

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 17, 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**

MARVIN Having been appointed to read the minutes of the City Council proceedings of April 10, 2006, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Seng presented the Mayor's Award of Excellence for the month of March to Charlene Estes, Crime Analyst from the Police Department, in the categories of Safety and Productivity.

**PUBLIC HEARING**

APPLICATION OF BDF, LLC FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTSIDE AREA MEASURING APPROXIMATELY 50,000 SQUARE FEET IN THE PARKING LOT AT 501 N. 8TH STREET ON JUNE 24 AND 25, 2006, BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. - Barry Franzen, 317 S. 11<sup>th</sup> Street, came forward to answer any questions regarding the Lincoln Bike Fest event. Discussion followed.

This matter was taken under advisement.

DECLARING LOTS 3 - 8, BLOCK 3, COTTAGE HOME ADDITION AS SURPLUS PROPERTY GENERALLY LOCATED AT 15TH AND CLAREMONT STREETS - Steve Werthmann, Urban Development, came forward in support and to answer any questions.

This matter was taken under advisement.

APPROVING THE HARRISON HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DEVELOPMENTS UNLIMITED LLP RELATING TO THE ANNEXATION OF APPROXIMATELY 90.58 ACRES, GENERALLY LOCATED AT N. 91ST STREET AND LEIGHTON AVENUE;

ANNEXATION 05017 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90.6 ACRES OF PROPERTY GENERALLY LOCATED AT 91ST STREET AND LEIGHTON AVENUE;

CHANGE OF ZONE 05074 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND LEIGHTON AVENUE - Danay Kalkowski of Developments Unlimited, LLP, came forward in support and to answer questions. Discussion followed.

This matter was taken under advisement.

USE PERMIT 108A - APPLICATION OF PIONEER GREENS LLC TO ALLOW AN ADDITIONAL SIGN ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND PIONEERS BLVD - Mike Rierden, 645 "M" Street, Suite 200, came forward representing the applicant and to answer any questions.

This matter was taken under advisement.

APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY, THE NEBRASKA GAME & PARKS COMMISSION, AND THE LOWER PLATTE SOUTH NRD FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD;

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE NATURE CONSERVANCY FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE COOPERATIVE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD - Terry Genrich, Parks & Recreation Dept., came forward to explain the agreements and to answer any questions. 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 to discuss the change of zone and answer any questions. Discussion followed.

Dennis Tegtmeier, 140 N. 8<sup>th</sup> Street, Ste. 250, attorney representing the Sun Tannery, came forward to discuss concerns about traffic safety and parking issues. Discussion followed.

Jessi Gibson, 1400 South St., owner of the Sun Tannery came forward stating she was in favor of the revitalization of the South Street project but expressed her concerns about traffic and access to the area businesses. Discussion followed.

Craig Johnson, 2040 South 17<sup>th</sup> St., owner of Sprint Print, came forward to express his concerns about traffic congestion and parking problems associated with the new development. Discussion followed.

Brian Mellick, homeowner at 2036 S. 15<sup>th</sup> St., came forward to discuss his concerns about rainwater drainage in his backyard due to the new development. Discussion followed.

Adam Hintz, 910 Rutland Dr. #524, owner of Meadowlark Coffee & Espresso, came forward in opposition stating his concerns about traffic safety and congestion caused by the proposed drive-thru development. Discussion followed.

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

Ray Hill, Planning Department, came forward to answer Council questions. Discussion followed.

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

Mr. Hunzeker, 1045 Lincoln Mall, Suite 200, came forward in rebuttal. He was in agreement with Council member Cook stating that his client will be very interested and involved with redevelopment of the lots involving the moving of the sidewalk and the maintaining of the green space. Discussion followed.

This matter was taken under advisement.

