

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

The Meeting was called to order at 5:30 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

MARVIN Having been appointed to read the minutes of the City Council proceedings of April 23, 2007, reported having done so, found same correct.

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

PUBLIC HEARING

CREATING WATER DISTRICT NO. 1197 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH DIAMETER WATER MAIN IN S. 34TH STREET FROM VAN DORN STREET NORTH APPROXIMATELY 300 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - Steve Zwiener, 2760 S. 34th St., petitioner, came forward to explain that his branch line is degrading. Discussion followed.

Elmer Cole, Public Works & Utilities/Engineering Services, came forward mapping out the proposed water district. Discussion followed.

Roger Figard, Public Works & Utilities/Engineering Services, came forward to answer questions. Discussion followed.

Steve Owen, PW & U/Supt. of Water Distribution, came forward to answer questions. Discussion followed.

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

Adonna Fleming, 2761 S. 34th St., came forward in opposition. Discussion followed.

Gary Eckhard, 7311 Starr St., came forward representing his property at 2776 S. 34th St., in opposition. Discussion followed.

Mr. Figard came forward to explain that a majority petition is not required when it concerns fire and health issues. He stated for the record regarding approving the water district: "I think it is in the best interest of everyone in the greater good to do that and the Department would say so." Discussion followed.

This matter was taken under advisement.

DECLARING APPROXIMATELY 0.07 ACRES GENERALLY LOCATED AT S. 44TH STREET AND CALVERT STREET AS SURPLUS PROPERTY;

DECLARING APPROXIMATELY 0.7 ACRES GENERALLY LOCATED AT S. 39TH STREET AND VAN DORN STREET AS SURPLUS PROPERTY - Lynn Johnson, Director of Parks & Recreation, came forward recommending the transfer of ownership to the Lincoln Public School District. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07013 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.71.210, ENLARGEMENT AND ALTERATION OF LOTS, TO CLARIFY LANGUAGE THAT CONFLICTS WITH OTHER PROVISIONS OF THE ZONING REGULATIONS - Marvin Krout, Director of Planning, came forward to explain the clarified language. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07016 - APPLICATION OF DAVID TITTERINGTON FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT N. 49TH STREET AND ORCHARD STREET - Marvin Krout, Director of Planning, came forward to clarify that all the building can be used for commercial. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07017 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF N. 98TH STREET AND O STREET - DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing the applicant, requesting a change of zone to meet a distance requirement.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR A WIDENING AND PAVING PROJECT IN FLETCHER AVENUE FROM N. 1ST STREET TO 565 FEET EAST OF N. 7TH STREET - Roger Figard, Public Works & Utilities, came forward to answer questions. Discussion followed.
This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

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

CREATING WATER DISTRICT NO. 1197 FOR THE PURPOSE OF CONSTRUCTING A 6-INCH DIAMETER WATER MAIN IN S. 34TH STREET FROM VAN DORN STREET NORTH APPROXIMATELY 300 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Dan Marvin, creating Water District No. 1197 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 second time.

AMENDING CHAPTER 14.70 OF THE LINCOLN MUNICIPAL CODE RELATING TO EXCAVATIONS BY AMENDING SECTION 14.70.010 TO AUTHORIZE CONDITIONS TO BE PLACED IN EXCAVATION PERMITS THAT ARE FOR THE PUBLIC INTEREST, AND ADDING A NEW SECTION NUMBERED 14.70.015 TO SET FORTH SPECIFIC CONDITIONS AND REQUIREMENTS TO BE PLACED ON EXCAVATION PERMITS THAT ARE REASONABLY NECESSARY FOR THE PUBLIC INTEREST - PRIOR to reading:

MCROY Moved to continue Public Hearing on Bill No. 07-66 to May 21, 2007.

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

CLERK Read an ordinance, introduced by Dan Marvin, amending Chapter 14.70 of the Lincoln Municipal Code relating to Excavations by amending Section 14.70.010 to authorize conditions to be placed on excavation permits that are for the public interest; adding a new section numbered 14.70.015 to indicate specific conditions to be placed on excavation permits; and repealing Section 14.70.010 of the Lincoln Municipal Code as hitherto existing, the second time.

DECLARING APPROXIMATELY 0.07 ACRES GENERALLY LOCATED AT S. 44TH STREET AND CALVERT STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at South 44th Street and Calvert Street as surplus and authorizing the sale thereof, the second time.

DECLARING APPROXIMATELY 0.7 ACRES GENERALLY LOCATED AT S. 39TH STREET AND VAN DORN STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Dan Marvin, declaring the City-owned property generally located at South 39th Street and Van Dorn Street as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 07013 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.71.210, ENLARGEMENT AND ALTERATION OF LOTS, TO CLARIFY LANGUAGE THAT CONFLICTS WITH OTHER PROVISIONS OF THE ZONING REGULATIONS - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.71.210 of the Lincoln Municipal Code relating to Enlargement and Alteration of Lots to clarify language that conflicts with other provisions of the zoning regulations; and repealing Section 27.71.210 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 07016 - APPLICATION OF DAVID TITTERINGTON FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT N. 49TH STREET AND ORCHARD STREET - 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 second time.

CHANGE OF ZONE 07017 - APPLICATION OF WATERFORD ESTATES, LLC, FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF N. 98TH STREET AND O STREET - 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 second time.

RESOLUTIONS

CLAIM OF ALAN AND ROSEANN CHRISTENSEN FROM THE REPORT OF CLAIMS AGAINST THE CITY FOR THE PERIOD OF MARCH 16-31, 2007. (4/16/07 - HELD OVER FOR FURTHER REVIEW) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84341 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 April 2, 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>
Alan Christensen & Roseann Christensen	NAS*

* 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.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 1 - 15, 2007 - PRIOR to reading:

COOK Moved to amend Bill No. 07R-91 in the following manner:
On line 12, the claim of Commercial Investment Properties in the amount of \$2,394.70 should be stricken from the list of DENIED claims.

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

CLERK Read the following amended resolution, introduced by Dan Marvin, who moved its adoption:

A-84342 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 April 16, 2007, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Darlene L. Renn	NAS*	Joseph Kowalski & Heather Kowalski	\$ 85.00
Joseph Sahiouni	NAS*	John Degner & Janice Degner	10,750.00
Commercial		Jim Ferrell	
Investment Properties	\$2,394.70	& Sandy Ferrell	10,577.40
Nick Burnham	48.00	Martha Lee Heyne	1,802.22
Joyce Pardee	NAS*	Bob Olinger	5,778.00
Marc Davis	220.51	Michael Lagueux	626.60
Noreen Malone	95.00	Pearl Hepburn	199.87
Lois Pasco on behalf of Richard Pasco	560.14	State Farm Insurance (Claim No. 27-7761-297-BLM)	2,089.16
Roger L. Gamble	125.00		
Dani Lazarov	366.38		

* 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 Dan Marvin

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT FOR COST SHARING OF THE CONSTRUCTION OF A DRAINAGE CULVERT AT N.W. 70TH STREET BETWEEN WEST ADAMS AND WEST SUPERIOR STREETS - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84343 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lower Platte South Natural Resources District, for financing of the N.W 70th Street Road Structure to extend the drainage pipe through the proposed dam on N.W. 70th Street between West Adams and West Superior Streets, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Karl Fredrickson, Director of Public Works and Utilities Department, for transmittal and execution by the Lower Platte South NRD.

Introduced by Dan Marvin

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR A WIDENING AND PAVING PROJECT IN FLETCHER AVENUE FROM N. 1ST STREET TO 565 FEET EAST OF N. 7TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84344 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for a widening and paving project in Fletcher Avenue from North 1st Street to 565 feet east of North 7th Street, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Susan Starcher for filing with Lancaster County.

Introduced by Dan Marvin

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MAY 14, 2007 AT 1:30 P.M. FOR THE APPLICATION OF CANAKA, INC. DBA THE RESTAURANT FEATURING THE OTHER ROOM FOR A CLASS C LIQUOR LICENSE LOCATED AT 500 WEST GATE BLVD. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84345 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 14, 2007, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of CaNaKa, Inc. dba The Restaurant featuring The Other Room for a Class C liquor license located at 500 West Gate Blvd.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, MAY 14, 2007 AT 1:30 P.M. FOR THE APPLICATION OF YONG SON DBA O YUMMY FOR A CLASS C LIQUOR LICENSE LOCATED AT 5571 S. 48TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84346 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 14, 2007, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Yong Son dba O Yummy for a Class C liquor license located at 5571 S. 48th Street.

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

Introduced by Annette McRoy

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

MISCELLANEOUS REFERRALS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS & ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 16, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS & ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 23, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS MARCH 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

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 first time.

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL CODE, THE BUILDING CODE, BY ADDING A NEW CHAPTER 20.02, ENTITLED NEGLECTED BUILDING REGISTRATION, TO REQUIRE REGISTRATION OF NEGLECTED, DETERIORATED AND/OR ABANDONED BUILDINGS, TO REQUIRE THE FILING OF PLANS FOR RESTORATION OR DEMOLITION OF ABANDONED BUILDINGS, AND TO ESTABLISH PENALTIES FOR VIOLATIONS THEREOF - CLERK read an ordinance, introduced by Annette McRoy, amending Title 20 of the Lincoln Municipal Code, the Building Code, by adding a new Chapter 20.02, entitled Neglected Building Registration, to require registration of neglected, deteriorated and/or abandoned buildings, to require the filing of plans for restoration or demolition of abandoned buildings, and to establish penalties for violations thereof, the first time.

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

CHANGE OF ZONE 07011 - APPLICATION OF TRINITY UNITED METHODIST CHURCH TO DESIGNATE TRINITY METHODIST EPISCOPAL CHURCH AT 1345 SOUTH 16TH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a landmark, the third time.

ESCHLIMAN 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 **#18918**, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Charles Hamilton, 1248 O Street, Suite 749, came forward to introduce himself as a member of the Board of Directors for the Nebraska Planning and Zoning Association.

This matter was taken under advisement.

Danny Walker, 427 "E" Street, came forward to express his concerns about the dust problem and poor drainage on the 4th Street Corridor.

This matter was taken under advisement.

Mike Morosin, no address given, came forward to talk about the process of eminent domain on his property resulting from the Joint Antelope Valley Project. Discussion followed.

This matter was taken under advisement.

Glen Cekal, 1420 "C" Street, came forward in support of Mr. Morosin.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to May 7, 2007.
Seconded by Marvin & 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 May 7, 2007.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 6:53 P.M.

CAMP Moved to adjourn the City Council meeting of April 30, 2007.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant