

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 19, 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; 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**

MARVIN Having been appointed to read the minutes of the City Council proceedings of March 12, 2007, reported having done so, found same correct.

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

**MAYOR'S ANNUAL AWARD OF EXCELLENCE**

Mayor Coleen J. Seng presented the Mayor's Annual Award of Excellence for 2006 to Bobby Mills, bus operator for StarTran, in the Category of Valor.

Karl Fredrickson, Director of Public Works & Utilities, expressed great pride to have Bobby working for the City and for his great human nature and being a great citizen of Lincoln and the State of Nebraska.

Larry Worth, Transit Manager for StarTran, congratulated Bobby and stated he is an excellent bus operator, great employee and an all around good guy.

This matter was taken under advisement.

**PUBLIC HEARING**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF SANITARY SEWER REVENUE BONDS OF THE CITY OF LINCOLN IN THE AMOUNT OF \$21,000,000 - Don Herz, Finance Director, presented a chart to show the use of funding. Discussion followed.

Scott Keene, Ameritas Investment Corp., stated interest rate & underwriter discount will determine the winner of the bidding sale. Discussion followed.

Steve Masters, came forward to answer questions. Discussion followed.

Margaret Remmenga, Business Manager of Public Works & Utilities, came forward to state that \$500,000 will be from impact fees and the balance will come from utility fees.

Lauren Wismer, Gillmore & Bell, was available for questions. This matter was taken under advisement.

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 - Dan Marvin, Council Person, asked if this law was being changed to conform with the State law.

Dana Roper, City Attorney, came forward to answer he was correct and also so that tickets can be issued.

This matter was taken under advisement.

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 - Annette McRoy, Council Person, asked to explain the increase in hours, but not in the cost of operations.

Karla Welding, Supt. of Solid Waste Operations, came forward to explain the operation staff works 10 hours up to 5:00 p.m. The Gatehouse staff works normal hours, but will have their hours built in to overlap. The Operation staff will already be on site.

This matter was taken under advisement.

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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 - Brandon Garrett, Planning Dept., stated this is a clean-up text amendment to correct errors and omissions to past Matrix for parking requirements. It is also to clarify and reorganize the parking chapter so it is easier to understand.

This matter was taken under advisement.

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 - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corp. stating this vacation request was for the east ½ of the old 84<sup>th</sup> Street right-of-way along section line south of Highway 2. Discussion followed.

Marvin Krout, Planning Director, came forward to answer a question. He stated the Planning Commission does not have authority to vacate a street right-of-way.

This matter was taken under advisement.

APPROVING A TRANSPORTATION ENHANCEMENT PROGRAM GRANT AGREEMENT BETWEEN THE CITY AND STATE FOR \$500,000 OF FUNDS FOR CONSTRUCTION OF JAMAICA NORTH TRAIL PHASE II - Terry Genrich, Parks and Recreation Dept., came forward to answer the question of who is paying for this trail which he stated was from this grant and the balance from the Great Plains Trail Network. Discussion followed.

This matter was taken under advisement.

WAIVER 07002 - APPLICATION OF REBECCA CAST TO WAIVE THE SIDEWALK REQUIREMENTS ASSOCIATED WITH THE MARTIN HEIGHTS 3RD ADDITION ON PROPERTY GENERALLY LOCATED AT 4025 AND 4045 G STREET - Rebecca Cast, 4831 Mandarin Circle, came forward to request the sidewalk be waived and if not then to have the time extended.

This matter was taken under advisement.

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

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS - NONE**

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

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 second 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 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 second 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 second 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 second 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 84<sup>th</sup> Street right-of-way south of Highway 2, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

#### RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF FEBRUARY 16 - 28, 2007 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84287 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 March 1, 2007, 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>
Sheila Warkow	\$ 38.00	
Ronald Freeman	185.00	None
Johnny Rodriguez	NAS*	
Sally A. Hempel & Rodger D. Hempel	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 Dan Marvin

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE WIDENING AND RECONSTRUCTION OF SOUTH FOLSOM STREET FROM WEST DENTON ROAD TO A POINT 1439 FEET SOUTH OF WEST OLD CHENEY ROAD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84288 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for widening and reconstruction of South Folsom Street from West Denton Road to a point 1439 feet south of West Old Cheney Road, upon the terms and conditions set forth in said Agreement,

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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.

The City Clerk is directed to transmit one fully executed original of said Agreement to Susan Starcher for filing with Lancaster County.

Introduced by Dan Marvin

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

APPROVING A TRANSPORTATION ENHANCEMENT PROGRAM GRANT AGREEMENT BETWEEN THE CITY AND STATE FOR \$500,000 OF FUNDS FOR CONSTRUCTION OF JAMAICA NORTH TRAIL PHASE II - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84289 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. ENH-55(160), State CN-12879, to construct the Jamaica North Trail - Phase II from approximately 4th and Calvert Streets to 4th and J Streets with Transportation Enhancement Program grant funds, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Dan Marvin

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

WAIVER 07002 - APPLICATION OF REBECCA CAST TO WAIVE THE SIDEWALK REQUIREMENTS ASSOCIATED WITH THE MARTIN HEIGHTS 3RD ADDITION ON PROPERTY GENERALLY LOCATED AT 4025 AND 4045 G STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84290 WHEREAS, the final plat of Martin Heights 3rd Addition, generally located at South 41st and G Streets, was previously approved by the Lancaster County Planning Commission in February 2002; and

WHEREAS, Title 26, Land Subdivision Ordinance, of the Lincoln Municipal Code requires the installation of sidewalks along both South 41st Street or G Street adjacent to the final plat to be constructed within four years following final plat approval; and

WHEREAS, Applicant is requesting a waiver of said sidewalk requirement; and

WHEREAS, the Planning Commission has reviewed said request and has recommended that the waiver of the sidewalk installation be denied and that the Applicant be granted a four-year extension of time until February, 2010, to install the sidewalks.

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

1. That the Applicant's request to waive the condition of approval of the Final Plat of Martin Heights 3rd Addition requiring the installation of a sidewalk at 4025 and 4045 G Street, is hereby denied.

2. The Applicant is hereby granted a four-year extension of time to install the sidewalks until February, 2010.

All other conditions for approval of the Preliminary Plat of Martin Heights 3rd Addition shall remain in full force and effect.

Introduced by Dan Marvin

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

**PETITIONS & COMMUNICATIONS - NONE**

**MISCELLANEOUS REFERRALS - NONE**

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY THE CITY COUNCIL ON MARCH 5, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPOINTING MONICA HUAPAYA TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84291 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Monica Huapaya to the Lincoln-Lancaster Women's Commission to fill an unexpired term expiring January 1, 2009, is hereby approved.

Introduced by Dan Marvin

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

APPOINTING SONJA F. SMITH TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING MARCH 1, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84292 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Sonja F. Smith to the Lincoln-Lancaster Women's Commission for a two-year term expiring March 1, 2009, is hereby approved.

Introduced by Dan Marvin

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

REQUEST OF PUBLIC WORKS TO SET THE PUBLIC HEARING DATE OF MONDAY, APRIL 2, 2007, AT 1:30 P.M. ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

07-40 To provide authority to create an Alley Repaving District, being the east/west alley, O Street to P Street, 17<sup>th</sup> to 18<sup>th</sup> Street and assess the costs therefore against the benefitted properties - CLERK requested a motion to approve April 2, 2007 at 1:30 for hearing date.

MARVIN So moved.

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

REQUEST OF PUBLIC WORKS TO SET THE PUBLIC HEARING DATE OF MONDAY, APRIL 30, 2007, AT 5:30 P.M. ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

07-41 to provide authority to create and order constructed under Special Assessment District a water main 6 inch in diameter in south 34<sup>th</sup> Street, Van Dorn north approximately 300 feet more or less and assess the costs thereof against the benefitted properties CLERK requested a motion to approve April 30, 2007 at 5:30 for hearing date.

MARVIN So moved.

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

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

AMENDING CHAPTER 10.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO RULES OF THE ROAD BY AMENDING SECTION 10.14.360, MOTOR VEHICLE RESTRAINT; CHILDREN, BY CHANGING USE REQUIREMENTS FOR CHILD OCCUPANT RESTRAINTS, ADDING REQUIREMENTS FOR PERSONS WEARING OCCUPANT PROTECTION SYSTEMS IN VEHICLES OPERATED BY HOLDERS OF PROVISIONAL OPERATOR'S PERMITS OR SCHOOL PERMITS, AMENDING EXEMPTIONS, AND MODIFYING PENALTY PROVISIONS, IN ORDER TO REMAIN CONSISTENT WITH STATE STATUTE PROVISIONS, AND AMENDING SECTION 10.14.365, OCCUPANT PROTECTION SYSTEM; USE REQUIRED, BY DELETING OBSOLETE LANGUAGE, ADDING EXEMPTIONS, AND AMENDING LANGUAGE IN ORDER TO REMAIN CONSISTENT WITH STATE STATUTE - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 10.14 of the Lincoln Municipal Code relating to Rules of the Road by amending Section 10.14.360 (Motor Vehicle Restraint: Children) by changing use requirements for child occupant restraints, adding requirements for persons wearing occupant protection systems in vehicles operated by holders of provisional operator's permits or school permits, amending exemptions, and modifying penalty provisions, in order to remain consistent with state statute provisions; amending Section 10.14.365

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(Occupant Protection System; Use Required) by deleting obsolete language, adding exemptions, and amending language in order to remain consistent with state statute; and repealing Sections 10.14.360 and 10.14.365 of the Lincoln Municipal Code as hitherto existing, the first time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$300,000,000 LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS ON 3/26/07) - CLERK read an ordinance, introduced by Annette McRoy, Fifth Series Ordinance adopted under and pursuant to Ordinance No. 17879 passed July 23, 2001; Authorizing the issuance of Lincoln Electric System revenue and refunding bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$300,000,000; fixing in part and providing for the fixing in part of the details of such bonds; providing for the sale of such bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and declaring an emergency, the first time.

AMENDING SECTION 2.38.100 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE THAT THE STARTRAN ADVISORY BOARD SHALL HAVE FINAL AUTHORITY AFTER FIRST HOLDING A PUBLIC HEARING TO ADD OR DELETE SPECIFIC TRIPS FROM REGULARLY SCHEDULED LINE SERVICE, ADJUST SCHEDULES, ADD NEW OR ADJUST EXISTING ROUTES, AND AUTHORIZE SPECIAL PROMOTIONAL FARES, AND TO PROVIDE WHEN SUCH CHANGES SHALL GO INTO EFFECT; BY ADDING SECTION 2.38.125 TO PROVIDE FOR NOTICE OF PUBLIC HEARING; AND BY ADDING SECTION 2.38.127 TO PROVIDE FOR APPEALS FROM ACTION OF THE STARTRAN ADVISORY BOARD - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 2.38 of the Lincoln Municipal Code relating to StarTran by amending Section 2.38.100 to provide that the StarTran Advisory Board shall have final authority after first holding a public hearing thereon to add or delete specific trips from regularly scheduled line service, adjust schedules, add new or adjust existing routes, and authorize special promotional fares, and to provide when such changes shall go into effect; adding a new section numbered 2.38.125 to provide for notice of public hearing; adding a new section numbered 2.38.127 to provide for appeals from action of the StarTran Advisory Board; and repealing Section 2.38.100 of the Lincoln Municipal Code as hitherto existing, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to March 26, 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 26, 2007.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**ADJOURNMENT 2:00 P.M.**

CAMP            Moved to adjourn the City Council meeting of March 19, 2007.  
                  Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

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