

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 27, 2006 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of March 20, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

SHOW CAUSE HEARING ON THE AUTOMATIC RENEWAL OF THE LIQUOR LICENSE OF FAT NAPPY'S , 5100 NORTH 48TH STREET DUE TO THE FILING OF WRITTEN PROTESTS TO SUCH RENEWAL - Bob and Meylonie Schatz, 6510 Saline Dr., took oath and came forward against the loud music from Fat Nappy's beer garden. Discussion followed.

Charlotte and Steven Ballard, 6411 River Dr., took oath and came forward in opposition to the loud music.

Verna Hawkins 3621 Saline Cr., took oath and came forward in opposition to the loud music.

Victor Covalt, Attorney, 440 S. 13th St., Ste. C, P.O. Box 81229, took oath and came forward representing Fat Nappy's in their show cause hearing. Discussion followed.

Nathan Lamp, 1155 NW 53rd Street, Co-owner of Fat Nappy's, took oath and came forward to request approval of automatic renewal.

Chuck Foley, Foley's Professional Audio Services, 6230 Sunrise Rd., took oath and came forward to state he has been hired to solve the sound problem and to explain how he intends to accomplish it. Discussion followed.

Brandon Moser, 6327 Cornflower Dr., took oath and came forward to state he lives in the area of Fat Nappy's and the loud music has not been a problem to him.

Claude Walton, 5100 N. 48th St., took oath and came forward to state he lives next door to Fat Nappy's and cannot hear the music.

Neal Grummert, 935 O Street, Co-owner of Twisted Steel, Inc. which operates The Bar, Downtown, Sidetrack Bar, and Lazzari's Pizza. He took the oath and came forward in support of Fat Nappy's. Discussion followed.

Dana Roper, City Attorney, came forward to answer legal questions. Discussion followed.

Russ Fosler, Lincoln Police Dept., came forward to answer Police related questions. Discussion followed.

John McQuinn, Chief Assistant City Prosecutor, came forward to answer questions. Discussion followed.

CAMP Moved to place this Show Cause on Pending for one week to April 3, 2006 with Action only.

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

This matter was taken under advisement.

CHAIRMAN SVOBODA RECOGNIZED BOY SCOUT TROOP 672 WHO WAS IN ATTENDANCE.

APPROVING CONTRACT FOR SPEC. 04-260 FOR TRANSPORTING OF BIO SOLIDS BY MERRELL BROS, INC. TO EXTEND THROUGH NOVEMBER 19, 2010 - Ken Svoboda, Council Chair, had questions for staff.

Steve Masters, Pubic Works & Utilities, came forward to answer questions.

This matter was taken under advisement.

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CHANGE OF ZONE 05077 - APPLICATION OF THUNDERSTONE LLC FOR A PLANNED UNIT DEVELOPMENT DESIGNATION OF PROPERTY GENERALLY LOCATED AT N.W. 32ND STREET AND WEST O STREET, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 33,000 SQUARE FEET FOR PRODUCT DISPLAY, MARKETING, ADMINISTRATIVE OFFICES AND PRODUCTION AREA, ON THE UNDERLYING H-3 HIGHWAY COMMERCIAL DISTRICT - J. D. Burt, with Design Associates., 1609 N St., Suite 100, came forward representing Thunderstone, LLC.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions.

Ray Hill, Planning Dept., came forward to state Planning Dept. were in agreement to the conditions of approval. Discussion followed.

Mr. Burt came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND CORY FLETCHER FOR A FIVE-YEAR PERIOD AT MAHONEY GOLF COURSE;
APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND TIMOTHY ROWLAND FOR A FIVE-YEAR PERIOD AT PIONEERS GOLF COURSE;
APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND DENIS M. VONTZ FOR A FIVE-YEAR PERIOD AT HIGHLANDS GOLF COURSE;
APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND JOHN CRAW FOR A FIVE-YEAR PERIOD AT HOLMES GOLF COURSE - Steve Hiller, Assistant Director of Parks and Recreation Dept., stated these are five year contracts compared to the previous three year contracts. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 9.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC PEACE BY AMENDING SECTION 9.20.030, DISORDERLY HOUSE; MAINTAINING, TO FURTHER DEFINE THE PERSONS FOUND TO BE RESPONSIBLE FOR PROPERTY; AND ADDING A NEW SECTION NUMBERED 9.20.045 TO ESTABLISH MINIMUM PENALTIES FOR MAINTAINING OR BEING AN INMATE OR VISITOR OF A DISORDERLY HOUSE AND TO ENHANCE PENALTIES FOR SUBSEQUENT VIOLATIONS OF SECTIONS 9.20.030 OR 9.20.040 OF THE LINCOLN MUNICIPAL CODE 0 - Patte Newman, Council Member, stated this ordinance was created originally in 1940 and was amended in 1959. The Problem Resolution Team requested this ordinance be updated to reflect increased penalties.

David Anderson, 1834 G Street, owner and manager of 40 units came forward in support. Discussion followed.

Tim Francis, 2511 T Street, came forward representing the Hawley Area Neighborhood Assn., came forward in support. Discussion followed.

Larry Zink, 4926 Leighton Avenue, came forward in support.

Carol Brown, 2201 Elba Cr., came forward in support.

David Solheim, University of Nebraska Lincoln student, came forward representing the Student Association of the University of Nebraska Lincoln in support. Discussion followed.

Pat Anderson-Sifwentez, 1500 S. 11th Street, came forward in support.

Glen Cekal, 1420 C Street -#A, came forward in support.

Jeff Tangeman, 1144 Peach Street, came forward representing the Everett Neighborhood Assn. in support. Discussion followed.

Fred Freytag, 530 S. 38th Street, came forward representing the Witherbee Neighborhood Association in support. Discussion followed.

Becky Schenaman, 817 Y Street, of German Russian Bottoms area, came forward in support.

Russell Miller, 341 S. 52nd Street, came forward representing the Lincoln Neighborhood Alliance in support.

Maurice Baker, 3259 Starr Street, came forward in support.

William Carver, 2202 Washington Street, came forward representing the Near South Neighborhood Association in support.

Tracy Lines, 1001 S. 37th Street, came forward representing the 40th & A Neighborhood Association in support.

Susan Melcher, 2401 Garfield Street, came forward representing the many people renovating and living in the older houses and neighborhoods in support.

Marilyn Burbach, 1041 Charleston, North Bottoms, came forward in support.

Ed Caudill, 1223 N. 9th Street, came forward in support. Discussion followed.

John McQuinn, Chief Assistant City Prosecutor, came forward to answer questions. Discussion followed.

This matter was taken under advisement.
** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

APPROVING CONTRACT FOR SPEC. 04-260 FOR TRANSPORTING OF BIO SOLIDS BY MERRELL BROS, INC. TO EXTEND THROUGH NOVEMBER 19, 2010 - CLERK read an ordinance, introduced by Jon Camp, approving a contract between the City of Lincoln and Merrell Bros. Inc. To transport biosolids from the City's Theresa Street Treatment facility, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND TOWERCO LLC FOR THE PLACEMENT OF CITY'S EMERGENCY COMMUNICATIONS FACILITIES ON A TOWER ON PROPERTY OWNED BY TOWERCO GENERALLY LOCATED SOUTH OF HICKMAN, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and TowerCo LLC hereinafter TowerCo, for the placement of City's emergency communications facilities upon a tower and tower property owned by TowerCo and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL WIP LEASE CORPORATION FOR THE PLACEMENT OF CITY'S EMERGENCY COMMUNICATIONS FACILITIES ON A TOWER ON PROPERTY OWNED BY NEXTEL GENERALLY LOCATED AT S. 68TH AND OLIVE CREEK IN FIRTH, NEBRASKA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corporation, hereinafter Nextel, for the placement of City's emergency communications facilities upon a tower and tower property owned by Nextel and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT MAX ROPER PARK GENERALLY LOCATED AT N. 10TH AND BELMONT STREET - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC dba Verizon Wireless for the placement of telecommunications facilities upon City property located in Max Roper Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

CHANGE OF ZONE 05077 - APPLICATION OF THUNDERSTONE LLC FOR A PLANNED UNIT DEVELOPMENT DESIGNATION OF PROPERTY GENERALLY LOCATED AT N.W. 32ND STREET AND WEST O STREET, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE TO ALLOW APPROXIMATELY 33,000 SQUARE FEET FOR PRODUCT DISPLAY, MARKETING, ADMINISTRATIVE OFFICES AND PRODUCTION AREA, ON THE UNDERLYING H-3 HIGHWAY COMMERCIAL DISTRICT - 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 second time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND CORY FLETCHER FOR A FIVE-YEAR PERIOD AT MAHONEY GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS the City owns and holds Mahoney Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the Cory Fletcher, as manager is a Class "A" PGA Golf Professional and/or Director of Golf or Mahoney Golf Course; and WHEREAS, the City desires the services of Cory Fletcher to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Mahoney Golf Course and he is qualified to perform these services, the first time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND TIMOTHY ROWLAND FOR A FIVE-YEAR PERIOD AT PIONEERS GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the City owns and holds Pioneers Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the Timothy Rowland, as manager, is a Class "A" PGA Golf Professional and/or Director of Golf for Pioneers Golf Course; and WHEREAS, the City desires the services of Timothy Rowland to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Pioneers Golf Course and he is qualified to perform these services, the second time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND DENIS M. VONTZ FOR A FIVE-YEAR PERIOD AT HIGHLANDS GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the City owns and holds Highlands Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the Denis M. Vontz, as manager, is a Class "A" PGA Golf Professional and/or Director of Golf for Highlands Golf Course; and WHEREAS, the City desires the services of Denis M. Vontz to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Highlands Golf Course and he is qualified to perform these services, the second time.

APPROVING THE LICENSE AGREEMENT FOR GOLF PROFESSIONALS BETWEEN THE CITY AND JOHN CRAW FOR A FIVE-YEAR PERIOD AT HOLMES GOLF COURSE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the City owns and holds Holmes Golf Course and operates a municipal golf course and clubhouse therein for the benefit of the citizens of the City of Lincoln; and WHEREAS, the John Craw, as manager, is a Class "A" PGA Golf Professional and/or Director of Golf for Holmes Golf Course; and WHEREAS, the City desires the services of John Craw to operate the restaurant concessions and serve as golf professional and/or Director of Golf for Holmes Golf Course and he is qualified to perform these services, the second time.

AMENDING CHAPTER 9.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC PEACE BY AMENDING SECTION 9.20.030, DISORDERLY HOUSE; MAINTAINING, TO FURTHER DEFINE THE PERSONS FOUND TO BE RESPONSIBLE FOR PROPERTY; AND ADDING A NEW SECTION NUMBERED 9.20.045 TO ESTABLISH MINIMUM PENALTIES FOR MAINTAINING OR BEING AN INMATE OR VISITOR OF A DISORDERLY HOUSE AND TO ENHANCE PENALTIES FOR SUBSEQUENT VIOLATIONS OF SECTIONS 9.20.030 OR 9.20.040 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jon Camp, WHEREAS, the population of the City of Lincoln has grown and the problems associated with disorderly houses are exacerbated, the second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 1 - 15, 2006 - - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83783 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 March 16, 2006, 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>	
Fred Fleming	\$2,000.00	Michelle Leehy	\$100.00
Magdalena Krynsky	126.43		
Jason Byrns	190.62		

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jon Camp

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

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, APRIL 10, 2006 AT 1:30 P.M. FOR THE APP. OF SEKIPS, INC. DBA SPIKES BEACH BAR & GRILLE FOR A LIQUOR CATERING LICENSE AT 2300 JUDSON - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83784 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 10, 2006 at 1:30 P.M. or a soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Sekips, Inc. Dba Spikes Beach Bar & Grille for a liquor catering license at 2300 Judson.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 10, 2006 AT 1:30 P.M. FOR THE APP. OF THUY T. NGUYEN DBA LITTLE SAIGON FOR A CLASS D LIQUOR LICENSE AT 940 N. 26TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83785 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 10, 2006 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 Thuy T. Nguyen dba Little Saigon for a Class D liquor license at 940 N. 26th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 10, 2006 AT 1:30 P.M. FOR THE APP. OF RPM BROTHERS, INC. DBA OVERLAND STATION FOR A CLASS C LIQUOR LICENSE AT 2805 NW 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83786 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 10, 2006 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 RPM Brothers, Inc. dba Overland Station for a Class C liquor license at 2805 NW 48th Street.

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

Introduced by Jonathan Cook

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 13, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE QUARTER ENDING NOVEMBER 30, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83787 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the 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 Jonathan Cook

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

REAPPOINTING BRIDGET CHRISTENSEN, MARCIA MALONE, BETH RODACKER, DANJA PEGRAM-
IDERS, KATHIE UHRMACHER, AND TAMI SOPER TO THE LINCOLN-LANCASTER COUNTY
WOMEN'S COMMISSION FOR TWO-YEAR TERMS EXPIRING MARCH 1, 2008 - CLERK
read the following resolution, introduced by Jon Camp, who moved its
adoption:

A-83788 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the reappointment of Bridget Christensen, Marcia Malone, Beth
Rodacker, Danja Pegram-Siders, Kathie Uhrmacher, and Tami Soper to the
Lincoln-Lancaster County Women's Commission for two-year terms expiring
March 1, 2008, is hereby approved.

Introduced by Jon Camp

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

APPOINTING ARLEN NIEVEEN TO THE COMMUNITY FORESTRY ADVISORY BOARD TO FILL AN
UNEXPIRED THREE-YEAR TERM EXPIRING AUGUST 17, 2008 - CLERK read the
following resolution, introduced by Jon Camp, who moved its adoption:

A-83789 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the appointment of Arlen Nieveen to the Community Forestry
Advisory Board to fill an unexpired three-year term expiring August 17,
2008, is hereby approved.

Introduced by Jon Camp

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

ORDINANCES - 1ST READING

APPROVING THE 48TH AND HUNTINGTON AVENUE REDEVELOPMENT AGREEMENT BETWEEN THE
CITY AND KINPORT CORPORATION FOR REDEVELOPMENT OF THE SOUTH SIDE OF
HUNTINGTON AVE. BETWEEN 48TH AND 49TH STREETS FOR A LINCOLN POLICE
SUBSTATION AND MIXED USE RETAIL, RESIDENTIAL, COMMERCIAL AND OFFICE USES
- CLERK read an ordinance, introduced by Jonathan Cook, Whereas, the
City Council on December 7, 1998 adopted Resolution No. A-79200,
adopting the University Place Redevelopment Plan, and said plan was
amended by Resolution No. A-81098 adopted on September 17, 2001,
Resolution No. A-82040 adopted on April 14, 2003, Resolution No. A-82825
adopted on June 21, 2004, and Resolution A-83606 adopted on October 28,
2005, the first time.

APPROVING A 15-YEAR LEASE BETWEEN THE CITY AND KINPORT CORPORATION FOR THE
LEASE OF SPACE BY THE CITY'S POLICE DEPARTMENT AT 49TH AND HUNTINGTON
AVE. - CLERK read an ordinance, introduced by Jonathan Cook, accepting
and approving a Lease Agreement between the City of Lincoln and Kinport
Corporation, Nebraska Corporation, 720 O Street, Lincoln, NE 68508, for
the lease of space by the Police Department at Lots 1 and 2, Block 95,
University Place, street address 4843 Huntington Avenue, Lincoln,
Lancaster County, Nebraska for a 15-year term, the first time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2005 AND
DECEMBER, 2005 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK
read an ordinance, introduced by Jonathan Cook, adopting the supplements
to the Lincoln Municipal Code dated June, 2005; and December 2005 as
part of the official Lincoln Municipal Code, the first time.

CHANGE OF ZONE 06002 - APPLICATION OF JOHN ZAKOVEC FOR A CHANGE OF ZONE FROM
AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY
GENERALLY LOCATED AT N.W. 48TH STREET AND HIGHWAY 34 - CLERK read an
ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning
District Maps attached to and made a part of Title 27 of the Lincoln
Municipal Code, as provided by Section 27.05.020 of the Lincoln
Municipal Code, by changing the boundaries of the districts established
and shown thereon, the first time.

APPROVING THE SCHWORER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DENNIS SCHWORER, RELATING TO THE ANNEXATION OF APPROXIMATELY 11.19 ACRES OF PROPERTY GENERALLY LOCATED AT 33RD AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Jonathan Cook, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement titled Schworer Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Dennis R. Schworer, LLC, outlining certain conditions and understandings relating to the annexation of approximately 11.1877 acres of property generally located at 33rd and Superior Streets, is approved, the first time.

ANNEXATION 05010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 11 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05029 - APPLICATION OF DENNIS R. SCHWORER LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A CONDITIONAL ZONING AGREEMENT BETWEEN B&J PARTNERSHIP AND THE CITY TO PREVENT SPECIFIC USES FOR THE DEVELOPMENT ASSOCIATED WITH A CHANGE OF ZONE FROM R-5 RESIDENTIAL TO B-3 COMMERCIAL ON PROPERTY GENERALLY LOCATED AT 15TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by Jonathan Cook, 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 B&J Partnership, for a change of zone from R-5 Residential District to B-3 Commercial District to prevent specific uses for the development associated with a change of zone on the property generally located at 15th Street and South Street, is hereby approved, the first time.

CHANGE OF ZONE 06013 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM R-5 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 15TH AND SOUTH STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 04005 - APPLICATION OF THE SOUTHEAST RURAL FIRE DEPARTMENT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT 7700 PINE LAKE ROAD - CLERK read an ordinance, introduced by Patte Newman, 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.

NEWMAN Moved to pass the ordinance as read.

Seconded by Marvin & carried by the following vote: AYES: None;

NAYS: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda.

The ordinance, having **LOST**, was assigned the File #38-4517 & was placed on file in the Office of the City Clerk.

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CHANGE OF ZONE 06007 - APPLICATION OF WILLIAM A. PETERSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 84TH STREET AND WAVERLY ROAD RALLY LOCATED AT THE NORTHEAST CORNER OF 84TH STREET AND WAVERLY ROAD - CLERK read an ordinance, introduced by Patte Newman, 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.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18689**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06010 - APPLICATION OF HOLDREGE INVESTORS AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Patte Newman, 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.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18690**, is recorded in Ordinance Book #25, Page

ANNEXATION 05019 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 41.7 ACRES OF PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD. (RELATED ITEMS: 06-30, 06-31) - CLERK read an ordinance, introduced by Patte Newman, 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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18691**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05085 - APPLICATION OF NEBCO, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, FROM R-3 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD, FROM O-3 OFFICE PARK DISTRICT TO O-3 OFFICE PARK DISTRICT PUD, FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, AND FROM R-3 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT PUD, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND CITY OF LINCOLN DESIGN STANDARDS TO ALLOW APPROXIMATELY 1,767 DWELLING UNITS AND APPROXIMATELY 680,000 SQUARE FEET OF COMMERCIAL USES. (RELATED ITEMS: 06-30, 06-31) - CLERK read an ordinance, introduced by Patte Newman, 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.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18692**, is recorded in Ordinance Book #25, Page

AMENDING THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 24.42 TO ADOPT REQUIREMENTS FOR THE INSPECTION OF ON-SITE WATER SUPPLY SYSTEMS AND ON-SITE WASTEWATER TREATMENT SYSTEMS PRIOR TO THE SALE, TRANSFER, OR CONVEYANCE OF PROPERTY - CLERK read an ordinance, introduced by Patte Newman, amending Title 24 of the Lincoln Municipal Code, Plumbing and

Sewers, to regulate on-site systems to include on-site water supply systems and on-site wastewater treatment systems prior to the sale, transfer, or conveyance of property within the City of Lincoln and the three mile area by adding a new section numbered 24.42.010 to establish the purpose of this ordinance; adding a new section numbered 24.42.020 to define terms used in the ordinance; adding a new section numbered 24.42.030 to require inspections of on-site systems prior to the sale, transfer, or conveyance of property and exceptions to the inspection requirements; adding a new section numbered 24.42.040 to define the inspection requirements of on-site wastewater treatment systems; adding a new section numbered 24.42.050 to define inspection of on-site water supply systems; adding a new section numbered 24.42.060 to define the requirements of inspection reports; adding a new section numbered 24.42.070 to identify the review of the inspection reports and issuance of determination letters; adding a new section numbered 24.42.080 to allow entry for purposes of inspection and enforcement; adding a new section numbered 24.42.090 to create Property Transfer Inspector permits; adding new section numbered 24.42.100 to require Property Transfer Inspectors to maintain insurance; adding a new section numbered 24.42.110 to create permit fees and inspection report review fees; adding a new section numbered 24.42.120 to require a person to have a permit in order to do inspections; adding new section numbered 24.42.130 to establish the procedures for suspension or revocation of a permit; adding a new section numbered 24.42.140 to establish the procedures for the reinstatement of a suspended or revoked permit; adding a new section numbered 24.42.150 to establish enforcement hearings; adding a new section numbered 24.42.160 to establish notice and service provisions; adding a new section numbered 24.42.170 to provide penalties for violations of this chapter; adding a new section numbered 24.42.180 to protect other sections should one section become invalid; and adding a new section numbered 24.42.190 to state the effective date of the ordinance and to provide an effective date for penalties against an owner of an on-site system, the third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18693, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 3, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April 3, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 8:29 P.M.

CAMP Moved to adjourn the City Council meeting of March 27, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

REGULAR MEETING
March 27, 2006
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Judy Roscoe, Senior Office Assistant