

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 11, 2006 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

MARVIN Having been appointed to read the minutes of the City Council proceedings of August 28, 2006, 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.

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng presented the Mayor's Award of Excellence for the month of August 2006 to Ruth Shubert, Public Health Nurse II, from the Health Department, in the category of Valor.

The Mayor reported that Ruth's quick, decision-making skills during a recent home visit lead to the life saving of a couple's premature infant who was in severe distress.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF EMPYREAN BREWING COMPANY DBA FIREWORKS RESTAURANT FOR A CLASS L LIQUOR LICENSE AT 5750 S. 86TH STREET;

MANAGER APPLICATION OF AARON T. FUNK FOR EMPYREAN BREWING COMPANY DBA FIREWORKS RESTAURANT AT 5750 S. 86TH STREET;

APPLICATION OF LAZLO, INC. DBA FIREWORKS RESTAURANT FOR A CLASS CK LIQUOR LICENSE AT 5750 S. 86TH STREET;

MANAGER APPLICATION OF AARON T. FUNK FOR LAZLO, INC. DBA FIREWORKS RESTAURANT AT 5750 S. 86TH STREET - Aaron Funk, 2210 S. 49th St., came forward to take oath and to answer questions.

This matter was taken under advisement.

APPLICATION OF B&R STORES, INC. DBA SUPER SAVER #9 FOR A CLASS C LIQUOR LICENSE AT 2662 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF MATTHEW J. KEMPSTON FOR B&R STORES, INC. DBA SUPER SAVER #9 AT 2662 CORNHUSKER HIGHWAY - Matthew J. Kempston, 4910 Happy Hollow Lane, came forward to take oath and to answer questions.

This matter was taken under advisement.

APPLICATION OF DOWN THE HATCH, INC. DBA DOWN THE HATCH FOR A CLASS I LIQUOR LICENSE AT 5601 N.W. 1ST STREET;

MANAGER APPLICATION OF LINDSAY KROGER FOR DOWN THE HATCH, INC. DBA DOWN THE HATCH AT 5601 N.W. 1ST STREET - Lindsay Kroger, 11901 N. 56th St., came forward to take oath and to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A FIVE-YEAR/3,500 HOUR LEASE/PURCHASE AGREEMENT BETWEEN THE CITY AND MERCHANTS CAPITOL RESOURCES, INC. TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - Jim Chiles, Public Works & Utilities Asst. Supervisor, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 8.06 AIR POLLUTION, CHAPTER 8.20 LINCOLN FOOD CODE, 8.24 NOISE CONTROL ORDINANCE, CHAPTER 8.38 PUBLIC SWIMMING POOLS, 8.40 SPA FACILITIES, AND 8.44 WATER WELLS OF THE LINCOLN MUNICIPAL CODE TO INCREASE PERMIT FEES FOR THE HEALTH DEPARTMENT - Scott Holmes, Lincoln-Lancaster County Health Department Environmental Health Division, came forward to explain the fees and to answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 24.38 OF THE LINCOLN MUNICIPAL CODE, ONSITE WASTEWATER TREATMENT SYSTEMS, TO INCREASE FEES FOR VARIOUS ON-SITE WASTEWATER TREATMENT SYSTEM PERMITS. (SEPTIC TANKS AND/OR LAGOONS) - Scott Holmes, Health Department, came forward to explain the fees and to answer questions.

This matter was taken under advisement.

MISC. 06011 - AMENDING SECTION 26.23.160 OF THE LINCOLN MUNICIPAL CODE LAND SUBDIVISION ORDINANCE TO CLARIFY THAT WHEN NEIGHBORHOOD PARK LAND IS DEDICATED, THE DEVELOPER SHALL BE REIMBURSED WITH NEIGHBORHOOD PARK AND TRAIL IMPACT FEES - Lynn Johnson, Director of Parks & Recreation, came forward to explain the ordinance and to answer questions. Discussion followed.

This matter was taken under advisement.

STREET NAME CHANGE 06004 - RENAMING THAT PORTION OF CAPITOL BEACH BOULEVARD LOCATED SOUTH OF O STREET AS S.W. CAPITOL BEACH BOULEVARD - Ray Hill, Planning Department, came forward to answer questions.

This matter was taken under advisement.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41. (8/14/06 - P.H. & ACTION CON'T. TO 9/11/06) - Rick Hoppe, Administrative Aide to the Mayor, came forward to update Council on meetings with affected individuals/companies and to request more time to work out the details. Discussion followed.

This matter was taken under advisement.

ADOPTING FEES FOR SPECIAL WASTE DISPOSAL PERMITS FOR THE PURPOSE OF ADMINISTERING, OPERATING, AND ENFORCING THE SPECIAL WASTE PERMIT PROVISIONS OF CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE - Scott Holmes, Health Department, came forward to explain the resolution, answer any questions and state that these fees have not had an increase since 1996.

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, Health Department, came forward to explain what changes are being made. Discussion followed.

Danny Walker, 427 "E" Street, came forward with concerns about air quality control. Discussion followed.

This matter was taken under advisement.

APPROVING ENHANCED LANDSCAPING IN SELECT LOCATIONS ALONG THE O STREET, 45TH TO 52ND STREET PROJECT LIMITS, TO IDENTIFY SOURCE OF FUNDS FOR ESTABLISHMENT OF LANDSCAPE PLANTINGS AND OTHER FEATURES, AND THEIR ONGOING MAINTENANCE;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS, FOR STATE FUNDS FOR THE O STREET, 45TH TO 52ND STREET ROADWAY RECONSTRUCTION PROJECT - Thomas Shafer, Public Works & Utilities, came forward to explain these resolutions and to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS REGARDING RIGHT-OF-WAY ACQUISITION BY DEPT. OF ROADS FOR THE SOUTH BELTWAY AND THE ACQUISITION OF CONSERVATION EASEMENTS BY THE CITY AND THE LOWER PLATTE SOUTH NRD WITHIN THE FLOODPLAIN AND FLOODPRONE AREAS ABUTTING THE SOUTH BELTWAY RIGHT-OF-WAY - Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain this resolution and to answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND COUNTY TO PROVIDE THE CITY WITH AN APPROPRIATE FACILITY AT THE COUNTY YOUTH ASSESSMENT CENTER FOR TEMPORARY DETENTION OF JUVENILES TAKEN INTO CUSTODY BY THE LINCOLN POLICE DEPARTMENT - Dana Roper, City Attorney, came forward to answer questions and explain that this resolution is a renewal agreement. Discussion followed.

This matter was taken under advisement.

APPROVING AN OCCUPATIONAL HEALTH CLINIC AND ANCILLARY SERVICES CONTRACT BETWEEN THE CITY, LES AND ST. ELIZABETH HEALTH SYSTEM FOR EMPLOYEE WORKERS' COMPENSATION INJURIES AND MISCELLANEOUS MEDICAL AND OTHER SERVICES FOR A THREE-YEAR TERM - Bill Kostner, Risk Management, came forward to explain the resolution and to answer questions.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF THE JAMAICA NORTH TRAIL - PHASE II FOR APPROXIMATELY 2.25 MILES FROM 4TH AND CALVERT TO 4TH AND J STREETS;

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE NEBRASKA GAME AND PARKS COMMISSION FOR A RECREATION TRAILS PROGRAM GRANT FOR CONSTRUCTION OF A CONNECTOR TRAIL TO ITS BISON TRAIL AND VAN DORN PARK/HIGHWAY 2 TRAIL - Terry Genrich, Parks & Recreation Natural Resources Manager, came forward to answer questions.

Danny Walker, 427 "E" Street, came forward with concerns of unprotected trail intersections and alleys and limestone dust that would affect the safety of bicyclists. Discussion followed.

Mr. Genrich came forward stating that various departments are working together to get rid of the dust problem. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF EMPYREAN BREWING COMPANY DBA FIREWORKS RESTAURANT FOR A CLASS L LIQUOR LICENSE AT 5750 S. 86TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-84008 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 Empyrean Brewing Company dba Fireworks Restaurant for a Class "L" liquor license at 5750 S. 86th Street, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF AARON T. FUNK FOR EMPYREAN BREWING COMPANY DBA FIREWORKS RESTAURANT AT 5750 S. 86TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-84009 WHEREAS, Empyrean Brewing Company dba Fireworks Restaurant located at 5750 S. 8th Street, Lincoln, Nebraska has been approved for a Retail Class "L" liquor license, and now requests that Aaron T. Funk be named manager;

WHEREAS, Aaron T. Funk 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 Aaron T. Funk be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LAZLO, INC. DBA FIREWORKS RESTAURANT FOR A CLASS CK LIQUOR LICENSE AT 5750 S. 86TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84010 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 Lazlo, Inc. dba Fireworks Restaurant for a Class "CK" liquor license at 5750 S. 86th Street, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF AARON T. FUNK FOR LAZLO, INC. DBA FIREWORKS RESTAURANT AT 5750 S. 86TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84011 WHEREAS, Lazlo, Inc. dba Fireworks Restaurant located at 5750 S. 8th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Aaron T. Funk be named manager; WHEREAS, Aaron T. Funk 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 Aaron T. Funk be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF B&R STORES, INC. DBA SUPER SAVER #9 FOR A CLASS C LIQUOR LICENSE AT 2662 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84012 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of B&R Stores, Inc. dba Super Saver #9 for a Class "C" liquor license at 2662 Cornhusker Highway, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF MATTHEW J. KEMPSTON FOR B&R STORES, INC. DBA SUPER SAVER #9 AT 2662 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84013 WHEREAS, B&R Stores, Inc. dba Super Saver #9 located at 2662 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail

Class "C" liquor license, and now requests that Matthew J. Kempston be named manager;

WHEREAS, Matthew J. Kempston appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matthew J. Kempston be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF DOWN THE HATCH, INC. DBA DOWN THE HATCH FOR A CLASS I LIQUOR LICENSE AT 5601 N.W. 1ST STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84014 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 Down the Hatch, Inc. dba Down the Hatch for a Class "I" liquor license at 5601 N.W. 1st Street, Lincoln, Nebraska, for the license period ending April 30, 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; NAYS: Svoboda.

MANAGER APPLICATION OF LINDSAY KROGER FOR DOWN THE HATCH, INC. DBA DOWN THE HATCH AT 5601 N.W. 1ST STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

WHEREAS, Down the Hatch, Inc. dba Down the Hatch located at 5601 N.W. 1st Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Lindsay Kroger be named manager;

WHEREAS, Lindsay Kroger 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 Lindsay Kroger 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 & **LOST** by the following vote: AYES: Newman; NAYS: Camp, Cook, Eschliman, McRoy, Marvin, Svoboda.

The resolution, having **LOST**, was assigned the File #38-4536 & was placed on file in the Office of the City Clerk.

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

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

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

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

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

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

ANNEXATION 06013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY .4 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND SOUTH 96TH PLACE. (RELATED ITEMS: 06-151, 06-152) - CLERK read an ordinance, introduced by Dan Marvin, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 06047 - APPLICATION OF THE PROPERTY OWNERS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND SOUTH 96TH PLACE. (RELATED ITEMS: 06-151, 06-152) - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

ADOPTING FEES FOR SPECIAL WASTE DISPOSAL PERMITS FOR THE PURPOSE OF ADMINISTERING, OPERATING, AND ENFORCING THE SPECIAL WASTE PERMIT PROVISIONS OF CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84015 WHEREAS, the City Council adopted Resolution No. A-77769 on November 12, 1996, and is authorized under Chapter 8.32 of the Lincoln Municipal Code to establish and revise fees and minimum quantities for the issuance of Special Waste Permits; and

WHEREAS, the Health Director has re-evaluated the estimated costs and available resources to administer, operate and enforce the Special Waste Disposal provision of Chapter 8.32, and has determined that certain revisions are appropriate.

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

Commencing on the effective date of this resolution, the following schedule of annual permit fees, special fees, and minimum quantities is hereby established:

- A. Group I: Wastes That May contain Free Liquids
1. Cooking oil and grease. Any quantity going to the Theresa Street Wastewater Treatment Plant Dump Station requires a permit, which permit may be issued as a blanket permit covering multiple disposals as provided on the permit. Annual Permit Fees: None.
Waste in excess of one gallon per month or one pound per load disposed at a waste disposal site other than the Theresa Street Wastewater Treatment Plant Dump Station requires a Special Waste Permit. Annual permit fee: \$150.00.
 2. Cooking grease trap waste. Any quantity requires a permit. Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: \$150.00.
 3. Mud or sand from sumps or traps. Any quantity requires a permit.
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station. Annual permit fee: None.
For all other disposal sites. Annual permit fee: \$150.00.
 4. Septic tank waste. Any quantity requires a permit.
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: \$150.00.
 5. Chemicals and waste from portable or chemical toilets. Any quantity requires a permit.
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: \$150.00.
 6. Sewage or other organic residues or sludges. Any quantity requires a permit.
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fees: \$150.00.
 7. Sludges containing a liquid concentration of 80% or more by weight or material producing free liquids in a Standard Paint Filter Test. Any quantity requires a permit.
Disposal at the Theresa Street Wastewater Treatment Plant Dump Station - Annual permit fee: None.
For all other disposal sites - Annual permit fee: \$150.00.
- B. Group II: Petroleum-based Wastes
8. Petroleum type grease trap waste. Any quantity requires a permit. Annual permit fee: \$250.00.
 9. Sludges from petroleum tanks. Any quantity requires a permit - Annual permit fee: \$250.00.
 10. a. Used oil filters. Any quantity requires an annual permit - Annual permit fees:
Less than 220 pounds per month - \$50.00.
220 pounds or more a month - \$250.00.
b. Petroleum contaminated soil and granular absorbents. Permitted Quantity: 220 pounds per month or more - Annual permit fee: \$250.00.

- c. Petroleum contaminated refuse or other materials except oil filters, soil and granular absorbents. Any quantity requires a permit - Annual permit fee:
Quantities up to 220 pounds per month - \$50.00.
Quantities 220 pounds or more per month - \$250.00.
- 11. Petroleum contaminated water. Permitted quantity: 55 gallons per month or more - Annual permit fee: \$250.00.
- 12. Oil, lubricants, hydraulic fluids, fuels, and other petroleum products. Any quantity requires a permit. Permit issued only for incineration in a used oil burning heating unit - Annual permit fee; \$20.00.
- C. Group III: Empty Containers
 - 13. Pressurized containers or containers that may explode upon crushing. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites: any quantity requires a permit - Annual Permit fee: \$150.00.
 - 14. Containers over five gallons in size. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites: Any quantity requires a permit - Annual Permit fee: \$150.00.
 - 15. Empty containers labeled "DANGER" or which once contained hazardous material. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites: Any quantity requires a permit - Annual permit fee: \$150.00.
 - 16. Fuel tanks. Empty containers meeting criteria for safe disposal at the City of Lincoln's Sanitary Landfill adopted according to §8.32.070 will not require a permit. For all other disposal sites - Any quantity requires a permit - Annual permit fee: \$150.00.
- D. Group IV: Solvents, Absorbents, Filters, and Residues
 - 17. Solvents, degreasers, strippers, thinners, and related products. Any quantity requires a permit. Annual permit fee: \$150.00.
 - 18. Refuse containing solvents, degreasers, strippers, or thinners. Any quantity requires a permit - Annual permit fee: \$150.00.
 - 19. Lime or other inorganic residues or sludges. Minimum quantities: twenty-five gallons or 43 pounds per month - Annual permit fee: \$250.00.
 - 20. Paint dry waste, filters, and paint contaminated material. Minimum quantities: 43 pounds per month - Annual permit fee: \$250.00.
 - 21. Fly ash. Minimum quantities: 43 pounds per month - Annual permit fee: \$250.00.
 - 22. Bottom ash. Minimum quantities: 43 pounds per month - Annual permit fee: \$250.00.
- E. Group V: Hazardous or Toxic Chemicals or Chemical Products
 - 23. Antifreeze or treatment chemicals for boilers, heat exchangers, cooling towers, and similar uses. Minimum quantities: Five gallons or more per day - Annual permit fee: \$150.00.
 - 24. Chemicals labeled WARNING for toxics and pesticides: Minimum quantities: One pint or one pound per load or more - Annual permit fee: \$250.00.
 - 25. Pharmaceutical products. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: \$250.00.
 - 26. Adhesives, sealants, coatings or catalysts. Minimum quantities: More than five gallons or 43 pounds per month - Annual permit fee: \$250.00.
 - 27. Material containing between 25 and 100 percent of the maximum concentration of any Toxic Characteristic Leaching Procedure (TCLP) listed chemical as referenced in 30 CFR 261.24, Table 1 or that exceeds a concentration of 0.3 mg/kg of nickel. Minimum quantities: More than five gallons or 43 pounds per month - annual permit fee; \$250.00.

28. Hazardous or potentially hazardous waste or chemicals labeled "DANGER."
Any quantity requires a permit - Annual permit fee: \$250.00.
- F. Group VI: Miscellaneous
29. Treated or untreated infectious waste from hospitals. Any quantity requires a permit - Annual permit fee: \$250.00.
30. Treated or untreated infectious waste from other than hospitals. Any quantity requires a permit - Annual permit fee: \$20.00.
31. Waste containing or likely to contain polychlorinated biphenyls (PCB). Any quantity requires a permit - Annual permit fee: \$150.00.
32. Waste containing asbestos. Wastes from National Emission Standards of Hazardous Air Pollutants (NESHAP) and Nebraska Department of Health (NDOH) permitted removal projects in Lincoln and Lancaster County do not require a Special Waste Permit.
All other asbestos waste material in any quantity requires a permit - Annual permit fee: \$50.00.
33. Material other than asbestos that could create a health hazard if airborne. Any quantity requires a permit - Annual permit fee: \$150.00.
34. Wood that has been treated with hazardous or toxic chemicals. Quantities more than 43 pounds per month - Annual permit fee: \$50.00.
35. Any other solid waste which, because of its physical, chemical or biological characteristics, requires special handling, treatment or disposal methodologies in order to protect public health, safety, and the environment. Any quantity requires a permit - Annual permit fee: \$150.00.
- G. General.
1. If the Health Department identifies a new special waste stream due to process changes or otherwise, such special waste stream shall require an additional application, permit, and permit fee even if the special waste generator has an existing permit for a separate waste stream, including an existing permit for the same waste or waste category.
2. New industries, commercial operations, or home occupations disposing special wastes shall file a completed inventory/permit application with the Lincoln-Lancaster county Health Department within six months.
3. Inventory/permit applications from existing special waste generators must be filed within 60 days of notification by the Health Director. If, after notice has been sent, an inventory/permit application is received by the Lincoln-Lancaster County Health Department after 60 days or if the application is postmarked after the 60-day period, the resulting permit, if issued, will be assessed an additional \$40.00.

BE IT FURTHER RESOLVED that City Council Resolution No. A-77769 shall be superseded by the terms of this resolution.

Introduced by Dan Marvin

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, 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 - PRIOR to reading:

MARVIN Moved to amend Bill No. 06R-169 in the following manner:

1. Substitute pages II-3, II-4, III-3, and III-5 of Appendix II, Hazardous Air Pollutants, and Appendix III, Reporting Levels of Hazardous Air Pollutants for Emission Inventory, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards which is attached to Bill No. 06R-169 as Attachment "A", with the attached pages II-3, II-4, III-3 and III-5.

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 Dan Marvin, who moved its adoption:

A-84016 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Appendix II, Hazardous Air Pollutants, and Appendix III, Reporting Levels of Hazardous Air Pollutants for Emission Inventory, 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 Trish Owen, Lancaster County Clerk's Office, for filing with the County.

Introduced by Dan Marvin

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

APPROVING ENHANCED LANDSCAPING IN SELECT LOCATIONS ALONG THE O STREET, 45TH TO 52ND STREET PROJECT LIMITS, TO IDENTIFY SOURCE OF FUNDS FOR ESTABLISHMENT OF LANDSCAPE PLANTINGS AND OTHER FEATURES, AND THEIR ONGOING MAINTENANCE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84017 WHEREAS, the City Council by Resolution No. A-82058 has adopted a Process for Approving "Enhanced Landscaping" and/or "Enhanced Streetscaping" within and along Public Right-of-Way Areas; and

WHEREAS, the Department of Public Works and Utilities has requested approval to install enhanced landscaping along the O Street, 45th to 52nd Streets, Project and has proposed that the cost for establishing the landscape, plantings and other features and their ongoing maintenance be paid for street construction funds; and

WHEREAS, the proposed enhanced landscaping has been unanimously recommended for approval by the Urban Design Committee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the request of the Department of Public Works and Utilities to install enhanced landscaping along the O Street, 45th to 52nd Streets, Project as identified in Exhibits and 1 and 2 attached hereto, is hereby approved and authorized.

BE IT FURTHER RESOLVED that the cost for establishment of landscape plantings and other features, and their ongoing maintenance will be paid for from street construction funds.

Introduced by Dan Marvin

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS, FOR STATE FUNDS FOR THE O STREET, 45TH TO 52ND STREET ROADWAY RECONSTRUCTION PROJECT - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84018 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. S-34-6(1033), CN-12836, for State funds for the O Street, 45th to 52nd Street Roadway Reconstruction project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Dan Marvin

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS REGARDING RIGHT-OF-WAY ACQUISITION BY DEPT. OF ROADS FOR THE SOUTH BELTWAY AND THE ACQUISITION OF CONSERVATION EASEMENTS BY THE CITY AND THE LOWER PLATTE SOUTH NRD WITHIN THE FLOODPLAIN AND FLOODPRONE AREAS ABUTTING THE SOUTH BELTWAY RIGHT-OF-WAY - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84019 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. Lincoln-CNSR(SPAC), CN-12841, for right-of-way acquisition by the Nebraska Department of Roads for the South Beltway and the acquisition of conservation easements by the City and the Lower Platte South NRD within the floodplain and floodprone areas abutting the South Beltway right-of-way, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Dan Marvin

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND COUNTY TO PROVIDE THE CITY WITH AN APPROPRIATE FACILITY AT THE COUNTY YOUTH ASSESSMENT CENTER FOR TEMPORARY DETENTION OF JUVENILES TAKEN INTO CUSTODY BY THE LINCOLN POLICE DEPARTMENT - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84020 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, to provide the City with an appropriate facility at the County Youth Assessment Center for temporary detention of juveniles taken into custody by the Lincoln Police Department, 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 forward one fully executed original of said Agreement to Trish Owen for filing with the County.

Introduced by Dan Marvin

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

APPROVING AN OCCUPATIONAL HEALTH CLINIC AND ANCILLARY SERVICES CONTRACT BETWEEN THE CITY, LES AND ST. ELIZABETH HEALTH SYSTEM FOR EMPLOYEE WORKERS' COMPENSATION INJURIES AND MISCELLANEOUS MEDICAL AND OTHER SERVICES FOR A THREE-YEAR TERM - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84021 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement and Amendment between the City of Lincoln, Lincoln Electric System, and St. Elizabeth Health System and its subsidiaries, for employee workers' compensation injuries and miscellaneous medical and other services for a three-year term with an option to renew for two additional one-year terms, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return two fully executed copies of said Agreement to Bill Kostner, Risk Manager, for transmittal to St. Elizabeth Health System.

Introduced by Dan Marvin

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF THE JAMAICA NORTH TRAIL - PHASE II FOR APPROXIMATELY 2.25 MILES FROM 4TH AND CALVERT TO 4TH AND J STREETS - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84022 WHEREAS, the City of Lincoln intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the Jamaica North Trail - Phase II a pedestrian/bicycle trail located on the abandoned Union Pacific Railroad approximately 4th and Calvert Streets to 4th and J Streets; and

WHEREAS, the total cost of the project will be \$773,685 of which the Great Plains Trails Network will provide \$273,685, and the Transportation Enhancement Program grant request will be \$500,000. No City tax dollars will go into construction of this trail; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the completed facility in a safe and attractive manner for the public.

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

That the City of Lincoln hereby expresses its support for the application being made by Lancaster County to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the Jamaica North Trail - Phase II and its commitment to the on-going maintenance of the trail.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Dan Marvin

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE NEBRASKA GAME AND PARKS COMMISSION FOR A RECREATION TRAILS PROGRAM GRANT FOR CONSTRUCTION OF A CONNECTOR TRAIL TO ITS BISON TRAIL AND VAN DORN PARK/HIGHWAY 2 TRAIL - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84023 WHEREAS, the City of Lincoln through its Parks & Recreation Department proposes to apply to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program Grant funds for the purpose of construction of connector trails to its Bison Trail and Van Dorn Park/Highway 2 Trail as a result of the 9th and 10th Street Construction Project.

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

1. The City of Lincoln hereby expresses its support for the application being made by its Parks & Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Recreation Trails Program fund for the purpose of constructing pedestrian/bicycle connector trails to the Bison Trail and Van Dorn Park/Highway 2 Trail.

2. The City of Lincoln has available and will apply its share of the project cost (\$35,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use.

3. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to operate and maintain the completed facility in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by making the facilities accessible to the handicapped.

4. The City of Lincoln will, within 30 days of federal approval, or as soon thereafter as legally possible, obtain any required consultant for this project.

5. The Mayor is hereby authorized to sign all documents necessary and required to make application to acquire said grant funds.

6. No property developed under this project will, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to non-public outdoor recreation purposes. The City of Lincoln will replace any converted land in accordance with Section 6(f)(3) of the Land and Water Act of 1965, as amended to date.

7. The City Clerk is directed to transmit a certified copy of this resolution to the Parks & Recreation Department for transmittal to the Nebraska Game and Parks Commission.

Introduced by Dan Marvin

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

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 25, 2006 AT 5:30 P.M. FOR THE MANAGER APPLICATION OF WILLIAM J. WAGNER FOR PLANET SUB NE, LLC DBA PLANET SUB LOCATED AT 1332 P STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84024 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 25, 2006, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of William J. Wagner for Planet Sub NE, LLC dba Planet Sub located at 1332 P 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 Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 18, 2006 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF MATTHEW JOHNSON FOR GW MIDWEST, LLC DBA GREAT WRAPS LOCATED AT 1422 O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84025 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 18, 2006, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Matthew Johnson for GW Midwest, LLC dba Great Wraps located at 1422 O 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 Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR APRIL - JUNE 2006: DIGIZIP, T-MOBILE, AIR CELL, ACCESSLINE, OPEX, NETIFICE, FAST PHONES, IDT CORP., TELENATIONAL, RELIANCE, SOUTHWEST; JUNE 2006: NEW CINGULAR, NT&T, CRICKET, USCOC, AT&T, BUSINESS TELECOM, TRACFONE, ADVANCED TEL, XO COMM., VOICECOM, EARTHLINK, COVISTA, GLOBAL CROSSING, VERIZON, PRIMUS, QWEST, ACN, ENHANCED, USCOC, BROADBAND, TRANS NATIONAL, ONSTAR, PNG TELECOMM., CINCINNATI BELL, ANDIAMO, WHO'S CALLING, VERIZON SELECT, WORKING ASSETS, UCN, MCLEOD USA, INTELICALL, 360NETWORKS, BROADWING, SHAFFER COMM., AIRLINK MOBILE, GLOBALCOM, GUARANTEED PHONE, VIRGIN MOBILE, IBM GLOBAL, TELEPLUS WIRELESS, QUANTUM SHIFT, TELECORP, ACCERIS, KDDI AMERICA, BUSINESS PROD. SOLUTIONS, CIMCO; JULY 2006: SPRINT, TWC INFO, MCI WORLDCOM, SPRINT SPECTRUM, D&D COMM., NPCR, GUARANTEED PHONE, BT AMERICAS, ACCERIS, NEXTEL WEST, ZONE TELECOM, NOS COMM., LDMI, GTC, AFFINITY NETWORK, ACCERIS COMM., SBC, GLOBALCOM, LIGHTYEAR, 360NETWORKS, NOSVA, NETWORK BILLING, ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 06045 - App. requested by Witherbee Neighborhood Association for a change of zone from B-1 Local Business District to R-2 Residential District; from O-2 Suburban Office to R-2 Residential District Northern; and from R-4 Residential to R-2 Residential District in various locations.

Change of Zone No. 06054 - App. requested by the Director of Planning amending Title 27 of the Lincoln Municipal Code relating to Zoning.

Change of Zone No. 06056 - App. requested by the Director of Planning for an amendment to the Lincoln Municipal Code, Parking Matrix, to change the off-street parking requirement in the H-2 and H-3 zoning districts.

Change of Zone No. 06057 - App. requested by Monte Froehlich of U.S. Property, from B-1 Local Business District to B-2 Planned Neighborhood Business District on property generally located at S. 48th Street and Van Dorn Street.

Change of Zone No. 06058 - App. requested by Engineering Design Consultants from AG Agricultural District to B-2 Planned Neighborhood Business District on property generally located at S. 40th Street and Yankee Hill Road.

Special Permit No. 06048 - App. requested by Windsor Enterprises for the authority to sell alcoholic beverages for consumption on the premises generally located at N. 48th St. and Cornhusker Highway.

REPORTS OF CITY OFFICERS

APPOINTING SCOTT YOUNG AND LAURIE THOMAS LEE TO THE CABLE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84026 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Scott Young and Laurie Thomas Lee to the Cable Advisory Board for three-year terms expiring July 1, 2009 is hereby approved.

Introduced by Dan Marvin

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

ACCEPTING THE ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP II BOARD OF EQUALIZATION HEARING TO BE HELD MONDAY, SEPTEMBER 18, 2006, AT 10:00 A.M. - Clerk requested approval for a hearing date of Monday, September 18, 2006 at 10:00 a.m.

MCROY Moved approval.

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II TO BE HELD ON MONDAY, SEPTEMBER 18, 2006, AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84027 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2006, \$443,347.43 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 Annette McRoy

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 28, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JULY 2006 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF FRANCHISE FEES FOR THE QUARTER ENDING JUNE 30, 2006 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

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

to allow for accruals of 80 hours over their annual maximum vacation accrual for employees in a pay range prefixed by "X"; and repealing Sections 2.76.155 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

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

ANNEXATION 06011 HARTLAND'S CARDINAL HEIGHTS 2ND - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185) - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

COZ 06046 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

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

ANNEXATION 04012 JENSEN PARK - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 66 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 04079 - APPLICATION OF JENSEN PARK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 AND R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 06055 - APPLICATION OF THE CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 5000 O STREET -

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

CHANGE OF ZONE 06050 - APPLICATION OF THE CATHOLIC BISHOP OF LINCOLN FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT A STREET AND ELDON DRIVE - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

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

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41. (8/14/06 - P.H. & ACTION CON'T. TO 9/11/06) - PRIOR to reading:

COOK Moved to have Public Hearing & Action on Bill No. 06-137 delayed for one month to 10/9/06.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by amending Sections 5.41.010, 5.41.020, 5.41.030, 5.41.050, 5.41.060, 5.41.070, 5.41.160, and 5.41.170 to delete provisions relating to salvaging and recycling operations and thereby making Chapter 5.41, currently entitled Salvaging, Recycling and Composting Operations, apply only to recycling and composting operations and recyclables drop off locations, and repealing Sections 5.41.110, 5.41.120, and 5.41.130 from Chapter 5.41 to relocate the provisions of those sections and to add new sections containing additional provisions in a new Chapter 5.43 entitled Salvage Dealers and Salvage Collectors to establish provisions dealing only with salvaging and recycling operations; and repealing Sections 5.41.010, 5.41.020, 5.41.030, 5.41.050, 5.41.060, 5.41.070, 5.41.160, and 5.41.170 of the Lincoln Municipal Code as hitherto existing, the third time.

AUTHORIZING EXECUTION AND DELIVERY OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VARIOUS OWNERS FOR THE DEVELOPMENT OF APPROXIMATELY 726 ACRES OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND ROKEBY ROAD AND FOR THE ISSUANCE OF BONDS FOR THE INSTALLATION OF INFRASTRUCTURE TO SERVE THE AREA. (RELATED ITEMS: 06-86, 06R-110) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06) (7/24/06 - P.H. & 2ND READING CON'T. TO 8/28/06) (TO HAVE 3RD READING & ACTION 9/11/06) - PRIOR to reading:

NEWMAN Moved to amend Bill No. 06-86 (Developer Version) by amending pages 11, 12, 13, 14, 19, 20, 21 and 23 of Exhibit C (Development Agreement, Coalition Version) to Bill No. 06-86 as shown on Attachment A, attached hereto.

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

CLERK Read an ordinance, introduced by Ken Svoboda, adopted under and pursuant to ordinance Nos. 18088 and 18171 of the City Authorizing the issuance of (1) A Sanitary Sewer Revenue Obligation of the City in an aggregate principal amount not to exceed one million eighty three thousand and no/100 dollars (\$1,083,000.00)(The "Sewer Obligation") and (2) A Highway Allocation Obligation of the City in an aggregate principal amount not to exceed four hundred seventy thousand and no/100 dollars (\$470,000); fixing in part and providing for the fixing in part of the details of the Sewer Obligation and the Highway Allocation Obligation; taking other action in connection with the foregoing; and related matters, the third time.

SVOBODA Moved to pass the Developer's Version ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; NAYS: Newman.
The ordinance, being numbered **#18796**, is recorded in Ordinance Book #25, Page

COMP. PLAN AMENDMENT 06002 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO (A) AMEND THE 2025 FUTURE SERVICE LIMIT TO ADD LAND WEST OF 98TH STREET FROM YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF ROKEBY ROAD; (B) AMEND THE URBAN GROWTH TIER AND ASSOCIATED MAPS IN THE SAME AREA FROM TIER I, PRIORITY B, TO TIER I, PRIORITY A, AND LAND FROM TIER II TO A MIX OF TIER I, PRIORITY A AND B; AND (C) TO CHANGE THE LAND USE IN THE AREA BEING ADDED TO THE FUTURE SERVICE LIMIT FROM AGRICULTURAL TO URBAN RESIDENTIAL. (RELATED ITEMS: 06-86, 06R-110) (ACTION DATE: 6/19/06) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. CON'T. TO 7/24/06) (7/24/06 - P.H. CON'T. TO 8/28/06) (TO HAVE ACTION 9/11/06) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84028 WHEREAS, the Planning Director, on behalf of Developments Unlimited LLP, has made application to amend the 2025 Lincoln City - Lancaster County Comprehensive Plan to revise the future service limit to designate property generally located west of 98th Street, from Yankee Hill Road to 1/2 mile south of Rokeby Road inside the "Future Service Limit"; to amend the Urban Growth Tier and associated maps in the same area from Tier I, Priority B, to Tier I, Priority A, and from Tier II to Tier I, Priority A; and to change the future land use from Agricultural to Urban Residential.

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the "Lincoln/Lancaster County Land Use Plan", figure on page F 23 and the Lincoln Area Detail on page F 25, for the area in the vicinity of 84th and Rokeby Road as shown on the "Proposed Future Land Use" attached hereto as Exhibit "A" to:

- a. Add the land to the Future Service Limit, and
- b. Change the land uses from Agricultural to Urban Residential.

2. Amend the "Urban Growth Tier" figure on page F 27 to change land from Tier II to Tier I in the vicinity of 84th Street and Rokeby Road as shown on the "Proposed Priority and Tier Designations" attached hereto as Exhibit "B".

3. Amend the "Tier I - Priority Areas" figure on page F 31 to change land from Tier I, Priority B to Tier I Priority A, and from Tier II to Tier I, Priority A as shown on the "Proposed Priority and Tier Designations" attached hereto as Exhibit "B".

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Annette McRoy

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

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR THE PLACEMENT OF A TELECOMMUNICATIONS TOWER AND FACILITIES TO BE LOCATED ON CITY PROPERTY AT VAN DORN PARK AT 9TH AND VAN DORN STREETS - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Alltel Communications of Nebraska, Inc. for the placement of telecommunications facilities upon City property at Van

Dorn Park located at 9th and Van Dorn Streets, and authorizing the Mayor to sign such License Agreement on behalf of the City, the third time.
ESCHLIMAN Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered #18797, is recorded in Ordinance Book #25, Page

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.52, GRAFFITI ABATEMENT ACT, TO SET FORTH THE TITLE, PURPOSE AND DEFINITIONS, TO PROHIBIT THE ACT OF PLACING GRAFFITI ON ANY PUBLIC OR PRIVATE BUILDING, TO PROHIBIT THE FAILURE TO REMOVE GRAFFITI, DEFINING GRAFFITI AS A PUBLIC NUISANCE AND PROVIDING FOR NOTICE AND ABATEMENT PROCEDURES, TO PROVIDE THE MEANS AND CONDITIONS FOR APPEALING A NOTICE AND ORDER TO ABATE GRAFFITI, AND TO PROVIDE FOR THE ENFORCEMENT AND PENALTIES FOR VIOLATIONS - PRIOR to reading:

COOK Moved Amendment #1 to Bill No. 06-145 in the following manner:
1. On page 1, at the end of line 11, add the following language: "; and establishing an effective date of January 2, 2007".
2. On page 8, lines 17 and 18, delete the words "and after its passage and publication according to law" and insert in lieu thereof the following: "January 2, 2007".

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

COOK Moved to Amend Amendment #1 to Bill No. 06-145 by changing ~~January 2, 2007~~ to December 1, 2006.

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

COOK Moved Amendment #2 to Bill No. 06-145 in the following manner:
On page 4, lines 15 and 16, delete the following language: "but in no case shall any extension of time for compliance amount to a total time of more than twenty-five days".

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

CLERK Read an ordinance, introduced by Patte Newman, who passed the gavel to Marvin, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.52 entitled the Graffiti Abatement Act by adding a new section numbered 8.52.010 to set forth the title of the chapter; adding a new section numbered 8.52.020 to set forth the purpose of the chapter; adding a new section numbered 8.52.030 to set forth definitions used in the chapter; adding new section numbered 8.52.040 to prohibit the act of placing graffiti on any public or private building and to prohibit the failure to remove graffiti; adding a new section numbered 8.52.050 to define graffiti as a public nuisance and provide for notice and abatement procedures; adding a new section numbered 8.52.060 to provide the means and conditions for appealing a notice and order to abate graffiti; adding a new section numbered 8.52.070 to provide for the enforcement of the provisions of the chapter; and adding a new section numbered 8.52.080 to provide penalties for violations of the chapter, the third time.

NEWMAN Moved to pass the ordinance as amended.

Seconded by Marvin & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman; NAYS: Camp, Svoboda.
The ordinance, being numbered #18798, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION

Rick Meyer, 4120 Linden, came forward voicing concerns about the removal of cats from his home. Discussion followed.

This matter was taken under advisement.

OPEN MICROPHONE SESSION

Nicholas Brand, 1315 F St. #9, came forward requesting a City ordinance requiring bicyclists to wear helmets for safety reasons.

This matter was taken under advisement.

Danny Walker, 427 "E" Street, came forward to state his concerns that the convention center site is poorly located and ground is polluted in the area. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 18, 2006.
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
September 18, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 3:24 P.M.

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

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
September 11, 2006
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