

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 18, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross; Absent: None.

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

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of September 11, 2006, reported having done so, found same correct.

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

NOTE: REQUEST TO WAIVE COUNCIL RULES TO ALLOW PUBLIC HEARING SEPTEMBER 18, 2006 ON ITEMS NOS. 49, 50, 51, & 52, LISTED AS PENDING ITEMS:

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

**PUBLIC HEARING**

APPLICATION OF K-SARA CATERING FOR A SPECIAL DESIGNATED LICENSE IN AN AREA MEASURING APPROXIMATELY 40 FEET BY 20 FEET AT LINCOLN AIRPORT - AIRPARK, 3401 W. LUKE STREET, ON SEPTEMBER 23 AND 24, 2006 FROM 12:00 NOON TO 9:00 P.M. - SVOBODA moved to Withdraw the application of K-Sara for a special designated license.

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

This matter was taken under advisement.

APPLICATION OF MCGILL'S PUB INC. FOR A SPECIAL DESIGNATED LICENSE IN THE PARKING LOT AREA MEASURING APPROXIMATELY 64 TO 346 FEET BY 390 FEET AT 605 N. 8TH STREET ON SEPTEMBER 29, 2006, FROM 5:00 P.M. TO 11:30 P.M. - David Drew, 1555 Washington Street, Blair, NE, came forward representing McGill's Pub to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF MATTHEW JOHNSON FOR GW MIDWEST LLC DBA GREAT WRAPS AT 1422 O STREET - Matthew Johnson, 235 Monroe St., Bennet, NE, took the oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF B&R STORES, INC. DBA SUPER SAVER #4 FOR A CLASS C LIQUOR LICENSE AT 233 N. 48TH STREET;

MANAGER APPLICATION OF BRIAN M. HAYES FOR B&R STORES, INC. DBA SUPER SAVER #4 AT 233 N. 48TH STREET - Brian Hayes, 811 W Chadderton Dr., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF B&R STORES, INC. DBA SUPER SAVER #11 FOR A CLASS C LIQUOR LICENSE AT 5440 S. 56TH STREET:

MANAGER APPLICATION OF WILLIAM M. WAGNER FOR B&R STORES, INC. DBA SUPER SAVER #11 AT 5440 S. 56TH STREET - William Wagner, 6030 Deerwood Dr., took the oath and came forward to answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE TO INCREASE LONGEVITY PAY FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY "X" AND FOR PART-TIME NAGE EMPLOYEES AND TO ALLOW FOR ACCRUALS OF 80 HOURS OVER THEIR ANNUAL MAXIMUM VACATION ACCRUAL FOR EMPLOYEES IN A PAY RANGE PREFIXED BY "X" - Don Taute, Director of Personnel, came forward to answer questions presented by Councilman Marvin.

This matter was taken under advisement.

ANNEXATION 06011 HARTLAND'S CARDINAL HEIGHTS 2ND - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185);

COZ 06046 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185);

APPEAL OF HARTLAND HOMES INC. FROM THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 2045A, FOR THE DEVELOPMENT OF HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND PARTRIDGE LANE. (RELATED ITEMS: 06-158, 06-159, 06R-185) (ACTION DATE: 9/25/06)- Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Hartland Homes who have been developing this for 10 years. The appeal issue has been resolved. Discussion followed.

This matter was taken under advisement.

APPROVING THE JENSEN PARK ESTATES CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND JENSEN PARK LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 44.50 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) (ACTION DATE: 9/25/06);

ANNEXATION 04012 JENSEN PARK - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 66 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161);

CHANGE OF ZONE 04079 - APPLICATION OF JENSEN PARK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 AND R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161)- Pamela Dingman, 2200 Fletcher Ave, #104, came forward representing Jensen Park, LLC stating the intent is to have 151 lots for sale. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06055 - APPLICATION OF THE CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 5000 O STREET - Wynn Hjermstad, Urban Development, came forward to state this Change of Zone is in reference to the HyVee store to be built on 48<sup>th</sup> and O Street.

This matter was taken under advisement.

CHANGE OF ZONE 06050 - APPLICATION OF THE CATHOLIC BISHOP OF LINCOLN FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT A STREET AND ELDON DRIVE - Rocky Weber, representing The Catholic Bishop of Lincoln, stated this property is to be used for the expansion of Pius X High School in the future. Discussion followed.

Brian Will, Planning Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 214 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION 04R-273, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25);

APPROVING THE NORTH BANK JUNCTION ANNEXATION & ZONING AGREEMENT BETWEEN THE CITY AND ROGER & ELDONNA SCHWISOW AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROX. 214 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25);

CHANGE OF ZONE 3398 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL FOR APPROX. 123 ACRES & H-4 GENERAL COMMERCIAL FOR APPROX. 21 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25);

SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 SQ. FT. OF PLANNED SERVICE COMMERCIAL FLOOR AREA, WITH VARIANCES TO THE REAR & SIDE YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Hartland Homes stating this Annexation, Change of Zone and Special Permit Final Plat is independent of the Redevelopment Plan. He was available for questions. Discussion followed.

Danny Walker, 427 "E" Street, came forward to make comments.

City Clerk responded to a comment made in reference to the Agenda placed in the Lincoln Journal Star.

This matter was taken under advisement.

APPROVING THE 2006-2007 CITY TAX RATE OF 0.28337 PER \$100.00 OF ASSESSED VALUATION - Steve Hubka, Budget Officer, came forward to state this will result in a decreased rate of 5.8% in property taxes.

This matter was taken under advisement.

APPROVING THE LAND APPLICATION OF BIOSOLIDS AGREEMENT BETWEEN THE CITY AND COUNTY TO COOPERATE AND ESTABLISH A PROGRAM AND DIVISION OF RESPONSIBILITIES FOR UTILIZING THE RESIDUAL WASTE OF THE CITY'S WASTEWATER TREATMENT PLANT FOR AGRICULTURAL LAND APPLICATION - Nicole Fleck-Tooze, Public Works and Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "URBAN RETROFIT POLLUTION REDUCTION";

APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "HOLMES LAKE WATERSHED POLLUTION REDUCTION" - Nicole Fleck-Tooze, Public Works & Utilities, stated a number of NRD's are cost sharing these projects with the City. She was available to answer questions. Discussion followed.

Danny Walker, 427 "E" Street, came forward to make comments.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2006 - Mark Loeske, 26500 S. 84<sup>th</sup> Street, came forward with more information reference his claim denied. Discussion followed.

Steve Owens, Public Works & Utilities, came forward to relate what information he had in reference to the Loeske situation. Discussion followed.

Dana Roper, City Attorney, stated the Statute of Limitations is one year.

Mr. Loeske came forward for rebuttal.

Ava Obst, 7515 S. 32<sup>nd</sup> Street, came forward to dispute her denied claim. Discussion followed.

Dana Roper, City Attorney, came forward to explain the basis of the denied decision. Discussion followed.

This matter was taken under advisement.

APPROVING THE WET AND DRY WEATHER STORM DRAIN DISCHARGE CHARACTERIZATION STUDIES BY UNL/UNO TO MONITOR URBAN WATER QUALITY FOR FLOWS DURING RAIN EVENTS AND DURING DRY WEATHER FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007. Peter Katt, Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions.

This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF CHEZ HAY CATERING FOR A SPECIAL DESIGNATED LICENSE IN AN AREA MEASURING APPROXIMATELY 10 FEET BY 20 FEET AT LINCOLN AIRPORT - AIRPARK, 340 W. LUKE STREET, ON SEPTEMBER 24, 2006, FROM 9:30 A.M. TO 5:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84029 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 Chez Hay Catering for a Special Designated License to cover an area measuring approximately 10 feet by 20 feet at Lincoln Airport - Airpark, 3401 W. Luke Street, Lincoln, Nebraska, on the 24th day of September, 2006, between the hours of 9:30 a.m. and 5:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF K-SARA CATERING FOR A SPECIAL DESIGNATED LICENSE IN AN AREA MEASURING APPROXIMATELY 40 FEET BY 20 FEET AT LINCOLN AIRPORT - AIRPARK, 3401 W. LUKE STREET, ON SEPTEMBER 23 AND 24, 2006 FROM 12:00 NOON TO 9:00 P.M. - PRIOR to reading:

SVOBODA Moved to Withdraw application of K-Sara Catering for a special designated license.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4537 & was placed on file in the Office of the City Clerk.

APPLICATION OF MCGILL'S PUB INC. FOR A SPECIAL DESIGNATED LICENSE IN THE PARKING LOT AREA MEASURING APPROXIMATELY 64 TO 346 FEET BY 390 FEET AT 605 N. 8TH STREET ON SEPTEMBER 29, 2006, FROM 5:00 P.M. TO 11:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84030 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 McGill's Pub Inc. d/b/a McGill's Pub for a Special Designated License to cover an area measuring approximately 64 to 346 feet by 390 feet at 605 N. 8th Street, Lincoln, Nebraska, on the 29th day of September, 2006, between the hours of 5:00 p.m. and 11:30 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

MANAGER APPLICATION OF MATTHEW JOHNSON FOR GW MIDWEST LLC DBA GREAT WRAPS AT 1422 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84031 WHEREAS, GW Midwest LLC dba Great Wraps located at 1422 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Matthew Johnson be named manager;

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

APPLICATION OF B&R STORES, INC. DBA SUPER SAVER #4 FOR A CLASS C LIQUOR LICENSE AT 233 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84032 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 B&R Stores, Inc. dba Super Saver #4 for a Class "C" liquor license at 233 N. 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2006, 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF BRIAN M. HAYES FOR B&R STORES, INC. DBA SUPER SAVER #4 AT 233 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84033 WHEREAS, B&R Stores, Inc. dba Super Saver #4 located at 233 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Brian M. Hayes be named manager;

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

APPLICATION OF B&R STORES, INC. DBA SUPER SAVER #11 FOR A CLASS C LIQUOR LICENSE AT 5440 S. 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84034 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 B&R Stores, Inc. dba Super Saver #11 for a Class "C" liquor license at 5440 S. 56th Street, Lincoln, Nebraska, for the

license period ending October 31, 2006, 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF WILLIAM M. WAGNER FOR B&R STORES, INC. DBA SUPER SAVER #11 AT 5440 S. 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84035 WHEREAS, B&R Stores, Inc. dba Super Saver #11 located at 5440 S. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that William M. Wagner be named manager;

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

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

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE TO INCREASE LONGEVITY PAY FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY "X" AND FOR PART-TIME NAGE EMPLOYEES AND TO ALLOW FOR ACCRUALS OF 80 HOURS OVER THEIR ANNUAL MAXIMUM VACATION ACCRUAL FOR EMPLOYEES IN A PAY RANGE PREFIXED BY "X" - Clerk read an ordinance, introduced by Annette McRoy, amending Chapter 2.76 of the Lincoln Municipal Code, the Personnel System, by amending Section 2.76.155 relating to longevity to increase the longevity pay for employees with a pay range prefixed by "X" and for part-time NAGE employees; amending Section 2.76.395 relating to vacation leave with pay to allow for accruals of 80 hours over their annual maximum vacation accrual for employees in a pay range prefixed by "X"; and repealing Sections 2.76.155 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the second time.

STREET VACATION 06001 - VACATING N.W. 6TH STREET AND N.W. 7TH STREET FROM THE SOUTH RIGHT-OF-WAY LINE OF BLUE SAGE BOULEVARD TO 50 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY OF FALLBROOK BOULEVARD, AND TO VACATE FALLBROOK BOULEVARD FROM 175 FEET EAST OF TALLGRASS PARKWAY ROUNDABOUT TO 50 FEET WEST OF STONEBROOK PARKWAY ROUNDABOUT - CLERK read an ordinance, introduced by Annette McRoy, vacating N.W. 6<sup>th</sup> Street and N.W. 7<sup>th</sup> Street from the south right-of-way line of Blue Sage Boulevard to 50 feet south of the south right-of-way line of Fallbrook Boulevard, and Fallbrook Boulevard from 175 feet east of Tallgrass Parkway roundabout to 50 feet west of Stonebrook Parkway roundabout, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

ANNEXATION 06011 HARTLAND'S CARDINAL HEIGHTS 2ND - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185) - CLERK read an ordinance, introduced by Annette McRoy, 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.

COZ 06046 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185) - CLERK read an ordinance, introduced by Annette McRoy, 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.

APPEAL OF HARTLAND HOMES INC. FROM THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 2045A, FOR THE DEVELOPMENT OF HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND PARTRIDGE LANE. (RELATED ITEMS: 06-158, 06-159, 06R-185) (ACTION DATE: 9/25/06)

APPROVING THE JENSEN PARK ESTATES CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND JENSEN PARK LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 44.50 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) (ACTION DATE: 9/25/06)

ANNEXATION 04012 JENSEN PARK - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 66 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) - CLERK read an ordinance, introduced by Annette McRoy, 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 04079 - APPLICATION OF JENSEN PARK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 AND R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) - CLERK read an ordinance, introduced by Annette McRoy, 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 06055 - APPLICATION OF THE CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 5000 O STREET - CLERK read an ordinance, introduced by Annette McRoy, 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 06050 - APPLICATION OF THE CATHOLIC BISHOP OF LINCOLN FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT A STREET AND ELDON DRIVE - CLERK read an ordinance, introduced by Annette McRoy, 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.

APPROVING AN AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11<sup>th</sup> Street, Lincoln, NE for a term beginning September 1, 2006 through August 31, 2007, the second time.

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 214 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION 04R-273, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25)- CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

APPROVING THE NORTH BANK JUNCTION ANNEXATION & ZONING AGREEMENT BETWEEN THE CITY AND ROGER & ELDONNA SCHWISOW AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROX. 214 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25)- CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

CHANGE OF ZONE 3398 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL FOR APPROX. 123 ACRES & H-4 GENERAL COMMERCIAL FOR APPROX. 21 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) - CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 SQ. FT. OF PLANNED SERVICE COMMERCIAL FLOOR AREA, WITH VARIANCES TO THE REAR & SIDE YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) - CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

#### **SPECIAL PUBLIC HEARING - SETTING THE 2006-2007 PROPERTY TAX RATE**

APPROVING THE 2006-2007 CITY TAX RATE OF 0.28337 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84036 A RESOLUTION establishing a final property tax levy for the City's 2006-2007 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

#### RECITALS

##### I.

Pursuant to Neb. Rev. Stat § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

##### II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 12, 2006, which date was at least five days prior to September 18, 2006 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 21, 2006 the tax rate was anticipated to be .28337 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2006-2007 fiscal year for a property tax request of \$43,475,089.00: \$.28337 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03763
General	.16867
Library	.04274
Social Security	.01354
Police and Fire Pension	<u>.02079</u>
Total	.28337

Introduced by Annette McRoy

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

RESOLUTIONS

APPROVING THE LAND APPLICATION OF BIOSOLIDS AGREEMENT BETWEEN THE CITY AND COUNTY TO COOPERATE AND ESTABLISH A PROGRAM AND DIVISION OF RESPONSIBILITIES FOR UTILIZING THE RESIDUAL WASTE OF THE CITY'S WASTEWATER TREATMENT PLANT FOR AGRICULTURAL LAND APPLICATION - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84037 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Lancaster County, for Land Applications of Biosolids, for the purpose of continuing a project wherein the City and County will cooperate in utilizing the residual waste of the City's Wastewater Treatment Plant for agricultural land application, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Trish Owen, Lancaster County Clerk's Office for filing with the County.

Introduced by Annette McRoy

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

APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "URBAN RETROFIT POLLUTION REDUCTION" - PRIOR to reading:

MARVIN Moved to amend Bill No. 06R-180 on page 1, line 2, delete the words "for Saline Wetlands".

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84038 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperation Agreement ~~for Saline Wetlands~~ between the City of Lincoln, and the Nebraska Department of Environmental Quality, regarding the Implementation of the Section 319 Project Entitled "Urban Retrofit Pollution Reduction", upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for Section 319 grant funding to complete a demonstration project to reduce adverse water quality impacts by retrofitting two public parking lots at 27th and Randolph Streets and 17th and F Streets.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Ben Higgins, Public Works & Utilities Department, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Annette McRoy

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

APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY REGARDING THE IMPLEMENTATION OF THE SECTION 319 PROJECT ENTITLED "HOLMES LAKE WATERSHED POLLUTION REDUCTION" - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84039 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperative Agreement between the City of Lincoln, and the Nebraska Department of Environmental Quality, regarding the Implementation of the Section 319 Project Entitled "Holmes Lake Watershed Pollution Reduction", upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for Section 319 grant funding to complete a demonstration project to reduce adverse water quality impacts to Holmes Lake.

The City Clerk is hereby directed to transmit a copy of the executed original Agreement to Ben Higgins, Public Works & Utilities Department, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Annette McRoy

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2006 - PRIOR to reading:

SVOBODA Moved to remove Ava Obst & Mark Loeske from claims denied & to have Public Hearing & Action on 9/25/06.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84040 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 September 1, 2006, 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>
Rod Laschanzky & Penny Laschanzky	NAS*	Teresa K. McKeon \$11,000.00
<del>Ava M. Obst</del>	<del>\$ 5,314.40</del>	
<del>Mark Loseke</del>	<del>2,755.00</del>	
Distribution, Inc.	22,154.44	
Bret Detlefsen	200.00	
Jason Runge	300.00	
State Farm Insurance (Claim No. 27-7736-164)	1,915.22	

\* 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 Annette McRoy

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

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY TO COOPERATE IN FUNDING THE SALARY AND BENEFITS FOR A SHARED RECEPTIONIST TO SERVE BOTH THE CITY COUNCIL AND LANCASTER COUNTY COMMISSIONERS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84041 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska and the County of Lancaster provide services to the City Council and Lancaster County Commissioners; and

WHEREAS, the City of Lincoln, Nebraska and Lancaster County, Nebraska entered into an Interlocal Agreement by City Resolution No. A-82177 and County Contract No. C-03-0339 in July, 2003, to cooperate in providing a receptionist to serve both the City Council and Lancaster County Commissioners by sharing in the cost for provision of receptionist services; and

WHEREAS, the parties desire to amend the Interlocal Agreement by providing for an equal share cost of the salary and benefits for the receptionist services

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

That the Amendment to the Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska, attached hereto as Exhibit "A", in connection with sharing the costs of a receptionist, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. All other terms and conditions of the Interlocal Agreement shall remain in full force and effect unless they are inconsistent with the terms of this Amendment.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Trish Owen, Lancaster County Clerk's Office for filing with the County.

Introduced by Annette McRoy

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

APPROVING THE WET AND DRY WEATHER STORM DRAIN DISCHARGE CHARACTERIZATION STUDIES BY UNL/UNO TO MONITOR URBAN WATER QUALITY FOR FLOWS DURING RAIN EVENTS AND DURING DRY WEATHER FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84042 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Proposal for "Characterization of Wet and Dry Weather Storm Drain Discharge" for monitoring stormwater drainage during rain events and dry weather, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved, upon the terms and conditions as set forth in said proposal, and the Mayor is authorized to execute said Proposal on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Proposal to the University of Nebraska-Lincoln, 303 Canfield Administration Building, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Annette McRoy

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

#### PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 06059 - App. of Director of Planning to amend various sections of the Text of the LMC, Chapter 27.69 Signs, to provide for electronic and computer generated signs utilizing LED and similar technology and set rules for their use.

Change of Zone 06060 - App. of Olsson Associates from AG to AGR on property located at SW 70<sup>th</sup> Street and West Van Dorn Street.

Change of Zone 06061 - App. of Kappa House Corp. of Delta Delta Delta to designate a historic landmark, known as Delta Delta Delta Sorority House, on property located at 1601 R Street.

Special Permit 06050 - App. of Lead Dog Entertainment, Inc. and BCRT, Inc. for expansion of a non-conforming use and removal of 5 parking stalls on property located at North 20<sup>th</sup> Street and Cornhusker Highway.  
Special Permit 06052 - App. of Olsson Associates, West Van Dorn Acres Community Unit Plan for approximately 61 acreage lots with requests to waive block length, sidewalks, street trees, street lighting, minimum width to depth ratio, sewer flow, and landscape screening on property located at SW 70<sup>th</sup> Street and West Van Dorn Street.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 2, 2006 AT 1:30 P.M. FOR THE APP. OF B & R STORES, INC. DBA RUSS'S MARKET #14 FOR A CLASS C LIQUOR LICENSE LOCATED AT 6300 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84043 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 2, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of B & R Stores, Inc. dba Russ's Market #14 for a Class C liquor license located at 6300 Havelock Avenue.

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 2, 2006 AT 1:30 P.M. FOR THE MAN. APP. OF CHARLES R. HEINKE FOR SESOSTRIS TEMPLE HOLDING CORP. LOCATED AT 1717 YOLANDE AVENUE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84044 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 2, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Manager Application of Charles R. Heinke for Sesostris Temple Holding Corp located at 1717 Yolande Avenue.

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

#### REPORTS OF CITY OFFICERS

REPORT OF CITY TREASURER OF INVESTMENT ACTIVITY FOR THE THIRD QUARTER, FISCAL YEAR 2005-06 (Investment of Funds for the quarter ending 5/31/06 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84045 BE IT HEREBY RESOLVED BY THE CITY COUNCIL, of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Ken Svoboda

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR AUGUST 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REAPPOINTING JEFF KIRKPATRICK TO THE LINCOLN LIBRARY BOARD OF TRUSTEES FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2013 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84046 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jeff Kirkpatrick to the Lincoln Library Board of Trustees for a seven-year term expiring August 31, 2013 is hereby approved.

Introduced by Annette McRoy

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

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

CREATING WATER DISTRICT NO. 1195 IN N.W. 19TH STREET BETWEEN WEST Q AND WEST S STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1195, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING SEWER DISTRICT NO. 1182 IN SOUTH 15TH STREET BETWEEN MULBERRY AND PLUM STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Sewer District No. 1182, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING WATER DISTRICT NO. 1196 IN ORCHARD STREET BETWEEN N. 67TH STREET AND N. 68TH STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1196, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

ACCEPTING AND APPROVING A FOUR MONTH/400 HOUR SEASONAL LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA MACHINERY TO PROVIDE ONE MOTOR GRADER FOR USE BY THE PUBLIC WORKS & UTILITIES, STREET MAINTENANCE OPERATIONS, IN ARTERIAL AND RESIDENTIAL SNOW REMOVAL, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL SEASONS - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a lease agreement between the City of Lincoln, Nebraska Machinery Company for the lease of one articulated frame four-wheel drive motor grader for a term from November 1, 2006 through February 28, 2007 with an option in the City to renew the lease for three additional seasons, the first time.

ACCEPTING AND APPROVING A FOUR MONTH/400 HOUR SEASONAL LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MURPHY TRACTOR AND EQUIPMENT TO PROVIDE THREE MOTOR GRADERS FOR USE BY THE PUBLIC WORKS & UTILITIES, STREET MAINTENANCE OPERATIONS, IN ARTERIAL AND RESIDENTIAL SNOW REMOVAL, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL SEASONS - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving equipment rental agreements between the City of Lincoln, Nebraska and Murphy Tractor & Equipment Company for the lease of three articulated frame four-wheel drive motor grader for a term from November 1, 2006 through February 28, 2007 with an option in the City to renew the lease for three additional seasons, the first time.

CHANGE OF ZONE 06040 - APPLICATION OF THE 40TH & A STREET NEIGHBORHOOD ASSOCIATION TO CHANGE THE ZONING ON APPROXIMATELY 36 BLOCKS WITHIN THE 40TH AND A STREET NEIGHBORHOOD FROM B-1 LOCAL BUSINESS DISTRICT, R-6, R-5 AND R-4 RESIDENTIAL DISTRICTS TO R-2 RESIDENTIAL DISTRICT AND FROM B-1 LOCAL BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED IN THE NORTH AND WEST PORTIONS OF AN AREA BOUNDED BY RANDOLPH, 33RD, 48TH AND A STREETS - CLERK read an ordinance, introduced by Ken Svoboda, 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.

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

APPROVING A FIVE-YEAR/3,500 HOUR LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND MERCHANTS CAPITOL RESOURCES, INC. TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a five-year/3500 hour lease agreement with option to purchase between the City of Lincoln, Nebraska and Merchants Capitol Resources, Inc. for a 2006 Caterpillar 403E Backhoe Loader per Specification #06-221 for use by the Department of Public Works & Utilities, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18799**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 8.06 AIR POLLUTION, CHAPTER 8.20 LINCOLN FOOD CODE, 8.24 NOISE CONTROL ORDINANCE, CHAPTER 8.38 PUBLIC SWIMMING POOLS, 8.40 SPA FACILITIES, AND 8.44 WATER WELLS OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR THE HEALTH DEPARTMENT - CLERK read an ordinance, introduced by Dan Eschliman, amending Title 8 of the Lincoln Municipal Code, Health and Sanitation, to increase various permit fees and other related feeds by amending Section 8.06.145 (open burning permit fees); Section 8.08.060 (body art establishment permit fees); Section 8.08.090 (body art renewal late fees); Section 8.08.150 (body art practitioner permit fees); Section 8.08.350 (reinstatement fees for a suspended body art establishment or practitioner); Section 8.20.150 (food establishment permit fees); Section 8.20.160 (food establishment late fees); Section 8.20.170 (food establishment reinstatement fees); Section 8.24.150 (noise control variance permit fees); Section 8.38.090 (swimming pool permit fees); Section 8.40.070 (spa facilities permit fees); Section 8.44.070 (water well permit fees); and repealing Sections 8.06.145, 8.08.060, 8.08.090, 8.08.150, 8.08.350, 8.20.150, 8.20.160, 8.20.170, 8.24.150, 8.38.090, 8.40.070, and 8.44.070 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18800**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 24.38 OF THE LINCOLN MUNICIPAL CODE, ONSITE WASTEWATER TREATMENT SYSTEMS, TO INCREASE FEES FOR VARIOUS ON-SITE WASTEWATER TREATMENT SYSTEM PERMITS. (SEPTIC TANKS AND/OR LAGOONS) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 24.38.070 of the Lincoln Municipal Code relating to fees for On-site Wastewater Treatments Systems to increase various fees relating to such systems; and repealing Section 24.38.070 of the Lincoln Municipal code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18801**, is recorded in Ordinance Book #25, Page

MISC. 06011 - AMENDING SECTION 26.23.160 OF THE LINCOLN MUNICIPAL CODE LAND SUBDIVISION ORDINANCE TO CLARIFY THAT WHEN NEIGHBORHOOD PARK LAND IS DEDICATED, THE DEVELOPER SHALL BE REIMBURSED WITH NEIGHBORHOOD PARK AND TRAIL IMPACT FEES - CLERK read an ordinance, introduced by Dan Marvin, amending Section 26.23.160 of the Lincoln Municipal Code relating to Development Standards; Parks, Fire Stations, Libraries, Bikeways, Easement Along Streams, and Other Public Areas to provide that the City may require subdividers to dedicate land for neighborhood parks, provided the City reimburses the subdivider for the value of the land dedicated from Neighborhood Park & Trail Impact Fees; and repealing Section 26.23.160 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as read,.

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

The ordinance, being numbered **#18802**, is recorded in Ordinance Book #25, Page

STREET NAME CHANGE 06004 - RENAMING THAT PORTION OF CAPITOL BEACH BOULEVARD LOCATED SOUTH OF O STREET AS S.W. CAPITOL BEACH BOULEVARD - CLERK read an ordinance, introduced by Dan Marvin, changing the name of that portion of Capitol Beach Boulevard to S.W. Capitol Beach Boulevard located south of O Street, as recommended by the Street Name Committee, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18803, is recorded in Ordinance Book #25, Page

ANNEXATION 06013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY .4 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND SOUTH 96TH PLACE. (RELATED ITEMS: 06-151, 06-152) - CLERK read an ordinance, introduced by Dan Marvin, 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 third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18804, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06047 - APPLICATION OF THE PROPERTY OWNERS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND SOUTH 96TH PLACE. (RELATED ITEMS: 06-151, 06-152) - CLERK read an ordinance, introduced by Dan Marvin, 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.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18805, is recorded in Ordinance Book #25, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 214 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION 04R-273, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25)- CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

APPROVING THE NORTH BANK JUNCTION ANNEXATION & ZONING AGREEMENT BETWEEN THE CITY AND ROGER & ELDONNA SCHWISOW AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROX. 214 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25)- CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

CHANGE OF ZONE 3398 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL FOR APPROX. 123 ACRES & H-4 GENERAL COMMERCIAL FOR APPROX. 21 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) - CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 SQ. FT. OF PLANNED SERVICE COMMERCIAL FLOOR AREA, WITH VARIANCES TO THE REAR & SIDE YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) - CLERK requested a motion to remove from Pending.

MARVIN Moved to waive the rules to remove Items Nos. 49, 50, 51, & 52 from Pending to have Public Hearing this date, 9/18/06, and to continue Public Hearing with Action on 9/25/06.

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

CAMP Moved to extend the Pending List to September 25, 2006.

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

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on September 25, 2006.

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

**ADJOURNMENT 3:21 P.M.**

CAMP Moved to adjourn the City Council meeting of September 18, 2006.

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

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Joan E. Ross, City Clerk, CMC

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Judy Roscoe, Senior Office Assistant