

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 18, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Camp, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross; ABSENT: Cook.

MAYOR'S PRESENTATION

Mayor Coleen Seng presented "Keys to the City of Lincoln" to Senators Carol Hudkins - Dist. 21, Tom Foley - Dist. 29, Chris Beutler - Dist. 28, Marian Price - Dist. 26, and Dave Landis - Dist. 46, DiAnna Schimek - Dist. 27, thanking them for their many years of service. Senator Ron Raikes was 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of December 11, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF ROBOCO INC. DBA WASABI FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS CK LIQUOR LICENSE FROM 239 N. 14TH STREET TO 114 S. 14TH. - Robert Burns, 1718 G Street, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF JTK, LLC DBA JTK FOR A CLASS I LIQUOR LICENSE AT 201 N. 7TH STREET;
MANAGER APPLICATION OF JASON KUHR FOR JTK, LLC DBA JTK AT 201 N. 7TH STREET - Jason Kuhr, 129 N. 10th St., Apt. 402, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF BNW CORPORATION DBA SOUTH STREET LIQUOR FOR A CLASS C LIQUOR LICENSE AT 1000 SOUTH STREET;
MANAGER APPLICATION OF FISEHA TEFATSION FOR BNW CORPORATION DBA SOUTH STREET LIQUOR AT 1000 SOUTH STREET - John Boehm, 811 S. 13th St., took oath and came forward representing Fiseha Tesfatsion, who is applying for manager of South Street Liquor, to answer questions.

Fiseha Tesfatsion, no address given, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF NEBRASKA DINING HOLDING LLC DBA NOODLES & CO. FOR A CLASS I LIQUOR LICENSE AT 210 N. 14TH STREET;
MANAGER APPLICATION OF ~~EDWARD LYNCH~~ JEREMIAH PENN FOR NEBRASKA DINING HOLDING LLC DBA NOODLES & CO. AT 210 N. 14TH STREET - Jeremiah Penn, 4645 Stockwell St., Apt. #1, took oath and confirmed there was an error on the application. Jeremiah Penn should be the manager. He was available to answer questions.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007 - Margaret Remmenga, Business Manager of Public Works and Utilities, stated there are three parts to the ordinance: 1. Designates street projects to use highway allocation funds for FY 2006-2007. The rest of the funds will be appropriated thru

the Capitol Improvement project process; 2. Transfer of \$750,000 toward sidewalk and paving district assistance as laid out in the bond ordinance; 3. Transfer within water construction fund to get off the books. Discussion followed.

Thomas Shafer, Traffic Engineering, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

STREET NAME CHANGE 06006 - RENAMING CAPITOL PARKWAY WEST RUNNING WEST FROM 9TH STREET TO CODDINGTON AVENUE AS "ROSA PARKS WAY" - Leola Bullock, 4210 N. 73rd St., came forward in support.

Leroy Stokes, President of NAACP in Lincoln, NE, 6510 Campbell Dr., came forward in support. Discussion followed.

Rick Wallace, past president of NAACP, 3737 Mohawk, came forward in support.

Susan Scott, Executive Director of YWCA and Co-President of Citizens Against Race & Discrimination, 5343 Cooper, came forward in support.

Thomas Christy, 7221 S. 42nd Street, Administrator of Multicultural Education in the Lincoln Public Schools and Educational Chair of the local NCAAP came forward in support.

Mai Nguyen, 7030 Beaver Hollow Cr., came forward representing the NCAAP Youth Chapter in support.

Jessica Dunson, 2434 Nick Rd., came forward representing the NCAAP Youth Chapter in support.

Marvin Krout, Director of Planning Dept., came forward to answer questions. 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 NOVEMBER 16 - 30, 2006 - Dan Marvin, Council Member, asked City Attorney why the claim of Victory Marine was changed from Denial to Settled for \$200 less than the claim.

Dana Roper, City Attorney, stated they were able to settle for \$200 less after talking to the officer who worked the accident.

This matter was taken under advisement.

APPROVING WC'S SOUTH LOUNGE AS A KENO SATELLITE SITE AT 2109 HIGHWAY 2 - John Hewitt, Big Red Keno, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ESTABLISHING THE ANNUAL SALARY OF THE MAYOR FOR THE YEARS 2007, 2008, 2009, AND 2010 AND THE CITY'S CONTRIBUTION TO HEALTH AND DENTAL INSURANCE COVERAGE - Robin Eschliman, Council Member, asked the Personnel Director if he did a survey of Mayor's Salary in other cities?

Don Taute, Personnel Director, stated there were not a lot of cities that have a true mayor/council form of government to compare to, but did survey a few. The Mayor's salary has not been increased since 1998. Discussion followed.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2006 - Ms. Eschliman asked if the Weed Control Dept. would put a tax on the property?

Russ Schultz, Weed Control Superintendent, answered yes a lien will be put against the property. They can pay it off anytime, what is it after 60 days?

Joan Ross, City Clerk, stated the County Treasurer will send a statement and the statement will provide when they can pay it off and the term.

Mr. Schultz stated the interest would be 14% or 14 ½%.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF ROBOCO INC. DBA WASABI FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS CK LIQUOR LICENSE FROM 239 N. 14TH STREET TO 114 S. 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84152 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, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Roboco Inc. dba Wasabi to move its presently licensed premise and existing Class "CK" liquor license from 239 N. 14th Street to 114 S. 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 the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF JTK, LLC DBA JTK FOR A CLASS I LIQUOR LICENSE AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84153 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 JTK, LLC dba JTK for a Class "I" liquor license at 201 N. 7th 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 Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF JASON KUHR FOR JTK, LLC DBA JTK AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84154 WHEREAS, JTK, LLC dba JTK located at 201 N. 7th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jason Kuhr be named manager;

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

APPLICATION OF BNW CORPORATION DBA SOUTH STREET LIQUOR FOR A CLASS C LIQUOR LICENSE AT 1000 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84155 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 BNW Corporation dba South Street Liquor for a Class "C"

liquor license at 1000 South Street, Lincoln, Nebraska, for the license period ending October 31, 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 Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF FISEHA TEFATSION FOR BNW CORPORATION DBA SOUTH STREET LIQUOR AT 1000 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84156 WHEREAS, BNW Corporation dba South Street Liquor located at 1000 South Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Fiseha Tesfatsion be named manager;

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

APPLICATION OF NEBRASKA DINING HOLDING LLC DBA NOODLES & CO. FOR A CLASS I LIQUOR LICENSE AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84157 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 Nebraska Dining Holding LLC dba Noodles & Co. for a Class "I" liquor license at 210 N. 14th 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 Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF ~~EDWARD LYNCH~~ JEREMIAH PENN FOR NEBRASKA DINING HOLDING LLC DBA NOODLES & CO. AT 210 N. 14TH STREET PRIOR to reading:

MARVIN Moved to amend the name Edward Lynch to Jeremiah Penn.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for approval as amended:

A-84158 WHEREAS, Nebraska Dining Holding LLC dba Noodles & Co. located at 210 N. 14th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that ~~Edward Lynch~~ Jeremiah Penn be named manager;

WHEREAS, ~~Edward Lynch~~ Jeremiah Penn 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 ~~Edward Lynch~~ Jeremiah Penn 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 Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

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

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007 - CLERK read an ordinance, introduced by Ken Svoboda, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds and within the Water Construction Fund within the Public Works & Utilities Department, the second time.

STREET NAME CHANGE 06006 - RENAMING CAPITOL PARKWAY WEST RUNNING WEST FROM 9TH STREET TO CODDINGTON AVENUE AS "ROSA PARKS WAY" - CLERK read an ordinance, introduced by Ken Svoboda, changing the name of Capitol Parkway West to Rosa Parks Way located between 9th Street and Coddington Avenue, as recommended by the Street Name Committee, 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 NOVEMBER 16 - 30, 2006 - PRIOR to reading:

MARVIN Moved to amend Bill No. 06R-235 to settle the claim of Victory Marine in the amount of \$1,287.00.
Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

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

A-84159 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 December 1, 2006, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Victory Marine	\$1,487.00	Ryan K. Sallans	\$ 80.25
Natalie Lewandowski	NAS*	Jay Jordan & Michele Jordan	1,054.72
Donna Carter	3,103.50	State Farm Insurance (Claim #27-7748-644)	1,183.88
Mary Ann Moore	NAS*	Adrienne Powell	602.00
Diane L. Mays	NAS*	Jacqueline Quidato	2,080.00
Jeanne Tunnison	759.80	Anthony Thu Pham	964.05
		<u>Victory Marine</u>	<u>1,287.00</u>

* 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 Ken Svoboda

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

APPROVING WC'S SOUTH LOUNGE AS A KENO SATELLITE SITE AT 2109 HIGHWAY 2 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84160 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of WC's South Lounge, 2109 Highway 2, Lincoln, NE 68502.

The City Clerk is directed to return an executed copy of this Resolution to WC's South Lounge and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Ken Svoboda

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

ESTABLISHING THE ANNUAL SALARY OF THE MAYOR FOR THE YEARS 2007, 2008, 2009, AND 2010 AND THE CITY'S CONTRIBUTION TO HEALTH AND DENTAL INSURANCE COVERAGE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

38-4541 A Resolution establishing the annual salary of the Mayor for the mayoral term commencing May 14, 2007, and to clarify benefits available to the Mayor.

WHEREAS, the City Council for the City of Lincoln, Nebraska, on December 21, 1998, adopted Resolution No. A-79228 establishing the annual salary and various benefits for the Mayor of the City of Lincoln commencing with the mayoral term of May 17, 1999, and due to changes in City benefits, Resolution No. A-79228 was amended on October 9, 2000 by Resolution No. A-80476 to reflect current benefits available to the Mayor of the City of Lincoln; and

WHEREAS, it is necessary to establish the annual salary of the Mayor and to amend Resolution No. A-80476 to reflect current benefits available to the Mayor; and

WHEREAS, Article IV, Section 7 of the Charter of the City of Lincoln provides that the annual salary for the Mayor for each term of office shall be established by resolution of the City Council adopted not later than the first day of January immediately preceding the beginning of a new mayoral term of office.

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

That the City Council does, by this Resolution, desire to establish the annual salary of the Mayor for the mayoral term of office to commence May 14, 2007, and finds that a graduated increase in the annual salary of the Mayor during the term of office is appropriate and that the annual salary of the Mayor for the mayoral term of office commencing May 14, 2007, be and the same is hereby established as follows:

1. The Mayor shall receive a base salary of \$76,782.00 commencing on May 14, 2007; a base salary of \$78,702.00 commencing on May 14, 2008; a base salary of \$80,670.00 commencing on May 14, 2009; and a base salary of \$82,687.00 commencing on May 19, 2010. Such salary shall be paid bi-weekly during the mayoral term at such intervals as have been established for the regular bi-weekly payroll of the City of Lincoln.

2. In addition to the base salary established above, the City shall contribute to the monthly cost of coverage under the City's group health insurance plan as follows: If the Mayor elects single coverage, the City shall contribute 95% of the single premium; if the Mayor elects 2/4 party or family coverage, the City shall contribute 84% of the monthly cost of coverage and the Mayor's contribution shall equal 16% of the remaining monthly cost of coverage. The City will also pay 75% of the monthly cost for single dental coverage or 66% of the monthly cost for 2/4 party or family coverage under the City's dental health plan for employees of the City.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. A-79228 and Resolution No. A-80476 shall remain in full force and effect.

Introduced by Annette McRoy

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

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84161 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached Weed Assessment Tax Report for January 1, 2006 through December 31, 2006 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Annette McRoy

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

ORDERING JOINT PAVING, RE-PAVING, ORNAMENTAL LIGHTING, SIDEWALK, AND STREET TREE DISTRICT NO. 1 CONSTRUCTED IN NORTH 50TH STREET BETWEEN O STREET TO APPROXIMATELY 800 FEET NORTH - PRIOR to reading:

MCROY Moved to continue Public Hearing to 1/8/07.

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 05054A - App. of Prairie Home Builders, Inc., amendment to Prairie Village North P.U.D., for a change from AG to R-3 and R-5 and to change from R-3 and R-5 and O-3 to B-2 and from B-2 to O-3 on property at North 84th Street and Adams Street for a P.U.D. Dist. designation of said property & for approval of a development plan which proposes modifications to the zoning ordinance and land subdivision ordinance to allow approx. 1722 dwelling units in the underlying R-5 and R-3 zoned area and approximately 600,000 sq. ft. of commercial floor area north of Adams and 285,000 sq. ft. of commercial floor area south of Adams.

Change of Zone 06077 - App. of Olsson Associates from AGR to R-3 on property located at S. 84th Street and Pioneers Boulevard.

Change of Zone 06081 - App. of B&J Partnership, Ltd. from R-7 to B-4 and R-6 to B-4 on property located at S. 18th Street and L Street.

Special Permit 872F - App. of Olsson Assoc., an amendment to the Firethorn Community Unit Plan, to allow approximately 545 dwelling units on property located at S. 84th Street and Pioneers Boulevard.

FORMAL PAVING PETITION FOR RE-PAVING AND PAVING DISTRICT NO. 01 TO PAVE FROM N. 50TH STREET, O STREET NORTH APPROXIMATELY 800 FT. SUBMITTED BY ABRAM LLC. - CLERK presented said petition which was referred to the Law Department.

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 4, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE QUARTER JULY - SEPTEMBER, 2006: FAST PHONES OF NEBRASKA, TELENATIONAL, RELIANCE, SOUTHWEST, NETIFICE, OPEX, ACCESSLINE, PNG, AIRCELL; SEPTEMBER, 2006: AT&T OF MIDWEST, NEBRASKA TECHNOLOGY, NEW CINGULAR WIRELESS, USCOC OF GREATER IOWA, CRICKET, TDT CORPORATION, TRANS NAT'L, TELECOMM. SYSTEMS CORP OF MARYLAND, VIRGIN MOBILE USA, UCN, USCOC OF NEBRASKA/KANSAS, WHO'S CALLING, ACN, TELECORP, TRACFONE WIRELESS, EARTHLINK, BUSINESS TELECOM, VERIZON SELECT, PRIMUS, GLOBAL CROSSING BANDWIDTH, GLOBAL CROSSING TELECOMM., INTELICALL OPERATOR, WORKING ASSETS, ONSTAR, MCLEODUSA, XO COMM., BROADBAND DYNAMIC, QWEST, COVISTA, VERIZON BELL ATLANTIC, BROADWING, ANDIAMO, NORSTAN NETWORK, ATI, ENHANCED, CINCINNATI BELL, VOICECOM, BUSINESS PROD. SOLUTIONS, CIMCO, TELEPLUS WIRELESS, NETWORK BILLING SYSTEMS, GUARANTEED PHONE SERVICE, IBM GLOBAL SERVICES-

NS DIV., KDDI AMERICA, AIRLINK MOBILE, QUANTUM SHIFT; OCTOBER, 2006: NEXTEL, D&D, SPRINT SPECTRUM, MCI WORLDCOM NETWORK, WINDSTREAM NEBRASKA, WINDSTREAM SYSTEMS OF THE MIDWEST, ALLTEL, ALLTEL COMM. OF NEBRASKA, SPRINT, LDMI, ZONE TELECOM, TRI-M, NOS, GTC TELECOM, NEXTEL WEST, ACCERIS, LIGHTYEAR NETWORK SOLUTIONS, BT AMERICAS, GLOBALCOM, NOSVA, AFFINITY NETWORK, SBC LONG DISTANCE, 360NETWORKS (USA), COVISTA, ACCERIS MGMT. & ACQUISTION, ATS MOBILE. - 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 OCTOBER, 2006 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk.

SETTING THE INTEREST RATE AND LEVYING THE ASSESSMENTS OF SPECIAL ASSESSMENT GROUP II (SIDEWALK DISTRICT NO. 94) FROM THE BOARD OF EQUALIZATION DECEMBER 11, 2006 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84167 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed Dec. 4, 2006, to pay the costs of the improvements in Sidewalk District 94 are hereby levied and shall bear interest at 6.05% per annum and that the period of time in which the assessments are to be paid shall be as follows:

5 years - Sidewalk District 94

Introduced by Jon Camp

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

REAPPOINTING CONNIE SCHMIDT AND GLORIA ARON TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR TWO-YEAR TERMS EXPIRING JANUARY 1, 2009- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84162 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Connie Schmidt and Gloria Aron to the Lincoln-Lancaster Women's Commission for two-year terms expiring January 1, 2009 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING DEE AGUILAR TO THE LINCOLN AREA AGENCY ON AGING ADVISORY COUNCIL FOR A THREE-YEAR TERM EXPIRING JULY 1, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84163 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dee Aguilar to the Lincoln Area Agency on Aging Advisory Council for a three-year term expiring July 1, 2009 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING MARILYN MCNABB TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84164 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Marilyn McNabb to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2009 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING ANTONIO MARQUEZ TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-84165 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Antonio Marquez to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2009 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING KATHY CAMPBELL TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-84166 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Kathy Campbell to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2009 is hereby approved.

Introduced by Ken Svoboda

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

APPROVING A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FRONTIER HARLEY DAVIDSON INC. FOR SIX POLICE MOTORCYCLES - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a lease agreement between the City of Lincoln, Nebraska and Frontier Harley Davidson Leasing for six Harley Davidson police motorcycles for use by the Police Department, the first time.

CHANGE OF ZONE 04086 - APPLICATION OF SCMH, LLC FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND CUMBERLAND DRIVE - CLERK read an ordinance, introduced by amending the Lincoln Zoning District Maps attached to and made a part 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.

CHANGE OF ZONE 06079 - AMENDING SECTION 27.65.075 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT TO REVISE THE REQUIREMENT FOR THE FUTURE DEVELOPMENT PLAN FOR THE ACREAGE DEVELOPMENT COMPONENT - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.65.075 of the Lincoln Municipal Code relating to Form of Community Unit Plan in the BTA Overlay District to waive the conversion plan (ghost plat) for the Acreage Development Component of the Community Unit Plan if the average lot size is less than one-half acre and the total coverage area of the Acreage Development Component is reduced by 20%; and repealing Section 27.65.075 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 06072 - APPLICATION OF REZAC-PICKERING-WILLIAMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S.W. 27TH STREET AND W. DENTON ROAD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 06078 - APPLICATION OF ENTERPRISE COMPANY, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 46TH STREET AND Q STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATING THE FAIRWAY PARK ADDITION PLAT GENERALLY LOCATED AT N. 27TH STREET AND THERESA STREET - CLERK read an ordinance, introduced by Jon Camp, vacating Fairway Park Addition which created three lots and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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

ANNEXATION 06018 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.87 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 7TH STREET AND FLETCHER AVENUE - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#18860**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06073 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 10TH STREET AND ROBBERS CAVE ROAD - CLERK read an ordinance, introduced by Annette McRoy, 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.

MCROY Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#18861**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06074 - APPLICATION OF WILDERNESS VIEW TOWNHOMES FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT WARLICK BOULEVARD AND CREEKSIDE TRAIL - CLERK read an ordinance, introduced by Annette McRoy, 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.

MCROY Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook; ABSTAINED: Eschliman.
The ordinance, being numbered **#18862**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

CAMP Moved to reconsider Item 13 to allow Public Hearing on the Chris Carper assessment.
Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

Chris Carper, 1850 Harwood, came forward to protest the weed cutting assessment against his rental properties. Discussion followed.

CAMP Moved to adjust the amount assessed Mr. Carper to a total of \$200 for the three properties.
Seconded by Marvin & **LOST** by the following vote: AYES: Camp; NAYS: Eschliman, Marvin, McRoy, Newman, Svoboda; ABSENT: Cook.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 8, 2007.
Seconded by Svoboda and carried by the following vote: AYES: Camp,
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

UPCOMING RESOLUTIONS -

APPROVING A TWO-YEAR CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND
HUMAN SERVICES FINANCE AND SUPPORT SYSTEM AND THE LINCOLN-LANCASTER
COUNTY HEALTH DEPARTMENT FOR THE MEDICAID ACCESS TO CARE PROGRAM - PRIOR
to approving upcoming resolutions:

MARVIN Moved to remove Bill No. 06R-242 from upcoming resolutions to be
introduced at a later date.

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

CAMP Moved to approve the resolutions to have Public Hearing on
January 8, 2007.

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

ADJOURNMENT 3:10 P.M.

CAMP Moved to adjourn the City Council meeting of December 18, 2006.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
December 18, 2006
Page 44