

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 26, 2006 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; Deputy City Clerk, Teresa J. Meier.

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

CAMP Having been appointed to read the minutes of the City Council proceedings of June 19, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF IRIE, INC. DBA DOC'S PLACE TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 15 FT. BY 36 FT. TO THE WEST AT 140 N. 8TH ST., SUITE 150 - Troy Falk, 801 P Street, came forward to take oath and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 06037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE FROM COUNTY B BUSINESS TO CITY H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED 850 FT. SOUTH OF THE INTERSECTION OF S. 134TH ST. AND O ST. - Marvin Krout, Director of Planning, came forward to explain the zone change for a mini warehouse. Discussion followed.

Rudy Strnot, 7301 Briarhurst Dr., property owner, came forward to answer questions about development of the self-storage units.

This matter was taken under advisement.

CHANGE OF ZONE 06038 - APPLICATION OF SUMMIT HOMES FOR A CHANGE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. AND FOLKWAYS BLVD. - Mark Palmer, Olsson Associates, 1111 Lincoln Mall, came forward representing the applicant, to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HY-VEE, INC. FOR THE REDEVELOPMENT OF A PORTION OF SUB-PROJECT AREA B LOCATED ON THE NORTHEAST CORNER OF 50TH AND O STS. IN CONNECTION WITH CITY SPECIFICATION NO. 05-049 - Darl Naumann, Economic Development Coordinator, came forward to answer questions. Discussion followed.

Joel Pedersen, Asst. City Attorney, came forward to explain the assessment district. Discussion followed.

Wynn Hjermstad, Urban Development, came forward to answer questions. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward to answer questions.

Dennis Ausenhus, Senior V.P. of Real Estate for Hy-Vee, West Des Moines, IA, came forward to answer questions. Discussion followed.

Tamas R. Allen, 1045 Lincoln Mall, Suite 300, Manager of Village Development - O Street, LLC, came forward in support. Discussion followed.

Don Linscott, 300 N. 44th, Suite 100, CCIM, property owner on the east side of 50th St., came forward in support. Discussion followed.

Richard Esquivel, 733 W. Cuming, came forward to comment.

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

This matter was taken under advisement.

MISC. 06008 - APPLICATION OF BOTTLERS LLC TO REDUCE THE PARKING REQUIREMENTS DUE TO A CHANGE IN USE WITHIN A MIXED-USE BUILDING LOCATED AT 643 S. 25TH ST., KNOWN AS THE BOTTLERS BUILDING - Jerry Nelson, Thompson Realty Group, 2930 Ridgeline Rd., came forward representing the applicant, to answer questions. Discussion followed.

This matter was taken under advisement.

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ORDERING THE CONSTRUCTION OF SIDEWALKS PURSUANT TO § 14.80.070 OF THE LINCOLN MUNICIPAL CODE IN THE FOLLOWING GENERAL LOCATIONS: NORTH SIDE OF PIONEERS BLVD. FROM 280 FT. EAST OF S. 59TH ST. CT. TO RIDGEVIEW DR.; SOUTH SIDE OF OLD CHENEY RD. FROM 400 FT. WEST OF S. 62ND ST. TO S. 70TH ST.; WEST SIDE OF S. 70TH ST. FROM OLD CHENEY RD. TO NEBRASKA HWY 2; EAST SIDE OF S. 70TH ST. FROM STEVENS RIDGE RD. TO PINE LAKE RD.; SOUTH SIDE OF STEVENS RIDGE RD. ADJACENT TO OUTLOT "A" AND LOT 1, BLOCK 1, EDENTON SOUTH ADD. REPLAT; SOUTH SIDE OF PINE LAKE RD. FROM HELEN WITT DR. TO 560 FT. EAST OF HELEN WITT DR.; NORTH SIDE OF NORMAL BLVD. FROM S. 62ND ST. TO 390 FT. WEST OF PARK CREST DR.; SOUTH SIDE OF LEIGHTON AVE. FROM 120 FT. EAST OF N. 82ND ST. TO N. 84TH ST.; EAST SIDE OF N. 84TH ST. FROM VINE ST. TO 540 FT. NORTH OF LARSON BLVD.; NORTH SIDE OF HUNTINGTON AVE. FROM N. 33RD ST. TO N. 35TH ST.; NORTH SIDE OF HUNTINGTON/LEIGHTON AVE. FROM N. 43RD ST. TO N. 44TH ST.; WEST SIDE OF N. 33RD ST. FROM SUPERIOR ST. NORTH 520 FT.; THE NORTH SIDE OF SUPERIOR ST. FROM N. 33RD ST. WEST 320 FT.; NORTH SIDE OF FLETCHER AVE. FROM N. 27TH ST. WEST 310 FT.; WEST SIDE OF N. 27TH ST. FROM FLETCHER AVE. NORTH 300 FT.; WEST SIDE OF N. 27TH ST. FROM 580 FT. SOUTH OF FLETCHER AVE. SOUTH 500 FT.; WEST SIDE OF N. 26TH ST. FROM 390 FT. NORTH OF KENSINGTON DR. NORTH 360 FT.; EAST SIDE OF N.W. 12TH ST. FROM W. COMMERCE WAY TO W. HIGHLAND BLVD.; WEST SIDE OF N.W. 48TH ST. FROM W. HUNTINGTON AVE. TO W. ADAMS ST.; NORTH SIDE OF W. ST. PAUL AVE. FROM N.W. 52ND ST. WEST 115 FT.; SOUTH SIDE OF W. ST. PAUL AVE. FROM N.W. 52ND ST. TO N.W. 53RD ST.; WEST SIDE OF N.W. 52ND ST. FROM W. HUNTINGTON AVE. TO W. ST. PAUL AVE.; SOUTH SIDE OF W. HUNTINGTON AVE. FROM N.W. 52ND ST. EAST 105 FT.; NORTH SIDE OF W. LEIGHTON AVE. FROM THE EAST LINE OF N.W. 52ND ST. WEST 300 FT.; ALL WITHIN THE CITY OF LINCOLN WHERE SIDEWALKS DO NOT CURRENTLY EXIST - Scott Opfer, Traffic Engineering Manager, came forward to answer questions. Discussion followed.

Harry Kroos, Traffic Engineering - Sidewalk Services, came forward to answer questions. Discussion followed.

Jeff Peterson, 7515 Whitlock Pl., Administrative Pastor at Lincoln Berean Church, came forward in opposition to constructing a sidewalk at 70th & Highway 2. Discussion followed.

Dr. William Wyman, 7134 Stevens Ridge Rd., Member of the Edenton South Homeowners Association Board of Directors, came forward in opposition. Discussion followed.

Holly Ostergard, 7001 Stevens Ridge Rd., Board Member of Edenton South, came forward in opposition. Discussion followed.

Harry Herrington, 7024 Culwells Ct., came forward in opposition.

Tom Gapp, 7501 S. 70th St., Council President of Sheridan Lutheran Church, came forward in opposition. Discussion followed.

Robert Winters, 6111 Old Cheney Rd., came forward in opposition.

Linda Lyon, 911 Daybreak Dr., came forward in opposition.

Sherleen Collett, 941 Daybreak Dr., came forward in opposition.

Pam Ford, 901 Daybreak Dr., came forward in opposition.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, representing Sea Breeze Development, LLC, came forward in opposition.

This matter was taken under advisement.

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

TOOK BREAK 9:00 P.M.

RECONVENED 9:12 P.M.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF IRIE, INC. DBA DOC'S PLACE TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 15 FT. BY 36 FT. TO THE WEST AT 140 N. 8TH ST., SUITE 150 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-83891 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 Irie, Inc. d/b/a Doc's Place to expand its licensed premises by the addition of an area measuring 15 feet by 36 feet to the west of the presently licensed premises located at 140 North 8th Street,

Suite 150, 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 Annette McRoy

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

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

ANNEXATION 06010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.07 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 10TH STREET AND MORTON STREET - CLERK read an ordinance, introduced by Jon Camp, 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 06033 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WHISPERING WIND BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 06037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM COUNTY B BUSINESS DISTRICT TO CITY H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED 850 FEET SOUTH OF THE INTERSECTION OF SOUTH 134TH STREET AND O STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 06038 - APPLICATION OF SUMMIT HOMES FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FOLKWAYS BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the 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 JUNE 1 - 15, 2006 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83892 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 15, 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>	
Allied Insurance		Galen Miller & Leisa Miller	\$ 500.00
(Claim No. 26E60638)	\$3,192.88	Andrea Bukoske & Timothy Bukoske	1,500.00
State Farm Insurance		Laurie A. Colburn	3,000.00
(Claim No. 27-7735-785)	686.13	Jeff Wolgamott	4,107.40
Progressive Insurance		American Red Cross	420.00
(Claim No. 057268244)	3,979.78	Brenda Pick	9,500.00

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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 Jon Camp

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

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HY-VEE, INC. FOR THE REDEVELOPMENT OF A PORTION OF SUB-PROJECT AREA B LOCATED ON THE NORTHEAST CORNER OF 50TH AND O STS. IN CONNECTION WITH CITY SPECIFICATION NO. 05-049 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83893 WHEREAS, the City has undertaken a program for the redevelopment of blighted and substandard areas in the City of Lincoln, Nebraska, and as part of that program the City has prepared and approved the 48th and O Street Redevelopment Plan (the "Redevelopment Plan") providing for redevelopment in the City of Lincoln in the vicinity of 48th and O Streets, a copy of which, together with any and all amendments thereto, is on file in the Office of the City Clerk of the City; and

WHEREAS, on April 15, 2005, Hy-Vee, Inc. ("Redeveloper") submitted a Proposal for Redevelopment to the City, in response to the City's Request for Proposals, Specification No. 05-049, with respect to the redevelopment of the real property generally located at the northeast corner of 50th and O Streets, Lincoln, Lancaster County, Nebraska, more particularly described in the Legal Description attached to the Redevelopment Agreement (the "Project Site"); and

WHEREAS, a proposed redevelopment Agreement, by and between the City and the Redeveloper which provides for the Redevelopment of the Project Site and the construction of public improvements by the City in connection with and in furtherance of the Redevelopment within the area, has been presented to the City Council in accordance with law; and

WHEREAS, the City and Developer desire to enter into this Agreement to implement the redevelopment of the Project Site for the purposes in accordance with the Redevelopment Plan; and

WHEREAS, the redevelopment of the Project Site is in the vital and best interest of the City and is in furtherance of the health, safety, and welfare of its residents, and is in accordance with the public purposes and provisions of applicable laws and requirements under which the Redevelopment Plan has been undertaken; and

WHEREAS, The City Council directed that the Urban Development Director or his authorized representative take all steps necessary to implement the provisions of said Redevelopment Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska and considering: (a) the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project:

1. That the attached Redevelopment Agreement between the City of Lincoln and Redeveloper for the redevelopment of the Project Site on the northeast corner of 50th and O Streets, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

2. The Redevelopment Project Area for the Redevelopment Project comprising the property to be included in the area subject to the increment provision authorized in the Nebraska Community Development Law related to the project commencing hereafter as provided by law is hereby adopted and approved; said property being legally described in the Legal Description attached to the Redevelopment Agreement, and including the abutting streets, alleys and rights-of-way thereto.

3. The findings in connection with the adoption of the Redevelopment Plan are hereby ratified and approved, and the City Council hereby determines that the use of the increment provision authorized in the Nebraska Community Development Law is necessary and appropriate in furtherance of the Redevelopment Plan and that the redevelopment would otherwise not occur in this area but for the use of such financing.

4. The Finance Director is hereby authorized to transfer funds and administer the same so that adequate funds are available to the City for the contemplated transactions and obligations in the Redevelopment Agreement.

5. The City Clerk is directed to return one fully executed copy of the Agreement to the Urban Development Department for distribution.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute such other documents, agreements, or amendments to the above referenced Redevelopment Agreement as may be necessary to effectuate the purposes and intent thereof.

Introduced by Jon Camp

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

Moved to reconsider.

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

MARVIN Moved to amend Bill No. 06R-119 to accept the newly revised Exhibit "F".

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

FINAL VOTE AS AMENDED:

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

MISC. 06008 - APPLICATION OF BOTTLERS LLC TO REDUCE THE PARKING REQUIREMENTS DUE TO A CHANGE IN USE WITHIN A MIXED-USE BUILDING LOCATED AT 643 S. 25TH ST., KNOWN AS THE BOTTLERS BUILDING - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83894 WHEREAS, Bottlers, LLC, has submitted an application designated as Miscellaneous No. 06008 for authority to reduce the required parking in a mixed use building on property generally located at S. 25th Street and Randolph Street, and legally described as:

Lots 13, 14, 15 and 16, and portions of Lots 11 and 12, Block 13, Young's East Lincoln Addition and portions of Lots 1 and 2 of Block 14, Young's East Lincoln Addition, and a part of Lot 1, Block 2, J.D. Young's South Addition, Lincoln, Lancaster County, Nebraska (hereinafter the "Property"); and

WHEREAS, the Property currently provides 85 off-street parking spaces; and

WHEREAS, the owner wishes to lease space for a coffee shop but cannot do so because an additional nine parking stalls would be required for this proposed use which are not available; and

WHEREAS, further changes in use may occur which likewise would require more than the 85 existing spaces; and

WHEREAS, it is the owner's intent to promote the continuing evolution of the building and the mixture of uses and services it provides; and

WHEREAS, a survey of the site by staff reveals that numerous parking spaces are available with the current uses in place and that adequate parking is available on-site to serve the proposed coffee shop and other potential changes in use of the building; and

WHEREAS, the Planning Department supports an adjustment to the required parking for this Property based upon the following schedule: retail/office: one space per 300 square feet; restaurant: one space per 200 square feet; warehouse: one space per employee on maximum shift, or per 1,000 square feet, whichever is less; art school: one per four students, plus one per staff member; all other uses: as per regulations in the H-3 zoning district.

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

That the application of Bottlers, LLC, to reduce the required parking on the Property be and the same is hereby granted under the provisions of Section 27.67.030(f) of the Lincoln Municipal Code upon condition that development of the mixed use building on the Property be in strict compliance with the following express term, conditions, and requirements:

1. This resolution approves a reduced parking for the mixed use building on the Property described above, provided that parking for the building be provided upon the following schedule: retail/office: one space per 300 square feet of floor area; restaurant: one space per 200 square feet of floor area; warehouse: one space per employee on maximum shift, or per 1,000 square feet, whichever is less; art school: one per four students, plus one per staff member; all other uses: as per

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regulations in the H-3 zoning district.

2. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon Bottlers, LLC, and its successors and assigns.

3. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 60 days following approval of this resolution, provided, however, the 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this reduced parking and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by Bottlers, LLC.

Introduced by Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE COUNTY OF LANCASTER TO CONTRIBUTE EQUALLY THE LOCAL MATCHING PORTION OF THE FEDERAL FUNDS OBLIGATED FOR THE EAST BELTWAY PRELIMINARY DESIGN, CORRIDOR PROTECTION, AND ROW (STATE PROJ. #DPU-55 (156), CONTROL #12848, CITY #542702) - PRIOR to reading:

COOK Moved to continue Public Hearing & Action on Bill No. 06R-121 to 7/10/06.

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR FEDERAL FUNDS TO BE OBLIGATED AND USED FOR THE EAST BELTWAY PRELIMINARY DESIGN, CORRIDOR PROTECTION, AND ROW (STATE PROJ. #DPU-55 (156), CONTROL #12848, CITY #542702) - PRIOR to reading:

COOK Moved to continue Public Hearing & Action on Bill No. 06R-122 to 7/10/06.

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

ORDERING THE CONSTRUCTION OF SIDEWALKS PURSUANT TO § 14.80.070 OF THE LINCOLN MUNICIPAL CODE IN THE FOLLOWING GENERAL LOCATIONS: NORTH SIDE OF PIONEERS BLVD. FROM 280 FT. EAST OF S. 59TH ST. CT. TO RIDGEVIEW DR.; SOUTH SIDE OF OLD CHENEY RD. FROM 400 FT. WEST OF S. 62ND ST. TO S. 70TH ST.; WEST SIDE OF S. 70TH ST. FROM OLD CHENEY RD. TO NEBRASKA HWY 2; EAST SIDE OF S. 70TH ST. FROM STEVENS RIDGE RD. TO PINE LAKE RD.; SOUTH SIDE OF STEVENS RIDGE RD. ADJACENT TO OUTLOT "A" AND LOT 1, BLOCK 1, EDENTON SOUTH ADD. REPLAT; SOUTH SIDE OF PINE LAKE RD. FROM HELEN WITT DR. TO 560 FT. EAST OF HELEN WITT DR.; NORTH SIDE OF NORMAL BLVD. FROM S. 62ND ST. TO 390 FT. WEST OF PARK CREST DR.; SOUTH SIDE OF LEIGHTON AVE. FROM 120 FT. EAST OF N. 82ND ST. TO N. 84TH ST.; EAST SIDE OF N. 84TH ST. FROM VINE ST. TO 540 FT. NORTH OF LARSON BLVD.; NORTH SIDE OF HUNTINGTON AVE. FROM N. 33RD ST. TO N. 35TH ST.; NORTH SIDE OF HUNTINGTON/LEIGHTON AVE. FROM N. 43RD ST. TO N. 44TH ST.; WEST SIDE OF N. 33RD ST. FROM SUPERIOR ST. NORTH 520 FT.; THE NORTH SIDE OF SUPERIOR ST. FROM N. 33RD ST. WEST 320 FT.; NORTH SIDE OF FLETCHER AVE. FROM N. 27TH ST. WEST 310 FT.; WEST SIDE OF N. 27TH ST. FROM FLETCHER AVE. NORTH 300 FT.; WEST SIDE OF N. 27TH ST. FROM 580 FT. SOUTH OF FLETCHER AVE. SOUTH 500 FT.; WEST SIDE OF N. 26TH ST. FROM 390 FT. NORTH OF KENSINGTON DR. NORTH 360 FT.; EAST SIDE OF N.W. 12TH ST. FROM W. COMMERCE WAY TO W. HIGHLAND BLVD.; WEST SIDE OF N.W. 48TH ST. FROM W. HUNTINGTON AVE. TO W. ADAMS ST.; NORTH SIDE OF W. ST. PAUL AVE. FROM N.W. 52ND ST. WEST 115 FT.; SOUTH SIDE OF W. ST. PAUL AVE. FROM N.W. 52ND ST. TO N.W. 53RD ST.; WEST SIDE OF N.W. 52ND ST. FROM W. HUNTINGTON AVE. TO W. ST. PAUL AVE.; SOUTH SIDE OF W. HUNTINGTON AVE. FROM N.W. 52ND ST. EAST 105 FT.; NORTH SIDE OF W. LEIGHTON AVE. FROM THE EAST LINE OF N.W. 52ND ST. WEST 300 FT.; ALL WITHIN THE CITY OF LINCOLN WHERE SIDEWALKS DO NOT CURRENTLY EXIST - PRIOR to reading:

MCROY Moved to have Action Delayed on Bill No. 06R-123 for two weeks to 7/10/06.

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

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF JULY 10, 2006 FOR THE APP. OF B & R STORES, INC. DBA RUSS'S MARKET 16 FOR A CLASS C LIQUOR LICENSE AT 4400 S. 33RD STREET COURT.

A-83895 BE IT RESOLVED by the City Council, of the City of Lincoln, that a

hearing date is hereby set for Monday, July 10, 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 the application of B & R Stores, Inc. dba Russ's Market 16 for a Class C liquor license located at 4400 S. 33rd Street Court.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF JULY 10, 2006 FOR THE APP. OF B & R STORES, INC. DBA RUSS'S MARKET 1 FOR A CLASS C LIQUOR LICENSE AT 1709 WASHINGTON STREET.

A-83896 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 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 the application of B & R Stores, Inc. dba Russ's Market 1 for a Class C liquor license located at 1709 Washington Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF JULY 10, 2006 FOR THE APP. OF B & R STORES, INC. DBA RUSS'S MARKET 15 FOR A CLASS C LIQUOR LICENSE AT 2840 S. 70TH STREET.

A-83897 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 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 the application of B & R Stores, Inc. dba Russ's Market 15 for a Class C liquor license located at 2840 S. 70th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF JULY 10, 2006 FOR THE APP. OF B & R STORES, INC. DBA RUSS'S MARKET 21 FOR A CLASS C LIQUOR LICENSE AT 1550 S. CODDINGTON STREET.

A-83898 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 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 the application of B & R Stores, Inc. dba Russ's Market 21 for a Class C liquor license located at 1550 S. Coddington Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF JULY 17, 2006 FOR THE APP. OF STL OF NEBRASKA, INC. DBA TARGET STORE T-0217 FOR A CLASS DK LIQUOR LICENSE AT 333 N. 48TH STREET.

A-83899 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 17, 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 the application of STL, Inc. dba Target Store T-0217 for a Class DK liquor license located at 333 N. 48th Street.

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

Introduced by Jonathan Cook

Seconded by Svoboda & 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 06035: App. of the Director of Parks and Recreation, from P Public Use District to O-2 Suburban Office District, on property

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located at University Place Park, 49th Street to 51st Street.

Change of Zone 06040: App. of the 40th & "A" Neighborhood Association, from B-1 Local Business District, B-3 Commercial District, and R-6, R-5, and R-4 Residential Districts to R-4 and R-2 Residential Districts, on property generally located between 40th and 48th Streets, from Randolph to "A" Streets.

Change of Zone 06041: App. of ESP, Inc., from AG Agricultural District to I-3 Employment Center District, on property generally located at S. 14th Street and Yankee Hill Road.

Use Permit No. 117B: App. of ESP, Inc., for an amendment to expand the boundary of the use permit to allow an additional 37,000 square feet of commercial and office floor area, with a waiver request to allow lots without frontage to a public street or private roadway, on property generally located at S. 14th Street and Yankee Hill Road.

Use Permit No. 04006A: App. of ESP, Inc., for an amendment to reduce the rear yard setback, on property generally located at NW 1st Street and Highlands Boulevard.

Special Permit No. 06039: App. of LeGrande Excavating, for a limited landfill, on property generally located at SW 20th Street and West "O" Street.

REPORTS OF CITY OFFICERS

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS ON MAY 31, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 12, 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 JUNE 19, 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 ROBERT AND JANETTE FIALA FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) AT 370 FIFTH ST., DAVID CITY, NEBRASKA - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Robert and Janette Fiala for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) at 370 Fifth Street, David City, NE, for a thirteen month term from May 1, 2006 through may 31, 2007, the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER N BY CREATING THE JOB CLASSIFICATION OF "PROPERTY AND EVIDENCE TECHNICIAN" - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18588 passed August 8, 2005, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N", by creating the job classification of "Property and Evidence Technician", the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER A BY CREATING THE JOB CLASSIFICATION OF "BUYER" - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18594 passed August 8, 2005, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of "Buyer", the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER M BY CREATING THE JOB CLASSIFICATION OF "INTERNAL AUDITOR" - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18479 passed December 13, 2004, as amended by Ordinance No. 18674 passed

February 6, 2006, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M", by creating the job classification of "Internal Auditor", the first time.

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 9.36.130 TO PROHIBIT THE CARRYING OF CONCEALED WEAPONS AND ADDING A NEW SECTION NUMBERED 9.36.140 TO PROVIDE DEFINITIONS - PRIOR to reading:

MARVIN Moved to have 2nd Reading with Public Hearing on Bill No. 06-107 delayed to 7/31/06.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 9.36 of the Lincoln Municipal Code by adding a new section numbered 9.36.130 to prohibit the carrying of concealed weapons and adding a new section numbered 9.36.140 to provide definitions, the first time.

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

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 - PRIOR to reading:

SVOBODA Moved to amend Bill 06R-114 to accept the substitute newly signed Agreement.

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

COOK Moved to amend Bill 06R-114 in the following manner: On page 1, line 6, strike out "S.W." & insert in lieu thereof "N.W."

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption as amended:

A-83900 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Highland View 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 Highlands Prairie Village LLC, outlining certain conditions and understandings relating to the annexation of approximately 154.77 acres of property in one or more phases generally located at ~~S.W.~~ N.W. 12th Street and Alvo Road, is approved.

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

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

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

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 - PRIOR to reading:

COOK Moved to amend Bill 06-93 by accepting a Substitute Ordinance.

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

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 third time.

SVOBODA Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18755**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05022 - APPLICATION OF PRAIRIE HOMES FOR A CHANGE OF ZONE FROM

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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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18756**, is recorded in Ordinance Book #25, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File **#38-4529** & was placed on file in the Office of the City Clerk.

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 third time.

SVOBODA 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 **#18757**, is recorded in Ordinance Book #25, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18758**, is recorded in Ordinance Book #25, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18759, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Mike Morosin, 2055 "S" Street, came forward stating that to cut costs there should be a partnership of teaching between the child care facility within the Malone Community Center and the University. Discussion followed.

This matter was taken under advisement.

Jan Karst, 1403 E Street, came forward in opposition to the smoking ban. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

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

ADJOURNMENT 10:02 P.M.

CAMP Moved to adjourn the City Council meeting of June 26, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant

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