

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 11, 2007 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

EMERY Having been appointed to read the minutes of the City Council proceedings of June 4, 2007, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler presented the Mayor's Award of Excellence for the month of May, 2007 to Roger "Houston" Doan and Bradley Kastl of the Department of Aging in the category of Productivity and Customer Relations.

Joanne Farrell, Aging Dept., came forward to express her appreciation for all that Roger and Bradley have done for the LIFE office.

June Pedersen, Director of Aging Dept., shared the benefits of Roger and Bradley's expertise.

This matter was taken under advisement.

**PUBLIC HEARING**

APPLICATION OF MY PIEZANO'S LLC DBA PIEZANO'S FOR A CLASS I LIQUOR LICENSE AT 2740 SOUTH STREET;

MANAGER APPLICATION OF JEFF FORD FOR MY PIEZANO'S LLC DBA PIEZANO'S AT 2740 SOUTH STREET - Jeff Ford, 2019 Pepper Avenue, took oath and came forward to answer questions. Discussion followed.

Investigator Russ Fosler, LPD, came forward to answer questions. This matter was taken under advisement.

VACATION 07002 - VACATING PORTIONS OF PRESCOTT AND LOWELL AVENUES AND AN EAST-EST ALLEY IN BLOCK 30, GENERALLY LOCATED IN PRESCOTT AND LOWELL AVENUES BETWEEN S. 49TH ST. AND S. 51ST ST. (RELATED ITEMS: 07-87, 07-90);

CHANGE OF ZONE 07019 - APPLICATION OF COLLEGE VIEW SEVENTH-DAY ADVENTIST CHURCH FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DIST. TO R-6 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED AT S. 49TH ST. AND LOWELL AVE. (RELATED ITEMS: 07-87, 07-90)- Marlyn Schwartz, 10445 Dawn Avenue, member of the building committee of the Seventh Day Adventist Church, came forward to explain the reason for this request is to be able to add more parking for the college. Discussion followed.

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

Mitchell Chunestudy, 5206 Lowell Ave., asked would the R-3 allow the density that is existing there now and would some of those properties be non-conforming? Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07025 - APPLICATION OF NEBRASKA NURSERIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 80TH ST. AND PIONEERS BLVD. - Kent Braasch, Essex Corporation, came forward representing Nebraska Nurseries to ask for approval of the change of zone. Discussion followed.

Sam Manzitto, 3400 S. Hope Court, came forward as the developer to share his plans for this property.

Ken Kontor, 4210 S. 78<sup>th</sup> Street, came forward in opposition.

Beth Nelsen, 3935 S. 79<sup>th</sup> Street, came forward in opposition via video.

Scott Reins, 4200 S. 78<sup>th</sup> Street, came forward in opposition via video.

Mike Kubes, 7936 Weeping Willow S. 79<sup>th</sup> Street came forward in opposition via video.

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Judy Seward, 3943 S. 79<sup>th</sup> Street, came forward in opposition via video.

James Rinehart, 4110 S. 78<sup>th</sup> St., came forward in opposition via video.

Gina Dorwart, 4040 S. 78<sup>th</sup> Street, came forward in opposition via video.

Lisa Culbertson, 7811 Lowell Ct., came forward in opposition via video.

James S. Nyffeler, 7821 Lowell Court, came forward in opposition via video.

Charles Griffin, 7900 Lowell Ct., came forward in opposition via video.

Angela Christ-Zeinunski, 7758 Lowell Ave., came forward in opposition via video.

William Booker, 4100 S. 78<sup>th</sup> St., came forward in opposition via video.

Frederick Link, 3935 S. 79<sup>th</sup> St., came forward in opposition via video. Discussion followed.

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

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

Mr. Braasch came forward for Rebuttal. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 07011 - DECLARING APPROXIMATELY 2,490 SQ. FT. AS SURPLUS PROPERTY GENERALLY LOCATED AT N. 42ND ST. AND CORNHUSKER HWY. - Richard Esquivel, 733 W. Cumings St, asked Mr. Will to be more specific about the area in question.

Mr. Will came forward to show the area on a map.

This matter was taken under advisement.

APPROVING A CHANGE IN OWNERSHIP OF LINCOLN'S BIG RED KENO TO EHPV LOTTERY SERVICES LLC - Don Herz, Director of Finance, stated a letter was received requesting approval of a corporate change as well as a contract renewal.

Bill Harvey came forward as attorney representing Big Red Keno at 955 O Street for a corporate change, but no operating change.

This matter was taken under advisement.

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE THE REGULATIONS IN CONFORMANCE WITH UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY Scott Holmes, Environmental Manager, Health Dept., came forward to give an overview of the air pollution control regulations and standards.

Rick Thorson, Environmental Health Supervisor for Health Dept., explained the minor changes of the regulations. Discussion followed.

Danny Walker, 427 "E" Street, came forward to ask questions. Discussion followed.

This matter was taken under advisement.

APPROVING A CHANGE TO THE MANAGEMENT AGREEMENT BETWEEN THE CITY AND SMG FOR MANAGEMENT, MARKETING, ENTERTAINMENT, ADMINISTRATION, AND PROCUREMENT SERVICES FOR PERSHING MUNICIPAL AUDITORIUM TO PROVIDE FOR A CHANGE IN OWNERSHIP OF SMG - Don Herz, Finance Director, came forward to report the SMG, management of Pershing, has been sold to American Capitol.

Tom Lorenz, Executive Director of Pershing Center, stated the management team that is in place in Philadelphia will continue to stay in place.

Joe Romano, Senior Vice President of SMG, stated SMG interest has been sold to American Capitol which will open SMG up to opportunities that they previously were unable to explore as a result of restrictions of the two previous owners. The corporate management team and corporate support structure will be retained. Discussion followed.

This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF MY PIEZANO'S LLC DBA PIEZANO'S FOR A CLASS I LIQUOR LICENSE AT 2740 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84393 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 My Piezano's LLC dba Piezano's for a Class "I" liquor license at 2740 South Street, Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JEFF FORD FOR MY PIEZANO'S LLC DBA PIEZANO'S AT 2740 SOUTH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84394 WHEREAS, My Piezano's LLC dba Piezano's located at 2740 South Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeff Ford be named manager;

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

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

VACATION 07002 - VACATING PORTIONS OF PRESCOTT AND LOWELL AVENUES AND AN EAST-WEST ALLEY IN BLOCK 30, GENERALLY LOCATED IN PRESCOTT AND LOWELL AVENUES BETWEEN S. 49TH ST. AND S. 51ST ST. (RELATED ITEMS: 07-87, 07-90) - CLERK read an ordinance, introduced by Doug Emery, vacating portions of Prescott Avenue and Lowell Avenue between South 49<sup>th</sup> Street and South 51<sup>st</sup> Street, and an east-west alley in Block 30, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 07019 - APPLICATION OF COLLEGE VIEW SEVENTH-DAY ADVENTIST CHURCH FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DIST. TO R-6 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED AT S. 49TH ST. AND LOWELL AVE. (RELATED ITEMS: 07-87, 07-90) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

VACATION 07005 - VACATING THE RIGHT-OF-WAY FOR N. 61ST ST. NORTH OF AYLESWORTH AVE. AT BROWNELL ELEMENTARY SCHOOL - CLERK read an ordinance, introduced by Doug Emery, vacating the right of way for North 61<sup>st</sup> Street north of Aylesworth Avenue at Brownell Elementary School, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

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VACATION 06009 - VACATING THE NORTH-SOUTH ALLEY BETWEEN N. 65TH ST. AND COTNER BLVD. FROM GARLAND ST. TO COLBY ST. - CLERK read an ordinance, introduced by Doug Emery, vacating the north-south alley between North 65<sup>th</sup> Street and Cotner Boulevard from Garland Street to Colby Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 07025 - APPLICATION OF NEBRASKA NURSERIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 80TH ST. AND PIONEERS BLVD. - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln 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 07026 - APPLICATION OF HWS CONSULTING GROUP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DIST. TO R-3 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. AND W. CUMING ST. - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

COMP. PLAN CONFORMANCE 07011 - DECLARING APPROXIMATELY 2,490 SQ. FT. AS SURPLUS PROPERTY GENERALLY LOCATED AT N. 42ND ST. AND CORNHUSKER HWY. - CLERK read an ordinance, introduced by Doug Emery, declaring the City-owned property generally located at North 42<sup>nd</sup> Street and Cornhusker Highway as surplus and authorizing the sale thereof, the second time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND TRINITY BAPTIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 3801 LASALLE ST., FOR A PERIOD OF JUNE 1, 2007 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a lease agreement between the City of Lincoln and Trinity Baptist Church for the lease of office space by the Lincoln Area Agency on Aging for its Activage Center Program at 3801 Lasalle Street, Lincoln, Ne for a term beginning June 1, 2007 through August 31, 2007, the second time.

**RESOLUTIONS**

APPROVING A CHANGE IN OWNERSHIP OF LINCOLN'S BIG RED KENO TO EHPV LOTTERY SERVICES LLC - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84395 WHEREAS, the City Council previously entered into a contract with Lincoln's Big Red Keno Ltd., a Nebraska limited partnership, for the operation of a keno type lottery on behalf of the City of Lincoln and the County of Lancaster; and

WHEREAS, Lincoln's Big Red Keno Ltd. has filed a request with the Finance Director to approve the assignment of the Lottery Operator Agreement to EHPV Lottery Services, LLC, a Nebraska limited liability company, which has been reorganized to include a minority share of ownership in executive management; and

WHEREAS, pursuant to Section 6 of the above-referenced contract, any transfer of any equity interest or partnership interest in the keno operator is subject to approval of the City Council.

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

That the transfer of Lincoln's Big Red Keno Ltd. to EHPV Lottery Services LLC, is hereby approved, subject to the terms and conditions of the attached Assignment and Assumption Agreement and further subject to approval by the by the State of Nebraska, Department of Revenue, and the Mayor is hereby authorized to enter into said Agreement on behalf of the City.

The City Clerk is directed to transmit copies of this resolution to EHPV Lottery Services LLC, c/o William F. Harvey, 11248 John Galt Blvd., Omaha, NE 68137; to the Finance Director; and to Steve Schatz, Charitable Gaming Division, Nebraska Department of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Doug Emery

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

AMENDING THE LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS TO UPDATE THE REGULATIONS IN CONFORMANCE WITH UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84396 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Definitions, Ambient Air Quality Standards, Operating Permits, Construction Permits, New Source Performance Standards, Incinerator Emissions, Hazardous Air Pollutants, and Appendix II of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, are hereby approved. The Amendments are required to update the regulations as a result of the actions taken by the United States Environmental Protection Agency.

The City Clerk is directed to return two (2) fully executed copies of said Amendments to the Lancaster County Clerk's Office, for filing with the County.

Introduced by Doug Emery

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

APPROVING A CHANGE TO THE MANAGEMENT AGREEMENT BETWEEN THE CITY AND SMG FOR MANAGEMENT, MARKETING, ENTERTAINMENT, ADMINISTRATION, AND PROCUREMENT SERVICES FOR PERSHING MUNICIPAL AUDITORIUM TO PROVIDE FOR A CHANGE IN OWNERSHIP OF SMG - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84397 WHEREAS, the City Council previously entered into a Management Agreement with SMG, a Pennsylvania general partnership, which is indirectly and jointly owned by Hyatt Hotels (FMG Partners) and ARAMARK Corporation (ARA Facilities Management), 701 Market Street, Philadelphia, PA, for the management and operation of Pershing Municipal Auditorium; and

WHEREAS, ownership of SMG will be transferred to American Capital and SMG will continue to operate as an independent stand-alone company; and

WHEREAS, SMG has filed a request with the Finance Director to approve the change in the controlling ownership of SMG to American Capital pursuant to the provisions of the Management Agreement;

WHEREAS, pursuant to Section 27 of the above-referenced Agreement, any transfer or sale of SMG as the Pershing Municipal Auditorium operator is subject to approval of the City Council.

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

That the transfer of SMG from a joint partnership of the Hyatt Hotels and Aramark Corp. to American Capital, is hereby approved, subject to the terms and conditions of the Management Agreement approved by Ordinance 18604 dated August 15, 2005.

The City Clerk is directed to transmit copies of this resolution to SMG, 701 Market Street, Philadelphia, PA 19106.

Introduced by Doug Emery

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, 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 MAY 16 - 31, 2007 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84398 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 31, 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>	
None	Michael Schmit & Kendra Schmit	\$2,966.48
	Jacqueline Quidato	4,084.75
	Acuity (Claim #LE9432)	8,724.31
	Commercial Investment Properties	2,394.70
	Zach Nuttleman	100.00
	Progressive Insurance (Claim #071509611)	2,084.69
	Heather Poore & Jesse Poore	176.75
	Larry Wells	136.31
	Beri Hershberger	4,000.00

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 Doug Emery

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO PLANNING DEPT.:

Change of Zone 07033 - Application of Director of Lincoln Parks and Recreation amending Title 27 of the LMC relating to zoning by amending Sections 27.27.025, 27.28.030, 27.31.040, 27.37.025, and 27.51.040 to allow joint parking lots and parking garages as a permitted conditional use in the O-3, R-T, B-2, B-5 and I-3 zoning districts subject to the following conditions; (1) the joint parking use shall be authorized by cross access easements or by written agreement between the parties to such use and, (2) the aggregate number of parking stalls provided shall be sufficient to satisfy the required parking for each use; and repealing Sections 27.27.025, 27.28.030, 27.31.040, 27.37.025, and 27.51.040 of the Lincoln Municipal Code as hitherto existing.

Change of Zone 07034 - Application of Director of Planning from P Public Use District to O-3 Office Park District on property located at South 67<sup>th</sup> Street and Pioneers Boulevard.

Change of Zone 07035 - Application of Director of Planning amending Title 27 of the LMC relating to zoning by amending Section 27.35.070, Height and Area Regulations, to change the front, side and rear yard setbacks to zero in the area of the B-4 Lincoln Center Business District located from 150 feet east of 17<sup>th</sup> Street to the eastern boundary of the B-4 Lincoln Center Business District.

Combined Special/Use Permit 19A - Application of 70<sup>th</sup> Street Properties, Inc. for an amendment to adjust required setbacks within the O-3 Office Park District on property located at 1710 S. 70<sup>th</sup> Street.

Use Permit 106B - Application of One Vista, LLC for an amendment to add an additional office building of up to approximately 60,000 sq. ft. of office floor area with an adjustment to required parking on property located at S. 67<sup>th</sup> Street and Pioneers Boulevard.

Special Permit 07016 - Application of Mike Michel for the authority to sell alcoholic beverages for consumption on and off the premises on property located at Sun Valley Boulevard and Westgate Boulevard.

Special Permit 07017 - Application of Thomas Madsen for expansion of a nonconforming use to add an outdoor café with authority to sell alcoholic beverages for consumption on the premises, on property located at N. 48<sup>th</sup> Street and Dudley Street.

Special Permit 07018 - Application of Phantom of Nebraska, Inc. for outdoor seasonal sales to allow a temporary fireworks stand on property located at S. 21<sup>st</sup> Street and Capitol Parkway.

Special Permit 07020 - Application of Albert Williams for an expansion of a nonconforming use on property located at S. 40<sup>th</sup> Street and Calvert Street.

SETTING THE HEARING DATE OF JUNE 25, 2007 AT 5:30 P.M. FOR THE MANAGER APPLICATION OF RONN SORENSEN FOR BEACON HILLS OF LINCOLN, LLC DBA BEACON HILLS LOCATED AT 5353 NORTH 27<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84399 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 25, 2007 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for Manager Application of Ronn Sorensen for Beacon Hills of Lincoln, LLC dba Beacon Hills located at 5353 North 27<sup>th</sup> Street.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF JUNE 25, 2007 AT 5:30 P.M. FOR APPLICATION OF BOX AWESOME LLC DBA BOX AWESOME FOR A CLASS C LIQUOR LICENSE AT 815 O STREET, STE. 2 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84400 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 25, 2007 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for Application of Box Awesome, LLC dba Box Awesome for a Class C liquor license located at 815 O Street, Suite 2.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF JUNE 25, 2007 AT 5:30 P.M. FOR APPLICATION OF JAMES VUONG DBA AMBIANCE NAIL SPA FOR A CLASS I LIQUOR LICENSE LOCATED AT 2755 JAMIE LANE, STE 3 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84401 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 25, 2007 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for Application of James Vuong dba Ambiance Nail Spa for a Class I liquor license located at 2755 Jamie Lane, Suite 3.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF JUNE 25, 2007 AT 5:30 P.M. FOR APPLICATION OF DOUGHBOYZ, INC. DBA DOUGHBOYZ BISTRO/SCRUMPY JACKS FOR AN ADDITION TO PREMISE/RECONSTRUCTION AT 5520 S. 56<sup>TH</sup> STREET, STE. 185-195 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84402 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 25, 2007 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for Application of Doughboyz, Inc. dba Doughboyz Bistro/Scrumpy Jacks for an addition to premise/reconstruction a 5520 S. 56<sup>th</sup> Street, Suite 185-195.

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

Introduced by Robin Eschliman

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

MISCELLANEOUS BUSINESS - NONE

**REPORTS OF CITY OFFICERS**

RESOLUTION LEVYING THE SPECIAL TAXES ASSESSED FOR THE COSTS OF THE IMPROVEMENTS IN THE NORTH 27<sup>TH</sup> STREET IMPROVEMENT MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84403 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed May 21, 2007, to pay the costs of the improvements in the North 27<sup>th</sup> Street Maintenance Business Improvement District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Robin Eschliman

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED APRIL, 2007 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84404 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended April 30, 2007, \$785,842.71 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Robin Eschliman

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

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

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

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

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

CHANGE OF ZONE 07028 - APPLICATION OF HIDDEN VALLEY ESTATES LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF S. 112TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 07-98, 07R-119) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

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

ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM WATER BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Jonathan Cook, an ordinance authorizing and providing for the issuance, sale, and delivery of General Obligation Stormwater Drainage and Flood Management System bonds, Series 2007, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$8,500,000 (The "Bonds"), for the purpose of paying the costs of constructing improvements and extensions to the City's Stormwater Drainage and Flood Management System; prescribing certain terms of the bonds; delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the bonds; providing for the payment of the principal of and interest on the bonds by the levy of a tax on all of the taxable property within the City; authorizing and approving certain other related matters; and declaring an emergency, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18931**, is recorded in Ordinance Book #26, Page

AMENDING SECTION 10.16.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO PROOF OF FINANCIAL RESPONSIBILITY BY ADDING LANGUAGE REGARDING PRESUMPTION OF USE BY VEHICLE OWNERS; FURTHER DEFINING REQUIREMENTS OF FINANCIAL RESPONSIBILITY; SPECIFYING ADVISEMENTS CURRENTLY PART OF STATE STATUTES; AND INCREASING THE PENALTY TO A MISDEMEANOR TO BE COMPARABLE WITH STATE STATUTES - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 10.16.070 of the Lincoln Municipal Code relating to proof of financial responsibility by adding language regarding presumption of use by vehicle owners; further defining requirements of financial responsibility; specifying advisements currently part of state statutes; and increasing the penalty to a misdemeanor to be comparable with state statutes; and repealing Section 10.16.070 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18932**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07021 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT EIGER DRIVE AND SOUTH 84TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18933**, is recorded in Ordinance Book #26, Page

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CHANGE OF ZONE 07024 - APPLICATION OF BUFFALO GRASS LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18934**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07023 - AMENDING SECTION 27.69.300 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE DIRECTOR OF PLANNING TO APPROVE MINOR MODIFICATIONS TO A SPECIAL SIGN DISTRICT. (RELATED ITEMS: 07-85, 07-86) - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.69 of the Lincoln Municipal Code by amending Section 27.69.300 to allow the Planning Director to approve amendments to a nonresidential special sign district provided the request for amendment proposes a minor increase in the number, size, height, location, or other standards for signs authorized in the special sign district; and repealing Section 27.69.300 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18935**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 2938B - APPLICATION OF NEBRASKA TECHNOLOGY PARK TO AMEND THE STANDARDS OF THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK SPECIAL SIGN DISTRICT TO ALLOW WALL SIGNS ORIENTED TO INTERSTATE 80, WEST HIGHLAND BLVD. OR N.W. 1ST STREET AND TO PERMIT ADMINISTRATIVE AMENDMENTS FOR MINOR DEVIATIONS FROM THE SPECIAL SIGN DISTRICT. (RELATED ITEMS: 07-85, 07-86) - CLERK read an ordinance, introduced by Jonathan Cook, amending the "Standards of University of Nebraska Technology Park Special Sign District" adopted by Ordinance No. 17504 passed by the City Council on May 10, 1999, designating the University of Nebraska Technology Park as a special sign district, to allow wall signs oriented to Interstate 80, West Highland Boulevard or N.W. 1<sup>st</sup> Street and to permit administrative amendments for minor deviations from the Special Sign District, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18936**, is recorded in Ordinance Book #26, Page

APPROVING THE AGREEMENT REGARDING THE ANNEXATION OF FIRETHORN BETWEEN FIRETHORN INVESTMENT, FIRETHORN GOLF COMPANY LLC, FIRETHORN UTILITY SERVICE CO., AND THE CITY OF LINCOLN, RELATING TO THE ANNEXATION OF APPROXIMATELY 303.66 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH ST. AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (ACTION DATE: 2/5/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (ACTION DATE: 6/11/07) (5/21/07 - TO HAVE P.H. 6/4/07)- PRIOR to reading:

Cook Moved to amend Bill No. 07R-25 on page 1, after line 13, by inserting the following: BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of the Annexation Agreement to Michaela Hansen Impact Fee Administrator.

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

CAMP Moved a friendly amendment to delete Michaela Hansen and replace with "the".

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

SVOBODA Moved to amend Bill No. 07R-25 by Substituting the attached Agreement Regarding the Annexation of Firethorn (Attachment "A") between the City of Lincoln, Nebraska and Firethorn Golf Company LLC and Firethorn Utility Service Company for the Agreement attached to Bill No. 07R-25.

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

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

A-84405 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Agreement Regarding the Annexation of Firethorn, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Firethorn Golf Company LLC and Firethorn Utility Service Company, outlining certain conditions and understandings relating to the annexation of approximately 303.66 acres of property generally located northeast of the intersection of S. 84th Street and Pioneers Blvd., is approved. BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

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

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Firethorn Golf Company LLC and Firethorn Utility Service Company.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of the Annexation Agreement to the Impact Fee Administrator.

Introduced by Robin Eschliman

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

ANNEXATION 06020 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 303.66 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH ST. AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (5/21/07 - TO HAVE P.H. 6/4/07) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18937**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 06077 - APPLICATION OF FIRETHORN INVESTMENT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DIST. TO R-1 RESIDENTIAL DIST. ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH ST. AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20, 07R-110) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (5/21/07 - TO HAVE P.H. 6/4/07) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18938**, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 872F - APPLICATION OF FIRETHORN INVESTMENT TO EXPAND THE BOUNDARIES OF THE FIRETHORN COMMUNITY UNIT PLAN TO ADD 95 SINGLE FAMILY LOTS AND TO ALLOW UP TO 545 DWELLING UNITS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH ST. AND PIONEERS BLVD. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20, 07R-110) (ACTION DATE: 2/5/07) (1/22/07 - PLACED ON PENDING TO INTRODUCE: 2/5/07; P.H. 2/12/07; ACTION DATE: 2/26/07) (1/29/07 - PLACED ON PENDING, NO DATE

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CERTAIN) (REQUEST TO HOLD P.H. 6/4/07) (ACTION DATE: 6/11/07) (5/21/07 - TO HAVE P.H. 6/4/07)- CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84406 WHEREAS, Firethorn Investment has submitted an application designated as Special Permit No. 872F for authority to expand the boundaries of the Firethorn Community Unit Plan and to add 95 single family residential lots on property generally located northeast of the intersection of South 84th Street and Pioneers Boulevard and legally described as set out on Exhibit A attached hereto; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission, after public hearing, conditionally granted said application, in part upon condition that the site plan be revised to show a street connection to Pioneers Boulevard; and

WHEREAS, the Firethorn Investment has filed a notice of appeal appealing the action of the Planning Commission; and

WHEREAS, on appeal the action of the Planning Commission is deemed to be an advisory recommendation of approval; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment to the community unit plan will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Firethorn Investment, hereinafter referred to as "Permittee", to expand the boundaries of the Firethorn Community Unit Plan and to add 95 single family residential lots be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves up to 545 dwelling units.
2. The City Council must approve the following associated request:
  - a. Annexation #06020.
  - b. Change of Zone #06077.
3. Before receiving building permits:
  - a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
    - i. A revised site plan including 5 copies showing the following revisions:
      - (1) Revise the Proposed/Existing Lots table to note the total number of acres of land in the CUP.
      - (2) Revise General Note #4 to state: THIS CUP ALLOWS 545 DWELLING UNITS AND ONE CLUBHOUSE FACILITY.
      - (3) Show a street connection to Pioneers Boulevard.
      - (4) Revise General Note #1 from 'Special Permit #872' to 'Special Permit #872E'.
      - (5) Delete General Notes #11 and #15.
      - (6) Revise General Note #14 to state: ALL SIDEWALKS, DRIVEWAYS AND PARKING LOTS TO BE PAVED TO CITY OF LINCOLN DESIGN STANDARDS.
      - (7) Revise General Note #19 to state: SIGNS NEED NOT BE SHOWN ON THE SITE PLAN AND THE LOCATION AND SIZE WILL BE APPROVED AT THE TIME OF SIGN PERMITS IN COMPLIANCE WITH THE ZONING ORDINANCE.
      - (8) Revise General Note #24 to specify where the common access over drives and parking stall is granted.
      - (9) Revise General Note #29 to state: THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES IS PERMITTED PER LMC 27.63.680.

- (10) Combine General Site Notes #28 and #30 and eliminate duplication and conflicting phrases between the two.
  - (11) Revise General Note #33 to state: THE BUILDING ENVELOPES SHOWN ARE FOR ILLUSTRATING THE PERMITTED USES AND THEIR APPROXIMATE LOCATIONS. FINAL SITE LAYOUTS TO BE DETERMINED AT THE TIME OF BUILDING PERMITS.
  - (12) Revise General Note #34 to state: REQUIRED EASEMENTS TO BE DETERMINED AT THE TIME OF FINAL PLAT.
  - (13) General Note #35 conflicts with General Notes #14 and #15. Either revise or delete General Note #35.
  - (14) General Notes #16 and #36 conflict. Revise to specify actual road standard and eliminate conflict between the notes.
  - (15) Note the existence and approximate location of the 18" high-pressure gas line near South 84<sup>th</sup> Street as noted by the Health Department.
  - (16) State intended purpose of all outlots.
  - (17) Show a public sanitary sewer easement in a location acceptable to Public Works and Utilities.
- ii. Revise the grading and drainage plan to the satisfaction of Public Works and Utilities.
  - iii. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
- b. The construction plans must conform to the approved plans.
- 4. Before occupying the new dwelling units all development and construction is to comply with the approved plans.
  - 5. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
  - 6. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 7. The current conservation easement on the 18-hole golf course shall be retained subject to minor modifications through agreement with the Planning Department.
  - 8. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
  - 9. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees to be paid in advance by the applicant.
  - 10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Robin Eschliman

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

VACATION 07006 - VACATING THE NORTH 530 FEET OF S. 88TH ST., NORTH OF TALIESIN DR. (RELATED ITEMS: 07R-25, 07-11, 07-12, 07-13, 07R-20, 07R-110)(ACTION DATE: 6/11/07) (5/21/07 - TO HAVE P.H. 6/4/07)- CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84407 WHEREAS, the vacation of the north 530 feet of South 88th Street, north of Taliesin Drive, has been requested by Jeffrey and Leslie Dale, Pamela Rallis, Douglas and Denise Tewes, and Timothy and Renee Tewes; and

WHEREAS, said street portion is located outside of the corporate limits of the City but within the three-mile zoning jurisdiction of the City; and

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WHEREAS, under Neb. Rev. Stat. § 23-108 (Reissue 1997) the City must approve the vacation of said street portion.

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

That the vacation of the north 530 feet of South 88th Street, north of Taliesin Drive 18 feet, adjacent to Lot 38 I.T. in the SW 1/4 of 2-9-7; and Lots 1 and 3, Ikiru East Subdivision to Lincoln, Lancaster County, Nebraska, which is outside of the corporate limits but within the three-mile zoning jurisdiction of the City of Lincoln, is hereby approved.

BE IT FURTHER RESOLVED that the City Clerk transmit a copy of this resolution to the County Clerk for Lancaster County.

Introduced by Jonathan Cook

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

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION**

Danny Walker, 427 "E" Street, came forward to talk about the damage of sidewalks, etc. that has not been taken care of from the derailment at 1<sup>st</sup> and J Street. Discussion followed.

This matter was taken under advisement.

Mike Morosin, no address given, came forward to point out that in the process of a facelift along South Street the sewer lines are being broken and patched. He feels this will be a waste of taxpayers money because the sewer lines will have to be replaced eventually and should have done it at the time they were damaged.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to June 18, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on June 18, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 3:54 P.M.**

CAMP Moved to adjourn the City Council meeting of June 11, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

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