

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 2, 2008 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of May 19, 2008 reported having done so, found same correct. Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**PUBLIC HEARING**

APPLICATION OF MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN L-SHAPED SIDEWALK CAFÉ MEASURING APPROXIMATELY 13 FEET BY 84 FEET TO THE SOUTH AND EAST AT 301 N. 8TH STREET - CLERK stated that recommendations on this application were received from the various departments, approval was in favor and the application for expansion could go forward for action today. Clerk responded to Council Member Camp's question by stating that the Outdoor Dining Committee clarified that all occupants had reasonable access to the building.

This matter was taken under advisement.

CHANGE OF ZONE 08016 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY AMENDING SECTION 27.63.170 RELATING TO SPECIAL PERMITS FOR PARKING LOTS TO ALLOW THE CITY COUNCIL TO ADJUST THE LOCATION OF SIGNS AND PARKING UNDER A SPECIAL PERMIT; AMENDING SECTION 27.67.030 RELATING TO GENERAL PARKING CONDITIONS TO ALLOW PARKING IN THE FRONT YARD UNDER A SPECIAL PERMIT FOR PARKING LOTS PURSUANT TO SECTION 27.63.170; AND AMENDING SECTION 27.69.030 RELATING TO GENERAL SIGN PROVISIONS TO ALLOW SIGNS IN THE FRONT YARD IF AUTHORIZED UNDER THE CONDITIONS OF APPROVAL OF THE SPECIAL PERMITTED USE FOUND IN CHAPTER 27.63; AND REPEALING SECTIONS 27.63.170, 27.67.030, AND 27.69.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING;

SPECIAL PERMIT 08018 - APPLICATION OF FIRST PLYMOUTH CONGREGATIONAL CHURCH TO ALLOW A PARKING LOT IN A RESIDENTIAL ZONING DISTRICT; TO WAIVE THE MINIMUM 15 FOOT SITE PENETRATION; TO ALLOW PARKING IN THE FRONT YARD ALONG S. 21ST STREET AND F STREET; AND TO ALLOW FOR A SIGN IN THE FRONT YARD, ON PROPERTY GENERALLY LOCATED AT S. 21ST STREET AND F STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing First Plymouth Congregational Church explaining that the north lot will mirror the existing parking lot with the exception that the new one will soften up the corners and provide a smoother transition. He provided examples of non-enforced, 15-ft. penetration requirements in the alleys of other business locations. Mr. Hunzeker stated that the church is active in the Near South Neighborhood with a membership that has doubled since the 1970's and more should be done to provide opportunities for churches to prosper and grow in older neighborhoods rather than relocate to the edge of town.

Chad Blahak, Public Works & Utilities Dept., came forward to clarify that the original recommendation of denial presented a concern that the first parking stall could potentially block the open public alley thereby causing a rear-end collision.

Mr. Hunzeker came forward responding to Council questions stating he will prepare an amendment clarifying changes for next weeks' vote.

This matter was taken under advisement.

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL OF THE CITY OF LINCOLN BY AMENDING SECTION 2.02.020 TO ADD THE "LIBRARY DEPARTMENT" AND THE "LIBRARY DIRECTOR" TO THE LIST OF DEPARTMENTS AND DIRECTORS UNDER THE SUPERVISION OF THE MAYOR; BY ADDING A NEW SECTION 2.02.085 TO PROVIDE THE LIBRARY DIRECTOR SHALL HAVE CHARGE AND SUPERVISION OF THE LIBRARY DEPARTMENT AND TO SET FORTH THE DUTIES OF THE LIBRARY DIRECTOR; BY CREATING A NEW CHAPTER 2.25 ENTITLED "LIBRARY DEPARTMENT" BY ADDING A NEW SECTION 2.25.010 TO ESTABLISH THE NAME OF THE DEPARTMENT; BY ADDING A NEW SECTION 2.25.020 TO ESTABLISH A PROCESS FOR THE HIRING AND REMOVAL OF THE LIBRARY DIRECTOR; BY ADDING A NEW SECTION 2.25.030 TO ESTABLISH JOB DUTIES OF THE LIBRARY DIRECTOR; AND BY ADDING A NEW SECTION 2.25.040 TO ESTABLISH A PROCEDURE FOR PERFORMANCE REVIEWS OF THE LIBRARY DIRECTOR; BY AMENDING SECTION 2.76.070 TO REMOVE THE LIBRARY DIRECTOR POSITION FROM CLASSIFIED SERVICE; AND REPEALING SECTIONS 2.02.020 AND 2.76.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Mayor Chris Beutler came forward in support of the amendment and to clarify that the Library is a department under the City Government; and, the level of Director of Library should serve as an unclassified employee. He said key points clarify hiring, firing and performance evaluation of the Director. In answer to Council questions, he said that the Library Board evaluation will be a guidance to the Mayor. In response to political changes, he stated the Library Board pays close attention to the sensitivity of the protection of First Amendment rights. Mayor Beutler expressed appreciation to the Library Board and to the retiring Director, Carol Conner, for her exemplary 36 years of service in the City Library system.

Tonya Skinner, Asst. City Attorney, came forward to answer questions that upon her research of other communities, she stated that typically the Library Director reports directly to the Mayor, City Manager or the City Council.

Marlene Cupp, 2721 NW 7<sup>th</sup>, President of the Board of Trustees of the Lincoln City Libraries, came forward representing the Board in unanimous support of the ordinance change.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2008 - John V. Hendry, City Attorney, came forward to report that Mr. Hersel, an individual who is listed as tentatively denied, could not attend today's meeting. In an effort to allow the claimant to be fairly heard and the Law Dept. to review additional information, Mr. Hendry requested a continuance of the Hersel claim for one week.

This matter was taken under advisement.

COMPREHENSIVE PLAN CONFORMANCE 08008 - APPROVING AND ADOPTING THE PROPOSED VAN DORN REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY HILL STREET TO JUST NORTH OF PIONEERS BOULEVARD AND BETWEEN S. 7TH STREET TO S. 10TH STREET - David Landis, Director of Urban Development, came forward to answer questions and clarify public and private improvements of the 90+ acre area which is defined as a blighted, substandard area, comprised of conflicting land uses, old infrastructure, an under-utilized park, and evidence of 32% of structures as being deteriorated or dilapidated. He said development would improve usability of Van Dorn Park and recognize it as a major entrance to the City. One private development in the area does not want to make use of TIF and would sign a letter of non-challenge. He said TIF dollars are used in many public amenities such as Pentzer Park and Peter Pan Park. When an engine for the creation of revenues exists, a TIF district will be requested to achieve the changes.

Richard Esquivel, 733 W. Cuming, came forward to state he feels TIF is a game and said private companies should sponsor events that will eventually support park projects.

Mr. Landis came forward in rebuttal stating that redevelopment of a 70-year-old sanitary sewer system, installation of 26 parcels of sidewalk or creating safe pedestrian crossings/bike trails to access a park is not a game. He stated these public benefits are critical to maintain vibrant neighborhoods and strong communities.

This matter was taken under advisement.

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

TOOK BREAK 3:14 P.M.

RECONVENED 3:25 P.M.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING GEORGIA GLASS TO THE LINCOLN HOUSING AUTHORITY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84868 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Georgia Glass to the Lincoln Housing Authority Board to fill an unexpired term expiring July 1, 2008 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING RODRIGO CANTARERO TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE YEAR TERM EXPIRING APRIL 15, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84869 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Rodrigo Cantarero to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2011 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING KEN SVOBODA TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A ONE-YEAR TERM EXPIRING APRIL 15, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84870 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ken Svoboda to the Lincoln-Lancaster County Board of Health for a one-year term expiring April 15, 2009 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING ROBERT RIPLEY AND BRUCE HELWIG TO THE HISTORIC PRESERVATION COMMISSION FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84871 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Robert Ripley and Bruce Helwig to the Historic Preservation Commission for a three-year term expiring April 15, 2011 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING DAN G. PETERSEN TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR A THREE-YEAR TERM EXPIRING NOVEMBER 1, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:  
A-84872 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dan G. Petersen to the Veterans Memorial Garden Advisory Council for a three-year term expiring November 1, 2010 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING JOHN FAZ TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL TO FILL AN UNEXPIRED TERM EXPIRING NOVEMBER 1, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84873 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of John Faz to the Veterans Memorial Garden Advisory Council to fill an unexpired term expiring November 1, 2009 is hereby approved.

Introduced by Ken Svoboda

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON MAY 12, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON MAY 19, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08022HP - App. of Danja Pegram Siders to designate as a historic landmark property known as the Dr. Slattery House located at 5230 North 14th Street and the associated artesian well at 5200 North 13th Street.

Change of Zone No. 08023 - App. of Mark Hunzeker for a change from R-2 Residential District to B-3 Commercial District on property generally located NW of South 33rd Street & A Street.

#### LIQUOR RESOLUTIONS

APPLICATION OF MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN L-SHAPED SIDEWALK CAFÉ MEASURING APPROXIMATELY 13 FEET BY 84 FEET TO THE SOUTH AND EAST AT 301 N. 8TH STREET. (5/26/08 - P.H & ACTION CON'T TO 6/2/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84874 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 Magnolia Restaurant Inc. dba Magnolia Restaurant to expand its licensed premises by the addition of a sidewalk café area measuring approximately 13 feet by 84 feet to the south and east at 301 N. 8<sup>th</sup> Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

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

CHANGE OF ZONE 08016 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY AMENDING SECTION 27.63.170 RELATING TO SPECIAL PERMITS FOR PARKING LOTS TO ALLOW THE CITY COUNCIL TO ADJUST THE LOCATION OF SIGNS AND PARKING UNDER A SPECIAL PERMIT; AMENDING SECTION 27.67.030 RELATING TO GENERAL PARKING CONDITIONS TO ALLOW PARKING IN THE FRONT YARD UNDER A SPECIAL PERMIT FOR PARKING LOTS PURSUANT TO SECTION 27.63.170; AND AMENDING SECTION 27.69.030 RELATING TO GENERAL SIGN PROVISIONS TO ALLOW SIGNS IN THE FRONT YARD IF AUTHORIZED UNDER THE CONDITIONS OF APPROVAL OF THE SPECIAL PERMITTED USE FOUND IN CHAPTER 27.63; AND REPEALING SECTIONS 27.63.170, 27.67.030, AND 27.69.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-60, 08R-119) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Section 27.63.170 relating to special permits for parking lots to allow the City Council to adjust the location of signs and parking under a special permit; amending Section 27.67.030 relating to general parking conditions to allow parking in the front yard under a special permit for parking lots pursuant to Section 27.63.170; amending Section 27.69.020 relating to general sign provisions to allow signs in the front yard if authorized under the conditions of approval for the special permitted use found in Chapter 27.63; and repealing Sections 27.63.170, 27.67.030, and 27.69.030 of the Lincoln Municipal Code as hitherto existing, the second time.

SPECIAL PERMIT 08018 - APPLICATION OF FIRST PLYMOUTH CONGREGATIONAL CHURCH TO ALLOW A PARKING LOT IN A RESIDENTIAL ZONING DISTRICT; TO WAIVE THE MINIMUM 15 FOOT SITE PENETRATION; TO ALLOW PARKING IN THE FRONT YARD ALONG S. 21ST STREET AND F STREET; AND TO ALLOW FOR A SIGN IN THE FRONT YARD, ON PROPERTY GENERALLY LOCATED AT S. 21ST STREET AND F STREET. (RELATED ITEMS: 08-60, 08R-119) (ACTION DATE: 6/9/08).

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL OF THE CITY OF LINCOLN BY AMENDING SECTION 2.02.020 TO ADD THE "LIBRARY DEPARTMENT" AND THE "LIBRARY DIRECTOR" TO THE LIST OF DEPARTMENTS AND DIRECTORS UNDER THE SUPERVISION OF THE MAYOR; BY ADDING A NEW SECTION 2.02.085 TO PROVIDE THE LIBRARY DIRECTOR SHALL HAVE CHARGE AND SUPERVISION OF THE LIBRARY DEPARTMENT AND TO SET FORTH THE DUTIES OF THE LIBRARY DIRECTOR; BY CREATING A NEW CHAPTER 2.25 ENTITLED "LIBRARY DEPARTMENT" BY ADDING A NEW SECTION 2.25.010 TO ESTABLISH THE NAME OF THE DEPARTMENT; BY ADDING A NEW SECTION 2.25.020 TO ESTABLISH A PROCESS FOR THE HIRING AND REMOVAL OF THE LIBRARY DIRECTOR; BY ADDING A NEW SECTION 2.25.030 TO ESTABLISH JOB DUTIES OF THE LIBRARY DIRECTOR; AND BY ADDING A NEW SECTION 2.25.040 TO ESTABLISH A PROCEDURE FOR PERFORMANCE REVIEWS OF THE LIBRARY DIRECTOR; BY AMENDING SECTION 2.76.070 TO REMOVE THE LIBRARY DIRECTOR POSITION FROM CLASSIFIED SERVICE; AND REPEALING SECTIONS 2.02.020 AND 2.76.070 OF THE LINCOLN

MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 2 of the Lincoln Municipal Code relating to Officers, Departments and Personnel of the City of Lincoln by amending Section 2.02.020 to add the "Library Department" and the "Library Director" to the list of departments and directors under the supervision of the Mayor; by adding a new Section 2.02.085 to provide the Library Director shall have charge and supervision of the Library Department and to set forth the duties of the Library Director; by creating a new Chapter 2.25 entitled "Library Department" by adding a new Section 2.25.010 to establish the name of the department; by adding a new Section 2.25.020 to establish a process for the hiring and removal of the Library Director; by adding a new Section 2.25.030 to establish job duties of the Library Director; and by adding a new Section 2.25.040 to establish a procedure for performance reviews of the Library Director; by amending Section 2.76.070 to remove the Library Director position from classified service; and repealing Sections 2.02.020 and 2.76.070 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 MAY 1 - 15, 2008 - PRIOR TO READING:

MARVIN Moved an amendment to Bill No. 08R-117 to delay the Hersel claim for one week w/con't. Public Hearing & Action on 6/09/08.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84875 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 May 1, 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:

DENIED		<u>ALLOWED/SETTLED</u>	
Bradley Hersel	<del>\$570.00</del>	Adem Mustafic & Refija Mustafic	\$ 1,000.00
Patricia A. Henderson	356.89	Connie Decker	1,574.54
		Gary Turner & Patsy Turner	3,500.00
		Farmers Mutual of Nebraska (Claim No. A0705759)	10,000.00

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 Ken Svoboda

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

TO PROVIDE AUTHORITY TO APPROVE THE ANNUAL POLLUTANT LOAD ESTIMATION FOR DRY WEATHER FLOWS FROM STORM DRAIN DISCHARGE BY THE UNIVERSITY OF NEBRASKA-LINCOLN CIVIL ENGINEERING DEPARTMENT FOR EVALUATION OF HISTORIC POLLUTANT LOADS AND OF PROPOSED MONITORING LOCATIONS FOR A PERIOD OF MAY 12, 2008 THROUGH DECEMBER 31, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84876 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the proposal for "Annual Pollutant Load estimation for Dry Weather Flows from Storm Drain Discharges: Method Development" for evaluation of pollutant loads to be evaluated by the UNL - Civil

Engineering Department, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved, upon the terms and conditions as set forth in said proposal, and the Mayor is authorized to execute said proposal on behalf of the City.

The City Clerk is directed to return one fully executed copy of said proposal to the University of Nebraska-Lincoln, 312 N. 14th Street, Alexander Building West, Lincoln, NE 68588-0430.

Introduced by Ken Svoboda

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

AMENDING RESOLUTION NO. A-84818 TO CORRECT THE AMOUNT OF THE REPORTED SETTLEMENT OF THE CLAIM OF ARSHAD MEHMOOD IN THE AMOUNT OF ~~\$1,398.10~~ \$1,709.69 TO ~~\$1,378.10~~ \$1,398.10 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84877 WHEREAS, the tort claim against the City of Lincoln by Arshad Mehmood filed in the City Clerk's Office of the City of Lincoln, Nebraska, on March 27, 2008, in the amount of \$1,709.69 for damage incurred to claimant's vehicle when it was struck by a vehicle that was being pursued by Lincoln police was erroneously reported as allowed in the amount of \$1,709.69 by Resolution No. A-84818 adopted by the City Council on April 14, 2008; and

WHEREAS, the tort claim against the City of Lincoln by Arshad Mehmood filed in the City Clerk's Office of the City of Lincoln, Nebraska on March 27, 2008, in the amount of \$1,709.69 has been settled by the Risk Management Office in the amount of \$1,398.10.

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

That Resolution No. A-84818 be amended by correcting the amount of the settlement of the claim of Arshad Mehmood on line 13 in the amount of \$1,398.10.

Introduced by Ken Svoboda

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

COMPREHENSIVE PLAN CONFORMANCE 08008 - APPROVING AND ADOPTING THE PROPOSED VAN DORN REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY HILL STREET TO JUST NORTH OF PIONEERS BOULEVARD AND BETWEEN S. 7TH STREET TO S. 10TH STREET - PRIOR TO READING:

SVOBODA Moved to place Bill No. 08R-120 on Indefinite Pending.

SPATZ Made a friendly amendment to delay two weeks to 06/16/08 for Action Only.

SVOBODA Accepted.

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

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

AMENDING RULE 3-3 "VOTE OF A MEMBER MANDATORY; EXCEPTION" OF THE RULES OF COUNCIL DECORUM TO ADD LANGUAGE RELATING TO COUNCIL MEMBERS ABSTAINING FROM VOTING ON A PENDING QUESTION - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.04.010 of the Lincoln Municipal Code relating to Rules of the City Council by amending Rule 3-3 to allow a Council member to not vote on a question in which the Council member has a personal interest; and repealing Section 2.04.010 of the Lincoln Municipal Code as hitherto existing, the first time.

ANNEXATION NO. 08003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 63.13 ACRES OF PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET. (RELATED ITEMS: 08-63, 08-64) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 08019 - APPLICATION OF ROBERT AND VICTORIA ROKEBY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET. (RELATED ITEMS: 08-63, 08-64) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 08018 - APPLICATION OF GAMMA PHI BETA BUILDING ASSOCIATION AND THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO R-7 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 16TH STREET BETWEEN R AND S STREETS - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 08020 - APPLICATION OF VEYANCE TECHNOLOGIES, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BALLARD AVE. - CLERK read an ordinance, introduced by Jon Camp, 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.

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

ACCEPTING WILLOW SPRINGS HOMEOWNERS ASSOCIATION'S OFFER TO DEDICATE THE RIGHT-OF-WAY FOR LUCILE DRIVE AT PIONEERS BLVD - CLERK read an ordinance, introduced by John Spatz, accepting Willow Springs Homeowners Association's right-of-way for Lucile Drive at Pioneers Boulevard, the third time.

SPATZ 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 #19091, is recorded in Ordinance Book #26, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to June 9, 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 June 9, 2008.

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



REGULAR MEETING  
June 2, 2008  
Page 62