

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 11, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, 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

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of February 4, 2008 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.

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler came forward to present the Mayor's Award of Excellence for the month of January, 2008 to Jay Edmiston and LeRoy Rosenthal from Public Works & Utilities/Street Maintenance Operations division in the category of Productivity.

Greg MacLean, Director of Public Works & Utilities, came forward to say thank you and to state he will be taking the training as well.

Roger Tiedeman, Public Works & Utilities, stated he nominated Jay and Leroy because they have a fire for what they do and to say thank you.

Jay Edmiston came forward to state that Roger was closely involved in this project and to thank him and other supervisors for allowing him the time to do this.

Leroy Rosenthal came forward to say thank you to Roger, Bob & Wayne Teten for their help in this project.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF G2B, LLC, DBA IGUANAS PUB/VODA LOUNGE FOR A CLASS I LIQUOR LICENSE AT 1426 O STREET;

MANAGER APPLICATION OF JOHN C. BERRY FOR G2B, LLC, DBA IGUANAS PUB/VODA LOUNGE AT 1426 O STREET - John C. Berry, 2818 Cedar Avenue, took the oath and came forward to answer questions.

Becky Smith, 6704 S.E. 17th Avenue, Portland, Oregon, previous owner of Iguana, came forward in support and to answer questions regarding the transfer. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SPIKES BEACH BAR & GRILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 140 FEET BY 100 FEET IMMEDIATELY ADJACENT TO THE LICENSED PREMISES AT 2300 JUDSON STREET ON MAY 17, 2008 FROM 3:00 P.M. TO 7:00 P.M. - Dave Sutko, 900 North Burrough Lane, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007 (Part B) - Chad Blahak, Public Works & Utilities, came forward to request the transfer of funds to complete the project. Discussion followed.

Brian Halstead, 7633 Bobcat Cr., came forward in support.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD;

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

AMENDING THE HIGHWAY ALLOCATION BOND ORDINANCE #18863 TO REVISE THE PROJECT DESCRIPTION FOR ALVO ROAD TO INCLUDE THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) - Steve Henrichsen, Planning Department, came forward to provide further information of this project. Discussion followed.

Scott Cockerill, Public Works & Utilities Dept., was available for questions.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Steve Keene & Michael Williams, to request approval.

Kyle Fisher, Chamber of Commerce, came forward in support. Discussion followed.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND SOUTH 70TH STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward to state an e-mail was received requesting this item be delayed for two weeks and he is in agreement with this request. Discussion followed.

Bill Austin, Erickson & Sederstrom, 301 S. 13th St., Ste. 400, came forward in agreement with the request as well.

This matter was taken under advisement.

AUTHORIZING THE LINCOLN CHILDREN'S MUSEUM TO SUBLET 26,433 SQ. FT. OF SPACE TO THE NEBRASKA STATE HISTORICAL SOCIETY FOR GENERAL OFFICE AND STORAGE SPACE FOR A THREE-YEAR PERIOD - Lynn Johnson, Director of Parks & Recreation, came forward to provide information. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SAFETY IMPROVEMENT PROJECT AT SUPERIOR STREET AND I-180 EAST RAMP - Chad Blahak, Public Works & Utilities, stated this would authorize the Mayor to use Federal Safety Funds at Superior Street and I-180 East Ramp.

This matter was taken under advisement.

APPROVING THE DEADMANS RUN 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES; COMP. PLAN AMENDMENT 07002 - AMENDING THE 2030 LINCOLN CITY/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE DEADMANS RUN WATERSHED MASTER PLAN TO THE LIST OF SUB-AREA PLANS IN THE PLAN IMPLEMENTATION SECTION AND TO THE LIST OF APPROVED WATERSHED STUDIES IN THE UTILITIES SECTION OF THE COMPREHENSIVE PLAN - Nicole Fleck-Tooze, Public Works & Utilities, came forward to introduce Devin Biesecker to make a presentation.

Devin Biesecker, Watershed Management Engineer, came forward to give an overview of Deadmans Run Watershed Master Plan. Discussion followed.

Pat O'Neill, Project Manager and EDM Consulting Engineer, came forward to present information on the project. Discussion followed.

Glen Johnson, Natural Resource District, came forward with funding information. Discussion followed.

John Cariotto, 6310 Mesaverde, came forward in opposition. Discussion followed.

Marc Fahleson, 1201 Lincoln Mall, came forward representing Lincoln Lutheran Middle & High School in a neutral position. He presented two primary issues of concern with being able to maximize the use of their property.

Scott Ernstmeyer, 110 N. 56th Street, came forward representing Lincoln Lutheran Association to share further information. Discussion followed.

