

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, May 21, 2007 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of May 14, 2007, reported having done so, found same correct.

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

**PRESENTATION BY LINCOLN POLICE CHIEF TOM CASADY
2007 JUSTICE ASSISTANCE GRANT**

PUBLIC HEARING

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2724 FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS B PREMISES TO READ AS A ONE STORY BUILDING MEASURING APPROXIMATELY 40 FEET BY 69 FEET AT 3003 N. 70TH STREET;

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2720 FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS B PREMISES TO READ AS A ONE STORY IRREGULAR SHAPED BUILDING MEASURING APPROXIMATELY 40 FEET BY 76 FEET AT 1001 S. 13TH STREET - Sharon Scusa, 1835 Valley View Dr., Crete, NE, Supervisor, took oath and came forward to answer questions. This matter was taken under advisement.

AMENDING CHAPTER 14.70 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCAVATIONS BY AMENDING SECTION 14.70.010 TO AUTHORIZE CONDITIONS TO BE PLACED IN EXCAVATION PERMITS THAT ARE FOR THE PUBLIC INTEREST, AND ADDING A NEW SECTION NUMBERED 14.70.015 TO SET FORTH SPECIFIC CONDITIONS AND REQUIREMENTS TO BE PLACED ON EXCAVATION PERMITS THAT ARE REASONABLY NECESSARY FOR THE PUBLIC INTEREST Jerry Obrist, Director of Water Dept., came forward in favor of this amendment. Discussion followed. This matter was taken under advisement.

AMENDING CHAPTER 6.02 OF THE LMC RELATING TO ANIMAL CONTROL DEFINITIONS TO CLARIFY LANGUAGE ALLOWING COMMERCIAL BOARDING KENNELS WITHIN THE CITY LIMITS BY ADDING DEFINITIONS FOR "ANIMAL HOSPITAL OR CLINIC" AND "VETERINARY HOSPITAL OR CLINIC" AND AMENDING THE CURRENT DEFINITION OF "COMMERCIAL BOARDING KENNEL" TO PROVIDE THAT ALL COMMERCIAL BOARDING KENNELS OPERATING WITHIN THE CITY LIMITS SHALL BE LICENSED UNDER THE LAWS OF THE STATE OF NEBRASKA; AMENDING SECTION 6.04.165 OF THE LMC TO SET FORTH RESTRICTIONS FOR COMMERCIAL BOARDING KENNELS AND GROOM SHOPS LOCATED WITHIN THE CITY LIMITS; AND AMENDING SECTION 6.08.310 OF THE LMC TO PROVIDE AN EXCEPTION FOR COMMERCIAL BOARDING KENNELS FROM THE KENNELS PROHIBITED IN THE CITY OF LINCOLN. (RELATED ITEMS: 07-54, 07-57);

CHANGE OF ZONE 06084 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING CHAPTER 27.03 TO ADD DEFINITIONS FOR "ANIMAL HOSPITAL," "ANIMAL HOSPITAL, INDOOR," "BOARDING," "KENNEL," "KENNEL, INDOOR," "INDOORS," AND "OUTDOOR EXERCISE AREA" ASSOCIATED WITH AN INDOOR HOSPITAL OR INDOOR KENNEL; AMENDING SECTIONS 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, AND 27.45.020, TO ADD INDOOR ANIMAL HOSPITALS AND INDOOR KENNELS AS A PERMITTED USE; AMENDING SECTIONS 27.43.040 AND 27.45.030 TO ADD OUTDOOR EXERCISE AREA ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL AS A PERMITTED SPECIAL USE; AMENDING SECTION 27.63.470 TO ADD INDOOR ANIMAL HOSPITALS, INDOOR KENNELS, AND OUTDOOR EXERCISE AREAS ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL AS AN ALLOWED USED UNDER A SPECIAL PERMIT FOR PLANNED SERVICE COMMERCIAL DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.63.780 TO CREATE A SPECIAL PERMIT FOR OUTDOOR EXERCISE AREAS ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL. (RELATED ITEMS: 07-54, 07-57)- Bruce Dart, Director of Health Dept., came forward to explain the proposed amendments to the Lincoln Municipal Code and to

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answer questions. Discussion followed.

Tonya Skinner, Assistant City Attorney, came forward to answer questions.

Marvin Krout, Director of Planning Dept., came forward to relate that he was approached by someone wanting to have a boarding kennel within the city limits thus the reason for these amendments.

Danny Walker, 427 "E" Street, came forward to ask questions.

Mike Rierden, 645 "M" Street, Suite 200, came forward representing KQ and Ben Allen owners of Kenl Inn in opposition.

Henry Sader, 2030 Saltillo Rd., owner of Wilderness Kennels came forward in opposition. Discussion followed.

Paul Marcussen, 5705 Waverly Rd., owner of Prairie Wind Kennels, came forward in opposition. Discussion followed.

Tom Ryan, Camp Bow Wow, 1406 N. 102nd Ave., Omaha, NE, came forward in favor as they are wanting to locate their business in the City of Lincoln. Discussion followed.

Mike Anderson, 199 McKelvie Rd., owner of Driftwood Kennels, came forward in opposition. Discussion followed.

Peter Katt, representing Tom & Colleen Ryan for Camp Bow Wow, requesting approval of the Lincoln Municipal Code amendments. Discussion followed.

Judy Halstead, Health Department, came forward to answer a question.

This matter was taken under advisement.

DECLARING APPROXIMATELY 1.02 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HIGHWAY 66 AND HIGHWAY 6, ASHLAND, NEBRASKA AS SURPLUS PROPERTY - Marvin Krout, Director of Planning Dept., came forward to explain this property is not needed for the well field. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 7:21 P.M.

RECONVENED 7:28 P.M.

CHANGE OF ZONE 07020 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND HAVELOCK AVENUE - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Casey's Retail Company asking for approval. Discussion followed.

Joanie Dyer, Casey's Retail Company, came forward to state they will keep the store open on 70th & Havelock Streets as well as opening the store on 70th & Adam Streets.

This matter was taken under advisement.

MISC. 07004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION TO PROVIDE REQUIREMENTS AND CRITERIA TO PREVENT AND CONTROL WATER POLLUTION FROM CONSTRUCTION SITE DISCHARGES AND DIMINISH ADVERSE IMPACTS TO HEALTH, SAFETY, PROPERTY, AND THE GENERAL WELFARE OF THE CITIZENS OF THE CITY OF LINCOLN BY ADDING NEW SECTIONS NUMBERED 26.07.085, 26.07.123, 26.07.125, 26.07.137, 26.07.138, 26.07.164, 26.07.166, 26.07.167, AND 26.27.168 TO PROVIDE DEFINITIONS FOR "CONSTRUCTION ACTIVITY," "INDIVIDUAL SITE CONSTRUCTION," "MINI-SWPPP," "PERMIT IN CONFORMANCE WITH CHAPTER 28.01," "PERSON," "STOP WORK ORDER," "STORM DRAINAGE SYSTEM," "STORMWATER," AND "STORMWATER POLLUTION PREVENTION PLAN (SWPPP)", RESPECTIVELY; BY AMENDING SECTIONS 26.11.038, 26.23.190, AND 26.27.060 TO REQUIRE COMPLIANCE WITH CHAPTER 28.01 FOR CONSTRUCTION ACTIVITY AND INDIVIDUAL SITE CONSTRUCTION; BY AMENDING SECTION 26.31.040 TO ALLOW ENFORCEMENT ACTION AND REMOVAL AUTHORITY BY THE CITY IN THE EVENT SEDIMENT IS DEPOSITED IN A STORM DRAINAGE SYSTEM. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102);

CHANGE OF ZONE 07015 - AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL REGULATIONS OF THE ZONING CODE AND TO REQUIRE COMPLIANCE WITH CHAPTER 28.01, REGULATIONS FOR CONSTRUCTION SITE DISCHARGES, FOR CONSTRUCTION ACTIVITY. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102);

CREATING A NEW TITLE 28 "STORMWATER QUALITY AND EROSION AND SEDIMENT CONTROL" TO CONSOLIDATE THE EROSION AND SEDIMENT CONTROL REQUIREMENTS IN A SINGLE CHAPTER CALLED "REGULATIONS FOR CONSTRUCTION SITE DISCHARGES" TO MEET ALL STATE AND FEDERAL REQUIREMENTS. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102);

MISC. 07005 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO SET FORTH STANDARDS FOR CONSTRUCTION SITE STORMWATER DISCHARGES PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) UNDER THE FEDERAL CLEAN WATER ACT AND THE NEBRASKA ENVIRONMENTAL PROTECTION ACT BY AMENDING CHAPTER 2.05 "STORMWATER DRAINAGE DESIGN STANDARDS, SECTION 11

"EROSION AND SEDIMENT CONTROL" TO REPEAL SECTIONS 11.1 AND 11.2 AND TO ADD NEW SECTION 11.1 SETTING FORTH THE PURPOSE AND SCOPE OF THE DESIGN STANDARDS FOR EROSION AND SEDIMENT CONTROL; TO ADD NEW SECTION 11.2 REQUIRING THAT A PERMIT AND SWPPP BE SUBMITTED TO THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT FOR ANY CONSTRUCTION ACTIVITY; TO ADD NEW SECTION 11.3 SETTING FORTH REQUIREMENTS FOR INDIVIDUAL SITE CONSTRUCTION; AND TO ADD NEW SECTION 11.4 WHICH ADOPTS BY REFERENCE CHAPTER 9 OF THE CITY'S DRAINAGE CRITERIA MANUAL. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102) (ACTION DATE: 6/4/07)- J.B. Dixon, Stormwater Specialist with Lower Platte Water District, came forward to make a presentation.

Rock Krzycki, Public Works & Utilities Dept., Watershed Management, came forward to explain what process was followed to propose the changes requested. Discussion followed.

Danny Walker, 427 "E" Street, came forward to request the east-west bike trail under Capitol Parkway between 1st and K street be cleaned up and repaired.

Fred Hoke, Government Affairs Director of Home Builders Association, came forward stating he was the chair of the committee to develop recommendations for the stormwater program. The committee feels the regulations meet the EPA & DEQ requirements. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Prairie Homes, Hartland Homes, and Fowler Custom Homes in opposition.

Richard Sutton, 1326 N. 38th Street, came forward in support.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain "mini-SWPPP's".

Miki Esposito, came forward to answer questions. Discussion followed.

Donna Garden, Nebraska Department of Environmental Quality supervisor for NPD Permits & Compliance Units came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ASSESSING PROPERTY OWNERS FOR THE COST OF SNOW REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER OF 2006-2007 - Harry Kroos, Public Works & Utilities Dept., came forward to explain the process which leads up to the assessment of the property owners. Discussion followed.

This matter was taken under advisement.

VACATION 07004 - VACATING TWO PORTIONS (.26 AND .15 ACRES) OF ROKEBY ROAD AT ITS INTERSECTION WITH BREAGAN ROAD AND THE RAILROAD CROSSING - Don Thomas, County Engineer, came forward with information and to answer questions. Discussion followed.

Richard Kotas, Manager of Rails for OPPD, 444 S. 16th Street, Omaha, NE, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A REDEVELOPMENT AND LIMITED TERM USE RESTRICTIONS AGREEMENT BETWEEN THE CITY OF LINCOLN AND DAVID A. WOOD FOR CONSTRUCTION OF AN OFFICE BUILDING WITH WAREHOUSE SPACE ON PROPERTY GENERALLY LOCATED AT 2600 WEST M COURT WITHIN THE WEST O REDEVELOPMENT PLAN - Wynn Hjermstad, Urban Development, came forward to request approval and to answer questions. Discussion followed.

David Wood, 2600 West M Court, business owner of blighted property, came forward requesting approval. Discussion followed.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2724 FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS B PREMISES TO READ AS A ONE STORY BUILDING MEASURING APPROXIMATELY 40 FEET BY 69 FEET AT 3003 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84369 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 Casey's Retail Company dba Casey's General Store 2724 for reconstruction of its licensed Class B premises to read as a one story building measuring approximately 40 feet by 69 feet located at 3003 N. 70th 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2720 FOR RECONSTRUCTION OF ITS PRESENTLY LICENSED CLASS B PREMISES TO READ AS A ONE STORY IRREGULAR SHAPED BUILDING MEASURING APPROXIMATELY 40 FEET BY 76 FEET AT 1001 S. 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84370 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 Casey's Retail Company dba Casey's General Store 2720 for reconstruction of its licensed Class B premises to read as a one story irregular shaped building measuring approximately 40 feet by 76 feet located at 1001 S. 13th 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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

AMENDING CHAPTER 14.70 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCAVATIONS BY AMENDING SECTION 14.70.010 TO AUTHORIZE CONDITIONS TO BE PLACED IN EXCAVATION PERMITS THAT ARE FOR THE PUBLIC INTEREST, AND ADDING A NEW SECTION NUMBERED 14.70.015 TO SET FORTH SPECIFIC CONDITIONS AND REQUIREMENTS TO BE PLACED ON EXCAVATION PERMITS THAT ARE REASONABLY NECESSARY FOR THE PUBLIC INTEREST - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 14.70 of the Lincoln Municipal Code relating to Excavations by amending Section 14.70.010 to authorize conditions to be placed on excavation permits that are for the public interest; adding a new section numbered 14.70.015 to indicate specific conditions to be placed on excavation permits; and repealing Section 14.70.010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 6.02 OF THE LMC RELATING TO ANIMAL CONTROL DEFINITIONS TO CLARIFY LANGUAGE ALLOWING COMMERCIAL BOARDING KENNELS WITHIN THE CITY LIMITS BY ADDING DEFINITIONS FOR "ANIMAL HOSPITAL OR CLINIC" AND "VETERINARY HOSPITAL OR CLINIC" AND AMENDING THE CURRENT DEFINITION OF "COMMERCIAL BOARDING KENNEL" TO PROVIDE THAT ALL COMMERCIAL BOARDING KENNELS OPERATING WITHIN THE CITY LIMITS SHALL BE LICENSED UNDER THE LAWS OF THE STATE OF NEBRASKA; AMENDING SECTION 6.04.165 OF THE LMC TO SET FORTH RESTRICTIONS FOR COMMERCIAL BOARDING KENNELS AND GROOM SHOPS LOCATED WITHIN THE CITY LIMITS; AND AMENDING SECTION 6.08.310 OF THE LMC TO PROVIDE AN EXCEPTION FOR COMMERCIAL BOARDING KENNELS FROM THE KENNELS PROHIBITED IN THE CITY OF LINCOLN. (RELATED ITEMS: 07-54, 07-57) - CLERK read an ordinance, introduced by Jon Camp, amending Title 6 of the Lincoln Municipal Code relating to Animals by amending Chapter 6.02 of the Lincoln Municipal Code relating Animal Control Definitions to clarify language allowing commercial boarding kennels within the city limits by adding a new section numbered 6.02.065 to add a definition for "animal hospital or clinic"; amending Section 6.02.140, "commercial boarding kennel," to require commercial boarding kennels to be licensed under the laws of the State of Nebraska; adding a new section numbered 6.02.525 to add a definition for "veterinary hospital or clinic"; and amending Section 6.04.165 of the Lincoln Municipal Code to set forth restrictions for commercial boarding kennels, pet shops, and commercial breeding kennels; and amending Section 6.08.310 of the Lincoln Municipal Code to provide an exception for commercial boarding kennels from the kennels prohibited in the City of Lincoln; and repealing Sections 6.02.140, 6.04.165, and 6.08.310 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 06084 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING CHAPTER 27.03 TO ADD DEFINITIONS FOR "ANIMAL HOSPITAL," "ANIMAL HOSPITAL, INDOOR," "BOARDING," "KENNEL," "KENNEL, INDOOR," "INDOORS," AND "OUTDOOR EXERCISE AREA" ASSOCIATED WITH AN INDOOR HOSPITAL OR INDOOR KENNEL; AMENDING SECTIONS 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, AND 27.45.020, TO ADD INDOOR ANIMAL HOSPITALS AND INDOOR KENNELS AS A PERMITTED USE; AMENDING SECTIONS 27.43.040 AND 27.45.030 TO ADD OUTDOOR EXERCISE AREA ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL AS A PERMITTED SPECIAL USE; AMENDING SECTION 27.63.470 TO ADD INDOOR ANIMAL HOSPITALS, INDOOR KENNELS, AND OUTDOOR EXERCISE AREAS ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL AS AN ALLOWED USED UNDER A SPECIAL PERMIT FOR PLANNED SERVICE COMMERCIAL DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.63.780 TO CREATE A SPECIAL PERMIT FOR OUTDOOR EXERCISE AREAS ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL. (RELATED ITEMS: 07-54, 07-57) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Chapter 27.03 to add definitions for "animal hospital," "animal hospital, indoor," "boarding," "kennel," "kennel, indoor," "indoors," and "outdoor exercise area" associated with an indoor hospital or indoor kennel; amending Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, and 27.45.020, to add indoor animal hospitals and indoor kennels as a permitted use; amending Sections 27.43.040 and 27.45.030 to add outdoor exercise area associated with an indoor animal hospital or indoor kennel as a permitted special use; amending Section 27.63.470 to add indoor animal hospitals, indoor kennels, and outdoor exercise areas associated with an indoor animal hospital or indoor kennel as an allowed used under a special permit for planned service commercial development; adding a new section numbered 27.63.780 to create a special permit for outdoor exercise areas associated with an indoor animal hospital or indoor kennel; and repealing Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, 27.43.040, 27.45.020, 27.45.030 and 27.63.470 of the Lincoln Municipal Code as hitherto existing, the second time.

DECLARING APPROXIMATELY 1.02 ACRES GENERALLY LOCATED AT THE SOUTHWEST CORNER OF HIGHWAY 66 AND HIGHWAY 6, ASHLAND, NEBRASKA AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jon Camp, declaring approximately 1.02 acres of City-owned property generally located at the southwest corner of Highway 66 and Highway 6, Ashland, Nebraska as surplus and authorizing the sale thereof, the second time.

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CHANGE OF ZONE 07020 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND HAVELOCK AVENUE - 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 second time.

MISC. 07004 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION TO PROVIDE REQUIREMENTS AND CRITERIA TO PREVENT AND CONTROL WATER POLLUTION FROM CONSTRUCTION SITE DISCHARGES AND DIMINISH ADVERSE IMPACTS TO HEALTH, SAFETY, PROPERTY, AND THE GENERAL WELFARE OF THE CITIZENS OF THE CITY OF LINCOLN BY ADDING NEW SECTIONS NUMBERED 26.07.085, 26.07.123, 26.07.125, 26.07.137, 26.07.138, 26.07.164, 26.07.166, 26.07.167, AND 26.27.168 TO PROVIDE DEFINITIONS FOR "CONSTRUCTION ACTIVITY," "INDIVIDUAL SITE CONSTRUCTION," "MINI-SWPPP," "PERMIT IN CONFORMANCE WITH CHAPTER 28.01," "PERSON," "STOP WORK ORDER," "STORM DRAINAGE SYSTEM," "STORMWATER," AND "STORMWATER POLLUTION PREVENTION PLAN (SWPPP)", RESPECTIVELY; BY AMENDING SECTIONS 26.11.038, 26.23.190, AND 26.27.060 TO REQUIRE COMPLIANCE WITH CHAPTER 28.01 FOR CONSTRUCTION ACTIVITY AND INDIVIDUAL SITE CONSTRUCTION; BY AMENDING SECTION 26.31.040 TO ALLOW ENFORCEMENT ACTION AND REMOVAL AUTHORITY BY THE CITY IN THE EVENT SEDIMENT IS DEPOSITED IN A STORM DRAINAGE SYSTEM. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102) - CLERK read an ordinance, introduced by Jon Camp, amending Title 26 of the Lincoln Municipal Code relating to Land Subdivision to provide requirements and criteria to prevent and control water pollution from construction site discharges and diminish adverse impacts to health, safety, property, and the general welfare of the citizens of the City of Lincoln by adding new sections numbered 26.07.085, 26.07.123, 26.07.125.05, 26.07.137, 26.07.138, 26.07.164, 26.07.166, 26.07.167 and 26.07.168 to provide definitions for "construction activity," "individual site construction," "mini-SWPPP," "permit in conformance with Chapter 28.01," "person," "stop work order," "storm drainage system," "stormwater," and "stormwater pollution prevention plan (SWPPP)," respectively; by amending Sections 26.11.038, 26.23.190, and 26.27.060 to require compliance with Chapter 28.01 for construction activity and individual site construction; by amending Section 26.31.040 to allow enforcement action and removal authority by the City in the event sediment is deposited in a storm drainage system; and repealing Sections 26.11.038, 26.23.190, 26.27.060, and 26.31.040 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 07015 - AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL REGULATIONS OF THE ZONING CODE AND TO REQUIRE COMPLIANCE WITH CHAPTER 28.01, REGULATIONS FOR CONSTRUCTION SITE DISCHARGES, FOR CONSTRUCTION ACTIVITY. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102) - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.81.010 of the Lincoln Municipal Code relating General Regulations of the Zoning Code to require compliance with Chapter 28.01, Regulations for Construction Site Discharges, for construction activity; and by repealing Section 27.81.010 of the Lincoln Municipal Code as hitherto existing, the second time.

CREATING A NEW TITLE 28 "STORMWATER QUALITY AND EROSION AND SEDIMENT CONTROL" TO CONSOLIDATE THE EROSION AND SEDIMENT CONTROL REQUIREMENTS IN A SINGLE CHAPTER CALLED "REGULATIONS FOR CONSTRUCTION SITE DISCHARGES" TO MEET ALL STATE AND FEDERAL REQUIREMENTS. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Municipal code by creating a new Title 28, Stormwater Quality and Erosion and Sediment Control, and a new Chapter 28.01, Regulations for Construction Site Discharges, to provide requirements and criteria to prevent and control water pollution and diminish adverse impacts to health, safety, property, and the general welfare of the citizens of the City of Lincoln by adding Section 28.01.010 setting forth the purpose and findings of regulating construction site discharges; Section 28.01.020 establishing the authority and applicability of these regulations to all lands within the corporate limits of the City and within three miles thereof; Section 28.01.030 setting forth definitions including Applicant, Authorized Representative, Best Management Practices (BMPs), City, Common Plan of Development or Sale, Construction

Activity, Director, Erosion, Final Stabilization, Illicit Discharge, Individual Site Construction, Land Disturbance, Mini-SWPPP, MS4 Permit, Municipal Separate Stormwater Sewer System (MS4), National Pollutant Discharge Elimination System (NPDES), Notice of Intent (NOI), Notice of Termination (NOT), NPDES General Permit, Owner, Permit, Permittee, Person, Pollutant, Public Right-of-Way, Sediment, Sedimentation, Stop Work Order, Storm Drainage System, Stormwater, and Stormwater Pollution Prevention Plan (SWPPP); Section 28.01.040 incorporating the City's Design Standards and Drainage Criteria Manual and providing an exemption for emergency activity; Section 28.01.050 requiring that a permit and SWPPP be submitted to the Lower Platte South Natural Resources District for any construction activity; Section 28.01.060 setting forth requirements for the Construction Activity SWPPP; Section 28.01.070 setting forth requirements for the Individual Site Construction Mini-SWPPP; Section 28.01.080 establishing a process by which a permittee must conduct routine inspections to ensure compliance with the regulations; Section 28.01.090 providing a mechanism to terminate the permit; Section 28.01.100 allowing for enforcement action by the City in the event sediment is in a public right-of-way or storm drainage system; Section 28.01.110 providing a right-of-entry to the City and the Lower Platte South Natural Resources District to perform inspections of construction sites to verify compliance with the regulations; and Section 28.01.120 specifying unlawful acts under the chapter, providing enforcement authority for the City in the event a violation occurs, and establishing penalties for such violations, the second time.

MISC. 07005 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO SET FORTH STANDARDS FOR CONSTRUCTION SITE STORMWATER DISCHARGES PURSUANT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) UNDER THE FEDERAL CLEAN WATER ACT AND THE NEBRASKA ENVIRONMENTAL PROTECTION ACT BY AMENDING CHAPTER 2.05 "STORMWATER DRAINAGE DESIGN STANDARDS, SECTION 11 "EROSION AND SEDIMENT CONTROL" TO REPEAL SECTIONS 11.1 AND 11.2 AND TO ADD NEW SECTION 11.1 SETTING FORTH THE PURPOSE AND SCOPE OF THE DESIGN STANDARDS FOR EROSION AND SEDIMENT CONTROL; TO ADD NEW SECTION 11.2 REQUIRING THAT A PERMIT AND SWPPP BE SUBMITTED TO THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT FOR ANY CONSTRUCTION ACTIVITY; TO ADD NEW SECTION 11.3 SETTING FORTH REQUIREMENTS FOR INDIVIDUAL SITE CONSTRUCTION; AND TO ADD NEW SECTION 11.4 WHICH ADOPTS BY REFERENCE CHAPTER 9 OF THE CITY'S DRAINAGE CRITERIA MANUAL. (RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102) (ACTION DATE: 6/4/07)

RESOLUTIONS

ASSESSING PROPERTY OWNERS FOR THE COST OF SNOW REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER OF 2006-2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84371 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the snow removal costs for snow and ice removal off sidewalks for the 2006-2007 winter season as listed below be and the same hereby are assessed against the property listed opposite the amount.

Location	Legal Description	Snow Removal Charges
927 'O' Street	Original Plat of Lincoln Block 54	
	County Clerk's Sub	\$156.50
	Of Lots 1 - 6, Lot F	
338 West Rio Road	Eastborough 2 nd Addition	\$515.49
	Block 11, Lot 21	
5520 Bison Drive	Colonial Hills 11 th Addition	\$219.62
	Outlot 'A'	
3501 West Plum Street	Timber Ridge 4 th Addition,	\$217.49
	Lot 2	
2803 Washington Street	Zehrung & Ames Addition	\$202.75
	Block 5, Lot 9	
8021 Sandalwood Drive	Wedgewood Manor 2 nd Addition	\$277.50
	Block 7, Lot 1	

Introduced by Jon Camp

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

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VACATION 07004 - VACATING TWO PORTIONS (.26 AND .15 ACRES) OF ROKEBY ROAD AT ITS INTERSECTION WITH BREAGAN ROAD AND THE RAILROAD CROSSING - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84372 WHEREAS, the vacation two portions of Rokeby Road at its intersection with Breagan Road and the railroad crossing has been requested by the Lancaster County Engineer; and

WHEREAS, said street portion is located outside of the corporate limits of the City but within the three-mile zoning jurisdiction of the City; and

WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the City must approve the vacation of said street portion.

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

That the vacation of the two parcels (.26 and .15 acres) of Rokeby Road right-of-way at its intersection with Breagan Road and the railroad crossing, and legally described as:

Parcel A

A parcel of land located in the Southeast Quarter of Section 25 and the Northeast Quarter of Section 36, Township 9 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, more particularly described as follow:

Commencing at the southwest corner of the said Southeast Quarter, said point being monumented with an L.C.S.M. cap; thence with an assumed bearing of south 89 degrees 19 minutes 52 seconds east, with the south line, of the said Southeast Quarter, a distance of 205.79 feet to a point of intersection with the southwesterly right-of-way of the Omaha Public Power District Railroad, said point being a point for corner, said point also being the true point of beginning; thence north 52 degrees 47 minutes 35 seconds west, with the southwesterly right-of-way line of the Omaha Public Power District Railroad, a distance of 55.43 feet to a point of intersection with the northerly right-of-way line of Rokeby Road, said point being located 33.00 feet northerly from the south line of the said Southeast Quarter; thence south 89 degrees 19 minutes 52 seconds east, with the northerly right-of-way line of Rokeby Road parallel with and 33.00 feet northerly from the south line, of the said Southeast Quarter, a distance of 168.46 feet to a point of intersection with the northeasterly right-of-way line of the Omaha Public Power District Railroad, said line also being the southwesterly right-of-way line of Breagan Road, said point being a point for corner; thence south 52 degrees 47 minutes 35 seconds east, with the northeasterly right-of-way line of the Omaha Public Power District Railroad, said line also being the southwesterly right-of-way line of Breagan Road, a distance of 55.43 feet to a point of intersection with the southerly right-of-way line of Rokeby Road, said point being located 33.00 feet southerly from the north line, of the said Northeast Quarter, said point being a point for corner; thence north 89 degrees 19 minutes 52 seconds west, with the southerly right-of-way line of Rokeby Road parallel with and 33.00 feet southerly from the north line of the said Northeast Quarter, a distance of 168.46 feet to a point of intersection with the southwesterly right-of-way line of the Omaha Public Power District Railroad, said point being a point for corner; thence

north 52 degrees 47 minutes 35 seconds west, with the southwesterly right-of-way line of the Omaha Public Power District Railroad, a distance of 55.43 feet to the true point of beginning; containing an area of 0.26 acres, more or less;

Parcel B

A parcel of land located in the Southeast Quarter of Section 25, Township 9 North, Range 7 East, of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner, of the said Southeast Quarter, said point being monumented with an L.C.S.M. cap; thence with an assumed bearing of south 89 degrees 19 minutes 52 seconds east, with the south line, of the said Southeast Quarter, a distance of 205.79 feet to a point of intersection with the southwesterly right-of-way line of the Omaha Public Power District Railroad, said point being a point for corner; thence north 52 degrees 47 minutes 35 seconds west, with the southwesterly right-of-way line of said Omaha Public Power District Railroad, a distance of 55.43 feet to the true point of beginning; thence continuing north 52 degrees 47 minutes 35 seconds west, with the said southwesterly right-of-way line of the Omaha Public Power District Railroad, a distance of 59.76 feet to a point for corner; thence north 42 degrees 43 minutes 46 seconds east, a distance of 100.76 feet to a point of intersection with the northeasterly right-of-way line of said Omaha Public Power District Railroad and the southwesterly right-of-way line of Breagan Road, said point being a point for corner; thence south 52 degrees 47 minutes 35 seconds east, with the northeasterly right-of-way line of said Omaha Public Power District Railroad and the southwesterly right-of-way line of Breagan Road, a distance of 66.31 feet to a point for corner; thence south 42 degrees 43 minutes 46 seconds west, a distance of 95.51 feet to a point for corner, said point being located 33.00 feet northerly from the south line of the said Southeast Quarter; thence north 89 degrees 19 minutes 52 seconds west, parallel with and 33.00 feet northerly from the south line, of the said Southeast Quarter, a distance of 8.78 feet to the true point of beginning; containing an area of 0.15 acres, more or less;

which is outside of the corporate limits but within the three-mile zoning jurisdiction of the City of Lincoln is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this resolution to the County Clerk for Lancaster County.

Introduced by Jon Camp

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

APPROVING A REDEVELOPMENT AND LIMITED TERM USE RESTRICTIONS AGREEMENT BETWEEN THE CITY OF LINCOLN AND DAVID A. WOOD FOR CONSTRUCTION OF AN OFFICE BUILDING WITH WAREHOUSE SPACE ON PROPERTY GENERALLY LOCATED AT 2600 WEST M COURT WITHIN THE WEST O REDEVELOPMENT PLAN - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84373 WHEREAS, the vacation two portions of Rokeby Road at its intersection with Breagan Road and the railroad crossing has been requested by the Lancaster County Engineer; and

WHEREAS, said street portion is located outside of the corporate limits of the City but within the three-mile zoning jurisdiction of the City; and

WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the City must approve the vacation of said street portion.

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

That the vacation of the two parcels (.26 and .15 acres) of Rokeby Road right-of-way at its intersection with Breagan Road and the railroad crossing, and legally described as:

Parcel A

A parcel of land located in the Southeast Quarter of Section 25 and the Northeast Quarter of Section 36,

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Township 9 North, Range 7 East, of the 6th P.M.,
Lancaster County, Nebraska, more particularly
described as follow:

Commencing at the southwest corner of the said
Southeast Quarter, said point being monumented with an
L.C.S.M. cap; thence with an assumed bearing of south
89 degrees 19 minutes 52 seconds east, with the south
line, of the said Southeast Quarter, a distance of
205.79 feet to a point of intersection with the
southwesterly right-of-way of the Omaha Public Power
District Railroad, said point being a point for
corner, said point also being the true point of
beginning; thence north 52 degrees 47 minutes 35
seconds west, with the southwesterly right-of-way line
of the Omaha Public Power District Railroad, a
distance of 55.43 feet to a point of intersection with
the northerly right-of-way line of Rokeby Road, said
point being located 33.00 feet northerly from the
south line of the said Southeast Quarter; thence south
89 degrees 19 minutes 52 seconds east, with the
northerly right-of-way line of Rokeby Road parallel
with and 33.00 feet northerly from the south line, of
the said Southeast Quarter, a distance of 168.46 feet
to a point of intersection with the northeasterly
right-of-way line of the Omaha Public Power District
Railroad, said line also being the southwesterly
right-of-way line of Breagan Road, said point being a
point for corner; thence south 52 degrees 47 minutes
35 seconds east, with the northeasterly right-of-way
line of the Omaha Public Power District Railroad, said
line also being the southwesterly right-of-way line of
Breagan Road, a distance of 55.43 feet to a point of
intersection with the south line, of the said
Southeast Quarter, said point being a point for
corner; thence continuing south 52 degrees 47 minutes
35 seconds east, with the northeasterly right-of-way
line of the Omaha Public Power District Railroad, said
line also being the southwesterly right-of-way line of
Breagan Road, a distance of 55.43 feet to a point of
intersection with the southerly right-of-way line of
Rokeby Road, said point being located 33.00 feet
southerly from the north line, of the said Northeast
Quarter, said point being a point for corner; thence
north 89 degrees 19 minutes 52 seconds west, with the
southerly right-of-way line of Rokeby Road parallel
with and 33.00 feet southerly from the north line of
the said Northeast Quarter, a distance of 168.46 feet
to a point of intersection with the southwesterly
right-of-way line of the Omaha Public Power District
Railroad, said point being a point for corner; thence
north 52 degrees 47 minutes 35 seconds west, with the
southwesterly right-of-way line of the Omaha Public
Power District Railroad, a distance of 55.43 feet to
the true point of beginning; containing an area of
0.26 acres, more or less;

Parcel B

A parcel of land located in the Southeast Quarter of
Section 25, Township 9 North, Range 7 East, of the 6th
P.M., Lancaster County, Nebraska, more particularly
described as follows:

Commencing at the southwest corner, of the said
Southeast Quarter, said point being monumented with an
L.C.S.M. cap; thence with an assumed bearing of south
89 degrees 19 minutes 52 seconds east, with the south
line, of the said Southeast Quarter, a distance of
205.79 feet to a point of intersection with the
southwesterly right-of-way line of the Omaha Public
Power District Railroad, said point being a point for
corner; thence north 52 degrees 47 minutes 35 seconds
west, with the southwesterly right-of-way line of said
Omaha Public Power District Railroad, a distance of
55.43 feet to the true point of beginning; thence
continuing north 52 degrees 47 minutes 35 seconds
west, with the said southwesterly right-of-way line of

the Omaha Public Power District Railroad, a distance of 59.76 feet to a point for corner; thence north 42 degrees 43 minutes 46 seconds east, a distance of 100.76 feet to a point of intersection with the northeasterly right-of-way line of said Omaha Public Power District Railroad and the southwesterly right-of-way line of Breagan Road, said point being a point for corner; thence south 52 degrees 47 minutes 35 seconds east, with the northeasterly right-of-way line of said Omaha Public Power District Railroad and the southwesterly right-of-way line of Breagan Road, a distance of 66.31 feet to a point for corner; thence south 42 degrees 43 minutes 46 seconds west, a distance of 95.51 feet to a point for corner, said point being located 33.00 feet northerly from the south line of the said Southeast Quarter; thence north 89 degrees 19 minutes 52 seconds west, parallel with and 33.00 feet northerly from the south line, of the said Southeast Quarter, a distance of 8.78 feet to the true point of beginning; containing an area of 0.15 acres, more or less;

which is outside of the corporate limits but within the three-mile zoning jurisdiction of the City of Lincoln is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this resolution to the County Clerk for Lancaster County.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Camp.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 4, 2007 AT 1:30 P.M. FOR MANAGER APPLICATION OF BROOKE BARNES FOR GRANITE CITY FOOD & BREWERY LTD DBA GRANITE CITY FOOD & BREWERY LOCATED AT 6150 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84374 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 4, 2007 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 Manager Application of Brooke Barnes for Granite City Food & Brewery LTD dba Granite City Food & Brewery located at 6150 O Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JUNE 4, 2007 AT 1:30 P.M. FOR APPLICATION OF LINCOLN PUB GROUP, INC. DBA THE N-ZONE & THE CATERING ZONE FOR A CLASS CK LIQUOR LICENSE LOCATED AT 728 ½ Q STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84375 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 4, 2007 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 Lincoln Pub Group, Inc. dba The N-Zone & The Catering Zone for a Class CK liquor license located at 728 ½ Q Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JUNE 4, 2007 AT 1:30 P.M. FOR MI INVESTMENTS, LLC DBA FIVE WILLOWS FOR A CLASS I LIQUOR LICENSE LOCATED AT 4747 PIONEERS BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84376 BE IT RESOLVED by the City Council, of the City of Lincoln, that hearing date is hereby set for Mon., June 4, 2007 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 MI

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Investments, LLC dba Five Willows for a Class I liquor license located at 4747 Pioneers Blvd.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JUNE 4, 2007 AT 1:30 P.M. FOR MANAGER APPLICATION OF DONALD E. SOUSEK FOR BRUNO ENTERPRISES, INC TOO DBA BUFFALO WILD WINGS GRILL AND BAR LOCATED AT 1328 P STREET AND 7301 S. 27TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84377 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 4, 2007 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 Donald E. Sousek for Bruno Enterprises, Inc. Too dba Buffalo Wild Wings Grill and Bar located at 1328 P Street and 7301 S. 27th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JUNE 4, 2007 AT 1:30 P.M. FOR APPLICATION OF MARY'S PLACE, INC. DBA MARY'S PLACE FOR AN ADDITION TO PREMISE LOCATED AT 1920 WEST O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84378 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 4, 2007 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 Mary's Place, Inc. dba Mary's Place for an addition to premise at 1920 West O Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JUNE 11, 2007 FOR APPLICATION OF MY PIEZANO'S LLC DBA PIEZANO'S FOR A CLASS I LIQUOR LICENSE LOCATED AT 2740 SOUTH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84379 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 11, 2007 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 My Piezano's LLC dba Piezano's for a Class I liquor license located at 2740 South Street.

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

Introduced by Jonathan Cook

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 14, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

RESOLUTION ASSESSING THE COSTS OF THE NORTH 27TH STREET MAINTENANCE BUSINESS DISTRICT AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84380 Be IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

1. The cost of providing for the maintenance of certain public facilities in the North 27th Street Maintenance Business Improvement District including:

- a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way:
- b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings:
- c. Maintenance (excluding repair) of sidewalks:
- d. General maintenance of median signs including repair and repainting;

including the employment of or contracting for personnel, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District" and made a part hereof;

2. The cost of said activities is the sum of \$14,392.56.

3. The property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement.

4. Each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements.

5. The cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the North 27th Street Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

BE IT FURTHER RESOLVED that the City Council sit as a Board of Equalization for the purpose of equalizing said assessments on the 4th day of June, 2007, at 1:30 p.m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Approved this 21st day of May, 2007.

Introduced by Jonathan Cook

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM WATER BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Jonathan Cook, an ordinance authorizing and providing for the issuance, sale, and delivery of General Obligation Stormwater Drainage and Flood Management System bonds, Series 2007, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$8,500,000 (The "Bonds"), for the purpose of paying the costs of constructing improvements and extensions to the City's Stormwater Drainage and Flood Management System; prescribing certain terms of the bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the bonds; providing for the payment of the principal of and interest on the bonds by the levy of a tax on all of the taxable property within the City; authorizing and approving certain other related matters; and declaring an emergency, the first time.

AMENDING SECTION 10.16.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROOF OF FINANCIAL RESPONSIBILITY BY ADDING LANGUAGE REGARDING PRESUMPTION OF USE BY VEHICLE OWNERS; FURTHER DEFINING REQUIREMENTS OF FINANCIAL RESPONSIBILITY; SPECIFYING ADVISEMENTS CURRENTLY PART OF STATE STATUTES; AND INCREASING THE PENALTY TO A MISDEMEANOR TO BE COMPARABLE WITH STATE STATUTES - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 10.16.070 of the Lincoln Municipal Code relating to proof of financial responsibility by adding language regarding presumption of use by vehicle owners; further defining requirements of financial responsibility; specifying advisements currently part of state statutes; and increasing the penalty to a misdemeanor to be comparable with state statutes; and repealing Section 10.16.070 of the Lincoln Municipal Code as hitherto existing, the first time.

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CHANGE OF ZONE 07021 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND SOUTH 84TH STREET - 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 first time.

CHANGE OF ZONE 07024 - APPLICATION OF BUFFALO GRASS LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - 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 first time.

CHANGE OF ZONE 07023 - AMENDING SECTION 27.69.300 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE MINOR MODIFICATIONS TO A SPECIAL SIGN DISTRICT. (RELATED ITEMS: 07-85, 07-86) - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.69 of the Lincoln Municipal Code by amending Section 27.69.300 to allow the Planning Director to approve amendments to a nonresidential special sign district provided the request for amendment proposes a minor increase in the number, size, height, location, or other standards for signs authorized in the special sign district; and repealing Section 27.69.300 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 2938B - APPLICATION OF NEBRASKA TECHNOLOGY PARK TO AMEND THE STANDARDS OF THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK SPECIAL SIGN DISTRICT TO ALLOW WALL SIGNS ORIENTED TO INTERSTATE 80, WEST HIGHLAND BLVD. OR N.W. 1ST STREET AND TO PERMIT ADMINISTRATIVE AMENDMENTS FOR MINOR DEVIATIONS FROM THE SPECIAL SIGN DISTRICT. (RELATED ITEMS: 07-85, 07-86) - CLERK read an ordinance, introduced by Jonathan Cook, amending the "Standards of University of Nebraska Technology Park Special Sign District" adopted by Ordinance No. 17504 passed by the City Council on May 10, 1999, designating the University of Nebraska Technology Park as a special sign district, to allow wall signs oriented to Interstate 80, West Highland Boulevard or N.W. 1st Street and to permit administrative amendments for minor deviations from the Special Sign District, the first time.

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

NONE

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Danny Walker, 427 "E" Street, came forward to express his opinion of the proposed Safe Route to School pedestrian and bicycle crossing under the railroad tracks located west of the 1st and J Street within the floodway areas of Salt Creek.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

APPROVING THE AGREEMENT REGARDING THE ANNEXATION OF FIRETHORN BETWEEN FIRETHORN INVESTMENT, FIRETHORN GOLF COMPANY LLC, FIRETHORN UTILITY SERVICE CO., AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 303.66 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (ACTION DATE: 2/5/07) (1/22/07 -

PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (ACTION DATE: 6/11/07);

ANNEXATION 06020 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 303.66 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07);

CHANGE OF ZONE 06077 - APPLICATION OF FIRETHORN INVESTMENT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20, 07R-110) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07);

SPECIAL PERMIT 872F - APPLICATION OF FIRETHORN INVESTMENT TO EXPAND THE BOUNDARIES OF THE FIRETHORN COMMUNITY UNIT PLAN TO ADD 95 SINGLE FAMILY LOTS AND TO ALLOW UP TO 545 DWELLING UNITS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20, 07R-110) (ACTION DATE: 2/5/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (ACTION DATE: 6/11/07)-

CAMP Moved to remove Bill No. 07R-25, 07-11, 07-12, 07R-20 from Pending to have Public Hearing on June 4, 2007.

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

CAMP Moved to extend the Pending List to June 4, 2007.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June 4, 2007.

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

ADJOURNMENT 9:50 P.M.

CAMP Moved to adjourn the City Council meeting of May 21, 2007.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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