

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 12, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; Deputy City Clerk, Teresa J. Meier.

Council Chair Newman asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of March 5, 2007, 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.

MAYOR'S AWARD OF EXCELLENCE

Mayor Coleen J. Seng presented the Mayor's Award of Excellence for the month of February, 2007 to Jerry Henkel, Electrical Field Inspector, from the Building & Safety Department, in the Category of Productivity.

Mike Merwick, Director of Building & Safety came forward expressing appreciation for the improvements implemented by Jerry to automate and provide more pertinent information on building permit cards as well as providing customer service to the public.

PUBLIC HEARING

APPLICATION OF TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE FOR A CLASS C LIQUOR LICENSE AT 2901 S. 84TH STREET, SUITE L;
MANAGER APPLICATION OF DEAN HART FOR TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE AT 2901 S. 84TH STREET, SUITE L - Dean Hart, 5600 S. 96th Pl., came forward to take oath and answer questions.

This matter was taken under advisement.

REAPPOINTING BILL WHITMER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 15, 2009 - Mike Morosin, no address given, came forward in support.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE FOR A CLASS C LIQUOR LICENSE AT 2901 S. 84TH STREET, SUITE L - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84281 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 Triple D, LLC dba Dinos Eastside Grille for a Class "C" liquor license at 2901 S. 84th Street, Suite L, 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 Dan Marvin

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

REGULAR MEETING

March 12, 2007

Page 152

MANAGER APPLICATION OF DEAN HART FOR TRIPLE D, LLC DBA DINO'S EASTSIDE GRILLE AT 2901 S. 84TH STREET, SUITE L - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-84282 WHEREAS, Triple D, LLC dba Dinos Eastside Grille located at 2901 S. 84th Street, Suite L, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Dean Hart be named manager;

WHEREAS, Dean Hart 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 Dean Hart 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 Dan Marvin

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - NONE

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A WATER DISTRICT ON FRANCIS STREET BETWEEN 62ND AND DONALD STREET, SUBMITTED BY JAMES AND KAREN FRANCIS - CLERK presented said petition which was referred to the Public Works Department.

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY THE CITY COUNCIL ON FEBRUARY 26, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR FEBRUARY 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JANUARY 2007 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 TELECOMMUNICATIONS OCCUPATION TAX FOR THE PERIOD OF OCT.-DEC., 2006: CA AFFINITY, FAST PHONES, DIGIZIP.COM, TELENATIONAL, T-MOBILE, RELIANCE, SOUTHWEST, NETIFICE, CAUSE BASED COMMERCE, ACCESSLINE, OPUL; ANNUAL 2006: TALK AMERICA, US LEC; DECEMBER 2006: ALLTEL OF NE, TWC INFO, WINDSTREAM NEBRASKA #494, WINDSTREAM NEBRASKA #150, WINDSTREAM OF MIDWEST #522, ALLTEL, NEBRASKA TECHNOLOGY, CRICKET, NEW CINGULAR, USCOC OF GREATER IOWA, AT&T OF MIDWEST, AMP'D MOBILE, LDMI, BUSINESS TELECOM, IBM GLOBAL, TELEPLUS WIRELESS, INTELLICALL, IDT, AIRNEX, MOBILE ESPN, GLOBAL CROSSING BANDWIDTH, GLOBAL CROSSING TELECOMM., BROADWING, UCN, ACR COMM., VIRGIN MOBILE USA, GLOBALSTAR USA, ONSTAR, PRIMUS, WORKING ASSETS, USCOC OF NE/KS, XO COMM., MCLEODUSA, WHOS' CALLING, PNG, VERIZON SELECT, QWEST, TELECORP, AIRCELL, TELECOMM. SYSTEMS OF MARYLAND, BROADBAND DYNAMICS, TRANS NAT'L., NETWORK BILLING, VERIZON BELL ATLANTIC, CIMCO, NOS, QUANTUM SHIFT, KDDI AMERICA, CINCINNATI BELL, TRACFONE WIRELESS, VOICECOM, ADVANCED TEL, EARTHLINK, ANDIAMO, NORSTAN, BUSINESS PROD. SOLUTIONS, GUARANTEED PHONE,; JANUARY 2007: D&D, NEXTEL PARTNERS, SPRINT SPECTRUM, ALLTEL OF NEBRASKA, ALLTEL, TWC INFO, MCI WORLDCOM, SPRINT, ENHANCED, ZONE TELECOM, LIGHTYEAR, GTC,

TRI-M, 360NETWORKS, GLOBALCOM, ACCERIS, NETWORK BILLING, BT AMERICAS, NOS, ACCERIS, COVISTA, NOSVA, NEXTEL WEST, SBC, AFFINITY, ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REAPPOINTING PATRICK O'DONNELL TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM EXPIRING JANUARY 9, 2010 - CLERK read the following resolution, introduced by Robin Eschliman, moved by Jon Camp for adoption:

A-84283 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Patrick O'Donnell to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2010, is hereby approved.

Introduced by Robin Eschliman

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

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING ON SEPTEMBER 24, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, moved by Jon Camp for adoption:

A-84284 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike McNiff to the Examining Board of Plumbers for a three-year term expiring September 24, 2009, is hereby approved.

Introduced by Robin Eschliman

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

REAPPOINTING MIKE MCNIFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING ON SEPTEMBER 24, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, moved by Jon Camp for adoption:

A-84285 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike McNiff to the Water Conditioning Board of Examiners for a three-year term expiring September 24, 2009, is hereby approved.

Introduced by Robin Eschliman

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

REAPPOINTING BILL WHITMER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 15, 2009 - CLERK read the following resolution, introduced by Robin Eschliman, moved by Jon Camp for adoption:

A-84286 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Bill Whitmer to the Electrical Advisory, Appeals and Examining Board for a three-year term expiring August 15, 2009, is hereby approved.

Introduced by Robin Eschliman

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SANITARY SEWER REVENUE BONDS OF THE CITY OF LINCOLN IN THE AMOUNT OF \$21,000,000 - CLERK read an ordinance, introduced by Dan Marvin, a third series ordinance adopted under and pursuant to Ordinance No. 18171 passed May 5, 2003; authorizing the issuance of Sanitary Sewer Revenue Bonds, Series 2007, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$21,000,000; 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 thereof; and related matters, the first time.

AMENDING SECTION 10.16.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO AGE LIMITS IN CONNECTION WITH OPERATING A MOTOR VEHICLE BY CHANGING AGE LIMITS TO REMAIN CONSISTENT WITH STATE STATUTE - CLERK read an

REGULAR MEETING

March 12, 2007

Page 154

ordinance, introduced by Dan Marvin, amending Section 10.16.010 of the Lincoln Municipal Code relating to age limits in connection with operating a motor vehicle by changing age limits to remain consistent with state statute; and repealing Section 10.16.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.32.060 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE HOURS OF OPERATION AT THE BLUFF ROAD AND NORTH 48TH STREET SOLID WASTE DISPOSAL SITES - CLERK read an ordinance, introduced by Dan Marvin, amending Section 8.32.060 of the Lincoln Municipal Code to amend the hours of operation of the public sanitary landfills; and repealing Section 8.32.060 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 07007 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO IMPLEMENT REVISIONS TO THE PARKING MATRIX TO CORRECT PAST ERRORS AND OMISSIONS BUT NOT IMPOSING NEW PARKING REQUIREMENTS - CLERK read an ordinance, introduced by Dan Marvin, amending Title 27 of the Lincoln Municipal Code to implement revisions to the Parking Matrix to correct past errors and omissions but not imposing new parking requirements, by amending Sections 27.07.030, 27.09.030, 27.37.020, 27.47.030, 27.63.210, 27.63.215, 27.63.530, 27.63.660, 27.63.680, 27.63.685, 27.63.690, 27.67,020, 27.67,040; deleting Sections 27.63.600 and 27.67.060; and repealing Sections 27.07.030, 27.09.030, 27.37.020, 27.47.030, 27.63.210, 27.63.215, 27.63.530, 27.63.660, 27.63.680, 27.63.685, 27.63.690, 27.67.020, and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET AND ALLEY VACATION NO. 07001 - VACATING THE SOUTH 84TH STREET RIGHT-OF-WAY SOUTH OF HIGHWAY 2, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Dan Marvin, vacating the South 84th Street right-of-way south of Highway 2, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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

REPEALING ORDINANCE NO. 18841 CREATING PAVING/RE-PAVING DISTRICT NO. 01 IN NORTH 50TH STREET BETWEEN O AND R STREETS, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Jonathan Cook, repealing Ordinance No. 18841 which created Re-Paving/Paving District No. 01, which district included all that portion of North 50th Street lying between the North curblineline of "O" Street, North approximately 800 +/- feet; describing the benefitted property and providing for the payment of the cost thereof, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18894**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 07004 - AMENDING SECTION 27.69.220 OF THE LINCOLN MUNICIPAL CODE TO REVISE REGULATIONS FOR COMPLEX OR SUBDIVISION AREA IDENTIFICATION SIGNS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.69.220 of the Lincoln Municipal Code relating to area signs for complexes or subdivision areas to revise regulations for complex or subdivision area identification signs; and repealing Section 27.69.220 of the Lincoln Municipal Code as hitherto existing, 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 **#18895**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 07003 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED N. 84TH STREET AND HAVELOCK AVENUE - CLERK read an ordinance, introduced by Jonathan Cook, 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.

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 **#18896**, is recorded in Ordinance Book #25, Page

MISC. 06012 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.032 TO DELETE THE FILING DEADLINE BEFORE A PRELIMINARY PLAT MAY BE SCHEDULED ON THE PLANNING COMMISSION AGENDA; AND BY AMENDING SECTIONS 26.11.037, 26.11.060 AND 26.31.010 TO PROVIDE THAT ALL APPLICATIONS WHICH HAVE BEEN PLACED ON PENDING BY THE SUBDIVIDER SHALL AUTOMATICALLY EXPIRE ONE YEAR THEREAFTER UNLESS THE SUBDIVIDER REQUESTS THE APPLICATION BE REMOVED FROM PENDING PRIOR TO THE EXPIRATION DATE. (RELATED ITEMS: 07-33, 07-32) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Section 26.11.032 to delete the filing deadline before a preliminary plat may be scheduled on the Planning Commission agenda; and by amending Sections 26.11.037, 26.11.060 and 26.31.010 to provide that all applications which have been placed on pending by the subdivider shall automatically expire one year thereafter unless the subdivider requests the application be removed from pending prior to the expiration date; and repealing Sections 26.11.032, 26.11.037, 26.11.060, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, 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 **#18897**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06062 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.27.080, 27.28.090, 27.31.100, 27.37.070, AND 27.51.100 RELATING TO THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, B-5 PLANNED REGIONAL BUSINESS DISTRICT, I-3 EMPLOYMENT CENTER DISTRICT, RESPECTIVELY; AMENDING SECTION 27.60.040 RELATING TO PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 27.63.020 RELATING TO SPECIAL PERMITS; AMENDING SECTION 27.65.030 RELATING TO COMMUNITY UNIT PLANS; AND AMENDING SECTION 27.81.040 RELATING TO AMENDMENTS TO THE ZONING CODE; TO PROVIDE THAT ALL APPLICATIONS WHICH HAVE BEEN PLACED ON PENDING BY THE APPLICANT SHALL AUTOMATICALLY EXPIRE ONE YEAR THEREAFTER UNLESS THE APPLICANT REQUESTS THE APPLICATION BE REMOVED FROM PENDING PRIOR TO THE EXPIRATION DATE. (RELATED ITEMS: 07-33, 07-32) - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, and 27.51.100 relating to the O-3 Office Park District, R-T Residential Transition District, B-2 Planned Neighborhood Business District, B-5 Planned Regional Business District, I-3 Employment Center District, respectively, by amending said sections to provide that all applications which have been placed on pending by the applicant shall automatically expire one year thereafter unless the applicant requests the application be removed from pending prior to the expiration date; amending Section 27.60.040 relating to Planned Unit Developments to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; amending Section 27.63.020 relating to Special Permits to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; amending Section 27.65.030 relating to Community Unit Plans to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; and amending Section 27.81.040 relating to amendments to the Zoning Code to provide that applications placed on pending by the applicant shall automatically expire one year thereafter unless the applicant files a request with the Planning Director requesting that the application be removed from pending; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.60.040, 27.63.020, 27.65.030 and 27.81.040 of the Lincoln Municipal Code as hitherto existing, 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 **#18898**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cuming, came forward to discuss funding issues regarding the paving of 50th Street, north of "O" Street. He also expressed his desire for the 2015 Vision to be brought forward as a public vote in order to determine support or opposition by the citizens of Lincoln. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 19, 2007.
Seconded by Marvin & 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 March
19, 2007.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 1:49 P.M.

CAMP Moved to adjourn the City Council meeting of March 12, 2007.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant