

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 25, 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

SPATZ Having been appointed to read the minutes of the City Council proceedings of June 18, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

Council Chair Marvin recognized two groups which were in attendance:

- 1) Boy Scout Troop 72 of the Church of Jesus Christ Latter Day Saints; and,
- 2) Delores Mather of the Mayor's Committee on International Friendship along with Mr. Simon Lee of Hong Kong and Mr. Mitch Polman, a State Department Escort.

MANAGER APPLICATION OF RONN SORENSEN FOR BEACON HILLS OF LINCOLN LLC DBA BEACON HILLS AT 5353 N. 27TH STREET - Ronn Sorensen, no address given, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF JAMES K. VUONG DBA AMBIANCE NAIL SPA FOR A CLASS I LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 3 - James K. Vuong, 2755 Jamie Lane, came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF DOUGHBOYZ INC. DBA DOUGHBOYZ BISTRO/SCRUMPY JACKS TO EXPAND ITS PRESENTLY LICENSED PREMISES TO READ AS A ONE STORY BUILDING MEASURING 80 FEET BY 128 FEET INCLUDING A SIDEWALK CAFÉ APPROXIMATELY 25 FEET BY 60 FEET, AT 5500 S. 56TH STREET, SUITE 185-195 - Damon Driscoll, no address given, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME FOR A CLASS C LIQUOR LICENSE AT 815 O STREET, SUITE 2;

MANAGER APPLICATION OF JEREMIAH MOORE FOR BOX AWESOME LLC DBA BOX AWESOME AT 815 O STREET, SUITE 2 - Jeremiah Moore, 6424 Benton, came forward to take oath and answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN FOOD CODE, TO ADOPT THE FDA FOOD CODE AS THE BASIS FOR THE NEBRASKA PURE FOOD ACT AND TO BE CONSISTENT WITH THE NEBRASKA PURE FOOD ACT - Bruce Dart, Health Department Director, came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07029 - APPLICATION OF CAPITAL SENIOR LIVING PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT GRAMERCY ROAD AND A STREET - Michael Rierden, 645 "M" Street, Suite 200, came forward representing the applicants, Gramercy Hill and Lincoln Orthopedic Center, to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07032 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE FOR MORE FLEXIBILITY OF USES AND BUILDING ARRANGEMENTS ON RESIDENTIAL ZONED LOTS BY AMENDING SECTION 27.63.580 TO ALLOW THE CUSTOMARY SERVICES OF NONPROFIT RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS, EXCLUDING RETAIL USES, TO LOCATE WITHIN R-6, R-7, AND R-8 BY SPECIAL PERMIT; AMENDING SECTION 27.71.130 TO ALLOW, UNDER SPECIFIED

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CONDITIONS, MORE THAN ONE MAIN BUILDING OR USE ON A LOT LOCATED IN THE R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, OR I-3 DISTRICT; AMENDING SECTION 27.71.140 TO REDUCE THE MINIMUM SPACING BETWEEN TWO- AND THREE-STORY BUILDINGS TO 20 FEET, WITH FURTHER REDUCTION BY THE BUILDING AND SAFETY DEPARTMENT IF CODE REQUIREMENTS CAN BE MET - Marvin Krout, Director of Planning, came forward stating that this change of zone was initiated by the location of a non-profit organization in the Havelock area. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

DECLARING APPROXIMATELY 5,697 SQUARE FEET GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. 27TH STREET AND RANDOLPH STREET AS SURPLUS PROPERTY - Clint Thomas, Urban Development Department, came forward to answer questions. Discussion followed.

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

Glen Cekal, 1420 "C" Street, came forward to share concerns of the Antelope Valley redevelopment area and stated that there should be a right turn lane to South 27th Street on Randolph.

Bob Frerichs, property owner to the west, came forward to explain the history of the property. Discussion followed.

Mr. Thomas came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ORDERING PAVING UNIT NO. 140 CONSTRUCTED IN N. 36TH STREET BETWEEN VINE AND W STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Elmer Cole, Public Works & Utilities Engineering Services, came forward to explain the paving unit and answer questions. Discussion followed.

Don Adams, 3620 Vine St., came forward in opposition. He stated he was unaware of the informational meeting and questioned what his assessed cost would be. Discussion followed.

Jake Whittaker, 3600 Vine St., came forward as petitioner, stating that traveling from street surface to gravel is unsafe. Discussion followed.

Mr. Cole, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE SOCIAL SECURITY ADMINISTRATION TO ESTABLISH CONDITIONS TO DISCLOSE INFORMATION RELATING TO THE ELIGIBILITY FOR AND PAYMENT OF SOCIAL SECURITY BENEFITS AND/OR SUPPLEMENTAL SECURITY INCOME AND SPECIAL VETERANS BENEFITS - Bruce Dart, Health Department Director, came forward to answer questions and stated that Social Security Numbers are protected and confidential. Discussion followed.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR PUBLIC HEALTH NURSE - Bruce Dart, Health Department Director, came forward to clarify that this re-classification saves money over time. Discussion followed.

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; 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;

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;

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 - Nicole Fleck-Tooze, Public Works & Utilities, came forward to present an overview and outline the Substitute items. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward to represent the three applicants, stating that the Substitutes are a good product and compromise and they meet State & Federal compliance. Discussion followed.

Mike Ekert, Civil Design Group, came forward in support and to address questions. Discussion followed.

Fred Hoch, Government Affairs Director with the Homebuilders Association, came forward in support. He suggested the Council review the process in one year and make adjustments as needed. Discussion followed.

J.B. Dixon, Lower Platte South NRD, came forward to clarify the level of detail that goes into a construction phase SWPPP. Discussion followed.

Ms. Fleck-Tooze, came forward with the commitment that Public Works & Utilities Department is dedicated to make sure that the plan is working. Areas that aren't working will be identified and changes will be made. She said their department has committed to the building and development committee that they will do an annual review. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF RONN SORENSEN FOR BEACON HILLS OF LINCOLN LLC DBA BEACON HILLS AT 5353 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-84417 WHEREAS, Beacon Hills of Lincoln LLC dba Beacon Hills located at 5353 N. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Ronn Sorensen be named manager;

WHEREAS, Ronn Sorensen 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 Ronn Sorensen 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 JAMES K. VUONG DBA AMBIANCE NAIL SPA FOR A CLASS I LIQUOR LICENSE AT 2755 JAMIE LANE, SUITE 3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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A-84418 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 James K. Vuong dba Ambiance Nail Spa for a Class "I" liquor license at 2755 Jamie Lane, Suite 3, 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.

APPLICATION OF DOUGHBOYZ INC. DBA DOUGHBOYZ BISTRO/SCRUMPY JACKS TO EXPAND ITS PRESENTLY LICENSED PREMISES TO READ AS A ONE STORY BUILDING MEASURING 80 FEET BY 128 FEET INCLUDING A SIDEWALK CAFÉ APPROXIMATELY 25 FEET BY 60 FEET, AT 5500 S. 56TH STREET, SUITE 185-195 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84419 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 Doughboyz Inc. dba Doughboyz Bistro/Scrumpy Jacks to expand its licensed premises by the addition of an outside sidewalk café area for a total license area to read as a one story building measuring 80 feet by 128 feet including a sidewalk café approximately 25 feet by 60 feet located at 5500 S. 56th Street, Suite 185-195, 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 BOX AWESOME LLC DBA BOX AWESOME FOR A CLASS C LIQUOR LICENSE AT 815 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84420 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 Box Awesome LLC dba Box Awesome for a Class "C" liquor license at 815 O Street, Suite 2, 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 JEREMIAH MOORE FOR BOX AWESOME LLC DBA BOX AWESOME AT 815 O STREET, SUITE 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84421 WHEREAS, Box Awesome LLC dba Box Awesome located at 815 O Street, Suite 2, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeremiah Moore be named manager; WHEREAS, Jeremiah Moore 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 Jeremiah

Moore 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.

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

CHANGE OF ZONE 07022 - APPLICATION OF HOPPE PARTNERS LTD. FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 19TH AND L STREETS - PRIOR to reading:

SVOBODA Moved to Place Bill No. 07-97 on Pending Indefinitely.

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

CLERK Read an ordinance, introduced by John Spatz, 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.

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN FOOD CODE, TO ADOPT THE FDA FOOD CODE AS THE BASIS FOR THE NEBRASKA PURE FOOD ACT AND TO BE CONSISTENT WITH THE NEBRASKA PURE FOOD ACT - CLERK read an ordinance, introduced by John Spatz, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Section 8.20.050 to reflect changes made by the State of Nebraska to the Pure Food Act, *Neb. Rev. Stat. § 81-2,239 et seq.*, which will provide consistency between the local ordinance and state law; and repealing Section 8.20.050 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 07029 - APPLICATION OF CAPITAL SENIOR LIVING PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT GRAMERCY ROAD AND A STREET - CLERK read an ordinance, introduced by John Spatz, 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 07032 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PROVIDE FOR MORE FLEXIBILITY OF USES AND BUILDING ARRANGEMENTS ON RESIDENTIAL ZONED LOTS BY AMENDING SECTION 27.63.580 TO ALLOW THE CUSTOMARY SERVICES OF NONPROFIT RELIGIOUS, EDUCATIONAL AND PHILANTHROPIC INSTITUTIONS, EXCLUDING RETAIL USES, TO LOCATE WITHIN R-6, R-7, AND R-8 BY SPECIAL PERMIT; AMENDING SECTION 27.71.130 TO ALLOW, UNDER SPECIFIED CONDITIONS, MORE THAN ONE MAIN BUILDING OR USE ON A LOT LOCATED IN THE R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, OR I-3 DISTRICT; AMENDING SECTION 27.71.140 TO REDUCE THE MINIMUM SPACING BETWEEN TWO- AND THREE-STORY BUILDINGS TO 20 FEET, WITH FURTHER REDUCTION BY THE BUILDING AND SAFETY DEPARTMENT IF CODE REQUIREMENTS CAN BE MET - CLERK read an ordinance, introduced by John Spatz, amending Title 27 of the Lincoln Municipal Code to provide for more flexibility of uses and building arrangements on residential-zoned lots by amending Section 27.63.580 to allow the customary services of nonprofit religious, educational and philanthropic institutions, excluding retail uses, to locate within R-6, R-7, and R-8 by special permit; amending Section 27.71.130 to allow, under specified conditions, more than one main building or use on a lot located in the R-5, R-6, R-7, R-8, O-1, O-2, O-3, R-T, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, or I-3 District; amending Section 27.71.140 to reduce the minimum spacing between two-and three-story buildings to 20 feet, with further reduction by the Building and Safety Department if code requirements can be met; and repealing Sections 27.63.580, 27.71.130, and 27.71.140 of the Lincoln Municipal Code as hitherto existing, the second time.

DECLARING APPROXIMATELY 5,697 SQUARE FEET GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. 27TH STREET AND RANDOLPH STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by John Spatz, declaring the City-owned property located at the southwest corner of S. 27th Street and Randolph Street as surplus and authorizing the sale thereof, the second time.

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PUBLIC HEARING RESOLUTIONS

ORDERING PAVING UNIT NO. 140 CONSTRUCTED IN N. 36TH STREET BETWEEN VINE AND W STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84422 WHEREAS, the City of Lincoln, Nebraska, is authorized under Neb. Rev. Stat. §18-2001, et seq., to pave a portion of a street otherwise paved so as to make one continuous paved street and to do so without petition or creating a street improvement district; and

WHEREAS, a portion of North 36th Street between Vine street and " W " Street is unpaved and should be paved to make one such continuous paved street.

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

That North 36th Street between Vine and " W " street is hereby designated as Paving Unit No. 140 and is hereby ordered paved.

The roadway to be paved shall be 27 feet in width; grading to be from lot line to lot line, and the cost of grading, curbing, guttering, and paving the same; including the cost of grading, curbing, guttering, and paving the intersections and returns, and the cost of grading the sidewalk space and relaying the sidewalks, and all expenses incidental to all of said improvements shall be assessed against the real estate benefitted, to-wit: Lots 1 thru 6, Block 7 and Lots 1,2,3,10, 11,12, Block 8, Pecks Grove Park all in the Northeast Quarter of Section 19, Township 10 North, Range 6 East of the Sixth Principle Meridian in the City of Lincoln, Lancaster County, Nebraska, the assessments against said property benefitted to be in proportion to the benefits, not exceeding the cost thereof, provided, however, that a portion of such assessments shall be paid out of the Highway Allocation Construction Fund. In the event that easements or additional right-of-way must be acquired for the completion of this project, such property rights may be acquired by negotiation and purchase or by condemnation, if necessary, as provided by law.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by John Spatz

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

APPLICATION OF THE UNIVERSITY OF NEBRASKA LINCOLN TO USE THE PUBLIC RIGHT-OF-WAY TO PLACE A FIBER OPTIC LINE FROM THE UNIVERSITY OF NEBRASKA - LINCOLN MAINTENANCE SHOPS AT 942 N. 22ND STREET TO THE WHITTIER JUNIOR HIGH BUILDING AT 2200 VINE STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84423 WHEREAS, the University of Nebraska-Lincoln has submitted an application to permit the use of the public right-of-way in W Street or the purpose of installing a fiber optic communication line to connect the University of Nebraska-Lincoln Maintenance Shops at 942 N. 22nd Street to the Whittier Junior High Building at 2200 Vine Street; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of the University of Nebraska-Lincoln, hereinafter referred to as Permittee, to use the public right-of-way in W Street as shown on Exhibit "B", for the purpose of installing a fiber optic line be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code except that the provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance are waived since Permittee is a governmental entity.

2. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Permittee, its successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by John Spatz

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

APPROVING AN AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE SOCIAL SECURITY ADMINISTRATION TO ESTABLISH CONDITIONS TO DISCLOSE INFORMATION RELATING TO THE ELIGIBILITY FOR AND PAYMENT OF SOCIAL SECURITY BENEFITS AND/OR SUPPLEMENTAL SECURITY INCOME AND SPECIAL VETERANS BENEFITS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84424 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Social Security Administration and the State of Nebraska and the Lincoln-Lancaster County Health Department to establish conditions under which the Social Security Administration agrees to disclose information relating to the eligibility for, and payment of, Social Security benefits and/or Supplemental Security Income and Special Veterans Benefits, including certain tax return information, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. The term of this Agreement is 18 months with a one-year option of renewal. The Mayor is hereby authorized to execute this renewal on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Tonya Skinner, Assistant City Attorney, for her signature and transmittal and execution by the Social Security Administration.

Introduced by John Spatz

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

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

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF SENIOR PUBLIC HEALTH NURSE - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 1 of Ordinance No. 18780 passed August 14, 2006, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of "Senior Public Health Nurse", the third time.

ESCHLIMAN 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 **#18946**, 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,"

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"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) (6/4/07 - Con't. P.H. w/Action to 6/25/07) - PRIOR to reading:

CAMP Moved amendment #1 to Bill No. 07-78 by accepting the Substitute Ordinance attached hereto.

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.

CAMP Moved to pass the substitute 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 **#18947**, is recorded in Ordinance Book #26, Page

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) (6/4/07 - Con't. P.H. w/Action to 6/25/07) - PRIOR to reading:

CAMP Moved Amendment #2 to amend Bill No. 07-79 by accepting the Substitute Ordinance attached hereto.

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.

CAMP Moved to pass the substitute 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 **#18948**, is recorded in Ordinance Book #26, Page

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) (6/4/07 - Con't. P.H. w/Action to 6/25/07) - PRIOR to reading:

CAMP Moved Amendment #3 to amend Bill No. 07-80 by accepting the Substitute Ordinance attached hereto.

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.

CAMP Move to pass the substitute 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 **#18949**, is recorded in Ordinance Book #26, Page

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) (6/4/07 - Con't. P.H. w/Action to 6/25/07) - PRIOR to reading:

CAMP Moved amendment #4 to Bill No. 07R-102 by accepting the Substitute Resolution and the amended Attachments A and B to said Substitute Resolution, all attached hereto.

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

SVOBODA Moved a friendly amendment to change the number ~~10~~ to 7 in the third paragraph, third line contained in Attachment A.

CAMP Accepted.

CLERK Read the following substitute resolution, introduced by Jon Camp, who moved its adoption:

A-84431 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and
 WHEREAS, a text change to the Design Standards is necessary 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 Stormwater Pollution Prevention Plan (SWPPP) be submitted to the Lower Platte South Natural Resources District for any construction activity; to add new Section 11.3 which adopts by reference Chapter 9 of the City's Drainage Criteria Manual;

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and to replace and supercede the previous Chapter 9 of the City's Drainage Criteria Manual with a new Chapter 9 of the City's Drainage Criteria Manual to provide more detailed criteria and meet state and federal minimum standards for stormwater discharges.

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

1. That Section 11 of Chapter 2.05 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended to read as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

2. That Chapter 9 of the City's Drainage Criteria Manual, adopted by reference by the City Council on February 22, 2000 by Resolution No. A-80038, be and the same is hereby replaced and superceded to read as shown on Attachment "B" which is attached hereto and incorporated herein by reference.

Introduced by Jon Camp

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, JULY 16, 2007 AT 1:30 P.M. FOR THE APPLICATION OF EUROPE COFFEE, INC. DBA EUROPE COFFEE FOR A CLASS I LIQUOR LICENSE LOCATED AT 1819 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84425 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 16, 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 Europe Coffee, Inc. dba Europe Coffee for a Class I liquor license located at 1819 O Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JULY 16, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF DEBORAH A. ROBERTS FOR BUGGY BATH WEST, LLC DBA BUGGY BATH CAR WASH - WEST LOCATED AT 1502 WEST O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84426 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 16, 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 Deborah A. Roberts for Buggy Bath West, LLC dba Buggy Bath Car Wash - West located at 1502 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 Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JULY 16, 2007 AT 1:30 P.M. FOR THE APPLICATION OF RHINODYNAMICS, INC. DBA DUFFY'S TAVERN FOR AN ADDITION TO PREMISE CONSISTING OF THE EXPANSION OF AN EXISTING BEER GARDEN TO BE A NEW L-SHAPED AREA TOTALING APPROXIMATELY 44 BY 50 FEET LOCATED AT 1406 - 1412 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84427 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 16, 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 Rhinodynamics, Inc. dba Duffy's Tavern for an addition to premise consisting of the expansion of an existing beer garden to be a new L-shaped area totaling approximately 44 by 50 feet 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 Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JULY 16, 2007 AT 1:30 P.M. FOR THE APPLICATION OF CB HOLDINGS, INC. DBA SHARKWATER LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 140 N. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84428 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 16, 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 CB Holdings, Inc. dba Sharkwater Lounge for a Class C liquor license located at 140 N. 12th Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JULY 16, 2007 AT 1:30 P.M. FOR THE APPLICATION OF RAMOS PIZZA, INC. DBA RAMOS PIZZA PUB & BUSTER'S BBQ FOR AN ADDITION TO PREMISE/RECONSTRUCTION CONSISTING OF A ONE STORY BUILDING APPROXIMATELY 30 BY 75 FEET INCLUDING IRREGULAR SHAPED BEER GARDEN APPROXIMATELY 56 BY 83 FEET LOCATED AT 2435 S. 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84429 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, July 16, 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 Ramos Pizza, Inc. dba Ramos Pizza Pub & Buster's BBQ for an addition to premise/reconstruction consisting of a one story building approximately 30 by 75 feet including irregular shaped beer garden approximately 56 by 83 feet located at 2435 S. 48th Street.

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

Introduced by Ken Svoboda

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

SETTING A HEARING DATE OF MONDAY, JULY 16, 2007, AT 10:00 A.M. FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I - CLERK requested a motion to approve the requested hearing date of July 16, 2007 at 10:00 A.M. for Board of Equalization Special Assessment Group I meeting.

SVOBODA Moved approval.

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 11, 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) - NONE

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

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITARY BY CREATING A NEW CHAPTER 8.18 ENTITLED "COMMUNICABLE DISEASE ACT" TO DEFINE AND AUTHORIZE ACTIONS RELATED TO COMMUNICABLE, CONTAGIOUS AND INFECTIOUS DISEASES - CLERK read an ordinance, introduced by Robin Eschliman, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitary by creating a new Chapter 8.18 entitle "Communicable Disease Act" to define and authorize actions related to communicable, contagious and infectious diseases, the third time.

ESCHLIMAN 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 #18950, is recorded in Ordinance Book #26, Page

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APPROVING THE SALE OF THE THREE CITY OWNED PROPERTIES (THE TRIPLETS) LOCATED AT 1425, 1437, AND 1441 N. 15TH STREET FOR APPRAISED VALUES OR ABOVE - CLERK read an ordinance, introduced by Robin Eschliman, authorizing the sale of City owned property at 1425, 1437, and 1441 North 15th Street, the third time.

ESCHLIMAN 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 **#18951**, is recorded in Ordinance Book #26, Page

APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE CITY AND MIDWEST GOLF INC. FOR THE SALE OF ADVERTISING ON TEE SIGNS AT EACH OF THE CITY'S FIVE GOLF COURSES - CLERK read an ordinance, introduced by Robin Eschliman, approving a multi-year Agreement between the City of Lincoln, Nebraska and Midwest Golf, Inc. For the sale of advertising on tee signs at each of the City's five golf courses, the third time.

ESCHLIMAN 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 **#18952**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07028 - APPLICATION OF HIDDEN VALLEY ESTATES LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119) - 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 third time.

ESCHLIMAN 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 **#18953**, is recorded in Ordinance Book #26, Page

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND HIDDEN VALLEY ESTATES LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119) (ACTION DATE: 6/25/07) - PRIOR to reading:

SVOBODA Moved amendment #2 to Bill No. 07R-119 in the following manner:

1. Substitute the attached Agreement between Hidden Valley Estates LLC and the City of Lincoln, Nebraska for the agreement attached to Bill No. 07R-119.

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

CLERK Read the following amended resolution, introduced by Robin Eschliman, who moved its adoption:

A-84430 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Hidden Valley Estates Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Hidden Valley Estates LLC, for a change of zone from AG Agricultural District to AGR Agricultural Residential District for development of the property with certain restrictions on the property generally located at S. 112th Street and Pine Lake Road, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Applicant.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Applicant.

Introduced by Robin Eschliman

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

REQUEST FOR RECONSIDERATION

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. - PRIOR to reading:

CAMP Moved to Reconsider Bill No. 07-91 for Action on this date.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

The ordinance, being numbered #18954, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Kurt Goetz, 5620 Abbey Court #72, came forward to comment on the enforcement of the law which prohibits the use of an open flame grill on an apartment balcony.

Ron Peery, Building & Safety Department Inspections & Enforcement Manager, came forward to respond that the City is just enforcing what is stated in the International Fire Code. He said that renter's insurance only helps those that have it. He stated apartments have a lot of different regulations which single family dwellings do not, since more lives are affected.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 9, 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 July 9, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 8:43 P.M.

CAMP Moved to adjourn the City Council meeting of June 25, 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

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