

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 12, 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

MCROY Having been appointed to read the minutes of the City Council proceedings of June 5, 2006, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng came forward to present the Mayor's Award of Excellence for the month of May, 2006 to Robert Mills of StarTran in the category of Valor.

Karl Fredrickson, Public Works Director, stated that Bobby's actions were exemplary showing courage and character.

Larry Worth, Transit Manager of StarTran, stated that Bobby was an excellent employee and was a kind and caring person.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF TWISTED STEELE INC. DBA THE BAR TO EXPAND ITS PRESENTLY LICENSED PREMISES BY AN AREA MEASURING APPROXIMATELY 10 FEET BY 43 FEET TO THE EAST OF THE PROPERTY LOCATED AT 1644 P STREET - Neal Grummert, 935 O Street, took the oath and came forward to answer questions.

This matter was taken under advisement.

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 - Don Taute, Personnel Director, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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;

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 - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing approximately 10 different property interests. Mr. Seacrest asked to have the public hearing and second reading continued to July 10, 2006.

This matter was taken under advisement.

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 - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing B & J Partnership in reference to the redevelopment of 33rd and O Street. Discussion followed.

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

This matter was taken under advisement.

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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;

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 - Mike Morosin, 2055 "S" Street, asked if each blighted area would have a special sign indicating such.

Brian Will, Planning Dept., came forward to answer Mr. Morosin's question, stating they would sign entire development area or a specific area case by case determination.

This matter was taken under advisement.

APPLICATION OF ARTURO'S RESTAURANT TO USE THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A CONCRETE SLAB FOR AN OUTDOOR DINING AREA ON PROPERTY GENERALLY LOCATED AT 803 Q STREET - Rene'Longoria, 803 Q Street, #150, came forward to answer questions.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 06003 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, MOBILITY AND TRANSPORTATION SECTION, TO DESIGNATE THE EAST/WEST PORTION OF THE PHASE I ANTELOPE VALLEY ROADWAY PROJECT FROM FOUR LANES TO SIX LANES ON THE "PROJECTS & STUDIES: LINCOLN AREA STREET & ROADWAY IMPROVEMENT 2025" MAP - David Cary, Planning Dept., came forward to answer questions. Discussion followed.

Nicole Fleck-Tooze came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE EMERGENCY CARE FIVE-YEAR REVIEW DATED APRIL 2006 AND PROVIDING FOR THE DESIGNATION OF A THIRD PARTY TO FACILITATE AND IMPLEMENT THE REPORT AND RECOMMENDATIONS OF THE REVIEW COMMITTEE - Mike Spadt, Fire Chief, came forward with information from the Review Committee and to answer questions.

Joan Anderson, 733 Skyhawk Cr., came forward representing EMS, Inc. to answer questions and to hand out a status report stating the year long study will end in September. Discussion followed.

Craig Mason 5950 Sunrise Rd., and Coby Mach representing LIBA came forward with LIBA's recommendations. Discussion followed.

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

Doug Wyatt, 927 N. 86th Street, member of the Task Force stated the intent was to vote for all 23 of the recommendations as listed in the report of the review committee.

This matter was taken under advisement.

COOK Moved to waive the rules to change the order of the agenda and go back to Items 6 & 7 for Public Hearing.

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

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;

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 - Kim Fugitt, 1165 Joyce, Fayetteville, AR, representing Lindsey Development of Arkansas, came forward to comment on this development and to answer questions. Discussion followed.

Tom Cjaka, Planning Dept., came forward to answer questions. Discussion continued.

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 representing Dubois Land LLC, to explain the amendment to this resolution and comment on this development. Discussion followed.

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

This matter was taken under advisement.

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. (RELATED ITEMS: 06-78, 06-73, 06-74, 06-75);

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, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward along with Rick Kiolbasa of Dial Development Company in Omaha, to discuss the changes made on this project in compliance with Public Works' recommendations and to answer questions. Discussion followed.

Richard Halvorsen, 6311 Inverness Road, came forward to express his concerns of this project.

Randy Hoskins came forward to answer Mr. Halvorsen's concerns.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF TWISTED STEELE INC. DBA THE BAR TO EXPAND ITS PRESENTLY LICENSED PREMISES BY AN AREA MEASURING APPROXIMATELY 10 FEET BY 43 FEET TO THE EAST OF THE PROPERTY LOCATED AT 1644 P STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83871 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 Twisted Steele Inc. dba The Bar to expand its licensed premises by the addition of an area measuring 10 feet by 43 feet to the east of the presently licensed premises located at 1644 P 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 Robin Eschliman

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

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

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 second 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 second 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) - PRIOR to reading:

MARVIN Moved to have Public Hearing & 2nd Reading cont. to 7/10/06, 7-0.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 second 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)- PRIOR to reading:

MARVIN Moved to have Public Hearing & 2nd Reading cont. to 7/10/06, 7-0.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 second 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 second 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 second 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 second 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 second 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 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 16 - 31, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83872 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 June 1, 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>	
Jack Crowley & Jeanie Crowley	NAS*	Neal Barkley & Nancy Barkley	\$ 7,500.00
Ronald Tompkins	\$4,789.00	Zach Shefferd	10,500.00
Carolyn Daniels	NAS*	Lyndsey Roggow	749.12
Gaye B. Richardson	1,000.00	Shannon Taylor	2,750.00
		Nebraska Wesleyan University	3,269.60
		Farmers Mutual of Nebraska	
		(Claim No. A0602520)	2,318.33
		Continental Western Group	
		(Claim No. 10070567)	629.30

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* 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 Annette McRoy

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

APPLICATION OF ARTURO'S RESTAURANT TO USE THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A CONCRETE SLAB FOR AN OUTDOOR DINING AREA ON PROPERTY GENERALLY LOCATED AT 803 Q STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83873 WHEREAS, Arturo's Restaurant has submitted an application for a permit to use the public right-of-way at 803 Q Street, for outdoor seating; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" 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 Arturo's Restaurant to use the public right-of-way at 808 P Street for the purpose of installing a concrete slab to provide outdoor seating at the restaurant, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, 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 those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

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 applicant, its 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 inspection and approval of the Director of Public Works of the City of Lincoln.

5. 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 applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant 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 automatically terminate.

Introduced by Annette McRoy

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

APPLICATION OF SID AND CHERYL CONNOR TO USE THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A RAILING AND WHEELCHAIR RAMP AT 700 O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83874 WHEREAS, Sid and Cheryl Conner have submitted an application for a permit to use the public right-of-way at 700 O Street, for construction of a railing and wheelchair ramp; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" 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 Sid and Cheryl Conner to use the public right-of-way at 700 O Street for the purpose of constructing a railing and wheelchair ramp, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, 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 those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

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 applicant, its 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 inspection and approval of the Director of Public Works of the City of Lincoln.

5. 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 applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant 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 automatically terminate.

Introduced by Annette McRoy

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

COMP. PLAN AMENDMENT 06003 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, MOBILITY AND TRANSPORTATION SECTION, TO DESIGNATE THE EAST/WEST PORTION OF THE PHASE I ANTELOPE VALLEY ROADWAY PROJECT FROM FOUR LANES TO SIX LANES ON THE "PROJECTS & STUDIES: LINCOLN AREA STREET & ROADWAY IMPROVEMENT 2025" MAP - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83875 WHEREAS, the Planning Director on behalf of the Director of Public Works & Utilities, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan by revising the Mobility & Transportation section to designate the east/west portion of the Phase I Antelope Valley Roadway Project from four lanes to six lanes on the "Projects & Studies: Lincoln Area Street & Roadway Improvement 2025" map (Page F105 of the Comprehensive Plan); and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

Amend the Projects and Studies: Lincoln Area Street & Roadway Improvements 2025 map on page F 105, as shown on Exhibit "A", to indicate:

1. A six lane plus turn lane future roadway improvement along the east/west diagonal Antelope Valley Roadway project from the 9th/10th Street connection east to Cornhusker Highway.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Annette McRoy

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

APPROVING THE EMERGENCY CARE FIVE-YEAR REVIEW DATED APRIL 2006 AND PROVIDING FOR THE DESIGNATION OF A THIRD PARTY TO FACILITATE AND IMPLEMENT THE REPORT AND RECOMMENDATIONS OF THE REVIEW COMMITTEE - PRIOR to reading:

CAMP Moved to amend Bill No. 06R-113S on page 1, at the end of line 18, add the following language: through further action of the City Council.
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Eschliman; NAYS: Cook, Marvin, McRoy, Newman, Svoboda.

MARVIN Moved to amend Bill No. 06R-113S on page 1, line 12, strike "a designated third party" and insert in lieu thereof the following language: EMS, Inc. and on page 1, line 17, strike "a designated third party" and insert in lieu thereof the following language: EMS, Inc.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

COOK Offered a friendly amendment as follows: at line 16 after the word adopted; "with the exception of the ambulance rate increase which is now referred to the EMS Committee for its written recommendation and further action by the City Council" was accepted by Marvin.

COOK Moved to amend Bill No. 06R-113S on page 1, after line 6, insert a new paragraph as follows: WHEREAS, the City of Lincoln currently provides emergency ambulance services in the county outside the city limits at a deficit of approximately \$300,000 annually and without an interlocal agreement in place to clarify legal and liability issues; 2. Delete lines 10 and 11 and insert in lieu thereof the following: WHEREAS, some of the recommendations have already been implemented and the City Council desires further examination of the medical impacts of the remaining recommendations; and; 3. Delete lines 14 through 18 and insert in lieu thereof the following: NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Lincoln, Nebraska, that the April 2006 Five-Year Review and its twenty-three (23) recommendations are hereby received for further consideration; and BE IT FURTHER RESOLVED that a designated third party be appointed to further consider and examine the recommendations for impacts on citizen health care delivery and to facilitate the implementation of those portions they find compatible with community goals for ambulance service while balancing the EMS budget; and BE IT FURTHER RESOLVED that the City Council of the City of Lincoln, Nebraska requests that the Administration enter into interlocal legal agreements by September 1, 2006 with the appropriate entities in the county to address liability concerns and to receive necessary compensation for the provision of ambulance service in the county by the City of Lincoln.
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Camp.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83876 WHEREAS, in January of 2001 Lincoln Fire and Rescue became the emergency and pre-hospital care provider and transport agency for the City of Lincoln; and
WHEREAS, in February of 2004 the non-emergent transport service was transferred to another provider; and
WHEREAS, the Lincoln Fire and Rescue has requested an annual \$250,000.00 subsidy from the General Fund of the City of Lincoln to balance its projected budget; and
WHEREAS, the City of Lincoln currently provides emergency ambulance services in the county outside the city limits at a deficit of approximately 4300,000 annually and without an interlocal agreement in place to clarify legal andn liability issues; and
WHEREAS, an independent review committee was formed to review all aspects of emergency care and has issued its Five-Year Review dated April 2006, with twenty-three (23) recommendations, a copy of which is attached to this Resolution; and
~~WHEREAS, the City Council is desirous of implementing the Five-Year Review and all twenty three (23) recommendations; and~~
WHEREAS, some of the recommendations have already been implemented and the City Council desires further examination of the medical impacts of the remaining recommendations; and
WHEREAS, ~~a designated third party~~ EMS, Inc. may be able to mediate, coordinate and implement the report and recommendations to benefit the citizens of Lincoln.
~~NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the April 2006 Five-Year Review and its twenty-three (23) recommendations are hereby adopted; and~~
~~BE IT FURTHER RESOLVED that a designated third party be appointed~~

~~to facilitate and implement the Report and recommendations of the review committee.~~

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Lincoln, Nebraska, that the April 2006 Five-Year Review and its twenty-three (23) recommendations are hereby received for further consideration; and

BE IT FURTHER RESOLVED that EMS, Inc. Be appointed to further consider and examine the recommendations for impacts on citizen health care delivery and to facilitate the implementation of those portions they find compatible with community goals for ambulance service while balancing the EMS budget; and

BE IT FURTHER RESOLVED that the City Council of the City of Lincoln, Nebraska requests that the Administration enter into interlocal legal agreements by September 1, 2006 with the appropriate entities in the county to address liability concerns and to receive necessary compensation or the provision of ambulance service in the county by the City of Lincoln.

WHEREAS, the rat resolution has been referred to EMS, Inc. For its written recommendation and further action by the City Council

Introduced by Jon Camp

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

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

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 - PRIOR to reading:

COOK Moved to amend Bill No. 05R-262 in the following manner: 1. Divide Bill No. 05R-262 into two parts consisting of (a) 05R-262A and (b) 05R-262B as shown on attachments "A" and "B" attached hereto, respectively; 2. That the 10-27-05 Prairie Village North Conditional Annexation and Zoning Agreement, marked as Attachment "A" to Bill No. 05R-262 and the 11-10-05 Prairie Village North Conditional Annexation and Zoning Agreement, marked as Attachment "A" to motion to amend No. 1, be replaced and superceded by the 6-5-06 Prairie Village Center Conditional Annexation and Zoning Agreement, marked as Attachment "A" to Bill No. 05R-262A and by the 6-2-06 Prairie Village North Conditional Annexation and Zoning Agreement marked as Attachment "A" to Bill No. 05R-262B.

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

MARVIN Moved to accept 05R-262 Substitute A signed by the applicant.
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 Jonathan Cook, who moved its adoption:

A-83877 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Prairie Village Center Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Dubois Land LLC, Prairie Village North LLC, Prairie Home Builders Inc., and Ryland Group LLC, outlining certain conditions and understandings relating to the annexation of approximately 88.80 acres located at N. 84th and Adams Street under a Planned Unit Development, is approved.

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

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

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

Introduced by Jonathan Cook

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

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MARVIN Moved to accept 05R-262 Substitute B by the developer.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who
moved its adoption:

A-83878 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the agreement titled Prairie Village North Conditional
Annexation and Zoning Agreement, which is attached hereto, marked as
Attachment "A" and made a part hereof by reference, between the City of
Lincoln and Dubois Land LLC, Prairie Village North LLC, Prairie Home
Builders Inc., and Ryland Group LLC, outlining certain conditions and
understandings relating to the annexation of approximately 60.29 acres
along with approximately 23 acres located at the southeast corner of N.
84th and Adams Street under a Planned Unit Development, is approved.

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

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

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

Introduced by Jonathan Cook

Seconded by McRoy & 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 - CLERK read an ordinance, introduced by Robin
Eschliman, amending the Lincoln Corporate Limits Map by annexing
approximately 149.09 acres of property generally located at North 84th
Street and Adams Street, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18735**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

MCROY Moved to amend Bill No. 06-78 as follows: 1. That the May 25,
2006 Highway 77 & Warlick Boulevard Conditional Annexation and Zoning
Agreement, which is attached hereto marked as Exhibit "C" replace and
supercede the May 11, 2006 Highway 77 & Warlick Boulevard Conditional
Annexation and Zoning Agreement attached to Bill No. 06-78 as Exhibit
"C".

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

MARVIN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18736**, is recorded in Ordinance Book #25, Page

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 - 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 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 **#18737**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

SVOBODA Moved to amend Bill No. 06-74 as follows: 1. On page 6, lines 16 & 17, delete the words "as set forth in their application (including the Southwest Village P.U.D. General Notes and Southview Village P.U.D. Site Plan, General Site Notes)" and insert in lieu thereof the following: attached hereto marked as Attachment "A" and incorporated herein by reference.; 2. That the Development Plan attached hereto marked as Attachment "A" be adopted and included as Attachment "A" to Bill No. 06-74.

Seconded by Marvin & 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 third time.

ESCHLIMAN Moved to pass the ordinance as amended.

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

The ordinance, being numbered #18738, is recorded in Ordinance Book #25, Page

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 - CLERK read an ordinance, introduced by Robin Eschliman, Read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18739, is recorded in Ordinance Book #25, Page

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 26, 2006 AT 5:30 P.M. FOR THE APPLICATION OF IRIE, INC. DBA DOC'S PLACE FOR AN ADDITION OF THE MAIN FLOOR OF A 5 STORY IRREGULAR SHAPED BUILDING APPROXIMATELY 50' X 50' INCLUDING SIDEWALK CAFÉ' APPROXIMATELY 15' X 36' TO PREMISE AT 140 N. 8TH STREET, SUITE 150 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83879 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 26, 2006 at 5:30 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 Irie, Inc. dba Doc's Place for an addition to premise to main floor of 5 story irregular shaped building approximately 50' x 50', including sidewalk café approximately 15' x 36' located at 140 N. 8th Street, Suite 150.

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

Introduced by Ken Svoboda

Seconded by Marvin & 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 06023 - App. of Director of Planning Dept. to amend Title 27 of the LMC to increase application fees. Amending Chapter 27.80.

Change of Zone 06039 - App. of Director of Planning Dept. to allow outdoor dining when associated with a restaurant in the front yard of the O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts. Amend where patios and paved terraces are allowed in the front yard in Sec. 27.72.100. Amend Sec. 27.71.115 to allow canopies in the front yard in the O-3, B-3, B-5, H-4, I-2 & I-3

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districts. Amend Sec. 27.03 to add a definition for outdoor dining. Amend Sec. 27.71.030 to add the O-3 district. Amend Sec. 27.27.070 to require the entire front yard to be landscaped, except for necessary paving of walkways and driveways to reach parking and loading areas, provided that any driveway in the front yard shall be substantially perpendicular to the street and shall not have wider than 30 feet. Amend Chapter 27.67 - Parking to exempt outdoor dining off-street parking requirements.

Special Permit 06036 - App. of Verizon Wireless LLC for a wireless antenna, on property between N. 50th & N. 56th Streets and Madison and Huntington Avenues.

Special Permit 06037 - App. of Al Scribner for expansion of a non-conforming use to build an addition onto the existing church on property located at S. 6th St. & D St.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JUNE 5, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(8-71)**

INVESTMENT OF FUNDS FOR THE QUARTER ENDING FEBRUARY 28, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-83880 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Ken Svoboda

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

APPOINTING JANICE DRIESBACH TO THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING APRIL 27, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-86881 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Janice Driesbach to the Parks and Recreation Advisory Board to fill an unexpired three-year term expiring April 27, 2007, is hereby approved.

Introduced by Annette McRoy

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

REAPPOINTING DENNIS SCHEER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2008 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83882 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dennis Scheer to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2008, is hereby approved.

Introduced by Annette McRoy

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

REAPPOINTING PATRICIA A. OWEN, MICHELLE ZUHLKE, AND RITA COX TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR ONE-YEAR TERMS EXPIRING JANUARY 1, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83883 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Patricia A. Owen, Michelle Zuhlke, and Rita Cox to the Government Access and Information Committee for one-year terms expiring January 1, 2007, is hereby approved.

Introduced by Annette McRoy

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

ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE NORTH 27TH STREET IMPROVEMENT MAINTENANCE DISTRICT AND SETTING THE INTEREST RATE OF 6.05% - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83884 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed June 5, 2006, to pay the costs of the improvements in the North 27th Street Maintenance Business Improvement District are hereby levied and shall bear interest at 6.05% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Ken Svoboda

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

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH & APRIL, 2006 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE FIRST QUARTER, JANUARY - MARCH 31, 2006 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT OF CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE QUARTER JAN.- MAR., 2006: NETIFICE, ACCESSLINE, OPEX, IDT, AIR CELL, T-MOBILE CENTRAL, FAST PHONES OF NEBRASKA, TELENATIONAL, SOUTHWEST, RELIANCE COMM. INTL.; MARCH, 2006: EARTHLINK, COVISTA, TELECORP., NETWORK BILLING SYSTEMS, 306NETWORKS(USA), GUARANTEED PHONE SERVICE, TWC INFO SERVICES OF NE, NEW CINGULAR, ALLTEL COMM. OF NEBRASKA, ALLTEL, ALLTEL NEBRASKA INC., ALLTEL SYSTEMS OF THE MIDWEST, CRICKET, AT&T COMM OF MIDWEST, USCOC OF GREATER IOWA, NEBRASKA TECHNOLOGY & TELECOMM. VOICECOM, XO COMM., ENHANCED, BUSINESS TELECOM, TRACPHONE, CINCINNATI BELL, PNG, PRIMUS, INTELICALL OPERATOR SERVICES, MCLEOD USA, UCN, BROADWING, WHO'S CALLING, ONSTAR, ADVANCED TEL, VIRGIN MOBILE USA, TRANS NATIONAL COMM. INT'L, ACN, QWEST, GLOBAL CROSSING, VERIZON SELECT SERVICES, BELL ATLANTIC, USCOC OF NE/KS, BROADBAND DYNAMICS, WORKING ASSETS FUNDING, QUANTUM SHIFT, IBM GLOBAL, KDDI AMERICA, TELEPLUS WIRELESS, BUSINESS PRODUCTS SOLUTIONS, NORSTAN NETWORK; APRIL 2006: SPRINT SPECTRUM, GUARANTEED PHONE SERVICE, NETWORK BILLING SYSTEMS, ACCERIS MANAGEMENT & ACQUISITION LLC, NEXTEL WEST, 36ONETWORKS, LIGHTYEAR NETWORK SOLUTIONS, LONG DISTANCE, BT AMERICAS, GLOBALCOM, GTC TELECOM, ZONE TELECOM, LDMI, NOS, AFFINITY NETWORK, ACCERIS, TRI-M, NOSVA, EXCEL, VARTEC, ATS, SPRINT, NEXTEL, D&D, TWC INFO SERVICES OF NE, MCI WORLDCOM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

APPROVING THE HIGHLAND VIEW CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND HIGHLANDS PRAIRIE VILLAGE LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 154.77 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. ALVO ROAD.

ANNEXATION 05004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HIGHWAY 34 AND W. ALVO ROAD - CLERK read an ordinance, introduced by Ken Svoboda, 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 as shown thereon, the first time.

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CHANGE OF ZONE 05022 - APPLICATION OF PRAIRIE HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HIGHWAY 34 AND W. ALVO ROAD - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION 06008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.0 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 80TH STREET AND AMBER HILL ROAD - CLERK read an ordinance, introduced by Ken Svoboda, 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.

AMENDING CHAPTER 10.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO ACCIDENTS AND ACCIDENT REPORTS BY REPEALING SECTIONS 10.10.010, 10.10.020 AND 10.10.030, RELATING TO LEAVING THE SCENE OF ACCIDENTS, BECAUSE LEGISLATIVE CHANGES IN STATE STATUTE PENALTIES EXCEED THE CITY'S STATUTORY AUTHORITY; AND AMENDING SECTION 10.10.040 TO REQUIRE DRIVERS TO IMMEDIATELY REPORT TO POLICE DAMAGE TO TRAFFIC CONTROL DEVICES AND PUBLIC UTILITY FIXTURES FOR PROTECTION OF PUBLIC SAFETY AND WELFARE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 14, 2006 - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 10.10 of the Lincoln Municipal Code relating to Accidents and Accident Reports by repealing Sections 10.10.010, 10.10.020, and 10.10.030 relating to leaving the scene of accidents because legislative changes in state statute penalties exceed the City's statutory authority, amending Section 10.10.040 to require drivers to immediately report to police damage to traffic control devices and public utility fixtures for protection of public safety and welfare; repealing Section 10.10.040 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of July 14, 2006, the first time.

AMENDING SECTIONS 10.16.030 AND 10.16.040 OF THE LINCOLN MUNICIPAL CODE BY AMENDING PENALTY PROVISIONS FOR DRIVING UNDER THE INFLUENCE AND REFUSAL TO SUBMIT TO ALCOHOL TESTING TO CONFORM WITH CHANGES MADE IN STATE STATUTES AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 14, 2006 - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code by amending penalty provisions for driving under the influence and refusal to submit to alcohol testing to conform with changes made in state statutes required by law; repealing Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of July 14, 2006, the first time.

AMENDING SECTIONS 10.06.110 AND 10.06.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO ISSUING CITATIONS AND PAYMENT OF FINES AND COSTS, RESPECTIVELY, BY REPEALING REFERENCE TO EQUIPMENT VIOLATIONS UNDER CHAPTER 10.22 BEING PROCESSED BY THE VIOLATIONS BUREAU AND TO MAINTAIN CONSISTENCY WITH STATE STATUTE AND OTHER RULES OF THE ROAD - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 10.06.110 and 10.06.120 of the Lincoln Municipal Code relating to Issuing Citations and Payment of Fines and Costs, respectively, by repealing reference to equipment violations under Chapter 10.22 being processed by the Violations Bureau and to maintain consistency with state statute and other Rules of the Road; and repealing Sections 10.06.110 and 10.06.120 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD 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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18740, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18741, is recorded in Ordinance Book #25, Page

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 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83885 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Grand Terrace Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Dubois, LLC, and Clarendon Hills Road Improvement District, outlining certain conditions and understandings relating to the annexation of approximately 70 acres of property generally located west of S. 84th Street and south of Highway 2, 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 Dan Marvin

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

ANNEXATION 06001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 70 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND HIGHWAY 2 - 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 third time.

MARVIN Moved to pass the ordinance as read.

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

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Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18742**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18743**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18744**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18745**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18746**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION

Bill Crawford

Topic: Differences between Servant Cab and OmaLink in Omaha. And Public Service Commission. - Mr. Crawford was unable to attend this meeting.

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 19, 2006.
Seconded by Cook & 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 19, 2006.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 4:45 P.M.

CAMP Moved to adjourn the City Council meeting of June 12, 2006.
Seconded by Cook & 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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