

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, May 1, 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

NEWMAN Having been appointed to read the minutes of the City Council proceedings of April 24, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF JONATHAN RICKERS FOR BUFFALO WILD WINGS GRILL & BAR AT 7301 S. 27TH STREET;

MANAGER APPLICATION OF JONATHAN RICKERS FOR BUFFALO WILD WINGS GRILL & BAR AT 1328 P STREET - Jonathan Rickers, General Manager for Buffalo Wild Wings Grill & Bar, took oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 9TH, 10TH, HILL AND VAN DORN STREETS. (RELATED ITEMS: 06R-86, 06-65) (ACTION DATE: 5/8/06);

CHANGE OF ZONE 06012 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT AND O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 9TH, 10TH, HILL AND VAN DORN STREETS. (RELATED ITEMS: 06R-86, 06-65)- Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing B & J Partnership, to request a change on property from a Residential District to a Suburban Office District for a development possibly including a drive thru coffee shop, sandwich shop, and other businesses. Discussion followed.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition.

Alene Swinehart, 1834 Ryons St., came forward representing the Irvingdale Neighborhood Association in opposition.

Zemis Sedriks, 2643 S. 10th St., came forward in opposition. Discussion followed.

Margaret Stroup, 2727 S. 10th Street, came forward in opposition.

John Holland, 2725 S. 9th St., came forward in opposition.

Mr. Hunzeker came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06017 - APPLICATION OF THE DIRECTOR OF URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT, O-2 SUBURBAN OFFICE DISTRICT AND H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 48TH STREET AND O STREET - Wynn Hjermsstad, Urban Development, came forward to answer questions and to state she is not asking to re-zone the area south of 48th & O Street so that it can continue to provide a buffer. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06018 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.07.040 AND ADDING NEW SECTIONS 27.03.631 AND 27.63.770 TO DEFINE "TREE SERVICE" AND TO CREATE A SPECIAL PERMIT PROVISION IN THE AG AGRICULTURAL DISTRICT TO ALLOW THE LOCATION OF TREE SERVICE BUSINESS ON LAND LOCATED IN THE AG AGRICULTURAL DISTRICT UNDER CERTAIN CONDITIONS - Charlie Humble, 301 So. 13th St., Suite 400, came forward representing Mike & Lynn Price who was displaced from 1111 S. 13th St. due to the Antelope Valley project and want to relocate to 68th & Bennett Rd. This request will make it possible to operate their tree service business at this location. Discussion followed.

This matter was taken under advisement.

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APPEAL OF BOB AND VICKI ROKEBY AND LARRY SCHMIEDING FROM THE PLANNING COMMISSION APPROVAL OF PRELIMINARY PLAT 06002 SCHWORER ADDITION FOR FOUR (4) LOTS FOR COMMERCIAL DEVELOPMENT, WITH WAIVERS OF THE TIME FRAME FOR IMPROVEMENTS AND POSTING OF SURETIES AND WAIVER OF THE STORMWATER DETENTION REQUIREMENTS, IN PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS. (4/24/06 - P.H. & ACTION CON'T. 1 WK. TO 5/1/06) - Charlie Humble, 301 So. 13th St., Suite 400, came forward representing Bob and Vicki Rokeby and Larry Schmieding to request an appeal of the approval of Preliminary Plat 06002. Discussion followed.

John Watson, 2855 S. 70th St., Ste. 200, came forward in support.

Mike Morosin, no address given, came forward concerned with stormwater detention in this area.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Dennis Schworer, to state they did a preliminary plat to show dedication of the road at the request of the Public Works Department even though it was not required to go ahead with the project. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions.

Mr. Humble came forward for rebuttal.

This matter was taken under advisement.

APPROVING A ONE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND DOUBLE EAGLE BEVERAGE FOR ADVERTISING AT PERSHING CENTER;

APPROVING A TWO-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND CORNHUSKER BANK FOR ADVERTISING AT PERSHING CENTER - Tom Lorenz, Executive Director of Pershing Center, came forward to answer questions.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 06003 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ESTABLISH THE Q01214 DOWNTOWN CIVIC PLAZA PROJECT AREA COVERING FOUR CITY BLOCKS GENERALLY BOUNDED BY Q STREET, 14TH STREET, O STREET AND 12TH STREET - Patte Newman, Council Member, stated an amendment will be brought forth to include the sentence "These authorized and directed steps shall not include eminent domain".

Dallas McGee, Urban Development, came forward to answer questions. Discussion followed.

Joel Pedersen, Assistant City Attorney, came forward to reassure that eminent domain was never intended for this project. Discussion continued.

Cecil Steward, 125 N. 11th St., came forward in support. Discussion followed.

Jeff Bunn, 1244 Clearview Blvd., came forward in opposition.

Ed Patterson, 700 N. 24th St., came forward in opposition.

Bonnie Armstrong, 3909 Sumner, came forward in opposition.

Steve Guittar, 2330 Nancy Dr., came forward representing Chan Hua owner of the Taste of China located at 1349 Q Street to answer questions and explain the situation of Mr. Chan.

Chan Hua, owner of Taste of China, came forward to state his situation and that he will move if it is the right location. Discussion followed.

Carl Eskridge, 128 N. 13th Street, who lives in University Towers is in opposition. Discussion followed.

Deb Johnson, Executive Director of Downtowners came forward in support.

David Livingston, 201 N. 13th Street, representing Douglas Theaters came forward in support and to answer questions. Discussion followed.

Rob Burns, owner of Wasabi Restaurant, came forward to explain that he does not own the building his business is in and did not receive a buyout for it. The owner received the buyout. Mr. Burns does not have a location to move to at this time. Discussion followed.

Ed Swotek, 5340 W. McKelvie Rd., came forward in support.

Ron Kurtzer, 1113 Rose Street, came forward in opposition.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition.

Mike Morosin, no address given, came forward with concern of the height of the proposed building. Discussion continued.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JONATHAN RICKERS FOR BUFFALO WILD WINGS GRILL & BAR AT 7301 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83832 WHEREAS, Bruno Enterprises Inc. Too dba Buffalo Wild Wings Grill & Bar located at 7301 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jonathan Rickers be named manager;

WHEREAS, Jonathan Rickers 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 Jonathan Rickers be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JONATHAN RICKERS FOR BUFFALO WILD WINGS GRILL & BAR AT 1328 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83833 WHEREAS, Bruno Enterprises Inc. Too dba Buffalo Wild Wings Grill & Bar located at 1328 P Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jonathan Rickers be named manager;

WHEREAS, Jonathan Rickers 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 Jonathan Rickers be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JEREMIAH PENN FOR THE NOODLE SHOP CO. - COLORADO INC.

DBA NOODLES & COMPANY AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83834 WHEREAS, The Noodle Shop Co. - Colorado Inc. dba Noodles & Company located at 210 N. 14th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeremiah Penn be named manager;

WHEREAS, Jeremiah Penn 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 Jeremiah Penn be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 9TH, 10TH, HILL AND VAN DORN STREETS. (Related Items: 06R-86, 06-65) (Action Date: 5/8/06).

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CHANGE OF ZONE 06012 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT AND O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED ON THE BLOCK BOUNDED BY 9TH, 10TH, HILL AND VAN DORN 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 second time.

CHANGE OF ZONE 06017 - APPLICATION OF THE DIRECTOR OF URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT, O-2 SUBURBAN OFFICE DISTRICT AND H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 48TH STREET AND O STREET - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln 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.

CHANGE OF ZONE 06018 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.07.040 AND ADDING NEW SECTIONS 27.03.631 AND 27.63.770 TO DEFINE "TREE SERVICE" AND TO CREATE A SPECIAL PERMIT PROVISION IN THE AG AGRICULTURAL DISTRICT TO ALLOW THE LOCATION OF TREE SERVICE BUSINESS ON LAND LOCATED IN THE AG AGRICULTURAL DISTRICT UNDER CERTAIN CONDITIONS - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code by adding a new section numbered 27.03.633 to provide a definition for "tree service"; amending Section 27.07.040 to add tree service as a permitted special use in the AG Agriculture District; adding a new section numbered 27.63.770 to establish conditions for the approval of tree service as a special permitted use in the AG Agriculture District; and repealing Section 27.07.040 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPEAL OF BOB AND VICKI ROKEBY AND LARRY SCHMIEDING FROM THE PLANNING COMMISSION APPROVAL OF PRELIMINARY PLAT 06002 SCHWORER ADDITION FOR FOUR (4) LOTS FOR COMMERCIAL DEVELOPMENT, WITH WAIVERS OF THE TIME FRAME FOR IMPROVEMENTS AND POSTING OF SURETIES AND WAIVER OF THE STORMWATER DETENTION REQUIREMENTS, IN PROPERTY GENERALLY LOCATED AT NORTH 33RD AND SUPERIOR STREETS - PRIOR to reading:

CAMP Moved to amend Bill No. 06R-77 by amending paragraph 2(a) to read as follows: "The street right-of-way shall be dedicated as required by the subdivision ordinance with such final plat or within twelve (12) months of the approval of a preliminary plat on the Rokeby/Schmeiding property located to the east of Schworer Addition, whichever shall occur first. And also to amend paragraph 2(b) to read as follows: "It is expected Lot 1, Block 1, will be final platted first, with the remainder of the property platted as an outlot. If so, improvements in the east/west street must be installed to a point east of the frontage road which is satisfactory to Public Works, in order to provide access to the lot. The remainder of the street shall be improved prior to approval of a subsequent final plat of the Schworer Addition or within twelve (12) months of the approval of a final plat of the Rokeby/Schmieding property located to the east of Schworer Addition, whichever occurs first."

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 Annette McRoy, who moved its adoption:

A-83835 WHEREAS, Dennis Schworer has submitted the preliminary plat of Schworer Addition for acceptance and approval together with a request to waive Land Subdivision Ordinance and Design Standards for Land Subdivision Regulation requirements in order to allow a two year time frame for improvements; waive the sureties until Lot 2, Block 1 and Lots 1 and 2, Block 2, are platted; and waive the on-site storm water detention, on property generally located at North 33rd and Superior Streets.; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on March 15, 2006 and adopted Resolution No. PC-00985 which conditionally approved Preliminary Plat No. 06002; and

WHEREAS, Bob and Vicki Rokeby and Larry Schmiding, as aggrieved persons, have appealed the action of the Lincoln City-Lancaster County Planning Commission; and

WHEREAS, the community as a whole, the surrounding neighborhood and the real property adjacent to the area included in the preliminary plat will not be adversely affected by granting such preliminary plat.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the preliminary plat of Schworer Addition, generally located at North 33rd and Superior Streets as submitted by Dennis Schworer is hereby accepted and approved, subject to the following terms and conditions:

1. After the subdivider completes the following instructions and submits the documents and plans and 6 copies to the Planning Department office, the preliminary plat will be signed by the Chair of the Planning Commission certifying approval: (NOTE: These documents and plans are required by ordinance or design standards.)
 - a. Rename Schworer Auto Drive with a new name acceptable to the Planning Department.
 - b. Revise the boundary of the plat to include the entire lot.
 - c. Provide additional easements as requested by LES.
 - d. Show the extension of the east/west street and North 35th Street for 300' beyond the eastern boundary of this plat.
 - e. Make revisions and submit documentation as requested in the Review Comments for Application #PP06002 from the Public Works and Utilities, and Health Departments which are attached to the Lincoln City/Lancaster County Planning Staff Report prepared by Greg Czaplewski dated March 2, 2006.
2. The waivers to subdivision regulations requiring that street improvements be completed or guaranteed by surety prior to a final plat and installed within a specified time after approval of a final plat are hereby approved, provided:
 - a. The street right-of-way shall be dedicated, as required by the subdivision ordinance, with each final plat or within twelve (12) months of the approval of a preliminary plat on the Rokeby/Schmieding property located to the east of Schworer Addition whichever shall occur first.
 - b. It is expected Lot 1, Block 1 will be final platted first, with the remainder of the property platted as an outlot. If so, improvements in the east/west street must be installed to a point east of the frontage road, which is satisfactory to Public Works, in order to provide access to the lot. The remainder of the street shall be improved prior to approval of a subsequent final plat of the Schworer Addition or within twelve (12) months of the approval of a final plat of the Rokeby/Schmieding property located to the east of Schworer Addition, whichever occurs first.
3. Final Plats will be approved by the Planning Director after:
 - a. The sidewalks, streets, utilities, drainage facilities, street lighting, street trees, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - (1) to complete the public street paving of streets shown on the final plat within two (2) years following the approval of the final plat.
 - (2) to complete the installation of sidewalks along both sides of public streets as shown on the final plat within four (4) years following the approval of the final plat.
 - (3) to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - (4) to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - (5) to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - (6) to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not

- more than two (2) years following the approval of the final plat.
- (7) to complete the installation of public street lights along public streets within this plat within two (2) years following the approval of the final plat.
 - (8) to complete the planting of the street trees along public streets within this plat within four (4) years following the approval of the final plat.
 - (9) to complete the installation of the street name signs within two (2) years following the approval of the final plat.
 - (10) to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - (11) to complete the public and private improvements shown on the preliminary plat.
 - (12) to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - (13) to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
 - (14) to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - (15) to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - (16) to submit to the lot buyers and home builders a copy of the soil analysis.

4. The waiver to the design standard requiring on-site stormwater detention is hereby approved.

Introduced by Annette McRoy

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

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

A-83836 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 17, 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>	
James Peterson & Susan Peterson	NAS*	Sheryl Theriault	\$ 426.00
Hollis W. Anderson	\$11,190.73	Janet Hiemer	7,000.00
Gene Van Ackeren	53.00	Lavelle Hansen	3,600.00
Margaret Stones	NAS*	John Kreifels	511.74
Gene Retzlaff	75.00	Terry Valcan	1,400.00
Kristi Briscoe	42.78	Georgiana Brock	541.39
Lynn Schafer	NAS*	State Farm Insurance Co.	

Alesia Stokes	52.38	(Claim No. 27-E072-433)	2,600.00
Virginia James	NAS*	Kristy Moeller	246.00
Ethel M. Strough	NAS*	Janice Coleman	4,250.00
Kim Warren	48.95		
Tris Rockwell	62.92		
LaDonna Holsten	43.71		

* No Amount Specified

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

Introduced by Patte Newman

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

APPROVING A ONE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND DOUBLE EAGLE BEVERAGE FOR ADVERTISING AT PERSHING CENTER - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83837 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and

WHEREAS, two exterior animated programmable electronic message systems, and one interior animated programmable electronic message system are located at said auditorium; and

WHEREAS, Double Eagle Beverage, LLC, a Nebraska corporation, 5840 N. 70th Street, Lincoln, NE 68507, (402) 467-3573, desires to extend its current advertising contract for one year commencing on April 1, 2006 and terminating on March 31, 2007 for the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Double Eagle Beverage LLC.

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

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Double Eagle Beverage LLC, under which Double Eagle Beverage LLC is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a one-year period upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Double Eagle Beverage LLC.

Introduced by Patte Newman

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

APPROVING A TWO-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND CORNHUSKER BANK FOR ADVERTISING AT PERSHING CENTER - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83838 WHEREAS, the City of Lincoln owns and operates Pershing Municipal Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska; and

WHEREAS, two exterior animated programmable electronic message systems, and one interior animated programmable electronic message system are located at said auditorium; and

WHEREAS, Cornhusker Bank, 11th and Cornhusker Highway, Lincoln, NE 68508, (402) 434-2265, wishes to acquire the right to display advertisements on said message systems and the City is willing to grant certain advertising rights to Cornhusker Bank.

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

That the Advertising Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, by and between the City of Lincoln dba Pershing Municipal Auditorium and Cornhusker Bank, under which Cornhusker Bank is granted certain interior and exterior advertising rights at Pershing Municipal Auditorium for a two-year period upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of said Advertising Agreement to Thomas Lorenz, Manager of Pershing Municipal Auditorium, and one fully executed copy to Cornhusker Bank.

Introduced by Patte Newman

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

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COMP. PLAN CONFORMANCE 06003 - APPROVING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN TO ESTABLISH THE Q01214 DOWNTOWN CIVIC PLAZA PROJECT AREA COVERING FOUR CITY BLOCKS GENERALLY BOUNDED BY Q STREET, 14TH STREET, O STREET AND 12TH STREET - PRIOR to reading:

COOK Moved to amend Bill No. 06R-84 on page 3 paragraph 3, at the end of #2 add sentence These authorized and directed steps shall not include eminent domain.

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

ESCHLIMAN Moved to amend Attachment A of Bill No. 06R-84 on page 12, paragraph C change the word "will" to may in the sentence "The construction of the proposed mixed use parking garage will require" and in paragraph D change the word after "within the project area "will" to may and the word "will" to could in the sentence "This could allow for utilization".

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

CAMP Moved a point of order to set the time limit for accepting bids as 90 days instead of two months.

Seconded by Marvin.

CAMP Withdrew motion.

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption as amended:

A-83839 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to modify said plan by establishing the "Q01214 Downtown Civic Project" generally bounded on the north by Q Street, on the east by 12th Street, on the south by O Street and on the west by 14th Street, including construction of a mixed use project including a public parking garage, development of a new downtown civic plaza and related streetscape and infrastructure improvements throughout the project area; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk modifications to the redevelopment plan for said blighted and substandard area, which plan as modified is contained in the document entitled "Q01214 Downtown Civic Project" (hereinafter Q01214 Amendment), which is attached hereto, marked as Attachment "A", and made a part hereof by reference, and has reviewed said plan and has found that it meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (2002 Cum. Supp.); and

WHEREAS, on March 17, 2006, a notice of public hearing was mailed postage prepaid to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place and purpose of the public hearing to be held on March 29, 2006 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Q01214 Amendments to the redevelopment plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on April 20, 2006 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on May 1, 2006, regarding the proposed Q01214 Amendment to the Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on April 14, 2006 and April 21, 2006 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on May 1, 2006 regarding the proposed Q01214 Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Q01214 Amendment to the Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review

and recommendations, and said Planning Commission has submitted its written recommendations with respect to the proposed Q01214 Amendment conformance to the 2025 Lincoln-Lancaster County Comprehensive Plan to the Mayor and City Council, a copy of said written recommendations having been attached hereto and marked as Attachment "F"; and

WHEREAS, on May 1, 2006 in the City Council chambers of the County-City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed modifications to the redevelopment plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed modifications to the redevelopment plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed modifications to the redevelopment plan; and

WHEREAS, in connection with the Amendment, the Urban Development Director has determined Q01214 Downtown Civic Project as depicted on the attached "Diagram A" incorporated herein by this reference, said Redevelopment Project Area comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law; and

WHEREAS, the City Council now finds and determines that the Lincoln Center Redevelopment Plan as modified by changing said plan by incorporating the Q01214 Downtown Civic Project; and by making minor administrative revisions and corrections to update the plan; is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight, and is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law.

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

1. That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the "Q01214 Amendment" attached hereto as Attachment "A", establishing the Q01214 Downtown Civic Project, making minor administrative revisions and corrections to update the plan is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. That the Urban Development Director, or his authorized representative, is hereby authorized and directed to take all steps necessary to implement the provisions of said redevelopment plan as they relate to the above-described modifications. These authorized and directed steps shall not include eminent domain.

3. That the Redevelopment Project Area for the Q01214 Redevelopment Project as depicted on the attached "Diagram A" incorporated herein by this reference, said Redevelopment Project Area comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law.

4. That it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution No. A-68489, Resolution No. A-70273, Resolution No. A-71073, Resolution No. A-71490, Resolution No. A-71701, Resolution No. A-72046, Resolution No. A-72329, Resolution No. A-72774, Resolution No. A-73000, Resolution No. A-73698, Resolution A-74165, Resolution No. A-74186, Resolution A-74291, Resolution No. A-74583, Resolution No. A-74603, Resolution No. A-74583, Resolution No. A-75257, Resolution A-75784, Resolution A-75974, Resolution No. A-75784, Resolution A-76438, Resolution No. A-77828, Resolution No. A-78138, Resolution No. A-78688, Resolution No. A-80587, Resolution No. A-81681, and Resolution No. A-83005.

Introduced by Patte Newman

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

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 06026 - App. of Charleston Heights, LLC from AG to R-3 on property at North 14th Street and Humphrey Avenue (6803 N. 14th Street).

Special Permit 06030 - App. of Charleston Heights, LLC for approximately 206 single family lots, 144 attached single family lots, and 9 outlots with requests to waive block length, average lot area, recreational facilities, and pedestrian easement on property at North 14th Street and Humphrey Avenue.

Special Permit 06031 - App. of Verizon Wireless to construct a 108' wireless facility (monopole) with a request to waive the fall zone and landscaping requirements, on property at 540 North 46th Street.

SETTING THE HEARING DATE OF MONDAY, MAY 15, 2006 AT 1:30 P.M. FOR APPLICATION OF RFOX, INC. DBA RED FOX WESTSIDE GRILLE FOR AN ADDITION/RECONSTRUCTION OF AN AREA APPROX. 38' X 64' ONTO SOUTH SIDE OF BEER GARDEN AT 1339 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83840 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., May 15, 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 Rfox, Inc. dba Red Fox Westside Grille for an addition/reconstruction of an area approximately 38' x 64' onto south side of beer garden at 1339 West O Street.

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

Introduced by Jon Camp

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 15, 2006 AT 1:30 P.M. FOR MANAGER APPLICATION OF MATTHEW OWENS FOR SIDELINES DELI LOCATED AT 1000 SAUNDERS AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83841 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., May 15, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street., Lincoln, NE, for Manager Application of Matthew Owens for Sidelines Deli located at 1000 Saunders Avenue.

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

Introduced by Jon Camp

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

INFORMAL PETITION FOR A SEWER DISTRICT ON SOUTH 15TH STREET BETWEEN MULBERRY & PLUM STREETS BY MATT HARTMAN - Referred to Public Works & Utilities Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON APRIL 17, 2006. - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPOINTING RICHARD PATTERSON, TODD FURASEK AND TYRE MACDOWELL JR. TO THE COMMUNITY DEVELOPMENT TASK FORCE TO FILL UNEXPIRED THREE-YEAR TERMS EXPIRING AUGUST 31, 2006, AUGUST 31, 2007, AND AUGUST 31, 2008, RESPECTIVELY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83842 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Richard Patterson, Todd Furasek, and Tyre MacDowell, Jr. to the Community Development Task Force to fill unexpired three-year terms expiring August 31, 2006, August 31, 2007, and August 31, 2008, respectively, is hereby approved.

Introduced by Patte Newman

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

APPOINTING JAMES JONES AND BRICE SULLIVAN TO THE COMMUNITY DEVELOPMENT TASK FORCE TO FILL UNEXPIRED THREE-YEAR TERMS EXPIRING AUGUST 31, 2007 AND AUGUST 31, 2006, RESPECTIVELY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83843 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of James Jones and Brice Sullivan to the Community Development Task Force to fill unexpired three-year terms expiring August 31, 2007 and August 31, 2006, respectively, is hereby approved.

Introduced by Patte Newman

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

APPOINTING DENNIS BIGGERSTAFF TO THE HEATING, VENTILATING AND COOLING EXAMINERS BOARD TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING APRIL 4, 2009 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83844 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dennis Biggerstaff to the Heating, Ventilating, and Cooling Examiners Board to fill an unexpired three-year term expiring April 4, 2009, is hereby approved.

Introduced by Patte Newman

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

SETTING A HEARING DAY OF MAY 15, 2006, AT 10:00 A.M. FOR THE PUBLIC WORKS BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I - CLERK requested a motion to approve the hearing date be set for May 15, 2006 at 10:00 a.m. for the Public Works Board of Equalization Special Assessment Group I.

NEWMAN Moved approval.

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS - NONE

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

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

PRIOR to reading:

CAMP Moved to amend Bill No. 06-60 on page 8 of the Sublease & Lease Agreement (Attachment "A" to the Ordinance), in paragraph VII (E) delete the reference to "Article XXV" and insert "Article XXII" in lieu thereof and substitute Attachment "B" [Revised] for Attachment "B" to the Sublease and Lease Agreement.

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

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 6th 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 third time.

MCROY 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 **#18723**, is recorded in Ordinance Book #25, Page

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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 third time.

MCROY 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 **#18724**, is recorded in Ordinance Book #25, Page

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 third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18725**, is recorded in Ordinance Book #25, Page

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 third time.

MCROY 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 **#18726**, is recorded in Ordinance Book #25, Page

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

MCROY 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 **#18727**, is recorded in Ordinance Book #25, Page

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) (4/17/06 - ACTION DELAYED 1 WK. TO 4/24/06) (REQUEST TO DELAY ACTION 1 WK. TO 5/1/06) (ACTION DELAYED FOR 1 WK. TO 5/01/06, 6-0) - PRIOR to reading:

MCROY Moved to place on Pending with no date certain.

Seconded by Cook & 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 -

VACATING THE SOUTH 40' OF X ST. ADJACENT TO LOT 1, BLOCK 6, NORTH LINCOLN ADD., GENERALLY LOCATED AT N. 9TH & X ITS. (4/2/01 - ACTION DELAYED FOR TWO WEEKS TO 4/16/01) (4/16/01 - PLACED ON PENDING FOR 3 MONTHS 7/16/01) (7/9/01 - TO REMAIN ON PENDING);

VACATING A 5' X 30'6" PORTION OF N. 7TH ST. ADJACENT TO THE SOUTH 37' OF LOT 9, BLOCK 32, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT N. 7TH & P ITS. (3/18/02 - PUBLIC HEARING CONTD. W/3RD READING) (3/25/02- ACTION DELAYED TO 4/8/02) (IN CONNECTION W/02R-64) (4/8/02 - PLACED ON PENDING UNTIL POLICY RECOMMENDATION FROM URBAN DEVELOPMENT);

APPLICATION OF CAPITAL HUMANE SOCIETY FOR A WAIVER OF LINCOLN MUNICIPAL CODE CHAPTER 2.81 LIVING WAGE ORDINANCE. (2/14/05 - PLACED ON PENDING, NO DATE CERTAIN);

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER M TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY & HOURLY PAY RANGE EQUIVALENTS. (8/8/05 - ACTION DELAYED 2 WKS. TO 8/22/05) (8/22/05 - PLACED ON PENDING, NO DATE CERTAIN) (1/30/06 - REMOVED FROM PENDING FOR ACTION 2/6/06 - SEE ITEM #21, 05-107S) (2/6/06 - SUBSTITUTE 05-107S RELATING TO COST OF LIVING ADJUSTMENT PASSED BY COUNCIL)

AMENDING CHAPTER 8.22 OF THE LINCOLN MUNICIPAL CODE RELATING TO LITTERING BY ADDING A NEW SECTION NUMBERED 8.22.175 TO PROVIDE THAT PERSONS OR BUSINESSES ADVERTISING THROUGH MATERIALS DISTRIBUTED IN A MANNER IN VIOLATION OF CHAPTER 8.22 SHALL BE EQUALLY LIABLE ALONG WITH THE PERSON DISTRIBUTING SUCH MATERIALS AND PROVIDING A REBUTTABLE PRESUMPTION THAT ANY PERSON OR BUSINESS ADVERTISED IN THE POSTING SHALL BE GUILTY OF VIOLATING THE SECTION; BY AMENDING SECTION 8.22.210, RELATING TO PENALTIES FOR VIOLATIONS, TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF CHAPTER 8.22 FROM \$100.00 TO \$500.00. (2/13/06 - PLACED ON PENDING INDEFINITELY AND TO HAVE P.H. WHEN REMOVED FROM PENDING).

MARVIN Moved to Withdraw Bill Nos. 01-39, 02-31, 05R-29, 05-107, & 06-11 from Pending.

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

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY ADDING A NEW SECTION NUMBERED 9.16.250 TO PROVIDE RESIDENCY RESTRICTIONS FOR SEX OFFENDERS. (2/13/06 - PLACED ON PENDING INDEFINITELY);

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY ADDING A NEW SECTION NUMBERED 9.16.260 TO PROVIDE LOITERING RESTRICTIONS FOR SEX OFFENDERS. (2/13/06 - PLACED ON PENDING INDEFINITELY);

COOK Moved to Withdraw Bill Nos. 06-17 and 06-18 and the City Attorney will draft a new ordinance.

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

CAMP Moved to extend the Pending List to May 8, 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 May 8, 2006.

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

ADJOURNMENT 6:18 P.M.

CAMP Moved to adjourn the City Council meeting of May 1, 2006.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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