STE. 2 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84503 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 17, 2007 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 Box Awesome, LLC for an addition of approximately 25 feet x 130 feet with beer garden 21 feet x 11 feet on south side of the building located at 815 O Street, Ste. 2.

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

Introduced by Jonathan Cook

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON AUGUST 13, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

- ANNEXATION 07002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40.48 ACRES OF PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. (RELATED ITEMS: 07-137, 07-138) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.
- CHANGE OF ZONE 07044 - APPLICATION OF CAMERON HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. (RELATED ITEMS: 07-137, 07-138) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.
- CHANGE OF ZONE 07045 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 5.87 ACRES GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon as follows: Lots 90, 91 and 113 of Irregular Tracts, located in the Southeast Quarter of Section 10 North, Township 9 North, Range 7 East of the 6th P.M., the first time.
- CHANGE OF ZONE 07041 - APPLICATION OF YASUFUKU U.S.A., INC. FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. COMMERCE WAY - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon as follows: Lot 7, Block 1, Union Pacific Addition, the first time.
- CHANGE OF ZONE 07046 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION 27.03.525 TO DEFINE RESTAURANT; AMENDING SECTIONS 27.27.025, 27.29.030, 27.33.030, 27.41.030, 27.43.030, 27.49.030, 27.51.040 AND ADDING NEW SECTIONS NUMBERED 27.39.025, 27.45.025, AND 27.47.025 TO ALLOW AND ESTABLISH CONDITIONS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT AS A PERMITTED CONDITIONAL USE IN THE O-3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.050, AND 27.63.680 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON ANY PREMISES NOT MEETING THE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT AS A CONDITIONAL PERMITTED USE IN THE B-1, B-3, H-1, H-2, H-4, I-1, I-2 AND I-3 DISTRICTS AS SPECIAL PERMITTED USE; BY AMENDING SECTION 27.27.030 TO DELETE THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES IN RESTAURANTS AS A SPECIAL PERMITTED USE IN THE O-3 DISTRICT; BY AMENDING SECTION 27.67.040 TO ADD SPECIAL PARKING REQUIREMENTS FOR BARS, COFFEE SHOPS AND SIMILAR USES FORMERLY CLASSIFIED AS A RESTAURANT; AND BY AMENDING FIGURE 27.67.040 TO ADD BARS, COFFEE SHOPS, AND SIMILAR USES TO THE LIST OF USES WHICH HAVE SPECIAL PARKING REQUIREMENTS - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new Section 27.03.525 to define restaurant; amending Sections 27.27.025, 27.29.030, 27.33.030, 27.41.030, 27.43.030, 27.49.030, 27.51.040 and adding new Sections numbered 27.39.025, 27.45.025, and 27.47.025 to allow and establish conditions for the sale of alcoholic beverages for consumption on the premises of a restaurant as a permitted conditional use in the O-3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 Districts, respectively; by amending Sections 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.050, and 27.63.680 to allow the sale of alcoholic beverages for consumption on any premises not meeting the requirements for the sale of alcoholic beverages for consumption on the premises of a restaurant as a conditional permitted use in the B-1, B-3, H-1, H-2, H-4, I-1, I-2 and I-3 districts as special permitted use; by amending Section 27.27.030 to delete the sale of alcohol for consumption on the premises in restaurants as a special permitted use in the O-3 district; by amending

Section 27.67.040 to add special parking requirements for bars, coffee shops and similar uses formerly classified as a restaurant; and by amending Figure 27.67.040 to add bars, coffee shops, and similar uses to the list of uses which have special parking requirements, the first time.

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

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

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

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

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

CHANGE OF ZONE 07038 - APPLICATION OF RON BILOFF ON BEHALF OF HARRIETT BILOFF FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 47TH STREET AND LOWELL AVE. - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning 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.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18981**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07040HP - APPLICATION OF HAVELOCK BUSINESS ASSOCIATION FOR A LANDMARK DISTRICT DESIGNATION FOR THE HAVELOCK AVENUE LANDMARK DISTRICT ON PROPERTIES FROM 6024 HAVELOCK AVENUE TO 6262 HAVELOCK AVENUE AND FROM 6033 HAVELOCK AVENUE TO 6245 HAVELOCK AVENUE - PRIOR to reading:

ESCHLIMAN Moved to remove the property at 6240 Havelock Avenue from the landmark district designation.

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

CLERK Read an ordinance, introduced by Ken Svoboda, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code by designating a certain area as the Havelock Avenue Landmark District, the third time.

SVOBODA Moved to pass the ordinance as read.

The ordinance, being numbered **#18982**, is recorded in Ordinance Book #26, Page

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY AMENDING SECTION 8.06.145 TO INCREASE THE FEE FOR OPEN BURNING PERMITS; AMENDING SECTION 8.08.060 TO INCREASE PERMIT FEES FOR BODY ART ESTABLISHMENTS; AMENDING SECTION 8.08.090 TO INCREASE THE LATE FEE FOR BODY ART ESTABLISHMENT PERMITS; AMENDING SECTION 8.08.150 TO INCREASE THE INITIAL PERMIT FEE FOR A BODY ART PRACTITIONER; AMENDING SECTION 8.08.350 TO INCREASE THE FEE FOR REINSTATEMENT OF A SUSPENDED PERMIT FOR BODY ART ESTABLISHMENTS OR PRACTITIONERS; AMENDING SECTION 8.12.035 TO INCREASE THE INITIAL AND RENEWAL PERMIT FEES FOR SMALL FAMILY CHILD CARE HOMES; AMENDING SECTION 8.14.037 TO INCREASE THE FEES RELATED TO CHILD CARE PROGRAMS; AMENDING SECTION 8.20.150 TO INCREASE FOOD ESTABLISHMENT PERMIT FEES; AMENDING SECTION 8.20.160 TO INCREASE LATE FEES FOR FOOD ESTABLISHMENT PERMITS; AMENDING SECTION 8.20.170 TO INCREASE THE FEE FOR REINSTATING A SUSPENDED FOOD ESTABLISHMENT PERMIT; AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR VARIANCES TO THE NOISE CONTROL ORDINANCE; AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR CLASS A OR CLASS B SWIMMING POOLS; AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEE FOR SPACE FACILITIES; AND AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES RELATING TO WATER WELLS - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by amending Sections 8.06.145, 8.08.060, 8.08.090, 8.08.150, 8.08.350, 8.12.035, 8.14.037, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.040.070, 8.44.070, and repealing Sections 8.06.145, 8.08.060, 8.08.090, 8.08.150, 8.08.350, 8.12.035, 8.14.037, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.040.070, 8.44.070, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18983**, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 5.41 OF THE LINCOLN MUNICIPAL CODE RELATING TO SALVAGING, RECYCLING AND COMPOSTING OPERATIONS BY AMENDING SECTION 5.41.050 TO INCREASE PERMIT FEES; AMENDING SECTION 5.41.060 TO INCREASE THE OCCUPATION TAX FOR SALVAGE OPERATIONS AND COMMERCIAL COMPOSING OPERATIONS; AND AMENDING SECTION 5.41.070 TO INCREASE THE OCCUPATION TAX LATE FEE - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 5.41 of the Lincoln Municipal Code relating to Salvaging, Recycling, and Composting Operations by amending Section 5.41.050 to increase permit fees; amending Section 5.41.060 to increase the occupations tax for salvage operations and commercial composing operations; amending Section 5.41.070 to increase the occupation tax late fee; and repealing Sections 5.41.050, 5.41.060, and 5.41.070 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18984**, is recorded in Ordinance Book #26, Page

AMENDING TITLE 24 OF THE LINCOLN MUNICIPAL CODE, PLUMBING AND SEWERS, BY AMENDING SECTION 24.38.070 TO INCREASE PERMIT FEES RELATING TO ON-SITE WASTEWATER TREATMENT SYSTEMS; AND AMENDING SECTION 24.42.110 TO INCREASE THE FEE FOR EVALUATION AND REVIEW OF PROPERTY TRANSFER INSPECTOR REPORTS AND ANY NECESSARY SITE VISITS BY THE HEALTH DIRECTOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 24 of the Lincoln Municipal Code, Plumbing and Sewers, by amending Section 24.38.070 to increase permit fees relating to on-site wastewater treatment systems; amending Section 24.42.110 to increase the fee for evaluation and review of Property Transfer Inspector reports and any necessary site visits by the Health Director; and repealing Sections 24.38.070 and 24.42.110 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18985**, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Danny Walker, 427 "E" Street, came forward to ask that the bike path in his neighborhood be cleaned up. He also questioned the time allowed on the crosswalk signal to cross 17th and South Street. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to state the crosswalk signal at 17th and South Street meets the national standards.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 10, 2007. Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the remaining resolutions to have Public Hearing on September 10, 2007. Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 7:23 P.M.

CAMP Moved to adjourn the City Council meeting of August 27, 2007. Seconded by Eschliman & 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

