

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 14, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of May 7, 2007, reported having done so, found same correct. Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PUBLIC HEARING

APPLICATION OF CANAKA, INC. DBA THE RESTAURANT FEATURING THE OTHER ROOM FOR A CLASS C LIQUOR LICENSE AT 500 WEST GATE BOULEVARD;
MANAGER APPLICATION OF MICHAEL J. MICHEL FOR CANAKA, INC. DBA THE RESTAURANT FEATURING THE OTHER ROOM, AT 500 WEST GATE BOULEVARD - Michael Michel, 800 Lakeshore Dr., came forward to take oath and answer questions.
This matter was taken under advisement.

APPLICATION OF YONG SON DBA O YUMMY FOR A CLASS C LIQUOR LICENSE AT 5571 SOUTH 48TH STREET - Yong Son, 5571 S. 48th St., came forward to take oath and answer questions.
This matter was taken under advisement.

APPROVING CONSERVATION EASEMENTS FOR THE PRESERVATION AND ENHANCEMENT OF GREEN SPACE AND ASSOCIATED AGREEMENTS OVER OUTLOT B, APPLES WAY ADDITION AND OUTLOT A, ARTISAN MEADOWS ADDITION, GENERALLY LOCATED SOUTHWEST OF HIGHWAY 2 AND APPLES WAY - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward filling in for the attorney, Tom Huston, who represents the applicant, Apples' Way, LLC, to answer any questions.
This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF CANAKA, INC. DBA THE RESTAURANT FEATURING THE OTHER ROOM FOR A CLASS C LIQUOR LICENSE AT 500 WEST GATE BOULEVARD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84359 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 CaNaKa, Inc. dba The Restaurant Featuring The Other Room for a Class "C" liquor license at 500 Westgate Boulevard, 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF MICHAEL J. MICHEL FOR CANAKA, INC. DBA THE RESTAURANT FEATURING THE OTHER ROOM, AT 500 WEST GATE BOULEVARD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84360 WHEREAS, CaNaKa, Inc. dba The Restaurant Featuring The Other Room

REGULAR MEETING

May 14, 2007

Page 228

located at 500 Westgate Boulevard, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Michael J. Michel be named manager;

WHEREAS, Michael J. Michel appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael J. Michel 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 YONG SON DBA O YUMMY FOR A CLASS C LIQUOR LICENSE AT 5571 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84361 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 Yong Son dba O Yummy for a Class "C" liquor license at 5571 South 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16 - 30, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84362 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 1, 2007, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Charles Teeters & Kristina Teeters	NAS*	Tod Davenport & Christina Davenport	\$11,750.00
Motor Club Insurance Association (Claim No. 040951)	\$7,358.90	John Orwen, Gladys Orwen & Farmers Mutual of Nebraska	2,361.42
Rick Meyer	10,000,000.00	Ann Percival	165.00
Erin Adams	500.00	Nancy Mattox	1,257.53
Adam Lenzen	NAS*	State Farm Insurance	
Norm Johnston	240.51	(Claim No. 27-7759-422)	11,026.48
Bill Stutzman	145.61	Safeco Insurance	
Barbara Lemon & Louis Lemon	NAS*	(Claim No. 49520033008)	1,026.49
Sheri Johnson	60.00		

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

Seconded by Marvin & carried by the following vote: AYES: Camp,

Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING CONSERVATION EASEMENTS FOR THE PRESERVATION AND ENHANCEMENT OF GREEN SPACE AND ASSOCIATED AGREEMENTS OVER OUTLOT B, APPLES WAY ADDITION AND OUTLOT A, ARTISAN MEADOWS ADDITION, GENERALLY LOCATED SOUTHWEST OF HIGHWAY 2 AND APPLES WAY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84363 WHEREAS, Apples' Way, LLC, a Nebraska limited liability company, a Nebraska corporation and AC Holdings, LLC, a Nebraska limited liability company, a Nebraska corporation have offered to grant respective conservation easements for the permanent protection of two water quality projects over an area generally located southwest of Highway 2 and Apples Way, and more particularly described as:

Outlot B, Apples Way Addition, Lincoln, Lancaster County, Nebraska; and

Outlot A, Artisan Meadows Addition, Lincoln, Lancaster County, Nebraska

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive plan relating to wetlands. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, on behalf of the City of Lincoln, Nebraska, the offer of conservation easements by both Apples' Way, LLC and AC Holdings, LLC over tracts of land as legally described above and in the Conservation Easement Agreement, attached hereto and marked as Attachment 'A', are hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Ken Svoboda

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$5,000.00 FROM GENERAL FUND, ACCOUNT 01001.5989 (DISCRETIONARY FUNDS OF ANNETTE MCROY) TO FUND 409425.6138, PARKS & RECREATION DEPARTMENT, FOR TRAGO PARK SPRAYGROUND EQUIPMENT; IN THE AMOUNT OF \$5,000.00 FROM GENERAL FUND, ACCOUNT 01001.5989 TO FUND 18002.5878, PROBLEM RESOLUTION TEAM (PRT); IN THE AMOUNT OF \$5,000.00 FROM GENERAL FUND, ACCOUNT 01001.5989 TO FUND 295204.5259, LINCOLN POLICE DEPARTMENT FOR THE NEIGHBORHOOD WATCH PROGRAM; AND IN THE AMOUNT OF \$1,000.00 FROM GENERAL FUND, ACCOUNT 01001.5989 TO FUND 01001.5989, DAN MARVIN DISCRETIONARY FUNDS. (REQUEST TO WAIVE COUNCIL RULES FOR ACTION 5/14/07) - PRIOR to reading:

COOK Moved to waive the rules on Bill No. 07R-108 to have action on this date.

Seconded by Svoboda & 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-84364 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$5,000.00 from General Fund, Account 01001.5989 (Discretionary Funds of Annette McRoy) to Fund 409425.6138, Parks & Recreation Department, for Trago Park sprayground equipment; in the amount of \$5,000.00 from General Fund, Account 01001.5989 to Fund 18002.5878, Problem Resolution Team (PRT); in the amount of \$5,000.00 from General Fund, Account 01001.5989 to Fund 295204.5259, Lincoln Police Department for the Neighborhood Watch Program; and in the amount of \$1,000.00 from General Fund, Account 01001.5989 to Fund 01001.5989, Dan Marvin Discretionary Funds, are hereby approved and the Finance Director is authorized to make such transfers upon passage of this resolution.

Introduced by Annette McRoy

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$2,269.35 FROM GENERAL FUND, ACCOUNT 01001.5989 (DISCRETIONARY FUNDS OF PATTE NEWMAN) TO ACCOUNT 18002.5878, PROBLEM RESOLUTION TEAM (PRT). (REQUEST TO WAIVE COUNCIL RULES FOR ACTION 5/14/07) - PRIOR to reading:

COOK Moved to waive the rules on Bill No. 07R-109 to have action on this date.

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

REGULAR MEETING

May 14, 2007

Page 230

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

A-84365 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$2,269.35 from General Fund, Account 01001.5989 (Discretionary Funds of Patte Newman) to Account 18002.5878, Problem Resolution Team (PRT), is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Annette McRoy

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

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

CHANGE OF ZONE 07010 - APPLICATION OF STEVE M. CHAMPOUX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 134TH AND A STREETS. (REQUEST OF APPLICANT TO CONTINUE P.H. TO 5/7/07) (4/16/07 - 2ND READING & P.H. CON'T. TO 5/7/07 W/ ACTION 5/14/07) - PRIOR to reading:

COOK Moved to have Action Delayed with continued Public Hearing on Bill No. 07-58 on July 23, 2007.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

AMENDING THE PAY SCHEDULE OF EMPLOYEES WHOSE CLASSIFICATION IS ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER M BY CHANGING THE PAY RANGE FOR THE JOB CLASSIFICATION OF "INTERNAL AUDITOR" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18784 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 "M", by changing the pay range for the position of Internal Auditor from an M01 (\$46,080.32 - \$78,871.52) to an M02 (\$47,515.52 - \$96,905.12), the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18925**, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to May 21, 2007.

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

ADJOURNMENT 1:43 P.M.

CAMP Moved to adjourn the City Council meeting of May 14, 2007.
 Seconded by Cook & carried by the following vote: AYES: Camp,
 Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Sandy Dubas, Senior Office Assistant

REGULAR MEETING

May 14, 2007

Page 232

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 14, 2007 AT 1:30 P.M.
(BY THE NEW CITY COUNCIL)

RECONVENED AT 1:54 P.M.

OATHS OF OFFICE

CLERK Administered the Oath of Office to the newly elected Mayor, Chris Beutler.

CLERK Administered the Oath of Office to the following newly elected and re-elected Council Members, Doug Emery, John Spatz, Jon Camp, Jonathan Cook.

MAYOR CHRIS BEUTLER'S INAUGURAL REMARKS

City Council members, friends, distinguished guests, citizens, and all of you in the TV audience, welcome. And a special welcome to my parents Jack and Dorothy Beutler, to my wife Judy, to her parents Nye and Garnett Bond and to other family members who are here today to share this occasion.

First, and very importantly, let me begin by conveying my heartfelt thanks and appreciation to Mayor Coleen Seng for her lifetime of extraordinary and unparalleled service to the City of Lincoln and its people. She has sacrificed much and given her all. On behalf of all of us, thank you, Mayor Seng.

I want to take a few moments with you to share a part of my vision for my Administration and Lincoln's future.

Throughout my campaign, I found one thing to be true everywhere I went - one thing I found we all have in common - a widespread and deep affection for our City.

"I love Lincoln." And you love Lincoln. And I believe I am going to love being your Mayor because of this wonderful spirit we share.

Everyone I've met believes that Lincoln is a good place... a good place to live, work and raise a family. That's not all - we all share a vision of the even better world-class City that Lincoln can become. Lincoln is ready for Mayoral leadership and City Council leadership that will make our vision become our reality.

Lincoln voters voted for change. They want progress, now. And they want all of us, the Council, the Mayor and everyone who works for the City, to get to work and get the job done. The voters are going to hold all of us accountable... and let me assure you, I will hold myself, my staff, my directors and my departments accountable.

I will make sure that we meet our infrastructure needs. Lincoln needs new roads, the research corridor and other innovative, forward-thinking projects. These are the economic engines that will enable Lincoln to grow the right way.

It's time - working with the Council - to solve the budget problem and fix the budget's structural defects. I want to let all citizens know right now that this will be a difficult, difficult process. The scale of the deficit is huge. But we must persevere so that our house is at last in order.

Finally, we will make Lincoln an easier place to do business - so that we can expand homegrown businesses, bring in new businesses, and create the good, high-paying jobs that are the hallmark of a world-class City. I will not rest until we streamline procedures to make one-stop permitting a reality.

In the brief two-week period of transition preceding today, I have already held dozens of meetings focusing mainly upon possible changes in personnel and on the City budget - the two most pressing problems. On Wednesday of this week we will make the first of several announcements on personnel.

By Friday of this week we will have set the schedule for early, meaningful City Council collaboration on the new budget. Change is not just in the wind. It is imminent.

The voters told us they wanted another kind of change too. They want to change the way we talk about the City. They're tired of the negativity and the "Down on Lincoln" rhetoric. They voted against partisanship and divisive politics. They want us - all of us - to stop bickering, roll up our sleeves, solve Lincoln's problems and move our

REGULAR MEETING

May 14, 2007

Page 234

City forward.

I respect the voters and the message that they gave us. Today, I am asking that: "the era of partisanship in Lincoln end. Let it be over!"

Let me state that goal again: Today, the era of partisanship in Lincoln is over.

As your Mayor, I will set the tone. And I am inviting everyone, every organization and every institution to join in being part of this change. I will work with the City Council, and all citizens, who want to achieve a higher level of dialogue for Lincoln. The atmosphere of trust so conducive to moving forward cannot be nurtured amidst a cacophony of exaggerated and distorted claims and counter-claims.

Let's all start by agreeing to change how we think and talk about Lincoln. We need to think about Lincoln as the great world-class city we can make it. And we need to talk about how we are working every day to make it better.

I hope you will help me in making the end of partisanship a reality. Together we can build a new can-do spirit where everyone knows that it is their responsibility to work for what is good for all of Lincoln. I know I can't do it alone. I know the Mayor or even all of City Government can't accomplish this. It takes all of us - all citizens - working together - to realize our vision for Lincoln's future.

I ask you to join me.

Together, we will make Lincoln our world-class City.

Thank you.

ELECTION OF COUNCIL CHAIR & VICE CHAIR

Mayor Chris Beutler proceeded to call for nominations (calling for nominations three times) for the office of Chair for the City Council. Council Member Robin Eschliman nominated Dan Marvin. Motion carried, 7-0.

As the newly elected Chair, Dan Marvin called for nominations (calling for nominations three times) for the office of Vice Chair for the City Council. Council Member Jonathan Cook nominated Robin Eschliman. Motion carried, 7-0.

RESOLUTIONS

A RESOLUTION IN APPRECIATION OF COLEEN J. SENG FOR HER SERVICE TO THE CITY AS MAYOR - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84366 WHEREAS, Coleen J. Seng has heretofore well and truly served as the Mayor of the City of Lincoln from May, 2003 to May, 2007; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Mayor Seng's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

COLEEN J. SENG

for her service as Mayor of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all her future endeavors.

Introduced by All City Council Members

COOK So Moved.

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

A RESOLUTION IN APPRECIATION OF ANNETTE MCROY FOR HER SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84367 WHEREAS, ANNETTE MCROY has heretofore well and truly served as a member of the Lincoln City Council from May, 1999 to May, 2007; and

WHEREAS, it is appropriate for the City Council, on behalf of the

citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Annette's untiring service and many contributions to

making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

ANNETTE MCROY

for her service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all her future endeavors.

Introduced by All City Council Members

COOK So Moved.

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

A RESOLUTION IN APPRECIATION OF PATTE NEWMAN FOR HER SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84368 WHEREAS, PATTE NEWMAN has heretofore well and truly served as a member of the Lincoln City Council from May, 1999 to May, 2007; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Patte's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

PATTE NEWMAN

for her service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all her future endeavors.

Introduced by All City Council Members

COOK So Moved.

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07018 - Application of Rega Engineering, Glynoaks Plaza Planned Unit Development, for a change from AG Agricultural District to R-3 Residential District to allow approx. 67 dwelling units and approx. 285,000 sq. ft. of office and commercial floor area on property generally located at S. 84th Street and Glynoaks Drive.

Change of Zone No. 07025 - Application of Nebraska Nurseries, Inc., for a change from R-3 Residential District to B-2 Planned Neighborhood Business District, on property generally located at S. 80th St. and Pioneers Boulevard.

Change of Zone No. 07026 - Application of HWS Consulting Group, for a change from AG Agricultural District to R-3 Residential District; from R-3 Residential District to R-5 Residential District; and from AG Agricultural District to R-5 Residential District; on property generally located at NW 48th Street and W. Cuming Street.

Change of Zone No. 07027 - Application of J. Michael Rierden, for a change from R-4 Residential District to B-3 Commercial District, on property generally located at the SE corner of S. 9th St. and South Street.

Change of Zone No. 07028 - Application of Hidden Valley Estates, LLC, for a change from AG Agricultural District to AGR Agricultural Residential District on property generally located at S. 112th St. and Pine Lake Road.

REGULAR MEETING

May 14, 2007

Page 236

Special Permit No. 1692D - Application of Olsson Associates, Wilderness Ridge Community Unit Plan, for an amendment to the lot layout adjacent to Large's Court, requesting to waive the width and depth requirements on property generally located in the SW corner of S. 27th St. and Yankee Hill Road.

Special Permit No. 06061A - Application of Hidden Valley Estates, LLC, Hidden Valley Estates 1st Addition Community Unit Plan, requesting an amendment to add 14 lots on property generally located at S. 112th St. and Pine Lake Road.

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION ON THE NORTH 27TH STREET BUSINESS MAINTENANCE DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 7, 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)

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

CHANGE OF ZONE 06084 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING CHAPTER 27.03 TO ADD DEFINITIONS FOR "ANIMAL HOSPITAL," "ANIMAL HOSPITAL, INDOOR," "BOARDING," "KENNEL," "KENNEL, INDOOR," "INDOORS," AND "OUTDOOR EXERCISE AREA" ASSOCIATED WITH AN INDOOR HOSPITAL OR INDOOR KENNEL; AMENDING SECTIONS 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, AND 27.45.020, TO ADD INDOOR ANIMAL HOSPITALS AND INDOOR KENNELS AS A PERMITTED USE; AMENDING SECTIONS 27.43.040 AND 27.45.030 TO ADD OUTDOOR EXERCISE AREA ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL AS A PERMITTED SPECIAL USE; AMENDING SECTION 27.63.470 TO ADD INDOOR ANIMAL HOSPITALS, INDOOR KENNELS, AND OUTDOOR EXERCISE AREAS ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL AS AN ALLOWED USED UNDER A SPECIAL PERMIT FOR PLANNED SERVICE COMMERCIAL DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.63.780 TO CREATE A SPECIAL PERMIT FOR OUTDOOR EXERCISE AREAS ASSOCIATED WITH AN INDOOR ANIMAL HOSPITAL OR INDOOR KENNEL. **(RELATED ITEMS: 07-54, 07-57)** - CLERK read an ordinance, introduced by Jon Camp,

amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Chapter 27.03 to add definitions for "animal hospital," "animal hospital, indoor," "boarding," "kennel," "kennel, indoor," "indoors," and "outdoor exercise area" associated with an indoor hospital or indoor kennel; amending Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, and 27.45.020, to add indoor animal hospitals and indoor kennels as a permitted use; amending Sections 27.43.040 and 27.45.030 to add outdoor exercise area associated with an indoor animal hospital or indoor kennel as a permitted special use; amending Section 27.63.470 to add indoor animal hospitals, indoor kennels, and outdoor exercise areas associated with an indoor animal hospital or indoor kennel as an allowed use under a special permit for planned service commercial development; adding a new section numbered 27.63.780 to create a special permit for outdoor exercise areas associated with an indoor animal hospital or indoor kennel; and repealing Sections 27.29.020, 27.31.030, 27.33.020, 27.41.020, 27.43.020, 27.43.040, 27.45.020, 27.45.030 and 27.63.470 of the Lincoln Municipal Code as hitherto existing, the first time.

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

CHANGE OF ZONE 07020 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND HAVELOCK AVENUE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

CHANGE OF ZONE 07015 - AMENDING SECTION 27.81.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO GENERAL REGULATIONS OF THE ZONING CODE AND TO REQUIRE COMPLIANCE WITH CHAPTER 28.01, REGULATIONS FOR CONSTRUCTION SITE DISCHARGES, FOR CONSTRUCTION ACTIVITY. **(RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102)** - CLERK read an ordinance, introduced by Jon Camp, amending

REGULAR MEETING

May 14, 2007

Page 238

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 first time.

CREATING A NEW TITLE 28 "STORMWATER QUALITY AND EROSION AND SEDIMENT CONTROL" TO CONSOLIDATE THE EROSION AND SEDIMENT CONTROL REQUIREMENTS IN A SINGLE CHAPTER CALLED "REGULATIONS FOR CONSTRUCTION SITE DISCHARGES" TO MEET ALL STATE AND FEDERAL REQUIREMENTS. **(RELATED ITEMS: 07-78, 07-79, 07-80, 07R-102)** - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Municipal code by creating a new Title 28, Stormwater Quality and Erosion and Sediment Control, and a new Chapter 28.01, Regulations for Construction Site Discharges, to provide requirements and criteria to prevent and control water pollution and diminish adverse impacts to health, safety, property, and the general welfare of the citizens of the City of Lincoln by adding Section 28.01.010 setting forth the purpose and findings of regulating construction site discharges; Section 28.01.020 establishing the authority and applicability of these regulations to all lands within the corporate limits of the City and within three miles thereof; Section 28.01.030 setting forth definitions including Applicant, Authorized Representative, Best Management Practices (BMPs), City, Common Plan of Development or Sale, Construction Activity, Director, Erosion, Final Stabilization, Illicit Discharge, Individual Site Construction, Land Disturbance, Mini-SWPPP, MS4 Permit, Municipal Separate Stormwater Sewer System (MS4), National Pollutant Discharge Elimination System (NPDES), Notice of Intent (NOI), Notice of Termination (NOT), NPDES General Permit, Owner, Permit, Permittee, Person, Pollutant, Public Right-of-Way, Sediment, Sedimentation, Stop Work Order, Storm Drainage System, Stormwater, and Stormwater Pollution Prevention Plan (SWPPP); Section 28.01.040 incorporating the City's Design Standards and Drainage Criteria Manual and providing an exemption for emergency activity; Section 28.01.050 requiring that a permit and SWPPP be submitted to the Lower Platte South Natural Resources District for any construction activity; Section 28.01.060 setting forth requirements for the Construction Activity SWPPP; Section 28.01.070 setting forth requirements for the Individual Site Construction Mini-SWPPP; Section 28.01.080 establishing a process by which a permittee must conduct routine inspections to ensure compliance with the regulations; Section 28.01.090 providing a mechanism to terminate the permit; Section 28.01.100 allowing for enforcement action by the City in the event sediment is in a public right-of-way or storm drainage system; Section 28.01.110 providing a right-of-entry to the City and the Lower Platte South Natural Resources District to perform inspections of construction sites to verify compliance with the regulations; and Section 28.01.120 specifying unlawful acts under the chapter, providing enforcement authority for the City in the event a violation occurs, and establishing penalties for such violations, the first time.

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

MISCELLANEOUS BUSINESS

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on May 21, 2007.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 2:12 P.M.

CAMP Moved to adjourn the City Council meeting of May 14, 2007.
 Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Sandy Dubas, Senior Office Assistant

REGULAR MEETING

May 14, 2007

Page 240