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

**TOOK BREAK 4:08 P.M.**

**RECONVENED 4:15 P.M.**

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

APPLICATION OF BDF, LLC FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTSIDE AREA MEASURING APPROXIMATELY 50,000 SQUARE FEET IN THE PARKING LOT AT 501 N. 8TH STREET ON JUNE 24 AND 25, 2006, BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. - PRIOR to reading:

CAMP Moved to amend the resolution to reflect that the date of event will be June 24, 2006 and that the alternate date shall be July 1, 2006; further, the hours shall be 8:00 a.m. to 1:00 a.m.

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83814 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That 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 BDF, LLC dba Libations for a Special Designated License to cover an area measuring approximately 50,000 square feet in the parking lot at 501 N. 8<sup>th</sup> Street, Lincoln Nebraska, on the 24<sup>th</sup> ~~and 25<sup>th</sup>~~ days of June, 2006 (with alternate dates of July 1 ~~and 2~~, 2006), between the hours of 8:00 a.m. and 1:00 ~~p.m.~~ a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.

2. Adequate security shall be provided for the event.
  3. The area requested for the permit shall be separated from the public by a fence or other means.
  4. Responsible alcohol service practices shall be followed.
- BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Patte Newman

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

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

DECLARING LOTS 3 - 8, BLOCK 3, COTTAGE HOMES ADDITION AS SURPLUS PROPERTY GENERALLY LOCATED AT 15TH AND CLAREMONT STREETS - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at North 15<sup>th</sup> and Claremont Streets as surplus and authorizing the sale thereof, the second time.

APPROVING THE HARRISON HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DEVELOPMENTS UNLIMITED LLP RELATING TO THE ANNEXATION OF APPROXIMATELY 90.58 ACRES, GENERALLY LOCATED AT N. 91<sup>ST</sup> STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 06R-72, 06-58, 06-59)

ANNEXATION 05017 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90.6 ACRES OF PROPERTY GENERALLY LOCATED AT 91ST STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 06R-72, 06-58, 06-59) - CLERK read an ordinance, introduced by Dan Marvin, 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 05074 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND LEIGHTON AVENUE. (RELATED ITEMS: 06R-72, 06-58, 06-59) - CLERK read an ordinance, introduced by Dan Marvin, 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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16 - 31, 2006 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83815 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 April 3, 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:

DENIED		ALLOWED OR SETTLED	
Paul Marshall	\$ 362.50	Margaret Elley	\$ 80.65
Larry Brown	500.00	Tracy E. Brantner	2,178.98
Jason York & Andrea York	1,473.30	Melvin D. Parke	151.20
Nickolay Vlasyuk	2,569.10	Donald Eaker	300.00
Grace M. Miller	NAS*	Misty's Restaurant	117.70
Nancy Gillett	100.00	James Blake	1,000.00
Harvey Schroeder	100.00		
Progressive Insurance (Claim No. 067537022)	1,764.72		
Barry Masten	170.00		
William Ebers & Cheryl Ebers	100.00		
Bonnie L. Brown	68.23		
Martin Caffrey	50.00		
Barbara Giles	79.74		
Edward Neville	880.24		

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 Dan Marvin

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

USE PERMIT 108A - APPLICATION OF PIONEER GREENS LLC TO ALLOW AN ADDITIONAL SIGN ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND PIONEERS BLVD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83816 WHEREAS, Pioneer Greens LLC has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 108A to amend Pioneer Greens Office Park to allow an additional ground sign on property generally located at S. 84th Street and Pioneers Blvd., and legally described to wit:

Lots 2 and 11, Pioneer Greens 1st Addition, Lots 1-3, Pioneer Greens 5th Addition, Lots 1-7 and Outlot A, Pioneer Greens 6th Addition, Lighthouse Condominium Units A and B, and Pioneer Pond Condominium Units A and B, all located in the Northwest Quarter of Section 11, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for an additional sign within the commercial development center will not be adversely affected; and

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

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

That the application of Pioneer Greens LLC, hereinafter referred to as "Permittee", to amend Pioneer Greens Office Park to allow an additional ground sign on the property legally described above be and the same is hereby granted under the provisions of Section 27.69.044 of the Lincoln Municipal Code upon condition that construction and operation of said ground sign be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves three signs within the Pioneer Greens Office Park in addition to any other signs already allowed by the sign regulations for the O-3 District: one at the intersection of 84th Street and Pioneers Boulevard located on the retaining wall, one located along 84th Street frontage midway between the intersection and the office park entrance, and one located along Pioneers Boulevard midway between the intersection and the office park entrance.

2. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan including 5 copies.
- b. The construction plans shall comply with the approved plans.

3. All development and construction shall have been completed in compliance with the approved plans.

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

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

Introduced by Dan Marvin

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

APPROVING AN INTERLOCAL COOPERATIVE AGREEMENT BETWEEN THE CITY, THE NEBRASKA GAME & PARKS COMMISSION, AND THE LOWER PLATTE SOUTH NRD FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83817 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Cooperation Agreement for Saline Wetlands between the City of Lincoln, the Nebraska Game & Parks Commission and the Lower Platte South NRD, for the Saline Wetlands Conservation Partnership for the implementation of a Conservation Plan for Eastern Nebraska Saline Wetland, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. The three-year Agreement provides for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands."

The City Clerk is hereby directed to transmit a copy of the executed original Interlocal Agreement to Ted LaGrange, Nebraska Game and Parks Commission, P.O. Box 30370, Lincoln, NE 68503, and to Dan Schulz, NRD, P.O. Box 83581, Lincoln, NE 68501.

Introduced by Dan Marvin

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

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE NATURE CONSERVANCY FOR THE CONTINUANCE OF THE SALINE WETLAND CONSERVATION PARTNERSHIP FOR THE COOPERATIVE MANAGEMENT OF THE IMPLEMENTATION PLAN FOR THE CONSERVATION OF NEBRASKA'S EASTERN SALINE WETLANDS FOR A THREE YEAR PERIOD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83818 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperation Agreement for Saline Wetlands between the City of Lincoln, and the Nature Conservancy, for the Saline Wetlands Conservation Partnership for the implementation of a Conservation Plan for Eastern Nebraska Saline Wetland, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. The three-year Agreement provides for the cooperative development, administration, implementation, management, and evaluation of the "Implementation Plan for the Conservation of Nebraska's Eastern Saline Wetlands."

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to The Nature Conservancy Director, Central Nebraska Project Office, P.O. Box 38, Aurora, NE 68818-0438.

Introduced by Dan Marvin

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

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) (4/3/06 - P.H. & ACTION CON'T. 2 WEEKS TO 4/17/06) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83819 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.

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

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

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

Introduced by Jonathan Cook

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

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 third time.

COOK 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 #18709, is recorded in Ordinance Book #25, Page

#### PETITIONS AND COMMUNICATIONS

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF MARCH, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

SETTING THE HEARING DATE OF MONDAY MAY 1, 2006 AT 1:30 P.M. FOR MAN. APP. FOR JONATHAN RICKERS FOR BUFFALO WILD WINGS GRILL & BAR LOCATED AT 1328 P STREET AND 7301 S. 27TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83820 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 1, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Manager Application of Jonathan Rickers for Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill & Bar located at 1328 P Street and 7301 S. 27<sup>th</sup> Street.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY MAY 1, 2006 AT 1:30 P.M. FOR MAN. APP. FOR JEREMIAH PENN FOR THE NOODLE SHOP CO. - COLORADO, INC. DBA NOODLES & COMPANY LOCATED AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83821 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 1, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Manager application of Jeremiah Penn for The Noodle Shop, Co. - Colorado, Inc. dba Noodles & Company located at 210 N. 14<sup>th</sup> Street.

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

Introduced by Annette McRoy

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

#### REPORTS OF CITY OFFICERS

APPOINTING THOMAS SADDLER AND MARY ANNE WELLS TO THE URBAN DESIGN COMMITTEE FOR THREE-YEAR TERMS EXPIRING FEBRUARY 1, 2007 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83822 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Thomas Saddler and Mary Anne Wells to the Urban Design Committee for a three-year term expiring February 1, 2007 is hereby approved.

Introduced by Dan Marvin

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

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APRIL 3, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS**

APPROVING THE SUBLEASE AND LEASE AGREEMENT BETWEEN THE CITY, UNIVERSITY OF NEBRASKA, NEBCO, AND THE NEBRASKA SCHOOL ACTIVITIES ASSOCIATION FOR THE LEASE OF SPACE BY THE NEBRASKA SCHOOL ACTIVITIES ASSOCIATION IN HAYMARKET PARK - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a Sublease and Lease Agreement between the City of Lincoln, University of Nebraska, NEBCO and the Nebraska School Activities Association for the lease of space by the Nebraska School Activities Association at Haymarket Park, near 6<sup>th</sup> and Charleston Streets, Lincoln, Lancaster County, Nebraska commencing April 1, 2006 for a Sublease term coinciding with the Lease for the Ballpark Facilities and a Lease in the event the Ballpark Facilities Lease is early terminated, allowing the NSAA facilities on the space up to September 30, 2035, coinciding with the full term of the Ballpark Facilities Lease, the first time.

APPROVING AN EIGHT-YEAR EXTENSION OF THE FRANCHISE AGREEMENT BETWEEN THE CITY AND AQUILA FOR THE PROVISION OF NATURAL GAS SERVICES TO LINCOLN - CLERK read an ordinance, introduced by Annette McRoy, whereas, under the City Charter and authority under the laws of the State of Nebraska (See: Neb. Rev. Stat. § 15-222, See Also: Neb. Rev. Stat. § 19-4603, Repealed, Laws 2003, LB 790, effective May 31, 2003), the City of Lincoln is authorized to negotiate with and enter into franchise agreements with private utility companies to, among other things, locate improvements in the public rights-of-way for purposes of providing utility services including natural gas services to citizens of the City, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH, (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN THE SANITARY LANDFILL FUND - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Landfill Fund, the first time.

CHANGE OF ZONE 05082 - APPLICATION OF SIERRA INVESTMENTS, LLC, FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 21ST AND K STREETS - CLERK read an ordinance, introduced by Annette McRoy, 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.

VACATION 05012 - VACATING THE EAST/WEST ALLEY FROM NORTH 33RD TO NORTH 34<sup>TH</sup> STREETS, BETWEEN O AND P STREETS - CLERK read an ordinance, introduced by Annette McRoy, vacating the east/west alley from North 33<sup>rd</sup> to North 34<sup>th</sup> Streets between O and P Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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

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 - PRIOR to reading:

MCROY Moved to amend Bill No. 06-53 to adopt the Substitute Bond Ordinance.

Seconded by Marvin & carried by the following vote: AYES: Camp,

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Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, 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 THREE HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED DOLLARS (\$361,500) (THE "WATER OBLIGATION"), (2) A SANITARY SEWER REVENUE OBLIGATION OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED EIGHT HUNDRED TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$812,500) (THE "SEWER OBLIGATION") AND (3) A HIGHWAY ALLOCATION OBLIGATION OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE MILLION SIX HUNDRED EIGHTY SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$1,687,500); 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 third time.

MCROY Moved to pass the substitute ordinance as read.

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

(Original ordinance introduced by Robin Eschliman)

The ordinance, being numbered #18710, is recorded in Ordinance Book #25, Page

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) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83823 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Lincoln Federal Bancorp, Inc. 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 Lincoln Federal Bancorp, Inc., outlining certain conditions and understandings relating to the annexation of approximately 64.11 acres of property generally located at South 40th Street and Rokeby Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

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

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

Introduced by Robin Eschliman

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

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 third time.

ESCHLIMAN 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 #18711, is recorded in Ordinance Book #25, Page

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 third time.

ESCHLIMAN 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 **#18712**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

CAMP Moved to amend Bill No. 06-52 to adopt the Substitute Bond Ordinance.

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

CLERK Read an ordinance, introduced by Jon Camp, 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 ONE MILLION ONE HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$1,185,000) (THE "WATER OBLIGATION") (2) A SANITARY SEWER REVENUE OBLIGATION OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWO MILLION SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$2,625,000) (THE "SEWER OBLIGATION") AND (3) A HIGHWAY ALLOCATION OBLIGATION OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION FOUR HUNDRED EIGHTY FOUR THOUSAND DOLLARS (\$3,484,000); 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 third time.

CAMP Moved to pass the substitute ordinance as read.

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

(Original ordinance introduced by Robin Eschliman)

The ordinance, being numbered **#18713**, is recorded in Ordinance Book #25, Page

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 third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18714**, is recorded in Ordinance Book #25, Page

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 third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18715**, is recorded in Ordinance Book #25, Page

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 third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18716**, is recorded in Ordinance Book #25, Page

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP.

REGULAR MEETING

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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 - PRIOR to reading:

CAMP Moved to amend Bill No. 06-54 in the following manner:

1. On page 1, in paragraph 2, line 11, of the Public Market Contract attached to the ordinance, after the date of "October 28, 2006" insert the following language: provided the Lincoln Haymarket Development Corp. shall have the right to extend the date to November 4, 2006 upon notice to the City.

2. On page 1, line 5, of the Ordinance, after the date October 28, 2006, insert the language or November 4, 2006 as provided for in the Contract.

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

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, 7<sup>th</sup> Street from P to Q Streets and P Street from 7<sup>th</sup> to 8<sup>th</sup> Streets, from May 6, 2006 through October 28, 2006, or November 4, 2006 as provided for in the Contract, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

ESCHLIMAN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18717**, is recorded in Ordinance Book #25, Page

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, 12<sup>th</sup> Street from Q to R Streets and R Street from 12<sup>th</sup> to 13<sup>th</sup> 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 third time.

ESCHLIMAN 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 **#18718**, is recorded in Ordinance Book #25, Page

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 third time.

ESCHLIMAN 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 **#18719**, is recorded in Ordinance Book #25, Page

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) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83824 WHEREAS, Elizabeth South Partners has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 84B to reconfigure parking areas, add parking spaces, and reduce the front yard setback on property generally located at South 70th Street and Pioneers Boulevard, and legally described as:

Lots 1 and 2, Elizabeth Park South 1st Addition and  
Lots 1, 2, 3, and 9, Elizabeth Park South Addition,  
Lincoln, Lancaster County, Nebraska;

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

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

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

That the application of Elizabeth South Partners, hereinafter referred to as "Permittee", to reconfigure parking areas, add parking spaces, and reduce the front yard setback, on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves additional parking, adjustment to the yard requirements to reduce the front yard setback along Pioneers Blvd. from 50 to 40 feet and a small expansion in the area of the use permit to include the proposed additional parking stalls along the west side of South 69th Street.

2. Before receiving building permits:

- a. The Permittee must submit eight copies of an acceptable revised final plan.
- b. The construction plans shall comply with the approved plans.

3. Before occupying the parking areas all development and construction shall have been completed in compliance with the approved plans.

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

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

Introduced by Robin Eschliman

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

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY LANDON OSBORNE FOR INSTALLATION OF A FENCE/WALL AT 1840 E STREET. (4/10/06 - ACTION DELAYED 1 WK TO 4/17/06) - PRIOR to reading:

COOK Moved to delay action on Bill No. 06R-66 for one week to 4/24/06.

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

REPEALING CHAPTER 14.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO OBSTRUCTIONS ON CORNER LOTS AS THE REQUIREMENTS SET FORTH IN CHAPTER 14.44 WOULD BE MORE APPROPRIATELY ADDRESSED IN THE CITY OF LINCOLN DESIGN STANDARDS.(2/27/06 - PLACED ON PENDING FOR 8 WKS TO 4/24/06 (ACTION ONLY) ) - PRIOR to reading:

NEWMAN Moved to place on pending, no date certain.

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

**REGISTERED TO SPEAK SESSION - NONE**

OPEN MICROPHONE SESSION

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 24, 2006.  
Seconded by Newman & 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 24, 2006.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 4:35 P.M.

CAMP Moved to adjourn the City Council meeting of April 17, 2006.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant