

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 4, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

COOK Having been appointed to read the minutes of the City Council proceedings of May 21, 2007, reported having done so, found same correct.

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

**NORTH 27TH STREET MAINTENANCE DISTRICT BOARD OF EQUALIZATION
MONDAY, JUNE 4, 2007 AT 1:30 P.M.**

1) ELECTION OF CHAIRPERSON

CAMP Nominated Dan Marvin as Chair.

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

2) READING OF OPENING STATEMENT BY CHAIRPERSON

3) NORTH 27TH STREET MAINTENANCE DISTRICT DESCRIBED AS NORTH 26TH STREET ON THE WEST TO NORTH 28TH STREET ON THE EAST, AND FROM THE CENTERLINE OF O STREET ON THE NORTH TO FAIR STREET ON THE SOUTH PRIMARILY INCLUDING THOSE PROPERTIES ABUTTING NORTH 27TH STREET.

4) COMMENTS BY URBAN DEVELOPMENT DEPARTMENT STAFF

Ron Cane, Urban Development Department Program Monitor, came forward to answer questions.

This matter was taken under advisement.

5) PUBLIC TESTIMONY

No one came forward.

6) ACTION OF BOARD

CAMP Moved approval.

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

7) ADJOURNMENT - SINE DIE

CAMP Moved to adjourn, sine die.

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

ADJOURNMENT 1:35 P.M.

REGULAR CITY COUNCIL MEETING CONVENED 1:36 P.M.

PUBLIC HEARING

MANAGER APPLICATION OF BROOKE BARNES FOR GRANITE CITY FOOD & BREWERY LTD., DBA GRANITE CITY FOOD & BREWERY, AT 6150 O ST. - Brooke Barnes, 6150 O St., came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

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APPLICATION OF LINCOLN PUB GROUP DBA THE N-ZONE & THE CATERING ZONE FOR A CLASS CK LIQUOR LICENSE AT 728 ½ Q ST.;

MANAGER APPLICATION OF MICHAEL F. FIGUEROA FOR LINCOLN PUB GROUP DBA THE N-ZONE & THE CATERING ZONE AT 728 ½ Q ST. - Daniel Klaus, Rembolt Ludtke, LLP, 1201 Lincoln Mall, Suite 102, came forward to take oath and answer questions.

Michael Figueroa, 728 Q Street, came forward to take oath and answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF DONALD E. SOUSEK FOR BRUNO ENTERPRISES INC. TOO DBA BUFFALO WILD WINGS GRILL & BAR AT 1328 P ST. AND AT 7301 S. 27TH ST. - Donald E. Sousek, 1328 P Street, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF MI INVESTMENTS, LLC, DBA FIVE WILLOWS FOR A CLASS I LIQUOR LICENSE AT 4747 PIONEERS BLVD.;

MANAGER APPLICATION OF MICHAEL D. RAASCH FOR MI INVESTMENTS, LLC, DBA FIVE WILLOWS, AT 4747 PIONEERS BLVD. - Michael D. Raasch, 9200 Montello Rd., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF MARY'S PLACE, INC. DBA MARY'S PLACE TO EXPAND ITS CLASS C LIQUOR LICENSE BY AN ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 23 FT. BY 40 FT. TO THE EAST ON PROPERTY GENERALLY LOCATED AT 1920 W. O ST. - Mary Jones, 1920 W. O St., came forward to take oath and answer questions.

This matter was taken under advisement.

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 - Don Herz, Finance Director, came forward to answer questions. Discussion followed.

Lauren Wismer, Bond Counsel, was present to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 07021 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DIST. TO B-5 PLANNED REGIONAL BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND S. 84TH ST. - DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing the applicant and to explain the change of zone. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07024 - APPLICATION OF BUFFALO GRASS LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 27TH ST. AND YANKEE HILL ROAD - Mike Rierden, 645 "M" Street, Suite 200, came forward representing the applicant and to answer questions.

This matter was taken under advisement.

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;

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, W. HIGHLAND BLVD. OR NW 1ST ST. & TO PERMIT ADMINISTRATIVE AMENDMENTS FOR MINOR DEVIATIONS FROM THE SPECIAL SIGN DISTRICT - Trent Sidders, Cline Williams Law Firm, 233 S. 13th St., Suite 1900, came forward in Tom Huston's place representing the applicant and to answer questions. Discussion followed.

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

This matter was taken under advisement.

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 ST. AND PIONEERS BLVD.;

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 ST. AND PIONEERS BLVD.;

CHANGE OF ZONE 06077 - APPLICATION OF FIRETHORN INVESTMENT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DIST. TO R-1 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH ST. AND PIONEERS BLVD.;

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 ST. AND PIONEERS BLVD.;

VACATION 07006 - VACATING THE NORTH 530 FEET OF S. 88TH ST., NORTH OF TALIESIN DR. - Mark Palmer, Olsson Associates, 1111 Lincoln Mall, came forward to answer questions. Discussion followed.

Jeff Schumacher, 2920 S. 91st St., came forward in support.

Richard Esquivel, 733 W. Cuming, came forward inquiring about infrastructure costs.

Deon Bahr, 4144 S. 88th St., came forward in favor of annexation only if the remaining portion of 88th Street would be vacated so as to preserve the character of their neighborhood. Discussion followed.

Marvin Krout, Director of Planning, came forward to clarify the cost benefit analysis. He stated the development of an estimated 230 homes worth \$.5 million or more will have a major positive impact on the City budget and Lincoln School District budget. He said the developer pays for sewer and water impact fees, the capital investment, redoing water mains & downstream improvements as well as future expansions that may be necessary. He stated that the road system is already in place to handle traffic.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-15, 2007 - Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF BROOKE BARNES FOR GRANITE CITY FOOD & BREWERY LTD., DBA GRANITE CITY FOOD & BREWERY, AT 6150 O ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84381 WHEREAS, Granite City Food & Brewery Ltd., dba Granite City Food & Brewery located at 6150 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" and "L" liquor license, and now requests that Brooke Barnes be named manager;

WHEREAS, Brooke Barnes 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 Brooke Barnes be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LINCOLN PUB GROUP DBA THE N-ZONE & THE CATERING ZONE FOR A CLASS CK LIQUOR LICENSE AT 728½ Q ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84382 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

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application of Lincoln Pub Group dba The N-Zone & The Catering Zone for a Class "CK" liquor license at 728 1/2 Q Street, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF MICHAEL F. FIGUEROA FOR LINCOLN PUB GROUP DBA THE - ZONE & THE CATERING ZONE AT 728½ Q ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84383 WHEREAS, Lincoln Pub Group Inc. dba The N-Zone & The Catering Zone located at 728 1/2 Q Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Michael F. Figueroa be named manager;

WHEREAS, Michael F. Figueroa 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 Michael F. Figueroa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DONALD E. SOUSEK FOR BRUNO ENTERPRISES INC. TOO DBA BUFFALO WILD WINGS GRILL & BAR AT 1328 P ST. AND AT 7301 S. 27TH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84384 WHEREAS, Bruno Enterprises Inc. Too dba Buffalo Wild Wings Grill and Bar located at 1328 P Street and 7301 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Donald E. Sousek be named manager;

WHEREAS, Donald E. Sousek 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 Donald E. Sousek be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF MI INVESTMENTS, LLC, DBA FIVE WILLOWS FOR A CLASS I LIQUOR LICENSE AT 4747 PIONEERS BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84385 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 MI Investments, LLC, dba Five Willows for a Class "I" liquor license at 4747 Pioneers Blvd., Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF MICHAEL D. RAASCH FOR MI INVESTMENTS, LLC, DBA FIVE WILLOWS, AT 4747 PIONEERS BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84386 WHEREAS, MI Investments, LLC, dba Five Willows located at 4747 Pioneers Blvd., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Michael D. Raasch be named manager;

WHEREAS, Michael D. Raasch 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 Michael D. Raasch be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF MARY'S PLACE, INC. DBA MARY'S PLACE TO EXPAND ITS CLASS C LIQUOR LICENSE BY AN ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 23 FT. BY 40 FT. TO THE EAST ON PROPERTY GENERALLY LOCATED AT 1920 W. O ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84387 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 Mary's Place Inc. dba Mary's Place to expand its licensed premises by the addition of an area measuring approximately 23 feet by 40 feet to the east of the presently licensed premises located at 1920 West O 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)

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 second 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 second 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 second 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 second 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 second 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 second time.

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 ST. 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) (5/21/07 - TO HAVE P.H. 6/4/07)

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 ST. 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) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (5/21/07 - TO HAVE P.H. 6/4/07) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 06077 - APPLICATION OF FIRETHORN INVESTMENT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DIST. TO R-1 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH ST. 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) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (5/21/07 - TO HAVE P.H. 6/4/07) -

CLERK read an ordinance, introduced by Robin Eschliman, 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.

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 ST. 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) (5/21/07 - TO HAVE P.H. 6/4/07)

VACATION 07006 - VACATING THE NORTH 530 FEET OF S. 88TH ST., NORTH OF TALIESIN DR. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20, 07R-110)(ACTION DATE: 6/11/07) (5/21/07 - TO HAVE P.H. 6/4/07)

RESOLUTIONS

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-15, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84388 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 May 16, 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>	
Jeffrey Harris	\$900,000.00	Joseph & Betty Borkowski	\$ 160.00
Kathryn Hansen	NAS*	Karen Jaques	5,980.00
Linda S. Rediger	NAS*	Thrifty Car Rental	60.00
Dawn McFarland	13,189.13	Julie Chilcott	2,723.00
Britt Ehlers	1,050.00		

* 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 Jonathan Cook

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2007 AT 1:30 P.M. FOR THE APPLICATION OF STL OF NEBRASKA DBA TARGET STORE T2303 FOR A CLASS DK LIQUOR LICENSE LOCATED AT 8201 S. 40TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84389 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 18, 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 the application of STL of Nebraska dba Target Store T2303 for a Class DK liquor license located at 8201 S. 40th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2007 AT 1:30 P.M. FOR THE APPLICATION OF ALLEY, INC. DBA THE ALLEY FOR AN ADDITION TO PREMISE

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MEASURING 50 BY 83 FEET, INCLUDING BEER GARDEN, MEASURING 16 BY 28 FEET LOCATED AT 1029 - 1031 M STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84390 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 18, 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 the application of Alley, Inc. dba The Alley for an addition to licensed premise of a one story building measuring 50 by 83 feet, including beer garden measuring 16 by 28 feet located at 1029 - 1031 M Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF SCOTT S. HATFIELD FOR RHINODYNAMICS, INC. DBA DUFFY'S TAVERN LOCATED AT 1406 - 1412 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84391 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 18, 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 the manager application of Scott S. Hatfield for Rhinodynamics, Inc. dba Duffy's Tavern located at 1406 - 1412 O Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF JOHN MCMILLAN FOR DHABS, LLC DBA BARRYMORE'S LOCATED AT 124 N. 13TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84392 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 18, 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 the manager application of John McMillan for DHABS, LLC dba Barrymore's located at 124 N. 13th Street.

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

Introduced by Doug Emery

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 07029 - App. of Michael Rierden for a change from R-3 Residential District to R-4 Residential /District and O-3 Office Park District, on property generally located at S. 68th Street and A Street.

Change of Zone No. 07030 - App. of Thomas Folsom, Susan and Donald Brouse, from R-4 Residential District and O-3 Office Park District to H-4 General Commercial District, on property generally located at S. 27th Street and Tamarin Ridge Road.

Change of Zone No. 07031 - App. of Thomas Folsom, Susan and Donald Brouse, to amend Section 27.63.470 of the Lincoln Municipal Code, to add hotels and alcohol sales to Planned Service Commercial.

Change of Zone No. 07032 - Req. by the Director of Planning, to amend Sections 27.63.580, 27.71.130, and 27.71.140 of the Lincoln Municipal Code.

Special Permit No. 07013 - App. of Eric Schoen for the operation of seasonal sales on property generally located at S. 22nd Street and South Street.

Special Permit No. 07014 - App. of Robert and Teresa Carnazzo to allow a dwelling unit for members of a religious order on property located at 4626 Eagle Ridge Road.

Special Permit No. 07015 - App. of Thomas Folsom, Susan and Donald Brouse for Planned Service Commercial with requests to waive the H-4 height restriction and reduction of the side yard setback on property generally located at S. 27th Street and Tamarin Ridge Road.

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, JUNE 25, 2007, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:
07R-112 AUTHORIZING THE CREATION, DESIGN AND CONSTRUCTION OF A PAVING UNIT IN N. 36TH ST., VINE TO W STREETS, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES.

CLERK Requested a motion for approval.

EMERY So Moved.

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

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS ON APRIL 30, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

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)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 21, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

Vacation 07002 - Vacating portions of Prescott and Lowell Avenues and an east-west alley in Block 30, generally located in Prescott and Lowell Avenues between S. 49th St. and S. 51st St. (Related Items: 07-87, 07-90) - CLERK read an ordinance, introduced by Doug Emery, vacating portions of Prescott Avenue and Lowell Avenue between South 49th Street and South 51st Street, and an east-west alley in Block 30, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

Change of Zone 07019 - Application of College View Seventh-Day Adventist Church for a change of zone from R-4 Residential Dist. to R-6 Residential Dist. on property generally located at S. 49th St. and Lowell Ave. (Related Items: 07-87, 07-90) - CLERK read an ordinance, introduced by Doug Emery, 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.

Vacation 07005 - Vacating the right-of-way for N. 61st St. north of Aylesworth Ave. at Brownell Elementary School - CLERK read an ordinance, introduced by Doug Emery, vacating the right of way for North 61st Street north of Aylesworth Avenue at Brownell Elementary School, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

Vacation 06009 - Vacating the north-south alley between N. 65th St. and Cotner Blvd. from Garland St. to Colby St. - CLERK read an ordinance, introduced by Doug Emery, vacating the north-south alley between North 65th Street and Cotner Boulevard from Garland Street to Colby Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

Change of Zone 07025 - Application of Nebraska Nurseries for a change of zone from R-3 Residential Dist. to B-2 Planned Neighborhood Business Dist. on property generally located at S. 80th St. and Pioneers Blvd. - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln

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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 07026 - Application of HWS Consulting Group for a change of zone from AG Agricultural Dist. to R-3 Residential Dist. on property generally located at N.W. 48th St. and W. Cuming St. - CLERK read an ordinance, introduced by Doug Emery, 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.

Comp. Plan Conformance 07011 - Declaring approximately 2,490 sq. ft. as surplus property generally located at N. 42nd St. and Cornhusker Hwy. - CLERK read an ordinance, introduced by Doug Emery, declaring the City-owned property generally located at North 42nd Street and Cornhusker Highway as surplus and authorizing the sale thereof, the first time.

Approving an Agreement between the City and Trinity Baptist Church for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center program at 3801 LaSalle St., for a period of June 1, 2007 through August 31, 2007 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and Trinity Baptist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 3801 LaSalle Street, Lincoln NE for a term beginning June 1, 2007 through August 31, 2007, the first time.

ORDINANCES - 3RD 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 - PRIOR to reading:

COOK Moved to amend Bill No. 07-66 in the following manner:

1. On page 2, line 16, strike the phrase "In the event" and insert the following:

"Such marking requirement is not feasible and will not be required for:

(a) New subdivisions;

(b) Street widening projects; or

(c) Where only a single address is the subject of the permit.

In all other examples where a permittee believes".

2. On page 2, lines 19 and 20 strike the phrase "to every operator" .

3. On page 2, line 23 to page 3, line 1, strike the phrase "such additional markings" and insert in lieu thereof the phrase: "a second remarking and any remarkings thereafter".

4. On page 3, line 8, delete the word "techniques" and insert in lieu thereof the phrase ", hydroexcavating, air excavating, or any other techniques that are approved by the Director of Public Works and Utilities."

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

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 third time.

CLERK Requested a motion to pass the ordinance as amended.

COOK So Moved.

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

The ordinance, being numbered **#18926**, is recorded in Ordinance Book #26, Page

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)** - PRIOR to reading:

SVOBODA Moved to amend Bill No. 07-54 in the following manner:

1. On page 3, lines 4 through 7, delete all of the current subparagraph (c) and insert in lieu thereof the following:

"(c) It shall be unlawful to board any dog or cat overnight at any pet shop, groom shop, or obedience training business, except that veterinary hospitals, commercial boarding kennels, animal shelters, and humane societies are excluded from the requirements of this subsection."

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

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 third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18927**, is recorded in Ordinance Book #26, Page

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)** - PRIOR to reading:

MARVIN Passed the gavel to Vice Chair Eschliman and moved to accept the Substitute Ordinance (Bill No. 07-57S) attached hereto.

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

COOK Moved an amendment to replace the stated distance within Bill No. 07-57S from 150 feet to 300 feet.

CAMP Seconded.

COOK Moved to amend his motion by replacing 300 with 200 feet.

CAMP Accepted his amended motion which carried by the following vote: AYES: Camp, Cook, Marvin, Spatz; NAYS: Emery, Eschliman, Svoboda.

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

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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 third time.

CAMP Moved to pass the substitute ordinance as amended.

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

The ordinance, being numbered **#18928**, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18929**, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18930**, is recorded in Ordinance Book #26, Page

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) - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07-78 to 6/25/07.

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

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 third 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)** - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07-79 to 6/25/07.

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

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 third 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)** - PRIOR to reading:

COOK Moved to continue Public Hearing with Action on Bill No. 07-80 to 6/25/07.

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

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 third time.

MISC. 07005 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS TO SET FORTH STANDARDS FOR CONSTRUCTION SITE STORMWATER DISCHARGES PURSUANT TO THE

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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**)

COOK Moved to continue Public Hearing with Action on Bill No. 07R-102 to 6/25/07.

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 11, 2007.

Seconded by Svoboda & 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 11, 2007.

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

ADJOURNMENT 3:44 P.M.

CAMP Moved to adjourn the City Council meeting of June 4, 2007.

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

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant