

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 28, 2006 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Newman; Council Members: Cook, Camp, 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 August 21, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF SIFU, INC. DBA 2020 CONVENIENCE STOP FOR A CLASS D LIQUOR LICENSE AT 2020 O STREET. (8/21/06 - P.H. & ACTION DELAYED TO 8/28/06); MANAGER APPLICATION OF SINH V. CHAU FOR SIFU, INC. DBA 2020 CONVENIENCE STOP AT 2020 O STREET. (8/21/06 - P.H. & ACTION DELAYED TO 8/28/06) - Sinh Chau, 2020 O Street, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF ROBOCO, INC. DBA WASABI TO ADD A CATERING LICENSE TO THEIR CLASS C LIQUOR LICENSE AT 239 N. 14TH STREET - Robert Burns, 1718 G Street, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF BLUE ORCHID, LLC DBA BLUE ORCHID TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF A SIDEWALK CAFÉ MEASURING APPROXIMATELY 33 FEET BY 16 FEET TO THE SOUTH - Malinee Kiatathikom, 129 N. 10th Street, took oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR THE PLACEMENT OF A TELECOMMUNICATIONS TOWER AND FACILITIES TO BE LOCATED ON CITY PROPERTY AT VAN DORN PARK AT 9TH AND VAN DORN STREETS - Ken Weber, Weber Services, P.O. Box 428, Avoca, Iowa, came forward to state that Alltel will build the tower then transfer ownership to the City. Discussion followed.

This matter was taken under advisement.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.52, GRAFFITI ABATEMENT ACT, TO SET FORTH THE TITLE, PURPOSE AND DEFINITIONS, TO PROHIBIT THE ACT OF PLACING GRAFFITI ON ANY PUBLIC OR PRIVATE BUILDING, TO PROHIBIT THE FAILURE TO REMOVE GRAFFITI, DEFINING GRAFFITI AS A PUBLIC NUISANCE AND PROVIDING FOR NOTICE AND ABATEMENT PROCEDURES, TO PROVIDE THE MEANS AND CONDITIONS FOR APPEALING A NOTICE AND ORDER TO ABATE GRAFFITI, AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS - Captain Bob Kawamoto, Lincoln Police Department, came forward to show pictures of graffiti and relate the problem of graffiti in the City of Lincoln. Discussion followed.

Steve Larrick, 920 S. 8th Street, came forward in support.

Becky Schenaman, 817 Y Street, came forward in support.

Shawn Ryba, 4411 N. Park Blvd., came forward in support.

Discussion followed.

Pat Anderson-Sifuentez, 1500 S. 11th Street, came forward in support.

Jason Van Der Molen, 1240 South 22nd Street, came forward to offer a discount on paint for cleanup projects.

Carly Williams, 1924 SW 2254 and Haley Muggy, 3200 Pheasant Ridge Rd., Lincoln High Student Council members, came forward to offer the Student Council's services of cleaning up the graffiti.

Mike Morosin, 2055 "S" Street, came forward in support.

Marilyn Burbach, 1041 Charleston, came forward in support.

This matter was taken under advisement.

AUTHORIZING EXECUTION AND DELIVERY OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VARIOUS OWNERS FOR THE DEVELOPMENT OF APPROXIMATELY 726 ACRES OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND ROKEBY ROAD AND FOR THE ISSUANCE OF BONDS FOR THE INSTALLATION OF INFRASTRUCTURE TO SERVE THE AREA. (RELATED ITEMS: 06-86, 06R-110) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06) (7/24/06 - P.H. & 2ND READING CON'T. TO 8/28/06); COMPREHENSIVE PLAN TO (A) AMEND THE 2025 FUTURE SERVICE LIMIT TO ADD LAND WEST OF 98TH STREET FROM YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF ROKEBY ROAD; (B) AMEND THE URBAN GROWTH TIER AND ASSOCIATED MAPS IN THE SAME AREA FROM TIER I, PRIORITY B, TO TIER I, PRIORITY A, AND LAND FROM TIER II TO A MIX OF TIER I, PRIORITY A AND B; AND (C) TO CHANGE THE LAND USE IN THE AREA BEING ADDED TO THE FUTURE SERVICE LIMIT FROM AGRICULTURAL TO URBAN RESIDENTIAL. (RELATED ITEMS: 06-86, 06R-110) (ACTION DATE: 6/19/06) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. CON'T. TO 7/24/06) (7/24/06 - P.H. CON'T. TO 8/28/06)- Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward to request approval of this development and to discuss the impact fee.

Mike Eckert, 3901 Normal Blvd., #203, came forward to present information of this proposed development. Discussion followed.

Karl Fredrickson, Director of Public Works & Utilities, came forward to present further information on this development and to answer questions. Discussion followed.

Marvin Krout, Planning Director, came forward to answer questions. Discussion followed.

Mike Morosin, 2055 "S" Street, stated that new construction is good, but not to forget the older neighborhoods.

John Layman, Real Estate Consultant, came forward to share his experience in the area of developments. Discussion followed.

Kent Seacrest came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2006 - Mark Loseke, 26500 S. 84th Street, came forward to ask for a continuation so he could get more information as to why his claim was denied. Discussion followed.

This matter was taken under advisement.

APPROVING THE 2006 - 07 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT REGARDING STORMWATER QUALITY AND QUANTITY ISSUES - Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE NAME OF MARTIN PRAIRIE FOR THE 467 ACRES OF RECENTLY ACQUIRED PRAIRIE LAND WEST OF PIONEERS PARK - Lynn Johnson, Director of Parks & Recreation Dept., came forward to state the donation portion of the land came from the Martin family and to express his gratitude.

This matter was taken under advisement.

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, SEPTEMBER 25, 2006, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

06- 153 To provide authority to create and order constructed a water main 6-inch in diameter along NW 19th Street between West Q and West S Street and assess the costs thereof against the benefitted properties.

06-154 To provide authority to create and order constructed a sanitary sewer 8-inch in diameter along South 15th Street, between Mulberry and Plum Street and assess the costs thereof against the benefitted property.

06-155 To provide authority to create and order constructed a water main 6-inch in diameter along Orchard Street, North 67th to North 68th Streets and assess the costs thereof against the benefitted property.

David Page, 6728 Orchard Street, came forward to ask why a new water district needs to be created in this area.

TOOK BREAK 7:40 p.m.

RECONVENED 7:55 P.M.

** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS

SIFU, INC. DBA 2020 CONVENIENCE STOP FOR A CLASS D LIQUOR LICENSE AT 2020 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83992 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 Sifu, Inc. dba 2020 Convenience Stop for a Class "D" liquor license at 2020 O 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: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF SINH V. CHAU FOR SIFU, INC. DBA 2020 CONVENIENCE STOP AT 2020 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83993 WHEREAS, Sifu, Inc. dba 2020 Convenience Stop located at 2020 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Sinh V. Chau be named manager;

WHEREAS, Sinh V. Chau 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 Sinh V. Chau 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: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF ROBOCO, INC. DBA WASABI TO ADD A CATERING LICENSE TO THEIR CLASS C LIQUOR LICENSE AT 239 N. 14TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83994 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 ordinance, the City Council recommends that the application of Roboco, Inc. dba Wasabi for the issuance of a Catering Permit to the existing liquor license, located at 239 N. 14th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF BLUE ORCHID, LLC DBA BLUE ORCHID TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF A SIDEWALK CAFÉ MEASURING APPROXIMATELY 33 FEET BY 16 FEET TO THE SOUTH - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83995 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 Blue Orchid, LLC dba Blue Orchid to expand its licensed premises by the addition of a sidewalk café area measuring 33 feet by 16 feet to the south of the presently licensed premises located at 129 N. 10th Street, Suite 111, 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 Ken Svoboda

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

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

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR THE PLACEMENT OF A TELECOMMUNICATIONS TOWER AND FACILITIES TO BE LOCATED ON CITY PROPERTY AT VAN DORN PARK AT 9TH AND VAN DORN STREETS - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Alltel Communications of Nebraska, Inc. for the placement of telecommunications facilities upon City property at Van Dorn Park located at 9th and Van Dorn Streets, and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.52, GRAFFITI ABATEMENT ACT, TO SET FORTH THE TITLE, PURPOSE AND DEFINITIONS, TO PROHIBIT THE ACT OF PLACING GRAFFITI ON ANY PUBLIC OR PRIVATE BUILDING, TO PROHIBIT THE FAILURE TO REMOVE GRAFFITI, DEFINING GRAFFITI AS A PUBLIC NUISANCE AND PROVIDING FOR NOTICE AND ABATEMENT PROCEDURES, TO PROVIDE THE MEANS AND CONDITIONS FOR APPEALING A NOTICE AND ORDER TO ABATE GRAFFITI, AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS - CLERK read an ordinance, introduced by Patte Newman, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.52 entitled the Graffiti Abatement Act by adding a new section numbered 8.52.010 to set forth the title of the chapter; adding a new section numbered 8.52.020 to set forth the purpose of the chapter; adding a new section numbered 8.52.030 to set forth definitions used in the chapter; adding new section numbered 8.52.040 to prohibit the act of placing graffiti on any public or private building and to prohibit the failure to remove graffiti; adding a new section numbered 8.52.050 to define graffiti as a public nuisance and provide for notice and abatement procedures; adding a new section numbered 8.52.060 to provide the means and conditions for appealing a notice and order to abate graffiti; adding a new section numbered 8.52.070 to provide for the enforcement of the provisions of the chapter; and adding a new section numbered 8.52.080 to provide penalties for violations of the chapter, the second time.

RESOLUTIONS

AUTHORIZING EXECUTION AND DELIVERY OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VARIOUS OWNERS FOR THE DEVELOPMENT OF APPROXIMATELY 726 ACRES OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND ROKEBY ROAD AND FOR THE ISSUANCE OF BONDS FOR THE INSTALLATION OF INFRASTRUCTURE TO SERVE THE AREA. (RELATED ITEMS: 06-86, 06R-110) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06) (7/24/06 - P.H. & 2ND READING CON'T. TO 8/28/06) (TO HAVE 3RD READING & ACTION ON 9/11/06)

COMP. PLAN AMENDMENT 06002 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO (A) AMEND THE 2025 FUTURE SERVICE LIMIT TO ADD LAND WEST OF 98TH STREET FROM YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF ROKEBY ROAD; (B) AMEND THE URBAN GROWTH TIER AND ASSOCIATED MAPS IN THE SAME AREA FROM TIER I, PRIORITY B, TO TIER I, PRIORITY A, AND LAND FROM TIER II TO A MIX OF TIER I, PRIORITY A AND B; AND (C) TO CHANGE THE LAND USE IN THE AREA BEING ADDED TO THE FUTURE SERVICE LIMIT FROM AGRICULTURAL TO URBAN RESIDENTIAL. (RELATED ITEMS: 06-86, 06R-110) (ACTION DATE: 6/19/06) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. CON'T. TO 7/24/06) (7/24/06 - P.H. CON'T. TO 8/28/06) PRIOR to reading:

CAMP Moved to delay to have action on 9/11/06.
 Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 1 - 15, 2006 - PRIOR to reading:

COOK Moved to remove Mark Loseke from claims denied to be resubmitted at a later date.
 Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

A-83996 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 August 16, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Laura McNemar	NAS*	Molly Beckman	\$3,500.00
Linda N. Brown	\$196,879.59	Mike Naylor	221.50
Bob Stuart	854.20	Wyuka Cemetery	150.00
Mark Loseke	2,755.00	Ai Minh Le	3,000.00
Steve Tarr	25,000.00	Dan Ehly	3,953.08
		Dianne Crouse	1,892.10
		John Hundtoft	100.00
		Josh Nelson	100.00

*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 Robin Eschliman

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

APPROVING THE 2006 - 07 WORK PLAN FOR THE INTERLOCAL AGREEMENT ON STORMWATER MANAGEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT REGARDING STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83997 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2006-2007 Work Plan for the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2006-2007 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2006-2007 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Resolution and Fiscal Year 2006 - 2007 Work Plan for the Interlocal Agreement on Stormwater Management to Glenn Johnson, Lower Platte South Natural Resources District, PO Box 93581, Lincoln, NE 68501 and a copy of the same to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, Lincoln, NE 68508.

Introduced by Robin Eschliman

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

APPROVING THE NAME OF MARTIN PRAIRIE FOR THE 467 ACRES OF RECENTLY ACQUIRED PRAIRIE LAND WEST OF PIONEERS PARK - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83998 A RESOLUTION approving the naming of 467 acres of recently acquired prairie land generally located west of Pioneers Park as "Martin Prairie".

WHEREAS, the Martin family has worked with the Parks and Recreation Department for many years to transfer 467 acres of prairie land to the City of Lincoln; and

WHEREAS, Bonnie and David Martin originally donated a portion of this prairie land to the City; and

WHEREAS, the heirs of Bonnie and David Martin have honored their parents wishes of keeping the land as prairie land and have worked with the City of Lincoln to maintain its natural character; and

WHEREAS, part of the land was held for almost two years until a Grassland Reserve Easement was in place greatly reducing the cost to the City to acquire the property as prairie land.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 467 acres of property generally west of Pioneers Park recently acquired from the family of Bonnie and David Martin be and it hereby is named as "Martin Prairie".

Introduced by Robin Eschliman

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

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPT. 11, 2006 AT 1:30 P.M. FOR APPLICATION OF B & R, INC. DBA SUPER SAVER #9 FOR A CLASS C LIQUOR LICENSE LOCATED AT 2662 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83999 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 11, 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 Application of B & R Stores, Inc. dba Super Saver #9 for a Class C liquor license located at 2662 Cornhusker Highway.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, SEPT. 11, 2006 AT 1:30 P.M. FOR APPLICATION OF DOWN THE HATCH, INC. DBA DOWN THE HATCH FOR A CLASS I LIQUOR LICENSE LOCATED AT 5601 NW 1ST STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84000 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 11, 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 Application of Down the Hatch, Inc. dba Down the Hatch for a Class I liquor license located at 5601 NW 1st Street.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 18, 2006 FOR APP. OF B & R STORES, INC. DBA SUPER SAVER #4 FOR A CLASS C LIQUOR LICENSE AT 233 N 48TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84001 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 18 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 Application of B & R Stores, Inc. dba Super Saver #4 for a Class C liquor license located at 233 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 Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 18, 2006 FOR APP. OF B & R STORES, INC. DBA SUPER SAVER #11 FOR A CLASS C LIQUOR LICENSE AT 5440 S. 56TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84002 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 18 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 Application of B & R Stores, Inc. dba Super Saver #11 for a Class C liquor license located at 5440 S. 56th Street.

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

Introduced by Dan Marvin

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON AUGUST 14, 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 AUGUST 21, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

REAPPOINTING WILLIAM LESTER TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84003 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of William Lester to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2009 is hereby approved.

Introduced by Robin Eschliman

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

APPOINTING ALISON LARSON, MARIA LINTEL PRENDES, AND LOIS BALDWIN TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84004 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Alison Larson, Maria Lintel Prendes, and Lois Baldwin to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2009 is hereby approved.

Introduced by Robin Eschliman

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

APPOINTING JOYCE EBMEIER TO THE EMS, INC. BOARD OF DIRECTORS TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING MARCH 28, 2008 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84005 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Joyce Ebmeier to the EMS, Inc. Board of Directors to fill an unexpired three-year term expiring March 28, 2008 is hereby approved.

Introduced by Robin Eschliman

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

APPOINTING CHRISTI CHAVES TO THE EMS, INC. BOARD OF DIRECTORS TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING MARCH 28, 2007 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84006 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Christi Chaves to the EMS, Inc. Board of Directors to fill an unexpired three-year term expiring March 28, 2007 is hereby approved.

Introduced by Robin Eschliman

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

SETTING A HEARING DATE OF MONDAY, SEPTEMBER 18, 2006, AT 10:00 A.M. FOR PUBLIC WORKS' BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II - CLERK requested a motion to approve the hearing date of Monday, September 18, 2006 at 10:00 a.m. for Public Works' Board of Equalization Special Assessment Group II.

ESCHLIMAN So moved.

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

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, SEPTEMBER 25, 2006, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

06- 153 To provide authority to create and order constructed a water main 6-inch in diameter along NW 19th Street between West Q and West S Street and assess the costs thereof against the benefitted properties.

06-154 To provide authority to create and order constructed a sanitary sewer 8-inch in diameter along South 15th Street, between Mulberry and Plum Street and assess the costs thereof against the benefitted property.

06-155 To provide authority to create and order constructed a water main 6-inch in diameter along Orchard Street, North 67th to North 68th Streets and assess the costs thereof against the benefitted property.

CLERK Requested a motion to approve the setting of hearing date of Monday, September 25, 2006 at 5:30 p.m. to create and order constructed water mains & sanitary sewer.

ESCHLIMAN So moved.

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

APPROVING A FIVE-YEAR/3,500 HOUR LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND MERCHANTS CAPITOL RESOURCES, INC. TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a five-year/3500 hour lease agreement with option to purchase between the City of Lincoln, Nebraska and Merchants Capitol Resources, Inc. for a 2006 Caterpillar 403E Backhoe Loader per Specification #06-221 for use by the Department of Public Works & Utilities, the first time.

AMENDING CHAPTER 8.06 AIR POLLUTION, CHAPTER 8.20 LINCOLN FOOD CODE, 8.24 NOISE CONTROL ORDINANCE, CHAPTER 8.38 PUBLIC SWIMMING POOLS, 8.40 SPA FACILITIES, AND 8.44 WATER WELLS OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR THE HEALTH DEPARTMENT - CLERK read an ordinance, introduced by Dan Eschliman, amending Title 8 of the Lincoln Municipal Code, Health and Sanitation, to increase various permit fees and other related fees by amending Section 8.06.145 (open burning permit fees); Section 8.08.060 (body art establishment permit fees); Section 8.08.090 (body art renewal late fees); Section 8.08.150 (body art practitioner permit fees); Section 8.08.350 (reinstatement fees for a suspended body art establishment or practitioner); Section 8.20.150 (food establishment permit fees); Section 8.20.160 (food establishment late fees); Section 8.20.170 (food establishment reinstatement fees); Section 8.24.150 (noise control variance permit fees); Section 8.38.090 (swimming pool permit fees); Section 8.40.070 (spa facilities permit fees); Section 8.44.070 (water well permit fees); and repealing Sections 8.06.145, 8.08.060, 8.08.090, 8.08.150, 8.08.350, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.40.070, and 8.44.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 24.38 OF THE LINCOLN MUNICIPAL CODE, ONSITE WASTEWATER TREATMENT SYSTEMS, TO INCREASE FEES FOR VARIOUS ON-SITE WASTEWATER TREATMENT SYSTEM PERMITS. (SEPTIC TANKS AND/OR LAGOONS) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 24.38.070 of the Lincoln Municipal Code relating to fees for On-site Wastewater Treatments Systems to increase various fees relating to such systems; and repealing Section 24.38.070 of the Lincoln Municipal code as hitherto existing, the first time.

MISC. 06011 - AMENDING SECTION 26.23.160 OF THE LINCOLN MUNICIPAL CODE LAND SUBDIVISION ORDINANCE TO CLARIFY THAT WHEN NEIGHBORHOOD PARK LAND IS DEDICATED, THE DEVELOPER SHALL BE REIMBURSED WITH NEIGHBORHOOD PARK AND TRAIL IMPACT FEES - CLERK read an ordinance, introduced by Dan Marvin, amending Section 26.23.160 of the Lincoln Municipal Code relating to Development Standards; Parks, Fire Stations, Libraries, Bikeways, Easement Along Streams, and Other Public Areas to provide that the City may require subdividers to dedicate land for neighborhood parks, provided the City reimburses the subdivider for the value of the land dedicated from Neighborhood Park & Trail Impact Fees; and repealing Section 26.23.160 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET NAME CHANGE 06004 - RENAMING THAT PORTION OF CAPITOL BEACH BOULEVARD LOCATED SOUTH OF O STREET AS S.W. CAPITOL BEACH BOULEVARD - CLERK read an ordinance, introduced by Dan Marvin, changing the name of that portion of Capitol Beach Boulevard to S.W. Capitol Beach Boulevard located south of O Street, as recommended by the Street Name Committee, the first time.

ANNEXATION 06013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY .4 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND SOUTH 96TH PLACE. (RELATED ITEMS: 06-151, 06-152) - CLERK read an ordinance, introduced by Dan Marvin, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 06047 - APPLICATION OF THE PROPERTY OWNERS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND SOUTH 96TH PLACE. (RELATED ITEMS: 06-151, 06-152) - 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)

AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY (LESSEE) AND THE AIRPORT AUTHORITY (LESSOR) FOR LAND AND A FIRE STATION FOR A PERIOD OF 31 YEARS WITH AN ADDITIONAL TERM OF 30 YEARS; RENT TO BE PAID IN ACCORDANCE WITH THE TERMS OF THE INTERLOCAL AGREEMENT. (RELATED ITEMS: 06-142, 06R-157)- PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 06-142 on page 3, at the end of paragraph 5, of Attachment A, Commercial Net Building and Ground Lease of Lincoln Air Park West, add the following sentence: If a property tax is levied upon the Authority as a pass through to Lessee, the Lessee shall have no less than six (6) months written notice, or until September 1st of the next fiscal year, whichever is later, before Lessee shall become responsible to pay any property tax.

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

ESCHLIMAN Moved to amend Bill No. 06-142 on page 10, at the end of paragraph 22, of Attachment A, Commercial Net Building and Ground Lease of Lincoln Air Park West, add the following sentence: Lessee shall have the right to terminate this Lease if such provisions materially and adversely render the continuation of Lessee's business at the Premises to be commercially impractical.

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

CLERK Read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and the Airport Authority of the City of Lincoln, Nebraska for a lease of a commercial building and grounds in Lincoln Air Park West for a term of August 1, 2006 through July 31, 2037, the third time.

COOK 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 **#18795**, is recorded in Ordinance Book #25, Page

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE AIRPORT AUTHORITY AUTHORIZING THE AIRPORT AUTHORITY TO BUILD A FIRE STATION AND ASSOCIATED FACILITIES ON LAND TOTALING APPROXIMATELY 42,400 SQUARE FEET, TO LEASE SUCH PROPERTY TO THE CITY THROUGH A LONG TERM LEASE AGREEMENT, AND SETTING THE RENT BASED ON THE FINAL COST OF THE BUILDING(S) NOT TO EXCEED \$7,389 PER MONTH. (RELATED ITEMS: 06-142, 06R-157) (ACTION DATE: 8/28/06) - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No. 06R-157 on page 3, paragraph 5, of Attachment A, Commercial Net Building and Ground Lease of Lincoln Air Park West, amend the second sentence to read as follows: If City anticipates cost over-runs to the construction project, it will come to the City Council for approval for additional funds with which to complete the project. If the City Council approval is granted, then city agrees to pay all costs of construction in excess of One Million Two Hundred Thousand Dollars (\$1,200,000.00). The City will not exceed these construction costs in a manner which obligates the Airport if it cannot obtain City Council approval.

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 Jonathan Cook, who moved its adoption as amended:

A-84007 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and the Lincoln Airport Authority for the Airport Authority to construct a fire station on leased premises located in Lincoln Air Park West for a 30-year term, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City. The City Clerk is hereby directed to transmit a certified copy of the

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transmittal to the Lincoln Airport Authority.

Introduced by Jonathan Cook

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 11, 2006.
 Seconded by McRoy & 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
 September 11, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp,
 Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 8:18 P.M.

CAMP Moved to adjourn the City Council meeting of August 28, 2006.
 Seconded by McRoy & carried by the following vote: AYES: Camp,
 Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk, CMC

Judy Roscoe, Senior Office Assistant