Roger Lott, 6406 Chesterfield Ct., came forward to express concerns of this project. Discussion followed.

Dan Steinkruger, 8140 Sanborn Dr., came forward as a Board Member of NRD & on the Advisory Board of this study asking this to be approved. Discussion followed.

Barbara Standley, 3813 Madison Avenue, came forward in support.

Russell Miller, no address given, came forward representing Lincoln Neighborhood Alliance in support. Discussion followed.

Jennifer Buxton, 2121 N. 27th Street, Neighborworks Lincoln, came forward in support. Discussion followed.

Jim Cook, 5119 Huntington, University Place, came forward in support.

Stefan Gaspar, 3100 S. 72nd St., came forward in opposition. Discussion followed.

Nicole Fleck-Tooze came forward for rebuttal.

Pat O'Neill came forward for rebuttal.

Devin Biesecker came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

AMENDING RESOLUTION A-84406 APPROVING SPECIAL PERMIT NO. 872F, TO EXPAND THE BOUNDARIES OF THE FIRETHORN COMMUNITY UNIT PLAN AND TO ADD 95 SINGLE FAMILY RESIDENTIAL LOTS, BY DELETING THE REQUIREMENT THAT THE PERMITTEE REVISE THE SITE PLAN TO SHOW A CONNECTION TO PIONEERS BOULEVARD PRIOR TO RECEIVING BUILDING PERMITS - Marc Palmer, Olsson Associates came forward to state this is just a clean-up process.

Mark Wible, 9301 Firethorn Ln., developer of Firethorn and owner of Firethorn Golf Course was available for questions.
This matter was taken under advisement.

TOOK BREAK 4:11 P.M.

RECONVENED 4:25 P.M.

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

Deputy City Clerk Teresa Meier conducted the voting session. City Clerk Joan Ross left the meeting.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF G2B, LLC, DBA IGUANAS PUB/VODA LOUNGE FOR A CLASS I LIQUOR LICENSE AT 1426 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84719 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 G2B, LLC dba Iguanas Pub/Voda Lounge for a Class "I" liquor license at 1426 O Street, Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the condition that the premise complies in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JOHN C. BERRY FOR G2B, LLC, DBA IGUANAS PUB/VODA LOUNGE AT 1426 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84720 WHEREAS, G2B, LLC dba Iguanas Pub/Voda Lounge located at 1426 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that John C. Berry be named manager; WHEREAS, John C. Berry 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 John C. Berry 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 SPIKES BEACH BAR & GRILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING 140 FEET BY 100 FEET IMMEDIATELY ADJACENT TO THE LICENSED PREMISES AT 2300 JUDSON STREET ON MAY 17, 2008 FROM 3:00 P.M. TO 7:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84721 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 Spikes Beach Bar & Grill for a Special Designated License to cover an area measuring 140 feet by 100 feet at 2300 Judson Street, Lincoln, Nebraska, on the 17th day of May, 2008, between the hours of 3:00 p.m. and 7:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required 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.

Introduced by Jon Camp

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

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

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007 (Part B). (1/8/07 - Project #902269, placed on pending, no date certain; all other projects approved)

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

COOK Moved to continue Public Hearing with Action on Bill No. 08R-37 to 3/3/08.

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

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

COOK Moved to continue Public Hearing with Action on Bill No. 08R-38 to 3/3/08.

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

AMENDING THE HIGHWAY ALLOCATION BOND ORDINANCE #18863 TO REVISE THE PROJECT DESCRIPTION FOR ALVO ROAD TO INCLUDE THE IMPROVEMENT OF ALVO ROAD GENERALLY FROM N.W. 12TH STREET TO N. 16TH STREET, AND N. 14TH STREET NORTH AND SOUTH OF ALVO ROAD. (RELATED ITEMS: 08R-37, 08R-38, 08-9) (ACTION DATE: 2/25/08) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 08-9 to 3/3/08.

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

CLERK Read an ordinance, introduced by Robin Eschliman, amending Ordinance No. 18863 by amending Section 1 to revise the project description for Project No. 902270 to provide that the Alvo Road improvements shall be from N.W. 12th Street to N. 16th Street and to also provide for improvements to N. 14th Street; and by repealing Section 1 of Ordinance No. 18863 as hitherto existing, the second time.

PUBLIC HEARING RESOLUTIONS

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND SOUTH 70TH STREET - PRIOR to reading:

CAMP Moved to delay Public Hearing and Action for two weeks to 2/25/08.

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

AUTHORIZING THE LINCOLN CHILDREN'S MUSEUM TO SUBLET 26,433 SQ. FT. OF SPACE TO THE NEBRASKA STATE HISTORICAL SOCIETY FOR GENERAL OFFICE AND STORAGE SPACE FOR A THREE-YEAR PERIOD - PRIOR to reading:

SVOBODA Moved to amend Bill No. 08R-33 as follows: 1. Substitute the attached Sublease Agreement for the Sublease Agreement which was included with Bill No. 08R-33.

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

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

A-84722 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City and the Nebraska State Historical Society to allow for the sublease of approximately

26,433 square feet of space at the Lincoln Children's Museum, located at 1420 P Street for use by the State Historical Society, in accordance with the terms and conditions contained in said agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the original Agreements to the Parks and Recreation Department for transmittal to the State Historical Society for execution by the State.

Introduced by Robin Eschliman

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SAFETY IMPROVEMENT PROJECT AT SUPERIOR STREET AND I-180 EAST RAMP - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84723 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. HSIP-5254(8), State CN-12928, City Project No. 702620, for the construction and construction engineering of a Safety Improvement Project at Superior Street and I-180 East Ramp, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Robin Eschliman

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

APPROVING THE DEADMANS RUN 100-YEAR FLOODPRONE AREAS AND REVISED FLOODWAY AS THE BEST AVAILABLE INFORMATION FOR LOCAL FLOOD REGULATION PURPOSES - PRIOR to reading:

CAMP Moved to place Bill No. 08R-35 on Pending indefinitely.

Seconded by Emery.

CAMP Moved to Withdraw his motion. Seconded by Emery.

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

A-84724 WHEREAS, on January 9, 2006 the Lincoln City Council adopted text changes to Flood Standards for Existing Urban Areas; and

WHEREAS, the Flood Standards for Existing Urban Areas include the regulation of development in Floodprone Areas and revised Floodways as determined by hydrologic and hydraulic studies completed by the City of Lincoln or other governmental agency, or other acceptable source as approved by the City where this is the best available information; and

WHEREAS, the City is a Federal Emergency Management Agency (FEMA) cooperating technical partner and has contracted with a consultant to develop revised floodplain mapping for Deadmans Run as a component of the proposed Deadmans Run Watershed Master Plan which is a cooperative effort of the City and the Lower Platte South Natural Resources District;

WHEREAS, a licensed engineer has certified that the work was completed in compliance with the provisions contained in FEMA's Guidelines and Specifications for Flood Hazard Mapping Partners, and the City has submitted a Flood Insurance Rate Map Physical Map Revision application to FEMA for Deadmans Run; and

WHEREAS, identifying Floodprone Areas and Revised Floodways through the best available information is in the public interest and intended to protect the public health, safety, and welfare.

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

That the Deadmans Run Floodprone Areas and revised Floodway, as shown on Attachment "A", are hereby adopted as the best available information and shall be used in any circumstance where this information is more restrictive than the FEMA Floodplain or Floodway until such time as the City of Lincoln adopts the revised FEMA Floodplain Map for Deadmans Run.

Introduced by Robin Eschliman

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

COMP. PLAN AMENDMENT 07002 - AMENDING THE 2030 LINCOLN CITY/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE DEADMANS RUN WATERSHED MASTER PLAN TO THE LIST OF SUB-AREA PLANS IN THE PLAN IMPLEMENTATION SECTION AND TO THE LIST OF APPROVED WATERSHED STUDIES IN THE UTILITIES SECTION OF THE COMPREHENSIVE PLAN - PRIOR to reading:

CAMP Moved to place Bill No. 08R-36 on Pending Indefinitely.

SVOBODA Moved a friendly amendment to place Bill No. 08R-36 on Pending with a 60 day limit.

Approved by Camp.

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

COOK Moved to amend Bill No. 08R-36 as follows: 1. On page 1, after line 10, insert a new paragraph as follows: BE IT FURTHER RESOLVED that prior to the final design and construction of Projects 5 and 6 for stormwater detention, the preliminary engineering reports for each project will be brought before the City Council for public hearing and approval.

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

CAMP Moved to delay action on Bill No. 08R-36 for 60 days.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84725 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 31, 2008, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED/SETTLED</u>
Eric Butler	\$419.00	John Hudson \$2,699.91
Christopher Tuma	NAS*	
Cheryl Culver	200.33	
Devon Oneal	NAS*	
Elmer L. Prusia	100.00	

* 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 AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE CITY OF FREMONT, CITY OF PAPIILLION, LOUP RIVER PUBLIC POWER DISTRICT, LOWER PLATTE SOUTH NRD, METROPOLITAN UTILITIES DISTRICT, NEBRASKA PUBLIC POWER DISTRICT, NORTH LOUP PUBLIC POWER AND IRRIGATION DISTRICT, OMAHA PUBLIC POWER DISTRICT, THE CENTRAL NEBRASKA PUBLIC POWER AND IRRIGATION DISTRICT, AND TWIN LOUP RECLAMATION DISTRICT, AS PROPONENTS OF SOUND SCIENCE FOR LOWER PLATTE RIVER POLICY DECISIONS, FOR THE COMPREHENSIVE REVIEW OF THE BIOLOGICAL OPINION OF THE NEBRASKA GAME AND PARKS COMMISSION IN THE LOWER PLATTE RIVER, AND FOR THE SUBMISSION OF COMMENTS AT PUBLIC HEARINGS, MEETINGS AND GATHERINGS - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84726 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement for Proponents of Sound Science for Lower Platte River Policy Decisions between the City of Lincoln and the City of Fremont, City of Papillion, Loup River Public Power District, Lower Platte South NRD, Metropolitan Utilities District, Nebraska Public Power District, North Loup Public Power and Irrigation District, Omaha Public Power District, The Central Nebraska Public Power and Irrigation District, and Twin Loup Reclamation District, as proponents of Sound Science for Lower Platte River Policy Decisions, for the comprehensive review of the Biological Opinion of the Nebraska Game and Parks Commission in the Lower Platte River, and for the submission of comments at public hearings, meetings and gatherings, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Steve Huggenberger, Assistant City Attorney for distribution.

Introduced by Robin Eschliman

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

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE ANTELOPE VALLEY PHASE 1 - N/S ROAD NORTH OF Q TO Y STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84727 WHEREAS, the Antelope Valley N/S Roadway Project, "Q" to "Y" Street described as City Project 780108, State Project CM-55(143) - Control No. 11215b, has been approved by the City; and

WHEREAS, construction of the Antelope Valley N/S Roadway Project, "Q" to "Y" Street is scheduled to begin in June of 2008 with an anticipated completion date of July 2010; and

WHEREAS, the project is shown in the City's 2007-2013 Capital Improvement Program as Project No. 780108, Antelope Valley N/S Roadway Project, "Q" to "Y" Street with appropriations in the amount of \$4,360,600 in FY 2007/2008, and \$3,683,600 in FY 2008/2009; and \$1,352,700 in FY 2009/2010.

WHEREAS, funding for this work includes Federal Funds and City Funds; and

WHEREAS, the Public Works & Utilities Department believes it is in the public interest to enter into a multi-year contract for the Antelope Valley N/S Roadway Project, "Q" to "Y" Street to coordinate the construction of the project and to match the funding appropriation to the cash outlay; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) N/S Roadway Project, "Q" to "Y" Street to be paid from C.I.P. funds for fiscal years 2008, 2009, and 2010.

Introduced by Robin Eschliman

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

AMENDING RESOLUTION A-84406 APPROVING SPECIAL PERMIT NO. 872F, TO EXPAND THE BOUNDARIES OF THE FIRETHORN COMMUNITY UNIT PLAN AND TO ADD 95 SINGLE FAMILY RESIDENTIAL LOTS, BY DELETING THE REQUIREMENT THAT THE PERMITTEE REVISE THE SITE PLAN TO SHOW A CONNECTION TO PIONEERS BOULEVARD PRIOR TO RECEIVING BUILDING PERMITS - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84728 WHEREAS, Firethorn Investment submitted an application designated as Special Permit No. 872F for authority to expand the boundaries of the Firethorn Community Unit Plan and to add 95 single family residential lots on property generally located northeast of the intersection of S. 84th Street and Pioneers Blvd.; and

WHEREAS, the Lincoln City/Lancaster County Planning Commission, after public hearing, conditionally granted said application in part upon condition that the site plan be revised to show a street connection to Pioneers Blvd.; and

WHEREAS, Firethorn Investment filed a notice of appeal appealing the action of the Planning Commission requiring the street connection; and

WHEREAS, after the action of the Lincoln City/Lancaster County Planning Commission, the Planning Department and Firethorn Investment reached a mutual agreement that the connection to Pioneers Blvd. could be deleted as a condition of approval; and

WHEREAS, Firethorn Investment misunderstood the nature of its appeal, not realizing that on appeal the entire application is forwarded to the City Council not just the condition appealed and that the action of the Planning Commission approving Special Permit No. 872F is deemed to be an advisory recommendation of approval; and

WHEREAS, Firethorn Investment, based upon that misunderstanding, failed to request a motion to amend to delete the condition requiring a street connection to Pioneers Blvd.; and

WHEREAS, the City Council adopted Resolution No. A-84406 approving Special Permit No. 872F with the requirement that the site plan be revised to show a street connection to Pioneers Blvd. prior to receiving building permits; and

WHEREAS, Firethorn Investment has asked the City Council to reconsider the approval of Special Permit No. 872F to eliminate the requirement that the site plan be revised to show a street connection to Pioneers Blvd.; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for Special Permit No. 872F will not be adversely affected by eliminating the condition that the site plan be revised to show a street connection to Pioneers Blvd.

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

That Resolution No. A-84406 be amended by amending page 2, line 23, to strike the words, "show a street connection to Pioneers Blvd." and that the following conditions numbers 4 through 17 be renumbered as conditions 3 through 16.

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, MARCH 3, 2008 AT 1:30 P.M. FOR THE APPLICATION OF THE GARAGE SPORTS BAR & GRILL, INC. DBA THE GARAGE SPORTS BAR & GRILL FOR A CLASS I LIQUOR LICENSE LOCATED AT 5551 S. 48TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84729 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of The Garage Sports Bar & Grill, Inc. dba The Garage Sports Bar & Grill for a Class I liquor license located at 5551 S. 48th 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, MARCH 3, 2008 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF JESS VETROVSKY FOR GAS 'N SHOP INC. DBA GIT 'N SPLIT LOCATED AT 3201 WEST O STREET, 1545 CORNHUSKER HWY., 2801 O STREET, 5560 S. 48TH STREET, 4401 N. 27TH STREET, AND 951 WEST O STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84730 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Manager Application of Jess Vetrovsky for Gas 'N Shop, Inc. dba Git 'N Split, located at 3201 West O Street, 1545 Cornhusker Hwy., 2801 O Street, 5560 S. 48th Street, 4401 N. 27th Street, and 951 West O 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.

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE COUNCIL ON JANUARY 28, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE COUNCIL ON FEBRUARY 4, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH OF DECEMBER, 2007 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84731 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2007, \$742,880.98 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by John Spatz

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

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF DECEMBER 2007 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF DECEMBER, 2007 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF OCT. - DEC., 2007: HELIO, COMTECH 21, ASSOCIATION ADMINISTRATORS, NECC TELECOM, COMPLIANCE SOLUTIONS, COMPLIANCE SOLUTIONS, T-MOBILE CENTRAL; NOVEMBER, 2007: NEW CINGULAR, AT&T OF MIDWEST, TWC DIGITAL PHONE, USCOC OF GREATER IOWA, CRICKET, NEBRASKA TECH. & TELECOMM., ADVANCED TEL, XO COMM., EARHLINK, VOICECOM, BROADBAND DYNAMICS, TRAC FONE, LDMI, INTELICALL OPERATOR, CINCINNATI BELL ANY DISTANCE, MCLEODUSA, WORKING ASSETS FUNDING SERV., ONSTAR, MOVIDA, BROADWING, VERIZON-BELL ATLANTIC, GLOBAL CROSSING BANDWIDTH, ACN, TELECORP, VIRGIN MOBILE USA, PRIMUS, QUANTUM SHIFT, CIMCO, BUSINESS PROD. SOLUTIONS, IBM GLOBAL, FLYING J, KDDI AMERICA, TCG OMAHA, UCN, USCOC OF NEBRASKA/KANSAS, TRANS NATIONAL, WHOLESALE CAMER, GLOBALSTAR USA, VERIZON-VERIZON SELECT, QWEST, NORSTAN NETWORK, GLOBAL CROSSING; DECEMBER, 2007: ALLTEL OF NE, WWC, D&D, SPRINT SPECTRUM, NEXTEL, ONE VERIZON WAY, SPRINT, COVISTA, AMERIVISION, GLOBALCOM, AFFINITY NETWORK, DIGIZIP.COM, LIGHTYEAR NETWORK SOLUTIONS, GTC TELECOM, ZONE TELECOM, TRI-M, ENHANCED, NOSVA, NOS, FIRST COMM., 360NETWORKS, BUSINESS TELECOM, NEXTEL WEST, 800 RESPONSE INFORMATION, BT AMERICAS, SBC LONG DISTANCE, ACCERIS, LEVEL 3, ACN, LEVEL 3, AT&T OF MIDWEST, COMTEL TELCOM ASSETS, AT&T OF MIDWEST, WINDSTREAM, TWC DIGITAL PHONE, QWEST; JAN. - DEC., 2007: ACCESS2GO, DEHACOM; JANUARY, 2008: SHAFFER - CLERK presented said report which was placed on file in the Office of the City Clerk.

REAPPOINTING BEATTY BRASCH AND KIM PHELPS TO THE STARTRAN ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING OCTOBER 20, 2010 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84732 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Beatty Brasch and Kim Phelps to the StarTran Advisory Board for three-year terms expiring October 20, 2010 is hereby approved.

Introduced by Robin Eschliman

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

APPOINTING RICK NOYES AND JOHN BAYLOR TO THE STARTRAN ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING OCTOBER 20, 2010 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84733 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rick Noyes and John Baylor to the StarTran Advisory Board for three-year terms expiring October 20, 2010 is hereby approved.

Introduced by Robin Eschliman

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

APPOINTING CURT DONALDSON TO THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING APRIL 27, 2010 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84734 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Curt Donaldson to the Parks and Recreation Advisory Board to fill an unexpired term expiring April 27, 2010 is hereby approved.

Introduced by Robin Eschliman

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

REAPPOINTING STEVE MASTERS TO THE DISTRICT ENERGY CORPORATION FOR A TWO-YEAR TERM EXPIRING DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84735 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Steve Masters to the District Energy Corporation for a two-year term expiring December 31, 2009 is hereby approved.

Introduced by Robin Eschliman

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

APPOINTING DALLAS MCGEE TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2012 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84736 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dallas McGee to the Lincoln Housing Authority Board for a five-year term expiring July 1, 2012 is hereby approved.

Introduced by Robin Eschliman

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

REQUEST OF PUBLIC WORKS TO SET THE PUBLIC HEARING DATE OF MONDAY, MARCH 10, 2008 AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

08R-53 AUTHORITY TO CREATE AN ALLEY PAVING SPECIAL ASSESSMENT DISTRICT, 33RD TO 34TH STREETS, D TO F STREETS & ASSESS THE COST THEREOF AGAINST THE BENEFITTED PROPERTY.

CLERK Requested a motion to approve the Public Hearing date of Monday, March 10, 2008 at 5:30 p.m. and place on the Formal City Council Agenda.

ESCHLIMAN So moved.

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

REQUEST OF PUBLIC WORKS TO SET THE DATE OF MONDAY, MARCH 3, 2008, AT 10:00 A.M. FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I - CLERK requested a motion to approve the date of Monday, March 3, 2008 at 20:00 a.m. for Board of Equalization Special Assessment Group I.

ESCHLIMAN So moved.

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)

CREATING AND ORDERING CONSTRUCTION OF SIDEWALK IMPROVEMENT DISTRICT NO. 95 IN VARIOUS LOCATIONS WITHIN THE CITY AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by John Spatz, creating and ordering construction of Sidewalk Improvement District No. 95, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

MISC. 08001 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISIONS BY AMENDING SECTION 26.19.010 TO ALLOW FINAL PLATS TO BE DRAWN ON 24 LB. WHITE PAPER AND BY AMENDING SECTION 26.23.140 TO PROVIDE THAT LOTS SHOWN WITHIN THE BOUNDARIES OF AN APPROVED COMMUNITY UNIT PLAN, A PLANNED UNIT DEVELOPMENT, OR USE PERMIT ARE NOT REQUIRED TO FRONT UPON AND TAKE ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, PROVIDED THAT A PERMANENT PUBLIC ACCESS EASEMENT TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH RESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH RESIDENTIAL LOTS AND THAT PERMANENT ACCESS EASEMENT (PUBLIC OR PRIVATE) TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH NONRESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH NONRESIDENTIAL LOTS - CLERK read an ordinance, introduced by John Spatz, amending Title 26 of the Lincoln Municipal Code relating to land subdivisions by amending Section 26.19.010 to allow the final plat to be drawn on 24 lb. white paper; by amending Section 26.23.140 to provide that lots shown within the boundaries of an approved community unit plan, a planned unit development or use permit are not required to front upon and take access to a public street or private roadway, provided that a permanent public access easement to and from a public street or private roadway, provided that a permanent public access easement to and from a public street or private roadway for such residential lots is dedicated in the final plat creating such residential lots and that permanent access easement (public or private) to and from a public street or private roadway for such nonresidential lots is dedicated in the final plat creating such nonresidential lots; and repealing Sections 26.19.010 and 26.23.140 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 07061 - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET. (RELATED ITEMS: 08-11, 06R-50) (ACTION DATE: 3/3/08 - CLERK read an ordinance, introduced by John Spatz, 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.

PRE-EXISTING USE PERMIT NO. 07001A - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES TO DEVELOP 16,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH AN ADJUSTMENT TO THE PARKING REQUIREMENT TO ALLOW A TEMPORARY OUTDOOR STRUCTURE IN CONJUNCTION WITH THE USE OF THE BUILDING AS A CONVENIENCE HARDWARE STORE, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET. (RELATED ITEMS: 08-11, 06R-50) (ACTION DATE: 3/3/08)

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

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - PRIOR to reading:

COOK Moved to place Bill No. 08-5 on Pending indefinitely.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin; NAYS: Spatz, Svoboda.

AMENDING CHAPTER 4.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITIZEN POLICE ADVISORY BOARD BY AMENDING SECTION 4.08.010 RELATING TO THE POWERS AND DUTIES OF THE BOARD TO PROVIDE THAT THE BOARD SHALL HAVE NO JURISDICTION TO HEAR COMPLAINTS OR CONDUCT AN INVESTIGATION WHILE A CRIMINAL OR CIVIL ACTION RELATING TO THE COMPLAINT IS PENDING AGAINST EITHER THE COMPLAINANT OR THE OFFICER OR OFFICERS INVOLVED; AMENDING SECTION 4.08.020 RELATING TO THE JURISDICTION OF THE BOARD TO PROVIDE THE BOARD SHALL LOSE JURISDICTION OVER A COMPLAINT IF THE COMPLAINANT FILES A CIVIL ACTION RELATING TO THE SAME FACTS AS THE COMPLAINT BEFORE THEM; AMENDING SECTION 4.08.030 RELATING TO COMPLAINTS MADE TO THE CITIZEN POLICE ADVISORY BOARD TO PROVIDE THAT THE CHAIRPERSON MAY DISMISS CERTAIN TYPES OF COMPLAINTS, SUBJECT TO REVIEW BY THE BOARD AS A WHOLE - Clerk read an ordinance, introduced by Jonathan Cook, amending Chapter 4.08 of the Lincoln Municipal Code relating to the Citizen Police Advisory Board by amending Section 4.080.010 relating to the powers and duties of the Board to provide that the Board shall have no jurisdiction to hear complaints or conduct an investigation while a criminal or civil action relating to the complaint is pending against either the complainant or the officer or officers involved; amending Section 4.08.020 relating to the jurisdiction of the Board to provide the Board shall lose jurisdiction over a complaint if the complainant files a civil action relating to the same facts as the complaint before

them; amending Section 3.08.030 relating to complaints made to the Citizen Police Advisory Board to provide that the chairperson may dismiss certain types of complaints, subject to review by the Board as a whole; and repealing Sections 4.08.010, 4.08.020, and 4.08.030 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#19044**, is recorded in Ordinance Book #26, Page

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HOOG GEBOUW EAST LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N. 84TH AND HOLDREGE STREETS. (RELATED ITEMS: 08R-24, 08-7, 08R-25)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84737 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and HOOG GEBOUW EAST, LLC, for a change of zone from O-3 Office Park to B-2 Planned Neighborhood Business and from B-2 Planned Neighborhood Business to O-3 Office Park zoning district for development of the property generally located at N. 84th and Holdrege Streets, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Applicant.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Applicant.

Introduced by Jonathan Cook

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

CHANGE OF ZONE 07059 - APPLICATION OF HOLDREGE INVESTORS LLC AND MORNING GLORY ESTATES ASSOCIATION, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND HOLDREGE STREET. (RELATED ITEMS: 08R-24, 08-7, 08R-25) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered **#19045**, is recorded in Ordinance Book #26, Page

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

COOK Moved to amend Bill No. 08R-25 as follows: 1. On page 2, lines 26 and 27, delete the words "the developer to construct." 2. On page 2, delete lines 30 through 32 in their entirety. 3. Re-letter the subsequent paragraphs accordingly.

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

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

A-84738 WHEREAS, Holdrege Investors LLC and Morning Glory Estates Association, Inc., have submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 128B to amend the approved uses under the existing use permit from office use to hotel, restaurant and retail uses, and to increase the maximum height in the B-2 district from 40 feet to 45 feet, on property generally located at N. 84th Street and Holdrege Street, and legally described as:

Lots 5, 6, 7, 8, and 9, Block 2, Morning Glory Estates Addition; Lot 1, Block 3, and Outlot "C", Morning Glory Estates Addition; Lots 1 and 7, Morning Glory Estates 2nd Addition; Lot 3, Morning Glory Estates 4th Addition; Lots 1, 2, 3, 4, 5, and Outlots

"A", "B", and "C", Morning Glory Estates 5th Addition; a portion of Lexington Avenue right-of-way, and a portion of N. 86th Street right-of-way, all located in the Southwest Quarter of Section 14, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the development within the use permit will not be adversely affected; and

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

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

That the application of Holdrege Investors LLC and Morning Glory Estates Association, Inc., hereinafter referred to as "Permittee", to amend the approved uses under the existing use permit from office use to hotel, restaurant and retail uses, and to increase the maximum height in the B-2 district from 40 feet to 45 feet, on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 114,350 square feet of commercial floor area with an adjustment to the B-2 height requirements to allow 45 foot tall buildings.

2. Before receiving building permits, the Permittee shall cause to be prepared and submitted to the Planning Department for review and approval a revised and reproducible final plot plan including 5 copies with all required revisions as listed below:

- a. Remove internal sidewalks from the use permit plans. The placement of internal sidewalks will be evaluated at the time of building permits.
- b. Revise General Notes #16 to correct spelling of "MUNICIPAL" and "PREMISES".
- c. Revise General Notes #43 to state "PARKING LOT LIGHTING WILL BE DESIGNED UTILIZING FULL CUT OFF FIXTURES."
- d. Revise General Notes #15 to allow "JOINT PARKING" for Outlots A, B, and D.
- e. The traffic study references a future 250' west bound right turn lane in Holdrege Street. The turn lane and required right-of-way need to be shown on the plans.
- f. Revise General Notes #44 to state "N. 86TH STREET NORTH OF LEXINGTON AVENUE WILL BE CONSTRUCTED PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT FOR THE PROPOSED HOTEL."
- g. Add General Note #45 to state "IF TRAFFIC VOLUMES AND/OR CRASH RATES INCREASE TO A LEVEL THAT WOULD WARRANT A SIGNAL, PUBLIC WORKS WOULD REQUIRE ~~THE DEVELOPER TO CONSTRUCT~~ A MEDIAN TO LIMIT ACCESS TO LEFT IN, RIGHT IN, AND RIGHT OUT ONLY."

3. Before receiving building permits, the Permittee shall:

- ~~a. Submit to the Planning Department an escrow or some other method of securing the funding for the construction of the median on Holdrege Street for the N. 86th Street intersection.~~
- ~~b.~~ a. Provide Public Works with information describing how the additional lots in the southwest corner of the development are to be provided water and sanitary sewer service.
- ~~c.~~ b. The construction plans comply with the approved plans.

4. Before occupying the buildings, all development and construction must conform with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established association approved by the City Attorney.

6. The terms, conditions, and requirements of this resolution shall run with the land and shall be binding upon the Permittee, its successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of this resolution, provided, however, said 60-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the letter of acceptance with the Register of Deeds, filling

fees therefor to be paid in advance by the Permittee.

8. 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 ordinance.

Introduced by Jonathan Cook

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

RESOLUTIONS - ACTION ONLY

ADOPTING THE LES 2008 RATE SCHEDULES, SERVICE REGULATIONS, AND COST ANALYSIS SUMMARY PROVIDING FOR A SYSTEM AVERAGE INCREASE OF 5.5 PERCENT, TO BE EFFECTIVE MARCH 1, 2008 - PRIOR to reading:

COOK Moved to change the effective date from March 1, 2008 to March 1, 2009.

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

CAMP Moved Motion to Amend #2 which read as follows:

1. Amend the "2008 Rate Schedules, Service Regulations and Cost Analysis Summary" to maintain the present level for "Customer/Developer Aid to Construction Fee" by maintaining the \$400 per lot charge as opposed to the proposed increase to \$540 per lot.

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

COOK Moved Motion to Amend #1 which read as follows:

1. On page 1, line 13, change "5.5%" to 5.0%.

2. Amend the "2008 Rate Schedules, Service Regulations and Cost Analysis Summary" by substituting a 5.0% increase in electric rates rather than the proposed system average of 5.5%.

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

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

A-84739 WHEREAS, rate schedules and service regulations for the use and services of Lincoln Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one being Resolution No. A-83733, adopted by the City Council on February 6, 2006, and approved by the Mayor on February 9, 2006; and

WHEREAS, the Administrative Board of the Lincoln Electric System has recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled, "2008 Rate Schedules, Service Regulations and Cost Analysis Summary" which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and

WHEREAS, the rate recommendation demonstrating the justification for a system average increase of ~~5.5~~ 5.0% to be effective March 1, 2008 has been approved by the Lincoln Electric Administrative Board at its regular Board meeting of January 18, 2008, and is consistent with the City of Lincoln's Bond Ordinance for Lincoln Electric System regarding rates; and

WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

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

That effective March 1, 2008, the attached "2008 Rate Schedules, Service Regulations and Cost Analysis Summary" for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System is hereby established and adopted; and

BE IT FURTHER RESOLVED that Resolution No. A-83733, adopted on February 6, 2006, is hereby superseded by this Resolution effective March 1, 2008.

Introduced by Jonathan Cook

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 25, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
February 25, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 5:54 P.M.

CAMP Moved to adjourn the City Council meeting of February 11, 2008.
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

