

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 3, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

COOK Having been appointed to read the minutes of the City Council proceedings of March 27, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF GW MIDWEST LLC DBA GREAT WRAPS FOR A CLASS I LIQUOR LICENSE AT 1422 O STREET;

MANAGER APPLICATION OF HARLAN R. MUSIL FOR GW MIDWEST LLC DBA GREAT WRAPS AT 1422 O STREET - David Nesladek, Dan Throener and Harlan R. Musil, 1422 O Street, came forward to take oath and answer questions.

This matter was taken under advisement.

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;

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. - Wynn Hjermsstad, Community Development Manager of Urban Development, came forward to speak about the redevelopment plan to revitalize & stabilize the area mentioned and to answer Council questions.

Tom Casady, Chief of Police, came forward in support, stating it is a good location for the police substation and reduces time for officers in the Northeast Team area.

Gail Anderson, 1930 N. 60th, President of University Place Community Organization, came forward in support.

Rick Collura, 2635 N. 63rd St., Associate Principal at Northeast High School, came forward in support. Discussion followed.

Larry Zink, 4926 Leighton Ave., came forward in support. Discussion followed.

Dr. Pam Sedlacek 2900 N. 46th St., Principal at Huntington Elementary, came forward in support.

Clark Chandler, 5000 St. Paul Ave., Vice Pres. for Finance/Admin. Nebraska Wesleyan University, came forward in support.

Rev. Dr. Ed Bonneau, 3401 N. 74th St., Senior Pastor at First United Methodist Church located at 50th & St. Paul Ave., came forward in support.

Steve Guittar, 2330 Nancy Drive, Pres. University Place Business Association, came forward in support. Discussion followed.

Ernestine Coleman, 6201 Baldwin, came forward in support.

LeAnna Shike, 2503 N. 49th, came forward in support.

Kent Seacrest, Attorney representing Kinport Corporation, came forward in support. Discussion followed.

Chief Casady, came forward to answer questions. Discussion followed.

Joel Pedersen, Asst. City Attorney, came forward to answer questions. Discussion followed.

Ms. Hjermsstad, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 3:20 P.M.

RECONVENED 3:32 P.M.

REGULAR MEETING

April 3, 2006

Page 440

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 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing the applicant, to explain the change of zone and to answer questions.

Marvin Krout, Director of Planning, came forward to answer Council questions. Discussion followed.

This matter was taken under advisement.

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; ANNEXATION 05010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 11 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS;

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 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing the applicant to explain the reasons for annexation and change of zone and answer questions. Discussion followed.

Rick Peo, City Law Department, came forward to answer questions. Discussion followed.

Mr. Hunzeker, came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

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;

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 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing the applicant requesting approval of the change of zone to accommodate a Starbucks drive-thru and to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND NEBRASKA GAMES AND PARKS FOR THE DEVELOPMENT OF AN ARCHERY RANGE WITHIN A PORTION OF HELEN BOOSALIS PARK, GENERALLY LOCATED AT 44TH AND SUPERIOR STREETS - Steve Hiller, Asst. Dir. of the Nebraska Game & Parks Dept., came forward to explain the proposal and answer questions.

Jeff Rawlison, 6441 West Shore Dr., representing the NE Game & Parks Commission, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF GW MIDWEST LLC DBA GREAT WRAPS FOR A CLASS I LIQUOR LICENSE AT 1422 O STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83790 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 GW Midwest LLC dba Great Wraps for a Class "I" liquor license at 1422 O Street, Lincoln, Nebraska, for the license period ending April 30, 2006, 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 Dan Marvin

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

MANAGER APPLICATION OF HARLAN R. MUSIL FOR GW MIDWEST LLC DBA GREAT WRAPS AT 1422 O STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83791 WHEREAS, GW Midwest LLC dba Great Wraps located at 1422 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Harlan R. Musil be named manager;

WHEREAS, Harlan R. Musil 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 Harlan R. Musil 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 Dan Marvin

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

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 (RELATED ITEMS: 06R-51, 06-42) (ACTION DATE: 4/10/06).

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 second 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 second 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 second 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 (RELATED ITEMS: 06R-57, 06-46, 06-47) (ACTION DATE: 4/10/06).

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 second 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 second time.

REGULAR MEETING

April 3, 2006

Page 442

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 (RELATED ITEMS: 06R-59, 06-51) (ACTION DATE: 4/10/06).

CAMP Moved to waive the rules to put on the floor for discussion of an amendment.

Seconded by McRoy & **LOST** by the following vote: AYES: Camp, Eschliman, McRoy, Svoboda; NAYS: Cook, Marvin, Newman. (Motion failed due to a lack of five votes)

COOK Moved to continue public hearing and action in two weeks to 4/17/06.

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

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 - PRIOR to reading:

COOK Moved to continue public hearing and action in two weeks to 4/17/06.

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

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 second time.

RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND NEBRASKA GAMES AND PARKS FOR THE DEVELOPMENT OF AN ARCHERY RANGE WITHIN A PORTION OF HELEN BOOSALIS PARK, GENERALLY LOCATED AT 44TH AND SUPERIOR STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83792 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and the Nebraska Game and Parks Commission to construct and operate an Archery Range at Helen Boosalis Park generally located at 44th and Superior Streets for a five-year term, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a certified copy of the executed original Interlocal Agreement to Lynn Johnson, Parks and Recreation Department for transmittal to the Nebraska Game and Parks Department.

Introduced by Jonathan Cook

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$42,475.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83793 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$42,475.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 24) attached hereto and incorporated herein by reference.

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

The designation of the \$42,475.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Jonathan Cook

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

PETITIONS AND COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

REAPPOINTING JIM MCKEE, TIM FRANCIS, AND JERRY BERGGREN TO THE HISTORIC PRESERVATION COMMISSION FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2009- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83794 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jim McKee, Tim Francis, and Jerry Berggren to the Historic Preservation Commission for three-year terms expiring April 15, 2009, is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING MATTHEW MAUDE TO THE EMERGENCY MEDICAL SERVICES INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83795 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Matthew Maude to the Emergency Medical Services Inc. Board of Directors for a three-year term expiring March 28, 2009 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING KIM TODD TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM EXPIRING JANUARY 9, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83796 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Kim Todd to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2009 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING JOANNE KISSEL AND GORDON SCHOLZ TO THE URBAN DESIGN COMMITTEE FOR THREE-YEAR TERMS EXPIRING FEBRUARY 1, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83797 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of JoAnne Kissel and Gordon Scholz to the Urban Design Committee for three-year terms expiring February 1, 2009 is hereby approved.

Introduced by Jonathan Cook

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 20, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS FEBRUARY 28, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

AUTHORIZING THE EXECUTION AND DELIVERY OF THE SOUTHWOOD LUTHERAN CHURCH, BUCKSHOT FARMS AND SUNDANCE CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF (1) A WATER REVENUE OBLIGATION, (2) A SANITARY SEWER REVENUE OBLIGATION AND (3) A HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT - CLERK read an ordinance, introduced by Robin Eschliman, adopted under and pursuant to Ordinance Nos. 18088 and 18171 of the City authorizing the issuance of (1) A Water Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Water Obligation") (2) A Sanitary Sewer Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Sewer Obligation") and (3) A Highway Allocation Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____); fixing in part and providing for the fixing in part of the details of the Water Obligation, the Sewer Obligation and the Highway Allocation Obligation; taking other action in connection with the foregoing; and related matters, the first time.

APPROVING THE LINCOLN FEDERAL BANCORP, INC. CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 240 ACRES, GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD (RELATED ITEMS: 06-53, 06R-47, 06-28, 06-29,) (ACTION DATE: 4/17/03).

ANNEXATION 05016 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 240 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD - CLERK read an ordinance, introduced by Robin Eschliman, 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 06009 - APPLICATION OF SOUTHWOOD LUTHERAN CHURCH AND BUCKSHOT FARMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-4 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND ROKEBY ROAD - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and show thereon, the first time.

AUTHORIZING THE EXECUTION AND DELIVERY OF THE WATERFORD ESTATES CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF (1) A WATER REVENUE OBLIGATION, (2) A SANITARY SEWER REVENUE OBLIGATION AND (3) A HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT - CLERK read an ordinance, introduced by Robin Eschliman, adopted under and pursuant to Ordinance Nos. 18088 and 18171 of the City authorizing the issuance of (1) A Water Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Water Obligation") (2) A Sanitary Sewer Revenue Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____) (The "Sewer Obligation") and (3) A Highway Allocation Obligation of the City in an aggregate principal amount not to exceed _____ Dollars (\$_____); fixing in part and providing for the fixing in part of the details of the Water Obligation, the Sewer Obligation and the Highway Allocation Obligation; taking other action in connection with the foregoing; and related matters, the first time.

ANNEXATION 05003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 87TH STREET AND COLLEGE PARK ROAD - CLERK read an ordinance, introduced by Robin Eschliman, 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.

ANNEXATION 04003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 300 ACRES OF PROPERTY GENERALLY LOCATED EAST AND WEST OF 98TH STREET FROM HOLDREGE TO O STREETS - CLERK read an ordinance, introduced by Robin Eschliman, 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 04019 - APPLICATION OF RICHARD, DANIEL, MARK AND THOMAS MEGINNIS, SOUTHVIEW, INC. AND RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST AND WEST OF 98TH STREET FROM HOLDREGE TO O STREETS - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, 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 CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 6, 2006 through October 28, 2006, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 6, 2006 THROUGH JUNE 27, 2006 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Public Market Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Jazz in June public market in the Marketplace area, 12th Street from Q to R Streets and R Street from 12th to 13th Streets, on each Tuesday from June 6, 2006 through June 27, 2006, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

CHANGE OF ZONE 06011 - APPLICATION OF ELIZABETH SOUTH PARTNERS FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PIONEERS BOULEVARD - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, 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.

USE PERMIT 84B - APPLICATION OF ELIZABETH SOUTH PARTNERS TO RECONFIGURE PARKING AREAS, ADD PARKING SPACES AND REDUCE THE FRONT YARD SETBACK ALONG PIONEERS BOULEVARD, IN PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PIONEERS BOULEVARD (RELATED ITEMS 06-56, 06R-67) (ACTION DATE: 4/17/06).

ORDINANCES - 3RD 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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18694**, is recorded in Ordinance Book #25, Page

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

REGULAR MEETING

April 3, 2006

Page 446

- 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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18695**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP 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 **#18696**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP 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 **#18697**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP 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 **#18698**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18699**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18700**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18701**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP 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 **#18702**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

ESCHLIMAN Moved amendment #1 to Bill No. 06-43 in the following manner:

1. On page 1, delete lines 1 and 2 and insert the following in lieu thereof:

Whereas, the problems associated with disorderly houses are exacerbated and the City Council has determined that enhanced penalties for repeat offenders will be likely to deter such conduct; and

COOK Made a motion to amend the previous amendment by deleting the word ~~exacerbated~~ and inserting the word serious.

ESCHLIMAN Accepted the change.

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

CLERK Read an ordinance, introduced by Patte Newman, WHEREAS, the problems associated with disorderly houses are serious and the City Council has determined that enhanced penalties for repeat offenders will be likely to deter such conduct, the third time.

NEWMAN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18703**, is recorded in Ordinance Book #25, Page

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. (3/27/06 - DELAYED 1 WEEK TO 4/3/06 - ACTION ONLY)
MCROY Moved to hesitantly allow automatic renewal.
Seconded by Newman & carried by the following vote: AYES: Camp, Marvin, McRoy, Newman, Svoboda; NAYS: Cook, Eschliman.

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 10, 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 10, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 5:15 P.M.

CAMP Moved to adjourn the City Council meeting of April 3, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant