

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 29, 2007 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross; Cook arrived at 5:50 p.m.

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

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of October 22, 2007 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF L&M FOODS, INC. DBA SAM & LOUIE'S FOR A CLASS I LIQUOR LICENSE AT 1501 PINE LAKE ROAD;

MANAGER APPLICATION OF MARY L. JURGENS FOR L&M FOODS, INC. DBA SAM & LOUIE'S AT 1501 PINE LAKE ROAD - Jason Peterson, 7125 Yosemite Dr., Assistant Manager, took oath and came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07053 - APPLICATION OF AIRPARK HOLDINGS V, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217);

SPECIAL PERMIT 2022B - APPLICATION OF AIRPARK HOLDINGS V, LLC TO EXPAND THE EXISTING PINE LAKE HEIGHTS PLANNED SERVICE COMMERCIAL TO ADD APPROXIMATELY 44,875 SQUARE FEET OF COMMERCIAL USE ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217) (ACTION DATE: 11/5/07) - Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Airpark Holdings V to answer questions and to comment the neighbors are not in opposition to this project. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 07020 - DECLARING APPROXIMATELY 6,651 SQ. FT., MORE OR LESS, OF PROPERTY GENERALLY LOCATED AT 2730 DUDLEY STREET, AS SURPLUS - David Landis, Director of Urban Development, came forward to request approval to declare property surplus and return it to the tax roles. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07050 - AMENDING SECTION 27.71.140 OF THE LMC TO CLARIFY THAT A LOT OR TRACT LOCATED IN THE R-1 THROUGH R-4 ZONING DISTRICTS MAY ONLY BE OCCUPIED BY A GROUP OF TWO OR MORE BUILDINGS TO BE USED AS A UNIT FOR ANY COMBINATION OF TWO-FAMILY DWELLINGS, MULTIPLE-FAMILY DWELLINGS, OR INSTITUTIONAL PURPOSES UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT AND TO FURTHER PROVIDE THAT THE LOT OR TRACT MUST MEET THE MINIMUM LOT REQUIREMENTS AND CONDITIONS IN SAID DISTRICT FOR EACH MAIN BUILDING OR USE EXCEPT AS MODIFIED BY THE CONDITIONS OF APPROVAL FOR SUCH USE UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT - Marvin Krout, Director of Planning Department, came forward to ask approval of the amendment to be consistent with zoning regulations.

This matter was taken under advisement.

SPECIAL PERMIT 1685A - APPLICATION OF COREY OSBORN TO INCREASE THE NUMBER OF CHILDREN IN THE EXISTING EARLY CHILDHOOD CARE FACILITY FROM 50 TO 100, AND TO INCREASE THE NUMBER OF STAFF FROM 6 TO 11, WITH REQUESTED WAIVERS OF THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET AND THE REQUIREMENT TO PROVIDE A CONVERSION PLAN, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 12TH AND D STREETS - Gus Ponstingl, Ross Engineering, 201 N. 8th St., Ste. 401, came forward representing Corey Osborn LLC to explain the changes presented in the Special Permit. Discussion followed.

Corey Osborn, no address given, came forward to answer questions.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 07019 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE WEST HAYMARKET BLIGHT AND SUBSTANDARD STUDY AREA TO SAID PLAN; TO ADD LANGUAGE TO THE TEXT OF THE PLAN REFERENCING THE ADOPTED 2005 DOWNTOWN MASTER PLAN AND WEST HAYMARKET AREA; TO ADD THE WEST HAYMARKET REDEVELOPMENT PROJECT, WHICH MAY INCLUDE THE CONSTRUCTION OF AN ARENA, A PRIVATELY OWNED AND OPERATED HOTEL, A CONVENTION AND EXHIBITION CENTER, SURFACE AND STRUCTURE PARKING, BUSINESS SPACE, RECREATIONAL FACILITIES AND OTHER COMPLEMENTARY USES, IN AN AREA GENERALLY BOUNDED BY BNSF AND UNION PACIFIC RAILROAD LINES ON THE WEST, APPROXIMATELY N. 7TH STREET ON THE EAST, THE SOUTH INTERIOR ROADWAY OF HAYMARKET PARK AND BEREUTER PEDESTRIAN BRIDGE ON THE NORTH, AND "M" STREET ON THE SOUTH. THE LINCOLN CENTER REDEVELOPMENT PLAN AREA IS GENERALLY BOUNDED BY SALT CREEK, INTERSTATE 180 AND "R" STREET ON THE NORTH, 17TH STREET ON THE EAST, "G" STREET ON THE SOUTH, AND SALT CREEK, 2ND STREET, AND SUN VALLEY BLVD. ON THE WEST - David Landis, Director of Urban Development, came forward to ask approval of and explain the changes proposed to the Lincoln Center Redevelopment Plan.

Kent Morgan, Planning Department, presented an overview of the proposed Lincoln Center Redevelopment Plan.

John Kaatz, CSL, who has been retained by West Market Action Team for a feasibility study and market analysis came forward with his findings.

Dallas McGee, Ass't. Director of Urban Development, came forward to introduce Dr. Eric Thompson of the University of Nebraska Lincoln.

Dr. Eric Thompson, Bureau of Business Research at the University of Nebraska Lincoln, came forward to talk about his economic impact analysis.

Mr. McGee, came forward to present a letter from the University of Nebraska Chancellor, Harvey Pearlman, and to state this resolution would allow them to seek a developer to partner in a hotel/convention center and to allow TIFF to be used to help finance the project. Discussion followed.

Wendy Birdsall, Chamber of Commerce, came forward in support. Discussion followed.

Terry Uland, Downtown Lincoln Association, came forward in support.

Boyd Ready, 2901 A Street, #109, came forward to express his views.

Danny Walker, 427 E Street, came forward in opposition.

Jon Camp, Council Person, requested a copy of the presentations.

George Crandall, Crandall Arambula PC, 520 SW Yamhill Roof, Ste. 4, Portland OR 97204, assisted with the preparation of the Downtown Master Plan and came forward to answer questions and to share this information. Discussion followed.

John Weinberg, 6601 Everett St., Chairman of the Downtown Lincoln Association and Co-chair of the Downtown Action Plan Committee came forward in support.

David Rowe, 2911 Mark Avenue, came forward in support and to promote a velodrome within the arena if one is to be built. Discussion followed.

Tom Lorenz, General Manager of Pershing, came forward to answer questions and was in support. Discussion followed.

Peter Hind, 5140 Valley Rd., Architecture and president of Lincoln Haymarket Development Corporation came forward in support.

Sue Wilkinson, 6411 Parducci Dr., came forward in support.

Cleveland Reeves, 1909 Ryons Street, an architect whose business has recently moved to 8th & S Street came forward in support.

Barbara Arendt, Downtown Neighborhood Association, came forward in support.

Mike Rierden, 645 "M" Street, Suite 200, came forward as a tenant of JA Woollam Company (Cotswald Building) came forward with concerns of the conceptual plans showing M Street going through a portion of their parking lot which would limit their ability for expansion and may be cause to relocate. Discussion followed.

Marge Knight, CFO of JA Woollam Company, came forward to inform the Council about this company and how detrimental this project would be as proposed. Discussion followed.

Galen Pfeifer, Research Engineer for JA Woollam Company, came forward in support, but shared concerns with the possibility of losing property for expansion. Discussion followed.

Mike Morosin, no address given, came forward with comments.

Eric Thompson came forward to answer further questions. Discussion followed.

Kent Morgan came forward to answer further questions. Discussion followed.

John Kaatz came forward to answer further questions. Discussion followed.

Dallas McGee came forward to answer further questions. Discussion followed.

Dallas McGee came forward for rebuttal.
This matter was taken under advisement.

TOOK BREAK 8:55 P.M.

RECONVENED 9:12 P.M.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF L&M FOODS, INC. DBA SAM & LOUIE'S FOR A CLASS I LIQUOR LICENSE AT 1501 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84597 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 L&M Foods, Inc. dba Sam & Louie's for a Class "I" liquor license at 1501 Pine Lake Road, Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF MARY L. JURGENS FOR L&M FOODS, INC. DBA SAM & LOUIE'S AT 1501 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84598 WHEREAS, L&M Foods, Inc. dba Sam & Louie's located at 1501 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mary L. Jurgens be named manager; WHEREAS, Mary L. Jurgens 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 Mary L. Jurgens be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CRABBY BILL'S SEAFOOD SHACK INC. DBA CRABBY BILL'S SEAFOOD SHACK TO EXPAND IT'S PRESENTLY LICENSED PREMISES BY THE ADDITION OF A SIDEWALK CAFÉ MEASURING APPROXIMATELY 20 FEET BY 18 FEET AT 803 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84599 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Crabby Bill's Seafood Shack, Inc. dba Crabby Bill's Seafood Shack for a Class "C" liquor license at 803 Q Street, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND SPIRITS BY BECKMAN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 NORTH CHESTNUT STREET, WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 708 North Chestnut, Wahoo, Nebraska, for a term commencing on May 1, 2007 and terminating on December 31, 2007, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PANAMA CAFÉ FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and The Panama Café for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 310 Locust Street, Panama, NE 68419, for a term commencing October 2, 2007 and terminating on August 31, 2008, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE POLK SENIOR CENTER FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) MEDICAID WAIVER PROGRAM AT 230 NORTH MAIN STREET, POLK, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and the Polk Senior Center for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Medicaid Waiver Program located within the Center at 230 N. Main Street, Polk, NE 68654, for a 13-month term from May 1, 2007 through May 31, 2008, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E HIGHWAY 33, SUITE 6, CRETE NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer and Dittmer for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 1005 E Highway 33, Suite 6, Crete, NE 68333, for a 13-month term from May 1, 2007 through May 31, 2008, the second time.

CHANGE OF ZONE 07053 - APPLICATION OF AIRPARK HOLDINGS V, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 2022B - APPLICATION OF AIRPARK HOLDINGS V, LLC TO EXPAND THE EXISTING PINE LAKE HEIGHTS PLANNED SERVICE COMMERCIAL TO ADD APPROXIMATELY 44,875 SQUARE FEET OF COMMERCIAL USE ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217) (ACTION DATE: 11/5/07)

COMP. PLAN CONFORMANCE 07020 - DECLARING APPROXIMATELY 6,651 SQ. FT., MORE OR LESS, OF PROPERTY GENERALLY LOCATED AT 2730 DUDLEY STREET, AS SURPLUS - CLERK read an ordinance, introduced by Robin Eschliman, declaring the City-owned property generally located at 2730 Dudley Street as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 07050 - AMENDING SECTION 27.71.140 OF THE LMC TO CLARIFY THAT A LOT OR TRACT LOCATED IN THE R-1 THROUGH R-4 ZONING DISTRICTS MAY ONLY BE OCCUPIED BY A GROUP OF TWO OR MORE BUILDINGS TO BE USED AS A UNIT FOR ANY COMBINATION OF TWO-FAMILY DWELLINGS, MULTIPLE-FAMILY DWELLINGS, OR INSTITUTIONAL PURPOSES UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT AND TO FURTHER PROVIDE THAT THE LOT OR TRACT MUST MEET THE MINIMUM LOT REQUIREMENTS AND CONDITIONS IN SAID DISTRICT FOR EACH MAIN BUILDING OR USE EXCEPT AS MODIFIED BY THE CONDITIONS OF APPROVAL FOR SUCH USE UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 27.71.140 of the Lincoln Municipal Code relating to height and area regulations to clarify that a lot or tract located in the R-1 through R-4 zoning

districts may only be occupied by a group of two or more buildings to be used as a unit for any combination of two-family dwellings, multiple-family dwellings, or institutional purposes under a special permit or planned unit development and to further provide that the lot or tract must meet the minimum lot requirements and conditions in said district for each main building or use except as modified by the conditions of approval for such use under a special permit or planned unit development; amending Section 27.81.010 clarify that Chapters 27.60 and 27.63 also apply; and repealing Sections 27.71.140 and 27.81.010 of the Lincoln Municipal Code as hitherto existing, 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 OCTOBER 1 - 15, 2007 - PRIOR to reading:

CAMP Moved to amend Bill No. 07R-218 by adding the following to the list of ALLOWED OR SETTLED claims:

<u>Shawn Cogdill and Rex Cogdill</u>	\$20,646.15
<u>Farmers Insurance Group</u>	5,000.00

(Claim No. 099 SUB 1010536426-1)
Arthur P. Ewoldt 967.00

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

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

A-84600 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 October 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>	
Anne M. Cognard	\$556.26	Ormic Concessions, Inc.	\$10,234.50
Diane Reinsch	NAS*	Time Warner Cable	5,090.63
Sandra Eadie	NAS*	Don Lehr & Merna Lehr	100.00
Adelaide Ladd	435.00	Mylinh Nguyen	5,800.00
		Jeremy A. Walburn	14,700.00
		<u>Shawn Cogdill and</u>	
		<u>Rex Cogdill</u>	20,646.15
		<u>Farmers Insurance Group</u>	5,000.00
		(Claim No. 099 SUB 1010536436-1)	
		<u>Arthur P. Ewoldt</u>	967.00

* 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 Robin Eschliman

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$34,591 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84601 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$34,591.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 27) attached hereto and incorporated herein by reference.

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

The designation of the \$34,591.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Robin Eschliman

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

SPECIAL PERMIT 1685A - APPLICATION OF COREY OSBORN TO INCREASE THE NUMBER OF CHILDREN IN THE EXISTING EARLY CHILDHOOD CARE FACILITY FROM 50 TO 100, AND TO INCREASE THE NUMBER OF STAFF FROM 6 TO 11, WITH REQUESTED WAIVERS OF THE REQUIREMENT TO BE LOCATED ON AN ARTERIAL STREET AND THE REQUIREMENT TO PROVIDE A CONVERSION PLAN, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SOUTH 12TH AND D STREETS - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84602 WHEREAS, Corey Osborn has submitted an application designated as Special Permit No. 1685A for authority to increase the number of children and staff in the existing early childhood care facility for up to 100 children and 11 employees, together with requested waivers of the requirements that the early childhood care facility be located on an arterial street and that a conversion plan be provided, on property located at the northwest corner of S. 12th Street and D Street, and legally described as follows:

All of Lots 11 and 12, Block 189, Original Plat of Lincoln, located in the Southeast Quarter of Section 26, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this early childhood care facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Corey Osborn, hereinafter referred to as "Permittee", to operate an early childhood care facility for 100 children and 11 staff be and the same is hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction of said early childhood care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the operation of an early childhood care facility for up to 100 children and 11 staff members.
2. This permit approves a waiver to the requirement that the facility be located on an arterial street and that a conversion plan be provided.
3. Before receiving building permits, the Permittee must submit to the Planning Department for review and approval a revised site plan including 5 copies showing the following revisions:
 - a. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with Chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation."
 - b. Change General Note #4 to read 100 students and 11 employees are permitted as long as all parking requirements are met.
4. Before receiving building permits, the Permittee must:
 - a. Provide the Planning Department with documentation from the Health Department that all requirements for an early childhood care facility have been met.
 - b. Provide the Planning Department with documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
5. Before occupying this early childhood care facility, all development and construction must conform to the approved plans.
6. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee.
7. 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.
8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

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

10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Robin Eschliman

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

COMP. PLAN CONFORMANCE 07019 - APPROVING AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ADD THE WEST HAYMARKET BLIGHT AND SUBSTANDARD STUDY AREA TO SAID PLAN; TO ADD LANGUAGE TO THE TEXT OF THE PLAN REFERENCING THE ADOPTED 2005 DOWNTOWN MASTER PLAN AND WEST HAYMARKET AREA; TO ADD THE WEST HAYMARKET REDEVELOPMENT PROJECT, WHICH MAY INCLUDE THE CONSTRUCTION OF AN ARENA, A PRIVATELY OWNED AND OPERATED HOTEL, A CONVENTION AND EXHIBITION CENTER, SURFACE AND STRUCTURE PARKING, BUSINESS SPACE, RECREATIONAL FACILITIES AND OTHER COMPLEMENTARY USES, IN AN AREA GENERALLY BOUNDED BY BNSF AND UNION PACIFIC RAILROAD LINES ON THE WEST, APPROXIMATELY N. 7TH STREET ON THE EAST, THE SOUTH INTERIOR ROADWAY OF HAYMARKET PARK AND BEREUTER PEDESTRIAN BRIDGE ON THE NORTH, AND "M" STREET ON THE SOUTH. THE LINCOLN CENTER REDEVELOPMENT PLAN AREA IS GENERALLY BOUNDED BY SALT CREEK, INTERSTATE 180 AND "R" STREET ON THE NORTH, 17TH STREET ON THE EAST, "G" STREET ON THE SOUTH, AND SALT CREEK, 2ND STREET, AND SUN VALLEY BLVD. ON THE WEST - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 07R-221 to submit back to Staff the Woolham property and see if they can find an alternative way to route the street.

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

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

A-84603 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by a) adding the West Haymarket Blight and Substandard Study Area to the Lincoln Center Redevelopment Plan Area; b) adding language to the text of the plan referencing the Adopted 2005 Downtown Master Plan and West Haymarket Redevelopment Project, in an area generally bounded by BNSF and Union Pacific railroad lines on the west, by approximately N. 7th St. on the east, the south interior roadway of Haymarket Park and Bereuter Pedestrian Bridge on the north and M St. on the south; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the Lincoln Center Redevelopment Plan (Attachment "A") for said blighted and substandard area, which plan as modified is contained in the document entitled "West Haymarket Redevelopment Project" which is attached hereto, marked as Attachment "B", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (2006 Cum. Supp.); and

WHEREAS, on September 14, 2007, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on September 26, 2007 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Amendment to the Lincoln Center Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "F" and "G" respectively; and

WHEREAS, on October 11, 2007 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 29, 2007, regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "H"; and

WHEREAS, on October 12, 2007 and October 19, 2007 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on October 29, 2007 regarding the proposed Amendments to the Lincoln Center Redevelopment Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "I"; and

WHEREAS, said proposed Amendment to the Lincoln Center Redevelopment Plan for the West Haymarket Redevelopment Project has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on September 26, 2007 found the Plan Amendment to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 29, 2007 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the redevelopment plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Lincoln Center Redevelopment Plan, as modified by changing said plan to add text to the Plan referencing the Adopted 2005 Downtown Master Plan including the West Haymarket Blight and Substandard Study Area to the Lincoln Center Redevelopment Plan area (Attachment "A") and incorporate the West Haymarket Redevelopment Project (Attachment "B"), is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law; and

3. Such substandard and blighted conditions in the Redevelopment Project Area are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing.

4. That elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest; and

5. That the West Haymarket Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the West Haymarket Redevelopment Project would not occur in the West Haymarket Redevelopment Project Area without the use of tax-increment financing.

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

1. That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the "Proposed Amendments to the Lincoln Center Redevelopment Plan attached hereto as Attachment "A" adding text to the Plan referencing the Adopted 2005 Downtown Master Plan including the West Haymarket Blight and Substandard Study Area to the Lincoln Center Redevelopment Plan Area, and establishing the West Haymarket Redevelopment Project (Attachment "B"), is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said redevelopment plan as they relate to the above-described modifications.

3. That the Redevelopment Project Area for the West Haymarket Redevelopment Project as described and depicted in the Plan Amendments is the Redevelopment Project Area comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and activities set forth in said Amendment and Redevelopment Plan.

5. That it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution No. A-68489, Resolution No. A-70273, Resolution No. A-71073, Resolution No. A-71490, Resolution No. A-71701, Resolution No. A-72046, Resolution No. A-72329, Resolution No. A-72774, Resolution No. A-73000, Resolution No. A-73698, Resolution A-74165, Resolution No. A-74186, Resolution A-74291, Resolution No. A-74583, Resolution No. A-74603, Resolution No. A-74583, Resolution No. A-75257, Resolution A-75784, Resolution A-75974, Resolution No. A-75784, Resolution A-76438, Resolution No. A-77828, Resolution No. A-78138, Resolution No. A-78688, Resolution No. A-80587, Resolution No. A-81681, Resolution No. A-83005, Resolution No. A-83839, Resolution No. A-84238, and Resolution No. A-84478.

Introduced by Robin Eschliman

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 19, 2007 AT 5:30 P.M. FOR MANAGER APPLICATION OF JEREMY D. BOYER FOR BRUNO ENTERPRISES, INC TOO DBA BUFFALO WILD WINGS GRILL AND BAR LOCATED AT 7301 S. 27TH STREET AND 1328 P STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84604 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 19, 2007 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Manager Application of Jeremy D. Boyer for Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill and Bar located at 7301 S. 27th Street & 1328 P Street.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 19, 2007 AT 5:30 P.M. FOR APPLICATION OF VESTA LINCOLN PARTNERS LLC DBA HOLIDAY INN FOR A CLASS CK LIQUOR LICENSE LOCATED AT 141 N. 9TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84605 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 19, 2007 at 5:30 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 Vesta Lincoln Partners LLC dba Holiday Inn for a Class CK liquor license located at 141 N. 9th Street.

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

Introduced by John Spatz

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 19, 2007 AT 5:30 P.M. FOR ROGELIO ARIAS DBA SUPER TACO FOR A CLASS IK LIQUOR LICENSE LOCATED AT 5501 HOLDREGE STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84606 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 19, 2007 at 5:30 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 Rogelio Arias dba Super Taco for a Class IK liquor license located at 5501 Holdrege Street.

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

Introduced by John Spatz

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Special Permit No. 07049 - App. of DJ Salia, LLC Investment Properties for the authority to sell alcoholic beverages for consumption on the premises on property at 710 Hill Street.

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 15, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY FOR THE THIRD QUARTER, FISCAL YEAR 2006-2007 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84607 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by John Spatz

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

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION, MONDAY, NOVEMBER 5, 2007 AT 1:30 P.M. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84608 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$307,046.43; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2007, at 1:30 p.m. and on the _____ day of _____, 2007, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION, MONDAY, NOVEMBER 5, 2007 AT 1:30 P.M. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:
A-84609 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$199,529.00 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AN BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2007, at 1:30 p.m.; and on the _____ day of _____, 2007, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced John Spatz

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

ASSESSMENT RESOLUTION FOR CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION, MONDAY, NOVEMBER 5, 2007 AT 1:30 P.M. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:
A-84610 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$145,069.75; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned

and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2007, at 1:30 p.m., and on the _____ day of _____, 2007, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by John Spatz

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

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND ROBERT AND JANETTE FIALA 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 John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and Robert & Janette Fiala for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 370 Fifth Street, David City, NE 68632, for a 13-month term from May 1, 2007 through May 31, 2008, the first time.

AMENDING CHAPTER 2.81 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN LIVING WAGE ORDINANCE TO ADD A DEFINITION FOR "NONPROFIT ORGANIZATION" AND TO EXEMPT NONPROFIT ORGANIZATIONS FROM THE APPLICATION OF THE ORDINANCE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 2.81 of the Lincoln Municipal Code relating to the Lincoln Living Wage Ordinance by amending Section 2.81.020 to add a definition for "nonprofit organization"; amending Section 2.81/090 to exempt nonprofit organizations from the application of the ordinance; and repealing Sections 2.81.020 and 2.81.090 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPEAL BY DAN MARVIN OF THE STARTRAN ADVISORY BOARD ACTION APPROVING THE TRANSIT DEVELOPMENT PLAN (TDP) AND THE NEAR-TERM ROUTE CHANGES THAT ARE PART OF THE TDP. 10/1/07 - ACTION DELAYED TO 10/29/07) - PRIOR to reading:

SPATZ Moved to amend Bill No. 07R-200 on page 1, line 20, after (Attachment "A") insert the following language:

1. with the following amendments:

1. Include the implementation of the near-term route structure, as shown in the Transit Development Plan, fixed-route bus service to the 18th and J Street area.

2. Include in the implementation of the near-term route structure, as shown in the Transit Development Plan, fixed-route bus service to the Southwood area through use of the Green Arapahoe route.

2. On page 2, line 2, after the word "Report" add the following words: as amended by this Resolution.

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

ESCHLIMAN Moved to amend Bill No. 07R-200 in the following manner:

1. On page 1, line 16, insert the following language:

WHEREAS, the City Council is desirous of reducing the City contribution by \$ _____ for each year of the Plan.

2. On page 1, line 18, before the words, "That the City Council," insert the number 1.

3. On page 1, line 19, after the word "hereby" insert the following: amends the Transit Development Plan Final Report (Attachment "A") by reducing the City General Fund Contribution for each year of the Plan by \$ _____ On page 287, Table 6-5; StarTran 5-Year Revenue Estimate line entitled "City General Fund" and adopting the amended Transit Development Plan Final Report as amended (Attachment "A").

4. On page 1, after line 20, insert the following two paragraphs:

2. City staff, and not outside consultants, shall arrive at the dollar amount for the budget reduction maintaining the proposed StarTran routes intact as much as possible but using the following criteria in order of importance to make said reduction: attempting to maintain transportation to jobs, school, and medical services; reducing overhead and operating expenses; eliminating service in hours of the day with the least amount of projected ridership, eliminating or changing newly proposed routes which will have the least amount of projected ridership;

eliminating services to areas of town which currently have low amounts of ridership.

(a) City staff shall hold at least one and preferably more public meetings on its proposed changes and notify the Council with its final recommendation by December 31, 2007.

Eschliman; NAYS: Cook, Emery, Marvin, Spatz, Svoboda.
CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84611 WHEREAS, on June 21, 2007, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board recommended conditional approval of the Transit Development Plan (TDP) and near term route changes that are part of the plan; and

WHEREAS, the Transit Development Plan as amended by the StarTran Advisory Board is incorporated in the "Transit Development Plan Final Report" attached hereto marked as Attachment "A"; and

WHEREAS, the City Council, on April 2, 2007 adopted Ordinance No. 18906 which became effective on September 1, 2007; and

WHEREAS, pursuant to Ordinance No. 18906 the Transit Development Plan Final Report became a final decision; and

WHEREAS, Councilman Dan Marvin, pursuant to Lincoln Municipal Code § 2.38.127, filed a notice of appeal appealing from the StarTran Advisory Board final action approving the Transit Development Plan Final Report; and

WHEREAS, the City Council, pursuant to said § 2.38.127, must review all appeals and take final action thereon.

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

That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts and adopts the Transit Development Plan Final Report (Attachment "A") with the following amendments:

1. Include in the implementation of the near-term route structure, as shown in the Transit Development Plan, fixed-route bus service to the 18th and J Street area.

2. Include in the implementation of the near-term route structure, as shown in the Transit Development Plan, fixed-route bus service to the Southwood area through use of the Green Arapahoe route.

BE IT FURTHER RESOLVED that the Transit Development Plan (TDP) Final Report as amended by this Resolution shall become effective 45 days after the date of approval of this Resolution.

Introduced by Ken Svoboda

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the remaining Pending List to November 5, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on November 5, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

REGULAR MEETING
October 29, 2007
Page 516

ADJOURNMENT 9:56 P.M.

CAMP Moved to adjourn the City Council meeting of October 29, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant