

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JULY 31, 2006 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Newman; Council Members: Cook, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross; Camp Absent.

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 July 24, 2006, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF THANH MAI PROPERTIES, LLC DBA SOUTH STREET FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 1648 SOUTH STREET;

MANAGER APPLICATION OF THANH MAI FOR THANH MAI PROPERTIES, LLC DBA SOUTH STREET FAST BREAK AT 1648 SOUTH STREET;

APPLICATION OF DAO PROPERTIES, LLC DBA FAST BREAK #2 FOR A CLASS B LIQUOR LICENSE AT 2200 NORTH 48TH STREET;

MANAGER APPLICATION OF GUARY DAO FOR DAO PROPERTIES, LLC DBA FAST BREAK #2 AT 2200 NORTH 48TH STREET - Jim Hoppe, 140 N. 8<sup>th</sup> St., Ste. 250, took oath and came forward representing the applicants to answer any questions.

This matter was taken under advisement.

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

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

APPLICATION OF THANH MAI PROPERTIES, LLC DBA SOUTH STREET FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83950 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 Thanh Mai Properties, LLC dba South Street Fast Break for a Class "B" liquor license at 1648 South 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 Ken Svoboda

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

MANAGER APPLICATION OF THANH MAI FOR THANH MAI PROPERTIES, LLC DBA SOUTH STREET FAST BREAK AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83951 WHEREAS, Thanh Mai Properties, LLC dba South Street Fast Break located at 1648 South Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Thanh Mai be named manager;

WHEREAS, Thanh Mai 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:

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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 Thanh Mai 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 Ken Svoboda

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

APPLICATION OF DAO PROPERTIES, LLC DBA FAST BREAK #2 FOR A CLASS B LIQUOR LICENSE AT 2200 NORTH 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83952 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 Dao Properties, LLC dba Fast Break #2 for a Class "B" liquor license at 2200 North 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 Ken Svoboda

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

MANAGER APPLICATION OF GUARY DAO FOR DAO PROPERTIES, LLC DBA FAST BREAK #2 AT 2200 NORTH 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83953 WHEREAS, Dao Properties, LLC dba Fast Break #2 located at 2200 North 48th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Quarry Dao be named manager;

WHEREAS, Quarry Dao 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 Quarry Dao 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 Ken Svoboda

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

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING SECTIONS 10.16.030 AND 10.16.040 OF THE LINCOLN MUNICIPAL CODE BY MAKING ADDITIONAL AMENDMENTS TO THE PENALTY PROVISIONS FOR DRIVING UNDER THE INFLUENCE AND REFUSAL TO SUBMIT TO ALCOHOL TESTING TO CONFORM WITH PENALTIES PROSCRIBED BY STATE STATUTES AS REQUIRED BY LAW - CLERK read an ordinance, introduced by Annette McRoy, 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; repealing Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code as hitherto existing; and declaring an emergency, 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 JULY 1 - 15, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83954 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 17, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Timberline LLC	\$ 10,411.18	John R. Kotopka	\$710.07
Candace S. Porter	512.76		
Donna Hatfield & Earl Hatfield	250,000.00		
Allied Insurance (Claim No. 26E64022)	3,564.25		
Carol Walbrecht	273.82		
C.M. Dale	61.60		
Pernell D. Crump	NAS*		
Lonnie Athey	2,917.55		
Vicki Ritterling	NAS*		
Liza Tanihara	1,168.98		
Jack Douglass	NAS*		
Connie Fortney	50,000.00		
Richard Singer	53.00		
Jody P. Kraenzel	293.83		

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

PETITIONS AND COMMUNICATIONS

LINCOLN AIRPORT AUTHORITY RESOLUTION NO. 472 STATING THAT NO TAX LEVY SHOULD BE MADE FOR AIRPORT PURPOSES FOR THE FISCAL YEAR BEGINNING JULY 1, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (54-2)

SETTING THE HEARING DATE OF MONDAY, AUGUST 14, 2006 AT 1:30 P.M. FOR THE MAN.APP. OF DOUGLAS LARKINS FOR U-STOP CONVENIENCE SHOP LOCATED AT 3244 CORNHUSKER HWY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83955 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 14, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Man. Application of Douglas Larkins for U-Stop Convenience Shop located at 3244 Cornhusker Hwy.

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

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SETTING THE HEARING DATE OF MONDAY, AUGUST 14, 2006 AT 1:30 P.M. FOR THE APP. OF OSTIGUIN, DAGOBERTO DBA TAQUERIA EL COMAL FOR A CLASS C LIQUOR LICENSE LOCATED AT 125 WEST O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83956 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 14, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Ostiguin, Dagoberto dba Taqueria El Comal for a Class C liquor license located at 125 West O Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 14, 2006 AT 1:30 P.M. FOR MICHAEL MARTS, INC. DBA MICHAEL MARTS FOR A CLASS D LIQUOR LICENSE LOCATED AT 2801 NW 49<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83957 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 14, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Michael Marts, Inc. dba Michael Marts for a Class D liquor license located at 2801 NW 49<sup>th</sup> Street.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 21, 2006 AT 1:30 P.M. FOR THE APP. OF NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY 8626 AT 130-B N 66<sup>TH</sup> ST., CVS/PHARMACY 8610 AT 2711 S. 48<sup>TH</sup> ST., CVS/PHARMACY 8616 AT 5500 S. 56<sup>TH</sup> ST., CVS/PHARMACY 8615 AT 1401 SUPERIOR ST. FOR A CLASS C LIQUOR LICENSE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83958 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 21, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Nebraska CVS Pharmacy, LLC dba CVS/Pharmacy 8626 at 130-B N. 66<sup>th</sup> St.; CVS/Pharmacy 8610 S. 48<sup>th</sup> St.; CVS/Pharmacy 8616 at 5500 S. 56<sup>th</sup> St.; CVS/Pharmacy 8615 at 1401 Superior St. for a Class C liquor license.

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

**REPORTS TO CITY OFFICERS**

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON JULY 24, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF APRIL, 2006: ALLTEL NEBRASKA, ALLTEL COMM. OF NEBRASKA, ALLTEL, USCOC OF GREATER IOWA, NEBRASKA TECHNOLOGY & TELECOMM., AT&T COMM. OF MIDWEST, ALLTEL SYSTEMS OF THE MIDWEST, NEW CINGULAR WIRELESS, CRICKET, MCLEOD USA, TELECORP, INTELICALL OPERATOR, UCN, ONSTAR, TRANS NATIONAL, VIRGIN MOBILE USA, USCOC OF NEBRASKA/KANSAS, ATI, BELL ATLANTIC, BROADWING, WORKING ASSETS FUNDING SERVICE, BROADBAND DYNAMICS, QWEST, CIMCO, BUSINESS PROD. SOLUTIONS, TELEPLUS WIRELESS, VERIZON SELECT, PRIMUS, ACN, COVISTA, XO COMM., ANDIAMO TELECOM., GLOBAL CROSSING, CINCINNATI BELL ANY DISTANCE, KDDI AMERICA, IBM GLOBAL, TRACFONE WIRELESS, EARTHLINK, VOICECOM, QUANTUM SHIFT; MAY, 2006: NEXTEL PARTNERS, SPRINT SPECTRUM, ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, D&D COMM., TWC INFO SERVICES OF NEBRASKA, SPRINT COMM., NETWORK BILLING SYSTEMS, NEBRASKA LINCOLN BUSINESS, LDMI, AFFINITY NETWORK, NEXTEL WEST, GLOBALCOM, LIGHTYEAR NETWORK SOLUTIONS, BT AMERICAS, ZONE TELECOM, GTC TELECOM, NOS COMM., TRI-M COMM., ACCERIS, SBC LONG DISTANCE, NOSVA, EXCEL TELECOMM., VARTEC, ATS MOBILE, 360NETWORKS USA - CLERK presented said report which was placed on file in the Office of the City Clerk.  
(20)

APPOINTING CLYDE TYNDALL TO THE LINCOLN COMMISSION ON HUMAN RIGHTS TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING DECEMBER 31, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83959 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Clyde Tyndall to the Lincoln Commission on Human Rights to fill an unexpired three-year expiring December 31, 2007 is hereby approved.

Introduced by Annette McRoy

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

APPOINTING RUTH JONES TO THE CITY PERSONNEL BOARD TO FILL AN UNEXPIRED FIVE-YEAR TERM EXPIRING JUNE 22, 2010 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83960 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Ruth Jones to the City Personnel Board to fill an unexpired five-year expiring June 22, 2010 is hereby approved.

Introduced by Annette McRoy

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

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A," an "C"; and repealing Ordinance No. 18594, passed by the City Council on August 8, 2005, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "B"; and repealing Ordinance No. 18592, passed by the City Council on August 8, 2005, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18590, passed by the City Council on August 8, 2005, the first time.

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ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "F" and repealing Ordinance No. 18591, passed by the City Council on August 8, 2003, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18479, passed by the City Council on December 13, 2004 as amended by Ordinance No. 18674, passed by the City Council on February 6, 2006, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (NAGE) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "N"; and repealing Ordinance No. 18588, passed by the City Council on August 8, 2005, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P"; and repealing Ordinance No. 18593, passed by the City Council on August 8, 2005, the first time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED) - CLERK read an ordinance, introduced by Ken Svoboda, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18589, passed by the City Council on August 8, 2005, the first time.

AMENDING SECTION 2.76.445 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN EMPLOYEE'S BEHAVIOR, IF SUBSTANTIATED, WOULD BE CAUSE FOR DISMISSAL; AND AMENDING SECTION 2.78.025 RELATING TO COMPENSATION PLANS TO CHANGE THE PERFORMANCE EVALUATION SCALE FOR EMPLOYEES IN PAY RANGES PREFIXED BY THE LETTER M - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 2 of the Lincoln Municipal Code by amending Section 2.76.445 within Chapter 2.76, Personnel System, to clarify the procedure to be followed when an employee's behavior, if substantiated, would be cause for dismissal; amending Section 2.78.025 within Chapter 2.78, Management Compensation Plan, to change the Performance Evaluation Scale for employees in pay ranges prefixed by the letter "M"; and repealing Sections 2.76.445 and 2.78.025 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE LABOR CONTRACT BETWEEN THE CITY AND THE AMALGAMATED TRANSIT UNION EFFECTIVE AUGUST 24, 2006.

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

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 third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Svoboda & **LOST** by the following vote: AYES: None;  
NAYS: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; ABSENT: Camp.  
The ordinance, having **LOST**, was assigned the File #38-4532 & was placed on file in the Office of the City Clerk.

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 third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Svoboda & **LOST** by the following vote: AYES: None;  
NAYS: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; ABSENT: Camp.  
The ordinance, having **LOST**, was assigned the File #38-4533 & was placed on file in the Office of the City Clerk.

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 second time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Svoboda & carried over to Aug. 7, 2006 due to a tie vote: AYES: Marvin, Newman, Svoboda; NAYS: Cook, Eschliman, McRoy; ABSENT: Camp.

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

Seconded by Ken Svoboda & **LOST** by the following vote: AYES: Marvin, Newman; NAYS: Cook, Eschliman, McRoy, Svoboda; ABSENT: Camp.  
The resolution, having **LOST**, was assigned the File #38-4534 & was placed on file in the Office of the City Clerk.

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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 third time.

MARVIN Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp. The ordinance, being numbered **#18774**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp. The ordinance, being numbered **#18775**, is recorded in Ordinance Book #25, Page

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 - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 06-121 by 1. On page 6, after line 11, insert a new Section 12 to read as follows: Section 12. The City Council shall no later than August 1, 2007 review Title 10 of the Lincoln Municipal Code relating to bicycle lanes for the purpose of determining the continued existence of the ordinance. The Council will review bicycle injuries, number of accidents, the effect on automobile and pedestrian traffic and the location and placement of lanes; 2. Renumber the subsequent Section numbers accordingly.

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

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 third time.

MARVIN Moved the ordinance as amended.

Seconded by Cook & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman; NAYS: Svoboda; ABSENT: Camp. The ordinance, being numbered **#18776**, is recorded in Ordinance Book #25, Page



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 - PRIOR to reading:

SVOBODA Moved to amend Bill No. 06-122 by 1. On page 1, line 2, after the word "Avenue" insert a comma and the following language: the new north/south roadway from Military Avenue to R Street; 2. On page 1, line 4, after the word "renaming" insert the following language: that portion of Holdrege Street and; 3. On page 1, line 12, after the word "Avenue" insert a comma and the following language: the new north/south roadway from Military Avenue to R Street; 4. On page 1, line 16, strike the word "The" and insert the following language: That portion of Holdrege Street and the; 5. On page, after line 17 add a new Section 2 to read as follows: That the new street names shall go into effect at such time as each segment of new street construction is completed; 6. On page 1, line 18, renumber Section 2 as Section 3.

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

CLERK Read an ordinance, introduced by Dan Marvin, changing the name of that portion of N. 14<sup>th</sup> Street from Cornhusker Highway south to Military Avenue and that portion of N. 19<sup>th</sup> Street from R Street south to O Street as North Antelope Valley Parkway; renaming that portion of S. 19<sup>th</sup> Street from O Street south to K Street as South Antelope Valley Parkway; and renaming the new east/west roadway from 10<sup>th</sup> Street northeast to 33<sup>rd</sup> and Superior Streets as Salt Creek Roadway, the third time.

MARVIN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18777**, is recorded in Ordinance Book #25, Page

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 third time.

MARVIN Moved to pass the ordinance a read.

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

The ordinance, being numbered **#18778**, is recorded in Ordinance Book #25, Page

#### REGISTERED TO SPEAK SESSION - NONE

#### OPEN MICROPHONE SESSION

Bob Reynolds, 4700 S. 47<sup>th</sup> Street, came forward as a retired firefighter requesting a public apology be made in reference to negative remarks made toward the Fire Department. He felt remarks need to be directed at the Fire Department Administration and not the Fire Department in general which he feels reflects negatively on the Firefighters and Paramedics. Discussion followed.

#### MISCELLANEOUS BUSINESS

#### PENDING -

SVOBODA Moved to extend the Pending List to August 7, 2006.

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

**REGULAR MEETING**  
**July 31, 2006**  
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**UPCOMING RESOLUTIONS -**

SVOBODA Moved to approve the resolutions to have Public Hearing on August 7, 2006.  
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp.

**ADJOURNMENT 6:07 P.M.**

SVOBODA Moved to adjourn the City Council meeting of July 31, 2006.  
Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp.  
So ordered.

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Joan E. Ross, City Clerk, CMC

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Judy Roscoe, Senior Office Assistant