

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 17, 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 E. 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

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

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

PUBLIC HEARING

APPLICATION OF GEEMAX INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 65' BY 50' AT 728 1/2 Q STREET ON SEPTEMBER 2, 9, 23 AND 30, OCTOBER 21, AND NOVEMBER 4, AND 24, 2006 FROM 8:00 A.M. TO 1:00 A.M. - Mike McCarty, 6518 Baldwin Ave., came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF STL OF NEBRASKA, INC. DBA TARGET STORE T-0217 FOR A CLASS DK LIQUOR LICENSE AT 333 NORTH 48TH STREET;
MANAGER APPLICATION OF BRENDA S. SCHMIDT FOR STL OF NEBRASKA, INC. DBA TARGET STORE T-0217 AT 333 N. 48TH STREET - Brenda S. Schmidt, 333 N. 48th St., came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

ANNEXATION 05008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 226 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND MILITARY ROAD (NEBRASKA STATE FAIR PARK) - Ray Hill, Planning Dept., came forward to answer questions. Discussion followed.

Tom Casady, Chief of Police, came forward to answer questions. Discussion followed.

Marvin Krout, Director of Planning, came forward to clarify infrastructure items. Discussion followed.

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

Richard Esquivel, 733 W. Cuming, came forward with questions about leasing.

Tam Allen, 1045 Lincoln Mall, State Fair Board Member, came forward to answer questions. Discussion followed.

Mr. Krout came forward to answer questions.

Mr. Roper came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 06036 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM COUNTY I INDUSTRIAL DISTRICT TO CITY I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 134TH AND O STREETS - Ray Hill, Planning Dept., came forward to clarify zoning.

This matter was taken under advisement.

CHANGE OF ZONE 06039 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE 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; BY AMENDING SECTION 27.71.100 WHERE PATIOS AND PAVED TERRACES ARE ALLOWED IN THE FRONT YARD; BY AMENDING SECTION 27.71.115 TO ALLOW CANOPIES IN THE FRONT YARD IN THE O-3, B-3, B-5, H-4, I-1, AND I-3 ZONING DISTRICTS; BY ADDING A SECTION TO CHAPTER 27.03 TO ADD A DEFINITION FOR OUTDOOR DINING; BY AMENDING SECTION 27.71.030 TO ADD THE O-3 DISTRICT; BY AMENDING SECTION 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

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THE STREET AND SHALL NOT BE WIDER THAN THIRTY FEET; BY AMENDING CHAPTER 27.67, PARKING, TO EXEMPT OUTDOOR DINING OFF-STREET PARKING REQUIREMENTS - Marvin Krout, Director of Planning, came forward to answer questions. Discussion followed.

Coby Mach, Exec. Director of LIBA, came forward in favor. Discussion followed.

This matter was taken under advisement.

ANNEXATION 06004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 51.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE;

CHANGE OF ZONE 06016 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL AND FROM AG AGRICULTURAL TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE;

USE PERMIT 06003 - APPLICATION OF EIGER CORP. TO DEVELOP 50,000 SQUARE FEET OF OFFICE SPACE, INCLUDING REQUESTED WAIVERS TO ADJUST FRONT, SIDE AND REAR SETBACKS, TO ALLOW TRANSFER OF WASTEWATER FROM ONE DRAINAGE BASIN TO ANOTHER, TO ALLOW SANITARY SEWER TO EXCEED MAXIMUM DEPTH, TO EXCEED MINIMUM TANGENT LENGTH BETWEEN NON-COMPOUND HORIZONTAL CURVES, TO ALLOW SANITARY SEWER TO BE CONSTRUCTED NON-PARALLEL TO THE CENTERLINE OF THE STREET, TO ALLOW LOT LINES NON-PERPENDICULAR TO THE RIGHT-OF-WAY, TO ALLOW LOTS THAT DO NOT FRONT UPON A PUBLIC STREET OR PRIVATE ROADWAY, AND TO ADJUST LOCATION OF THE SIGN ALLOWED AT THE ENTRANCE OF THE OFFICE PARK, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of the applicant to answer questions. Discussion followed.

This matter was taken under advisement.

VACATION 05010 - VACATING THE EAST/WEST ALLEY LOCATED 100 FEET EAST OF VACATED 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES - Terry Bock, 5751 Saltillo Rd., Admin. Pastor of College View Seventh Day Adventist Church, came forward to answer questions.

This matter was taken under advisement.

ADOPTING THE SCHEDULE OF COSTS FOR SIDEWALK PERMIT FEES FOR NEW SIDEWALK CONSTRUCTION IN RESIDENTIAL AND COMMERCIAL AREAS - Scott Opfer, Public Works Dept., came forward to answer questions. Discussion followed.

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

This matter was taken under advisement.

ACCEPTING THE DONATION OF A MINI-PARK SITE TO BE KNOWN AS "ASTER MINI-PARK" AND ASSOCIATED PLAYGROUND EQUIPMENT AND SITE IMPROVEMENTS GENERALLY LOCATED AT 6810 N.W. 8TH STREET - Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY FOR A FOUR-YEAR TERM UNDER WHICH CORNHUSKER PLACE WILL PROVIDE CIVIL PROTECTIVE CUSTODY FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG PROBLEMS AND FOR SPACE BY THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING - Tom Casady, Chief of Police, came forward to answer questions. Discussion followed.

James Baird, Director of Cornhusker Place, Inc., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF GEEMAX INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 65' BY 50' AT 728 1/2 Q STREET ON SEPTEMBER 2, 9, 23 AND 30, OCTOBER 21, AND NOVEMBER 4, AND 24, 2006 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83926 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 Geemax, Inc. dba N Zone for a Special Designated License to cover an area measuring 65 feet by 50 feet at 728 1/2 Q Street, Lincoln, Nebraska, on September 2, 9, 23 and 30, October 21, and November 4 and 24, 2006, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification shall be checked on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. An additional second exit from the fenced in area shall be provided.
6. One portable toilet facility shall be provided.

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

Introduced by Jon Camp

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

APPLICATION OF STL OF NEBRASKA, INC. DBA TARGET STORE T-0217 FOR A CLASS DK LIQUOR LICENSE AT 333 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-83927 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 STL of Nebraska, Inc dba Target Store T-0217 for a Class "DK" liquor license at 333 N. 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF BRENDA S. SCHMIDT FOR STL OF NEBRASKA, INC. DBA TARGET STORE T-0217 AT 333 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-83928 WHEREAS, STL of Nebraska, Inc. d/b/a Target Store T-0217 located at 333 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "DK" liquor license, and now requests that Brenda S. Schmidt be named manager;

WHEREAS, Brenda S. Schmidt appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Brenda S. Schmidt be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

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

ANNEXATION 05008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 226 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND MILITARY ROAD (NEBRASKA STATE FAIR PARK) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of

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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 06036 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM COUNTY I INDUSTRIAL DISTRICT TO CITY I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 134TH AND O STREETS - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 06039 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE 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; BY AMENDING SECTION 27.71.100 WHERE PATIOS AND PAVED TERRACES ARE ALLOWED IN THE FRONT YARD; BY AMENDING SECTION 27.71.115 TO ALLOW CANOPIES IN THE FRONT YARD IN THE O-3, B-3, B-5, H-4, I-1, AND I-3 ZONING DISTRICTS; BY ADDING A SECTION TO CHAPTER 27.03 TO ADD A DEFINITION FOR OUTDOOR DINING; BY AMENDING SECTION 27.71.030 TO ADD THE O-3 DISTRICT; BY AMENDING SECTION 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 BE WIDER THAN THIRTY FEET; BY AMENDING CHAPTER 27.67, PARKING, TO EXEMPT OUTDOOR DINING OFF-STREET PARKING REQUIREMENTS - CLERK read an ordinance, introduced by Robin Eschliman, amending Section Title 27 of the Lincoln Municipal Code 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 hitherto existing, the second time.

ANNEXATION 06004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 51.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE. (Related Items: 06-116, 06-117, 06R-134) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 06016 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL AND FROM AG AGRICULTURAL TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE. (Related Items: 06-116, 06-117, 06R-134) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 06003 - APPLICATION OF EIGER CORP. TO DEVELOP 50,000 SQUARE FEET OF OFFICE SPACE, INCLUDING REQUESTED WAIVERS TO ADJUST FRONT, SIDE AND REAR SETBACKS, TO ALLOW TRANSFER OF WASTEWATER FROM ONE DRAINAGE BASIN TO ANOTHER, TO ALLOW SANITARY SEWER TO EXCEED MAXIMUM DEPTH, TO EXCEED MINIMUM TANGENT LENGTH BETWEEN NON-COMPOUND HORIZONTAL CURVES, TO ALLOW SANITARY SEWER TO BE CONSTRUCTED NON-PARALLEL TO THE CENTERLINE OF THE STREET, TO ALLOW LOT LINES NON-PERPENDICULAR TO THE RIGHT-OF-WAY, TO ALLOW LOTS THAT DO NOT FRONT UPON A PUBLIC STREET OR PRIVATE ROADWAY, AND TO ADJUST LOCATION OF THE SIGN ALLOWED AT THE ENTRANCE OF THE OFFICE PARK, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE. (Related Items: 06-116, 06-117, 06R-134) (Action Date: 7/24/06).

VACATION 05010 - VACATING THE EAST/WEST ALLEY LOCATED 100 FEET EAST OF VACATED 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES - CLERK read an ordinance, introduced by Robin Eschliman, vacating a portion of the east/west alley between vacated S. 49th Street, S. 51st Street, Lowell and Prescott Avenues, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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 16 - 31, 2006 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83929 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 July 3, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
State Farm Insurance		Matthew Bauer & Stephani Hoops	\$ 4,273.81
(Claim No. 27-7452-039)	\$ 25,000.00	Mark Bahr	175.00
Tammy J. Scholl	1,000,000.00	Michael McMurtry & Carol McMurtry	6,700.00
Allied Insurance		Gustavo Castillo Padilla	626.94
(Claim No. 26E43570)	4,168.77	Timothy Meints	
Jeremy A. Walburn	NAS*	(a/k/a Thomas I. Meints)	12,000.00
Maxine Roberts	100.00		
Heath Hupp & Lisa Hupp	100.00		

*No Amount Specified

Introduced by Robin Eschliman

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

ADOPTING THE SCHEDULE OF COSTS FOR SIDEWALK PERMIT FEES FOR NEW SIDEWALK CONSTRUCTION IN RESIDENTIAL AND COMMERCIAL AREAS - PRIOR to reading: ESCHLIMAN Moved to Delay Action on Bill No. 06R-136 for one week to 7/24/06. Seconded by Camp & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy; NAYS: Camp, Newman, Svoboda.

ACCEPTING THE DONATION OF A MINI-PARK SITE TO BE KNOWN AS "ASTER MINI-PARK" AND ASSOCIATED PLAYGROUND EQUIPMENT AND SITE IMPROVEMENTS GENERALLY LOCATED AT 6810 N.W. 8TH STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83930 WHEREAS, NEBCO, Inc., in cooperation with the Fallbrook Homeowners Association, has offered to donate a mini-park and site improvements at 6810 N.W. 8th Street, legally described as Lot 20, Block 2, Fallbrook 8th Addition; and

WHEREAS, the Fallbrook Homeowners Association has agreed to maintain the turf and landscape plantings on the site, and the Parks and Recreation Department will maintain the playground equipment and associated improvements; and

WHEREAS, the Parks & Recreation Department has recommended that the mini-park be named "Aster Mini-Park".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the acceptance of Lot 20, Block 2, Fallbrook 8th Addition for a mini-park with associated playground equipment and site improvements to be known as Aster Mini-Park is hereby accepted and approved effective the date of its receipt, and that the deep and sincere appreciation of the City of Lincoln to the Donor of this gift is hereby expressed and made a part of the records of the City of Lincoln.

Introduced by Robin Eschliman

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND CORNHUSKER PLACE OF LINCOLN-LANCASTER COUNTY FOR A FOUR-YEAR TERM UNDER WHICH CORNHUSKER PLACE WILL PROVIDE CIVIL PROTECTIVE CUSTODY FOR THOSE INDIVIDUALS WITH ALCOHOL AND DRUG PROBLEMS AND FOR SPACE BY THE LINCOLN POLICE DEPARTMENT TO CONDUCT CHEMICAL TESTING - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83931 WHEREAS, the City of Lincoln is desirous of entering into a contract with Cornhusker Place, Inc. for protective custody services for those individuals with alcohol and drug abuse problems and for space for the Lincoln Police Department to conduct chemical testing.

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

That the Contract for Services between the City of Lincoln, Nebraska and Cornhusker Place, Inc., a copy of which is attached hereto,

marked as Attachment "A", and made a part hereof by reference, for a four-year period, under which Cornhusker Place, Inc. will provide protective custody services for those individuals with alcohol and drug abuse problems and provide space for the Lincoln Police Department to conduct chemical testing, upon the terms and conditions set forth in said Agreement, is hereby accepted and approved, and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is hereby directed to transmit a fully executed copy of said Agreement to James A. Baird, Director of Cornhusker Place at 721 "K" Street, Lincoln, Nebraska 68508.

Introduced by Robin Eschliman

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

PETITIONS AND COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

APPOINTING BRITTANY SILL TO THE COMMUNITY FORESTRY ADVISORY BOARD TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING AUGUST 17, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83932 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Brittany Sill to the Community Forestry Advisory Board to fill an unexpired three-year term expiring August 17, 2008, is hereby approved.

Introduced by Robin Eschliman

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

REAPPOINTING ORVILLE JONES TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2011 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83933 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Orville Jones to the Lincoln Housing Authority Board for a five-year term expiring July 1, 2011, is hereby approved.

Introduced by Robin Eschliman

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

REAPPOINTING SARAH JONES TO THE CITY PERSONNEL BOARD FOR A FIVE-YEAR TERM EXPIRING JUNE 22, 2011 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83934 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the re-appointment of Sarah Jones to the City Personnel Board for a five-year term expiring June 22, 2011, is hereby approved.

Introduced by Robin Eschliman

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

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

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

CHANGE OF ZONE 06023 - AMENDING CHAPTER 27.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING TO INCREASE AND AMEND FEES FOR APPLICATION OF A CHANGE OF ZONE, DOWNZONES, PLANNED UNIT DEVELOPMENTS, USE PERMITS, COMMUNITY UNIT PLANS, SPECIAL PERMITS, ADMINISTRATIVE AMENDMENTS, CHANGES IN TEXT, POSTPONEMENT FEES, AND WAIVER OF FEES. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 27.80 of the Lincoln Municipal Code

relating to city zoning fees by amending Sections 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.110, and 27.80.125 to increase and amend current zoning fees; adding a new section numbered 27.80.135 to establish a fee for filing an application to waive and/or modify one or more ordinance requirement or design standard; and repealing Sections 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.110, and 27.80.125 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 06005 - AMENDING CHAPTER 26.33 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION TO INCREASE APPLICATION FEES FOR FINAL PLATS, PRELIMINARY PLATS, CHANGE IN TEXT, WAIVERS AND APPEALS, AND POSTPONEMENTS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 26.33 of the Lincoln Municipal Code relating to Land Subdivision Ordinance Fees by amending Section 26.33.020 to increase the filing fee for final plats and to add a street tree management fee of \$4.00 per lot; amending Section 26.33.030 to increase the filing fee for preliminary plats; amending Section 26.33.090 to increase the filing fee for a requested change of text; amending Section 26.33.110 to increase the filing fee for a requested waiver or modification of one or more ordinance requirement or design standard; amending Section 26.33.130 to increase the fee for filing an application that requires any additional legal notice; and repealing Sections 26.33.020, 26.33.030, 26.33.090, 26.33.110, and 26.33.130 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE APPLICATION FEE FOR THE VACATION OF PUBLIC WAYS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 14.20.020 of the Lincoln Municipal Code relating to the vacation of public ways to increase the application fee for such a vacation request from \$125.00 to \$250.00; and repealing Section 14.20.020 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING AN INCREASE IN APPLICATION FEES FOR COMPREHENSIVE PLAN AMENDMENTS AND COMPREHENSIVE PLAN CONFORMANCE. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) (ACTION DATE: 7/31/06).

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE SOLID WASTE MANAGEMENT ENTERPRISE OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Dan Marvin, authorizing and providing for the issuance of Revenue Bonds of the City of Lincoln, Nebraska for the purposes of its Solid Waste Management facilities; prescribing the form and details of Revenue Bonds issued hereunder; covenanting as to the establishment, maintenance, revision and collection of charges and rates for the use and services of the Solid Waste Management facilities and the application, collection and disbursement of the revenues derived therefrom; limiting the payment of the principal of and interest on Revenue Bonds issued hereunder solely to the revenues of the Solid Waste Management facilities and pledging such revenues to such payment; setting forth the conditions for the issuance of Revenue Bonds hereunder or the issuance of other solid waste management revenue obligations pursuant hereto; setting forth events of default and the rights and remedies of the registered owners of Revenue Bonds issued hereunder; making various other covenants, agreements and provisions in connection with the foregoing; providing for severability; and related matters, the first time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 AGGREGATE PRINCIPAL AMOUNT OF SOLID WASTE MANAGEMENT REVENUE BONDS - CLERK read an ordinance, introduced by Dan Marvin, authorizing the issuance of Solid Waste Management Revenue Bonds, Series 2006, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$4,500,000; fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the first time.

AMENDING AND ADDING SECTIONS TO CHAPTER 10.14 (RULES OF THE ROAD) AND CHAPTER 10.48 (BICYCLES) WITHIN TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO DEFINE BICYCLE LANES AND TO REGULATE THE USE OF BICYCLE LANES - CLERK read an ordinance, introduced by Dan Marvin,

amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic to define bicycle lanes and regulate the use of bicycle lanes by adding a new section numbered 10.02.055 to add the definition of "bicycle lane"; amending Chapter 10.14, Rules of the Road by amending Section 10.14.030 (Stop When Traffic Obstructed) and Section 10.14.050 (Use of Restricted Areas Adjacent to Curb and Changing Course) and by adding a new section numbered 10.14.055 (Enter Traffic Lanes or Changing Course Without Safety; amending Chapter 10.48, Bicycles, by amending Section 10.48.130 (Right-of-way), Section 10.48.140 (Right Turn Lanes), Section 10.48.150 (Riding to Right of Roadway), Section 10.48.190 (Riding in Group), and Section 10.48.280 (Penalty) and adding a new section numbered 10.48.185 (Designated Bicycle Lane; Direction); and repealing Sections 10.14.030, 10.14.050, 10.48.130, 10.48.140, 10.48.150, 10.48.180, 10.48.190, and 10.48.280 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET NAME CHANGE 06002 - RENAMING THAT PORTION OF N. 14TH STREET FROM CORNHUSKER HIGHWAY SOUTH TO MILITARY AVENUE AND THAT PORTION OF N. 19TH STREET FROM R STREET SOUTH TO O STREET AS NORTH ANTELOPE VALLEY PARKWAY; RENAMING THAT PORTION OF S. 19TH STREET FROM O STREET SOUTH TO K STREET AS SOUTH ANTELOPE VALLEY PARKWAY; AND RENAMING THE NEW EAST/WEST ROADWAY FROM 10TH STREET NORTHEAST TO 33RD AND SUPERIOR STREETS AS SALT CREEK ROADWAY - CLERK read an ordinance, introduced by Dan Marvin, changing the name of that portion of N. 14th Street from Cornhusker Highway south to Military Avenue and that portion of N. 19th Street from R Street south to O Street as North Antelope Valley Parkway; renaming that portion of S. 19th Street from O Street south to K Street as South Antelope Valley Parkway; and renaming the new east/west roadway from 10th Street northeast to 33rd and Superior Streets as Salt Creek Roadway, the first time.

CHANGE OF ZONE 06041 - APPLICATION OF SCHROEDER/KLEIN INVESTMENTS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-3 EMPLOYMENT CENTER DISTRICT, ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND YANKEE HILL ROAD - 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 first time.

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

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 third time.

COOK 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 **#18764**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 **#18765**, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 #18766, is recorded in Ordinance Book #25, Page

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 third time.

COOK 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 #18767, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

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

ADJOURNMENT 3:48 P.M.

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

Joan E. Ross, City Clerk, CMC

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
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