

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 5, 2006 AT 1:30 P.M.**

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

Council Chair Newman 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 May 22, 2006, reported having done so, found same correct.

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

NORTH 27TH STREET MAINTENANCE DISTRICT BOARD OF EQUALIZATION

MONDAY, JUNE 5, 2006 AT 1:30 P.M.

1) ELECTION OF CHAIR.

SVOBODA Nominated Patte Newman as Chair.

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

2) READING OF OPENING STATEMENT BY CHAIR PERSON.

3) NORTH 27TH STREET MAINTENANCE DISTRICT DESCRIBED AS NORTH 26TH STREET ON THE WEST TO NORTH 28TH STREET ON THE EAST AND FROM THE CENTERLINE OF O STREET ON THE NORTH TO FAIR STREET ON THE SOUTH PRIMARILY INCLUDING THOSE PROPERTIES ABUTTING NORTH 27TH STREET.

4) PUBLIC HEARING FOLLOWED.

Ron Cane, Urban Development, came forward to answer questions.
This matter was taken under advisement.

COOK Moved adjournment until after the regular City Council Meeting.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 1:33 P.M.

RECONVENED AT 5:02 P.M.

MARVIN Moved to accept District as assessed.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

REGULAR CITY COUNCIL MEETING CONVENED 1:33 P.M.

PUBLIC HEARING

APPLICATION OF CHRISTO'S PUB, INC. DBA CHRISTO'S PUB TO EXPAND ITS PRESENTLY LICENSED PREMISES TO ADD A SIDEWALK CAFÉ APPROXIMATELY 45 FEET BY 8 FEET TO THE SOUTH OF THE BUILDING AT 100 N. 12TH STREET - Randy Christo, 1200 O Street, came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

REGULAR MEETING

June 5, 2006

Page 530

APPROVING THE HIGHWAY 77 & WARLICK BOULEVARD CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF A WATER REVENUE OBLIGATION AND HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT;

ANNEXATION 05014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 463.8 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD;

CHANGE OF ZONE 05061 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD;

CHANGE OF ZONE 05062 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 AND R-4 RESIDENTIAL DISTRICTS ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD - Kent Seacrest, 1111 Lincoln Mall, attorney representing the developers, came forward to answer questions.

Rick Kiolbasa, Principal of Dial Realty Group of Omaha, 11506 Nicholas St. #200, came forward to talk about the development of Southwest Lincoln. Discussion followed.

This matter was taken under advisement.

APPROVING THE GRAND TERRACE CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LLC AND CLARENDON HILLS ROAD IMPROVEMENT DISTRICT, RELATING TO THE ANNEXATION OF APPROXIMATELY 70 ACRES OF PROPERTY GENERALLY LOCATED WEST OF SOUTH 84TH STREET AND SOUTH OF HIGHWAY;

ANNEXATION 06001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 70 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND HIGHWAY;

CHANGE OF ZONE 06001 - APPLICATION OF DUBOIS, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND HIGHWAY 2 - Peter Katt, 1045 Lincoln Mall, Suite 200, attorney representing the applicant, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ANNEXATION 06007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 78.03 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER /HUMPHREY AVENUE;

CHANGE OF ZONE 06026 - APPLICATION OF CHARLESTON HEIGHTS, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE - Paula Dicero, 1233 Infinity, came forward representing the applicant and to answer questions. Discussion followed.

Tom Cajka, Planning Department, came forward to answer questions. Discussion followed.

Randy Hoskins, Traffic Engineering Department, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTERS 2.62, 2.65, AND 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN REQUIRING THE CITY TO MAKE THE ANNUAL ACTUARIALLY DETERMINED NORMAL COST CONTRIBUTION TO SUCH PENSION PLAN - Don Taute, Director of Personnel, came forward to answer any questions. Discussion followed.

Louise Gates, Actuary for the Pension Fund, came forward to answer any questions. For the record Ms. Gates stated: "As the actuary for the pension fund, I can't endorse a bill that would only allow the City to contribute the normal cost and I'd like to be on record saying so." Discussion followed.

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

This matter was taken under advisement.

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH LLC, PRAIRIE HOME BUILDERS INC., ROLAND GROUP LLC, AND FAITH EVANGELICAL LUTHERAN CHURCH, RELATING TO THE ANNEXATION OF APPROXIMATELY 149.09 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET AND THE USE OF SAID 149.09 ACRES ALONG WITH APPROXIMATELY 23 ACRES LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET UNDER A PLANNED UNIT DEVELOPMENT;

ANNEXATION 05013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 149.09 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND ADAMS STREET - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward on behalf of applicant agreeing with request to differ for one week. Discussion followed.

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; 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 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward on behalf of the applicant and to answer questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to explain the zoned area and answer questions.

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

Alene Swinehart, 1834 Ryons, came forward in support.

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

This matter was taken under advisement.

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

TOOK BREAK 3:50 P.M.

RECONVENED 4:03 P.M.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF CHRISTO'S PUB, INC. DBA CHRISTO'S PUB TO EXPAND ITS PRESENTLY LICENSED PREMISES TO ADD A SIDEWALK CAFÉ APPROXIMATELY 45 FEET BY 8 FEET TO THE SOUTH OF THE BUILDING AT 100 N. 12TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83861 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Christo's Pub, Inc. dba Christo's Pub to expand its licensed premises by the addition of an area measuring approximately 45 feet by 8 feet to the south of the presently licensed premises located at 100 N. 12th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Dan Marvin

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

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

APPROVING A THIRTEEN-MONTH LEASE AGREEMENT BETWEEN THE CITY AND THE WYNNE TRANSPORT SERVICES, INC. FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) GENEVA MEDICAID WAIVER PROGRAM AT 209 S. 10TH STREET, GENEVA, NE - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and Wynne Transport Service, Inc. For the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Geneva Medicaid Waiver Program at 209 S. 10th Street, Geneva, NE for a thirteen month term from May 1, 2006 through May 31, 2007, the second time.

REGULAR MEETING

June 5, 2006

Page 532

APPROVING A THIRTEEN-MONTH LEASE AGREEMENT BETWEEN THE CITY AND THE POLK SENIOR CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) MEDICAID WAIVER PROGRAM AT 230 NORTH MAIN STREET, POLK, NE - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and Polk Senior Center for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Medicaid Waiver Program at the Polk Senior Center, 230 N,. Main Street, Polk, NE, for a thirteen month term from May 1, 2006 through May 31, 2007, the second time.

APPROVING THE HIGHWAY 77 & WARLICK BOULEVARD CONDITIONAL ANNEXATION AND ZONING AGREEMENT AND AUTHORIZING THE ISSUANCE OF A WATER REVENUE OBLIGATION AND HIGHWAY ALLOCATION OBLIGATION TO EVIDENCE CERTAIN OF THE CITY'S OBLIGATIONS UNDER THE AGREEMENT. (Related Items on Pending Date Certain: 06-73, 06-74, 06-75) - PRIOR to reading:

COOK Moved Bill No. 06-78 to continue Public Hearing & Action in one week to 6/12/06.

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

CLERK Read an ordinance, introduced by Dan Marvin, 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 for water: one million five hundred twenty thousand dollars (\$1,520,000.00) (The "Water Obligation"), and (2) a Highway allocation obligation of the City in an aggregate principal amount not to exceed four million two hundred forty five thousand dollars (\$4,245,000.00); fixing in part and providing for the fixing in part of the details of the water obligation and the highway allocation obligation; taking other action in connection with the foregoing; and related matters, the second time.

ANNEXATION 05014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 463.8 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD. (RELATED ITEMS: 06-78, 06-73, 06-74, 06-75) (5/15/06 - TO HAVE P.H. ON 6/5/06 W/ACTION 6/12/06)- PRIOR to reading:

COOK Moved Bill No. 06-73 to continue Public Hearing & Action in one week to 6/12/06.

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

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 second time.

CHANGE OF ZONE 05061 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVUE INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD. (RELATED ITEMS: 06-78, 06-73, 06-74, 06-75) (5/15/06 - TO HAVE P.H. ON 6/5/06 W/ACTION 6/12/06) - PRIOR to reading:

COOK Moved Bill No. 06-74 to continue Public Hearing & Action in one week to 6/12/06.

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

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 second time.

CHANGE OF ZONE 05062 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVUE INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 AND R-4 RESIDENTIAL DISTRICTS ON PROPERTY GENERALLY LOCATED AT SOUTH FOLSOM STREET AND WEST DENTON ROAD. (RELATED ITEMS: 06-78, 06-73, 06-74, 06-75) (5/15/06 - TO HAVE P.H. ON 6/5/06 W/ACTION 6/12/06) - PRIOR to reading:

COOK Moved Bill No. 06-75 to continue Public Hearing & Action in one week to 6/12/06.

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

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 second time.

APPROVING THE GRAND TERRACE CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LLC AND CLARENDON HILLS ROAD IMPROVEMENT DISTRICT, RELATING TO THE ANNEXATION OF APPROXIMATELY 70 ACRES OF PROPERTY GENERALLY LOCATED WEST OF SOUTH 84TH STREET AND SOUTH OF HIGHWAY 2. (RELATED ITEMS: 06R-104, 06-79, 06-80)(Action Date: 6/12/06).

ANNEXATION 06001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 70 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND HIGHWAY 2. (RELATED ITEMS: 06R-104, 06-79, 06-80) - 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 06001 - APPLICATION OF DUBOIS, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND HIGHWAY 2.(RELATED ITEMS: 06R-104, 06-79, 06-80) - 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.

ANNEXATION 06007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 78.03 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06-81, 06-82) - 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 06026 - APPLICATION OF CHARLESTON HEIGHTS, LLC, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06-81, 06-82) - 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.

ANNEXATION 06006 - AMENDING THE LINCOLN CORPORATE LIMITS MAY BY ANNEXING APPROXIMATELY 1.14 ACRES OF PROPERTY GENERALLY LOCATED AT GLENEAGLE COURT AND LAMMLE CIRCLE - 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.

RESOLUTIONS

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

A-83862 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 16, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney,

REGULAR MEETING

June 5, 2006

Page 534

as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Paul Drotzmann	\$ 35.00	Jack R. Judd Jr.	\$2,835.86
Mel Ulrich	38.00	Jodi Payne	1,155.20
Arlo Remmen/Ashland Salvage	48,000.00	Fleet Systems, Inc.	1,200.00

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

Introduced by Dan Marvin

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

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

Amending Chapters 2.62, 2.65, and 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan requiring the City to make the annual actuarially determined normal cost contribution to such pension plan. (5/22/06 - P.H. & Action delayed 2 wks. to 6/5/06) - PRIOR to reading:

CAMP Moved to amend Bill No. 06-68 in the following manner:

1. On page 1, line 11, delete "normal cost" and replace it with "annual required".
2. On page 1, line 12, after "expenses" insert "and the unfunded actuarial accrued liability amortized over a twenty-five year period as".
3. On page 1, line 12, after "determined" strike the words "as a result of" and insert the word "by".
4. On page 2, line 3, delete "normal cost" and replace it with "annual required".
5. On page 2, line 4, after "expenses" insert "and the unfunded actuarial accrued liability amortized over a twenty-five year period as".
6. On page 2, line 4, after "determined" strike the words "as a result of" and insert the word "by".
7. On page 2, line 12, delete "normal cost" and replace it with "annual required".
8. On page 2, line 13, after "expenses" insert "and the unfunded actuarial accrued liability amortized over a twenty-five year period as".
9. On page 2, line 13, after "determined" strike the words "as a result of" and insert the word "by".

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 2 of the Lincoln Municipal Code, Officers, Departments and Personnel, by amending Sections 2.62.010, 2.65.010 and 2.66.010 relating to the establishment of Police and Fire Pension Plans A, B, C, respectively, to clarify the required city contribution to the Police and Fire Pension Fund; and repealing Sections 2.62.010, 2.65.010, and 2.66.010 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18732**, is recorded in Ordinance Book #25, Page

Approving the Prairie Village North Conditional Annexation and Zoning Agreement between the City and Dubois Land LLC, Prairie Village North LLC, Prairie Home Builders Inc., Roland Group LLC, and Faith Evangelical Lutheran Church, relating to the annexation of approximately 149.09 acres, generally located at the northeast corner of N. 84th Street and Adams Street and the use of said 149.09 acres along with approximately 23 acres located at the southeast corner of N. 84th Street and Adams Street under a Planned Unit Development. (Related Items: 05-164, 05R-262, 05-165) (11/7/05 - P.H. con't. 3 wks. to 11/28/05) (Action Delayed 2 wks to 12/12/05) (12/12/05 - Action Delayed 1 wk to 12/19/05) (12/19/05 - Action Delayed 3 wks. to 1/9/06) (1/9/06 - Action delayed 4 wks. to 2/6/06 & items to be re-ordered on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - Action delayed 3 wks. to 2/27/06) (2/27/06 - Action Delayed 2 wks. to 3/13/06) (3/13/06 - Pending Indefinitely) (5/15/06 - To have P.H. & Action 6/5/06) - PRIOR to reading:

MARVIN Moved Bill No. 05R-262 to have Public Hearing & Action in one wk. on 6/12/06.

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

Annexation 05013 - Amending the Lincoln Corporate Limits Map by annexing approximately 149.09 acres of property generally located at North 84th Street and Adams Street. (Related Items: 05-164, 05R-262, 05-165) (11/7/05 - P.H. con't. 3 wks. to 11/28/05) (Action Delayed 2 wks to 12/12/05) (12/12/05 - Action Delayed 1 wk to 12/19/05) (12/19/05 - Action Delayed 3 wks. to 1/9/06) (1/9/06 - Action delayed 4 wks. to 2/6/06 & items to be re-ordered on the agenda as follows: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - Action delayed 3 wks. to 2/27/06) (2/27/06 - Action Delayed 2 wks. to 3/13/06) (3/13/06 - Pending Indefinitely) (5/15/06 - To have P.H. & Action 6/5/06) - PRIOR to reading:

MARVIN Moved Bill No. 05-164 to have Public Hearing & Action in one wk. on 6/12/06.

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

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) (5/8/06 - Action Delayed w/ P.H., on new information only, for 2 weeks to 5/22/06) (5/22/06 - Action Delayed w/ P.H. only on charette presentation for 2 wks to 6/5/06) - PRIOR to reading:

SVOBODA Moved to strike sub-paragraph #4 from the Development and Conditional Zoning Agreement attached to Bill No. 06R-86.

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

COOK Moved amendment #1 to Bill No. 06R-86 in the following manner:

1. That the Development and Conditional Zoning Agreement attached hereto replace and supercede the Development and Conditional Zoning Agreement attached to Bill No. 06R-86 as Attachment "A".

Seconded by McRoy & 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:

A-83863 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-2 Residential District and O-2 Suburban Office District to B-1 Local Business District for development of the property with certain restrictions on the property generally located on the block bounded by 9th, 10th, Hill, and Van Dorn Streets, 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 Patte Newman

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

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) (5/8/06 - ACTION DELAYED W/ P.H., ON NEW INFORMATION ONLY, FOR 2 WEEKS TO 5/22/06) (5/22/06 - ACTION DELAYED W/ P.H. ONLY ON CHARETTE PRESENTATION FOR 2 WKS TO 6/5/06) - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

REGULAR MEETING

June 5, 2006

Page 536

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18733, is recorded in Ordinance Book #25, Page

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 12, 2006 AT 1:30 P.M. FOR APP. OF TWISTED STEELE, INC. DBA THE BAR FOR AN ADDITION TO PREMISE AT 1644 P STREET FOR A ONE STORY BUILDING APPROX. 35 BY 55 FT., INCLUDING IRREGULAR SHAPED BEER GARDEN APPROX. 46 BY 55 FT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83864 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 12, 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 Twisted Steele, Inc. dba The Bar located at 1644 "P" Street for an addition to premise for a one story building approximately 35 by 55 feet, including irregular shaped beer garden approximately 46 by 55 feet.

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 06033 - App. of Engineering Design Consultants from AG Agricultural District to R-3 Residential District on property located at 9700 S. 27th Street.

Change of Zone No. 06034 - App. of Director of the Parks and Recreation Department from P Public Use District to R-6 Residential District on property generally located at the NE corner of S. 27th Street and Old Cheney Road.

Change of Zone No. 06035 - App. of Director of the Parks and Recreation Department from P Public Use District to O-2 Suburban Office District on property generally located at University Place Park on 49th Street to 51st Street.

Change of Zone No. 06036 - App. of the Director of the Planning Department from County I to City I-1 Industrial District on property generally located at N. 134th Street and O Street.

Change of Zone No. 06037 - App. of the Director of the Planning Department from County B to City H-2 Highway Business District on property generally located at S. 134th Street and O Street.

Change of Zone No. 06038 - App. of Olsson Associates from B-2 Planned Neighborhood Business District to R-5 Residential District on property generally located at N. 27th Street and Folkways Boulevard.

Special Permit No. 06033 - App. of Verizon Wireless, LLC for a temporary 70 ft. tall wireless facility on property generally located at N. 48th Street and R Street.

Special Permit No. 06034 King Ridge Townhomes Community Unit Plan - App. of Olsson Associates for approx. 54 dwelling units with requests to waive internal yard setbacks, minimum lot area, sidewalks, and storm water detention on property generally located at N. 27th Street and Folkways Boulevard.

REPORTS OF CITY OFFICERS

ASSESSING THE COSTS OF THE NORTH 27TH STREET MAINTENANCE DISTRICT AGAINST THE BENEFITTED PROPERTIES. (5/22/06 - P.H. & ACTION DELAYED 2 WKS. TO 6/5/06) - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83865 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:

a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way;

b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead planting;

c. Maintenance (excluding repair) of sidewalks;

d. General maintenance of median signs including repair and repainting; including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "proposed Distribution of Assessment of the North 27th Street maintenance Improvement District" and made a part hereof;

2. The cost of said activities is the sum of \$3,668.79.

3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.

4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.

5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 5th day of June, 2006, at 1:00 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 22nd day of May, 2006.

Introduced by Dan Marvin

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

ACCEPTING THE REPORT TO CITY COUNCIL ON SPECIAL ASSESSMENT GROUP I (WATER DISTRICT 1192, PAVING UNIT 139, PAVING DISTRICT 2626) BOARD OF EQUALIZATION HELD MONDAY, MAY 15, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPOINTING ROBIN ESCHLIMAN TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 31, 2006 AND AN ADDITIONAL ONE-YEAR TERM EXPIRING AUGUST 31, 2007 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83866 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Robin Eschliman to the Railroad Transportation Safety District to fill an unexpired one-year term expiring August 31, 2006 and an additional one-year term expiring August 31, 2007, is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING DAN MARVIN TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR A TERM EXPIRING AUGUST 31, 2007 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83867 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Marvin to the Railroad Transportation Safety District for a one-year term expiring August 31, 2007, is hereby approved.

Introduced by Dan Marvin

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED APRIL, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83868 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended April 30, 2006, \$692,543.42 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and

REGULAR MEETING

June 5, 2006

Page 538

allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Annette McRoy

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ANNUAL REPORT FOR THE YEAR OF 2005 PREPARED BY LINCOLN ELECTRIC SYSTEM - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 15, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 22, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

APPROVING A THIRTEEN-MONTH LEASE AGREEMENT BETWEEN THE CITY AND POLK COUNTY HEALTH DEPARTMENT FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) OFFICE AT 220 N. STATE STREET, OSCEOLA, NE - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a Lease Agreement between the City of Lincoln and Polk County Health Department for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Office at 330 N. State Street, Osceola, NE, for a thirteen month term from May 1, 2006 through May 31, 2007, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CHANGING THE PAY RANGE OF FORESTRY OPERATIONS SUPERVISOR, TO CHANGE THE TITLE OF ASST. SUPT. - WASTEWATER SERVICE TO ASST. SUPR. - WASTEWATER COLLECTION, AND TO DELETE THE CLASSIFICATION OF ASST. SUPR. - WASTEWATER CONSTRUCTION - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18594 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by amending the pay range of the job classification Forestry Operations Supervisor from (A11) to (A12); by amending the title of the current job classification "Asst. Supt. - Wastewater Service" to "Asst. Supt. - Wastewater Collection"; and deleting the job classification "Asst. Supt. - Wastewater Construction", the first time.

AUTHORIZING EXECUTION AND DELIVERY OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VARIOUS OWNERS FOR THE DEVELOPMENT OF APPROXIMATELY 726 ACRES OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND ROKEBY ROAD AND FOR THE ISSUANCE OF BONDS FOR THE INSTALLATION OF INFRASTRUCTURE TO SERVE THE AREA. (RELATED ITEMS: 06-86, 06R-110) - CLERK read an ordinance, introduced by Annette McRoy, authorizing the issuance of a Highway Allocation Obligation of the City in an aggregate principal amount not to exceed four hundred seventy thousand and no/dollars (\$470,000.00); fixing in part and providing for the fixing in part of the details of the Highway Allocation Obligation; taking other action in connection with the foregoing; and related matters, the first time.

COMP. PLAN AMENDMENT 06002 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO (A) AMEND THE 2025 FUTURE SERVICE LIMIT TO ADD LAND WEST OF 98TH STREET FROM YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF ROKEBY ROAD; (B) AMEND THE URBAN GROWTH TIER AND ASSOCIATED MAPS IN THE SAME AREA FROM TIER I, PRIORITY B, TO TIER I, PRIORITY A, AND LAND FROM TIER II TO A MIX OF TIER I, PRIORITY A AND B; AND (C) TO CHANGE THE LAND USE IN THE AREA BEING ADDED TO THE FUTURE SERVICE LIMIT FROM AGRICULTURAL TO URBAN RESIDENTIAL. (RELATED ITEMS: 06-86, 06R-110) (ACTION DATE: 6/19/06).

ANNEXATION 06009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.25 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 1ST

STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06-87, 06-88) - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 05002A - APPLICATION OF THE LINKS AT LINCOLN TO AMEND THE LINKS AT LINCOLN PLANNED UNIT DEVELOPMENT TO INCREASE THE AREA OF THE PUD AND FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL PUD, WITH REQUESTED WAIVERS OF THE REQUIRED STREET TREES AND SIDEWALKS ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06-87, 06-88) - CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the first time.

STREET NAME CHANGE 06001 - RENAMING MEDINA DRIVE AS MEDINAH DRIVE GENERALLY LOCATED IN THE HIMARK 9TH ADDITION, LOCATED AT S. 90TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Medina Drive to Medinah Drive located generally at S. 90th Street and Old Cheney Road, in HiMark 9th Addition, as recommended by the Street Name Committee, the first time.

CHANGE OF ZONE 06028 - APPLICATION OF B&J PARTNERSHIP TO CHANGE THE BUILDING LINE DISTRICT FROM 50 FEET TO 40 FEET ALONG THE NORTH SIDE OF O STREET, EAST OF 33RD STREET APPROXIMATELY 200 FEET - CLERK read an ordinance, introduced by Annette McRoy, changing the building line district along the north side of O Street east of 33rd Street from 50 feet to 40 feet, the first time.

CHANGE OF ZONE 06032 - AMENDING SECTION 27.69.300 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL SIGN DISTRICTS TO ALLOW OCCUPANTS IN AREAS DESIGNATED BLIGHTED AND SUBSTANDARD, WHICH ARE BEING REDEVELOPED PURSUANT TO AN APPROVED REDEVELOPMENT PLAN, TO PETITION FOR THE CREATION OF A SPECIAL SIGN DISTRICT. (RELATED ITEMS: 06-91, 06-92) - CLERK read an ordinance, introduced by Annette McRoy, amending Section 27.69.300 of the Lincoln Municipal Code relating to Special Sign Districts to allow occupants in areas designated blighted and substandard which is being redeveloped pursuant to an approved Redevelopment Plan to petition for the creation of a special sign district; and repealing Section 27.69.300 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 06031 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT AND OLSSON ASSOCIATES TO CREATE A SPECIAL SIGN DISTRICT FOR THE 48TH AND O STREETS REDEVELOPMENT PLAN AREA, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 48TH AND O STREETS. (RELATED ITEMS: 06-91, 06-92) - CLERK read an ordinance, introduced by Annette McRoy, designating the 48th & O Streets Redevelopment Plan area as a special sign district in accordance with the provisions of § 27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the first time.

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

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) (4/24/06 - ACTION DELAYED 1 WK TO 5/1/06) (REQUEST TO PLACE ON PENDING - NO DATE CERTAIN) (5/1/06 - PLACED ON PENDING - NO DATE CERTAIN) (5/15/06 - TO HAVE ACTION ONLY 6/5/06) - CLERK read the following resolution, introduced and moved by Robin Eschliman, seconded by McRoy:

COOK Moved to accept Substitute Resolution No. 2.

A-83869 WHEREAS, Landon Osborne has submitted an application for a permit to use the public right-of-way at 1840 E Street for the installation of a fence/wall; and

WHEREAS, said applicant has submitted a letter of application and two sites plans (original plan and two revised plans per Public Works)

REGULAR MEETING

June 5, 2006

Page 540

which are attached hereto, marked as Exhibit "A", Exhibit "B", Exhibit "C", and Exhibit "D" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Landon Osborne, hereinafter referred to as "Permittee" to use the public right-of-way adjacent to property legally described as the east half of Lot 11 and all of Lot 12, Block 2, Capitol Addition, commonly known as 1840 E Street, is granted as a privilege only by virtue of and subject to strict compliance with the site plan (Exhibit "D"), the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including the filing of a certificate of insurance with a minimum combined single limit of \$500,000 aggregate for any one occurrence. The provisions relating to the posting of a continuing bond are waived.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, his heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the remedial measures identified in the structural engineering report completed by King Kuebler Little, P.E. dated May 10, 2006, attached as Exhibit "E". These measures are identified as items #1 and #2 under "Conclusions and Recommendations" of the report. All work done on the wall to address these remedial measures shall be inspected by a structural engineer followed by a letter stamped by said engineer certifying that the construction was completed as per Exhibit "E".

5. This permit may be revoked by resolution of the City Council and after giving of five days written notice to the Permittee by the City Clerk, for the following reasons: (a) failure of the Permittee to pay the compensation required within ten days after the date payment is due; (b) failure or neglect of the Permittee to comply with the provisions of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (c) failure to use the space for which the permit was granted for a continuous period of at least six months or (d) upon a determination by the City that the space for which the permit was granted is needed for public use.

Upon revocation of a permit, the Permittee shall forthwith remove or abandon the space for which the permit was granted, together with the removal of any structure at their own cost and expense and return that space to the City of Lincoln, free and clear of all structures or encroachments of any type, at no expense to the City. If the requested removal or abandonment has not been completed within six months after revocation of the permit, the City Council may cause such removal or abandonment to be so done and the cost of such work shall become a lien against the property of the Permittee.

6. Permittee shall pay, as rental fee for the space occupied, an amount equal to ten percent of the square foot value, as last fixed by the Board of Equalization, of the lot directly abutting on the use, multiplied by the square footage of the use of space.

Said rental payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided however, the amount of the initial payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st day of October of the next year and payments shall be due and payable on October 1st thereafter. Rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of five percent shall be added thereto in addition to said interest.

7. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, his successors and assigns.

8. That within thirty (30) days from the adoption of this

resolution, and before commencing any construction under the provisions hereof, the above-named Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Jonathan Cook

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

VACATION NO. 05013 - VACATING THE EAST/WEST ALLEY IN BLOCK 121, ORIGINAL LINCOLN, BOUNDED BY 12TH, 13TH, K STREETS AND LINCOLN MALL - CLERK read an ordinance, introduced by Robin Eschliman, vacating the east/west alley in Block 121, Original Lincoln, bounded by 12, 13th, K Streets and Lincoln Mall, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

ESCHLIMAN Moved to pass 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 **#18734**, is recorded in Ordinance Book #25, Page

APPROVING THE KING ANNEXATION AGREEMENT BETWEEN THE CITY AND TOM AND BETTY KING RELATING TO THE ANNEXATION OF APPROXIMATELY 2.5 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N. 14TH STREET AND FLETCHER AVE. (RELATED ITEMS: 06R-95, 06-72) (ACTION DATE: 6/5/06)- PRIOR to reading:

SVOBODA Moved Amendment #1 to Bill No. 06R-95 by amending the attached King Annexation Agreement in the following manner:

1. On page 2, delete all of paragraph 7.
2. Renumber the subsequent paragraphs accordingly.

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

CLERK Read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83870 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled King Annexation Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Thomas and Betty King, outlining certain conditions and understandings relating to the annexation of approximately 2.5 acres of property generally located at North 14th Street and Fletcher Avenue, 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 Owner.

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 Owner.

Introduced by Robin Eschliman

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

ANNEXATION NO. 06003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 2.5 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06R-95, 06-72) - PRIOR to reading:

COOK Moved Bill No. 06-72 to have action delayed two weeks to 6/19/06.

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

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.

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 12, 2006.
Seconded by Svoboda & 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
June 12, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 5:02 P.M.

CAMP Moved to adjourn the City Council meeting of June 5, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant