

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 18, 2002 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of November 4, 2002, reported having done so, found same correct.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Scott Wiebe of the Fire Department was awarded the Mayor's Award of Excellence for the month of October in the category of productivity.

PUBLIC HEARING

APPLICATION OF DLP, INC. DBA TAM O'SHANTER FOR A CLASS C LIQUOR LICENSE AT 105 S. 25TH STREET;

MANAGER APPLICATION OF DIONA L. PEITHMAN FOR DLP, INC. DBA TAM O'SHANTER AT 105 S. 25TH STREET - Diona Peithman, 917 Elmwood Ave. came forward, took the oath and answered questions posed by Council members.

This matter was taken under advisement.

APPLICATION OF AMERICAN BUSINESS INITIATIVES, INC. DBA EURASIA RUSSIAN STORE FOR A CLASS D LIQUOR LICENSE AT 809 P STREET, SUITE 102;

MANAGER APPLICATION OF KASYM ISLAMOV FOR AMERICAN BUSINESS INITIATIVES, INC. DBA EURASIA RUSSIAN STORE AT 809 P STREET, SUITE 102 - Kasym Islamov, 809 P Street, Suite 102, came forward and took the oath.

This matter was taken under advisement.

MANAGER APPLICATION OF STEVEN D. BARTOS FOR LA SOCIETE DES 40 HOMMES DBA AMERICAN LEGION 3 AT 5630 P STREET - Steven Bartos, 7441 San Mateo Lane, came forward, took the oath to answer questions posed by Council members.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER "E" BY CHANGING THE PAY RANGE OF PERSONNEL CLERK FROM E01 TO X11;

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS PREFIXED BY THE LETTERS "A" AND "C" TO CREATE THE CLASSIFICATIONS OF "SOLID WASTE OPERATIONS SUPERVISOR" AND "UTILITY ENGINEERING SPECIALIST." - Georgia Glass, Director of Personnel Dept., came forward to answer questions posed by Councilman Friendt. He asked her what the increase or savings would be in regard to these positions.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE WATER SYSTEM OF THE CITY OF LINCOLN, NEBRASKA, AND DECLARING AN EMERGENCY;

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$58,000,000 AGGREGATE PRINCIPAL AMOUNT OF LINCOLN WATER SYSTEM REVENUE AND REFUNDING BONDS IN ONE OR MORE SERIES, AND RELATED MATTERS, AND DECLARING AN EMERGENCY - Don Herz, Director of Finance, came forward to explain the City's desire to refinance all of the outstanding water revenue bonds and to issue new debt. He requested a waiver of Council rules so that the Dept. might take advantage of the present low interest rates.

Lauren W. Wismer, City Bond Council of Gilmore & Bell P.C., came forward to explain the modernization of the ordinance for the City's water revenue bonds. It has been 1993 since the last ordinance was written. The basic structure is a general ordinance which governs the issuance of all the bonds and each series of ordinance is issued pursuant to a series ordinance.

Bob Valentine, 2660 Park Avenue, came forward to ask if this process had been opened to the bid process and why this was phrased with

an emergency clause. Councilman Friendt explained that "emergency" is a technical term to allow us to waive the number of days in which the ordinance would become effective. Mr. Herz answered that we typically go through a bidding process, but because of the refunding portion, it is a negotiated process. Councilman Camp gave an synopsis of the process with underwriting agents and that the bonds are sold out to another party. Mr. Camp asked if the City knew what it would negotiate and what it would net out of the proceeds. Mr. Herz said we do know the net but until we go to market, the interest rate is in question. Councilman Werner asked about the cost of expenses. Mr. Herz said it falls under the 1.5% range.

This matter was taken under advisement.

VACATING THE WEST 60.15 FEET OF WAGON LANE FROM THE SOUTH LINE OF OUTLOT B TO THE NORTH LINE OF OUTLOT C, FRONTIER ACRES, GENERALLY LOCATED AT S. 62ND STREET AND WAGON LANE;

CHANGE OF ZONE 3375 - APPLICATION OF CARL SJULIN AND WEST GATE BANK FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND HIGHWAY 2;

APPROVING A WAIVER OF THE DESIGN STANDARDS WHICH REQUIRE A TURNAROUND ON DEAD-END STREETS ON PROPERTY GENERALLY LOCATED AT OLD CHENEY ROAD AND HIGHWAY 2;

USE PERMIT 146 - APPLICATION OF CARL SJULIN AND WEST GATE BANK TO DEVELOP 60,000 SQ. FT. OF OFFICE AND FINANCIAL SPACE, WITH A WAIVER OF THE 45' HEIGHT LIMIT IN THE O-3 DISTRICT AND A WAIVER OF THE STREET TREES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND HIGHWAY 2; - Steve Miller, Olson Association, 1111 Lincoln Mall, came forward in favor of the vacation and change of zone.

John Arrigo, 1204 West O Street, Vice President of West Gate Bank, came forward in favor. He requested the 2nd and 3rd reading on this date. Councilwoman McRoy asked if this new bank would bring new jobs to the Lincoln area. Mr. Arrigo stated that not at the present time due to lack of space, but when the new bank is built, there will be more jobs.

Councilman Werner asked why they were requesting a waiver. Mr. Miller responded that it was in regard to Wagon Lane and the replat. There is no existing street with Wagon Lane. When the adjacent lots potentially replat and then deal with the turn around issue at that time. Staff recommended denial due to the fact that they believe a turn around is required.

Nicole Fleck-Tooze, Public Works Dept., came forward to explain that Public Works was not expecting the turnaround to be constructed with this project, however the concern was that in vacating this piece and not meeting the standard for a cul-de-sac or turnaround on the end of it, will place the burden on the future adjacent property owners when they come forward with a subdivision.

Steve Miller came back with rebuttal issues. He stated that many different options were considered at the request of the Planning Dept.

Councilman Friendt asked what impact this has on the bank development. Mr. Miller replied that should we be required to purchase right-of-way with the additional property owners, we feel that we would be held up an unacceptable amount of time and not be able to proceed with development in a timely fashion.

Councilman Camp asked if there was a middle ground if the waiver was not agreed to.

Councilman Werner asked why the denial of the waiver would hold up their project? Mr. Miller replied that the timing and the construction season was short at this point and they wanted to get the project started.

Ray Hill, Planning Dept., came forward and stated that along with this project they have requested an administrative final plat and the condition of the final plat is that the street be vacated and the condition of the subdivision is that dead end streets end in a permanent turnaround and that is why they are asking for the waiver, so if the waiver is not granted, the Planning Director cannot grant the Administrative Final Plat. He stated that if the waiver is denied today, you are basically making everyone go back and redesign the entire project.

Allan Abbott, Director of Public Works & Utilities, came forward and stated that Public Work would withdraw their objection and suggest that the Planning Director's recommendation stand.

This matter was taken under advisement.

VACATING A PORTION OF O'HANLON DRIVE, REQUESTED BY DON JOHNSON HOMES INC., DAVID AND SYDNEY RICHARDS, RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC., GENERALLY LOCATED ¼ MILE NORTH OF THE INTERSECTION OF S. 27TH STREET AND YANKEE HILL ROAD - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Ridge Development and Southview, Inc. He stated that this is basically a clean up issue.

This matter was taken under advisement.

CHANGE OF ZONE 3370 - APPLICATION OF CONNIE HEIER AND PATRICIA SLAUGHTER FOR A CHANGE OF ZONE FROM AG AGRICULTURE TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 112TH STREET AND OLD CHENEY ROAD.;

COMP. PLAN AMENDMENT 02002.4 - APPLICATION OF CONNIE HEIER AND PATRICIA SLAUGHTER TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE 215 ACRES FROM AGRICULTURE TO LOW DENSITY RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT S. 112TH TO 120TH STREETS, SOUTH OF OLD CHENEY ROAD - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Connie Heier and Patricia Slaughter, the property owners of 220 acres of land at 112th & Old Cheney Road. These two property owners, five years ago, sought this acreage development but this whole area was placed in the beltway study. Now the applicants have reapplied to start this process over.

Mike DeKalb, Planning Dept., came forward to explain the nonconformance with the plan.

Mr. Seacrest reviewed the criteria necessary to meet the new Comp Plan.

Councilman Friendt asked if this new development would require park land designation in this area as well as other new developments.

Mr. Seacrest responded that park land would be planned and the new NRD lake would be in this area as well.

Bob Valentine, 2660 Park Avenue, came forward to ask about the relationship of Connie Heier to Bernie Heier, who is a County Commissioner. Councilman Werner confirmed that they were married. 69% of the farmers receive farm subsidies in Nebraska. Ag land valuations today predicated on their cash flow from the federal government. How desperately we need the agricultural subsidies to maintain the marvelous lifestyles we live here in Nebraska and Lancaster County.

Mr. Seacrest came back for rebuttal stating there is no verification for the figures given by Mr. Valentine. Councilman Cook asked about the water connections from the rural water district. How would this hook up to the City water system when this is annexed. Today it would be served off the rural water and probably septic systems. The Master Plan of road layout and utility easements would show future city water and city sewer (The Northeast treatment plant) and it would be over 25 years before sewer line gets started in this area.

Councilman Werner asked about the costs for arterial streets and sewer. Mr. Seacrest said that assuming impact fees would go through, this would potentially not be affected, as the impact fees are drafted to stop at the city limits.

This matter was taken under advisement.

CHANGE OF ZONE 3382 - AMENDING SECTIONS 27.63.130 AND 27.63.680 OF THE LINCOLN MUNICIPAL CODE ZONING ORDINANCE TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AT GOLF COURSES AND COUNTRY CLUBS AS AN ALLOWED ACCESSORY USE BY SPECIAL PERMIT;

SPECIAL PERMIT 1692B - APPLICATION OF WILDERNESS RIDGE, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT WILDERNESS RIDGE GOLF COURSE GENERALLY LOCATED SOUTHWEST OF S. 27TH STREET AND YANKEE HILL ROAD - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Southview, Inc. and Wilderness Ridge, L.L.C., came forward requesting this change of zone so that the golf course may be granted a liquor license.

Councilwoman McRoy noted for the public that the City owned golf courses are in the P zones and alcohol sales are not allowed in these zones.

Bob Valentine, 2660 Park Ave., came forward in opposition.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2003 - Terry Bundy, CEO of Lincoln Electric System, came forward to give a brief overview of the budget. He stated the most outstanding item of the year was the settlement of the litigation with the Cooper Nuclear Station.

Craig Groat, 4935 Huntington Street, came forward to share figures

from the Duncan Associate Report. He stated the source of money could be used to lower rates and provide underground lines to provide electricity to older neighborhoods.

Discussion followed among Council members.

Bob Valentine, 2660 Park Avenue, came forward in opposition.

This matter was taken under advisement.

SPECIAL PERMIT 1986 - APPLICATION OF TJK INVESTMENTS, INC. FOR A PARKING LOT IN THE R-4 ZONING DISTRICT ON PROPERTY GENERALLY LOCATED AT 28TH AND VINE STREETS - Chris Sonderup, of TJK Investments, came forward in favor of this project. Councilwoman Seng and McRoy both stated appreciation for Mr. Sonderup's work done in this neighborhood

This matter was taken under advisement.

APPOINTING VENITA KELLEY, PH.D. TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2005 - Bob Valentine, 2660 Park Avenue, came forward to suggest that some stay-at-home mothers need to have positions on this commission as well.

Cindy Maw, 1843 South 24th Street, came forward to say that stay-at-home mothers should also be considered for these positions.

This matter was taken under advisement.

ADOPTING THE BY-LAWS FOR A NEW RECONSTITUTED VETERANS MEMORIAL GARDEN ADVISORY COUNCIL - Lynn Johnson, Director of Parks & Recreation, came forward to explain the consolidation of the two groups, Veterans Memorial Garden Advisory Board and Veterans Memorial Garden Committee.

This matter was taken under advisement.

SPECIAL PERMIT 1982 - APPLICATION OF CAROL ARLENE ANDERSON TO DEVELOP SUNSHINE HILLS COMMUNITY UNITY PLAN CONSISTING OF FOUR RESIDENTIAL ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 40TH STREET AND BLUFF ROAD;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF SUNSHINE HILLS CONSISTING OF FOUR RESIDENTIAL ACREAGE LOTS AND FOUR OUTLOTS, WITH WAIVERS TO THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 40TH STREET AND BLUFF ROAD - Brian Carstens, 601 Old Cheney Rd., Suite C, representing Carole Arlene Anderson, came forward in favor of these two items.

This matter was taken under advisement.

SPECIAL PERMIT 1691C - APPLICATION OF CANYON HOMES, L.L.C. TO AMEND THE SHADOW PINES 1ST ADDITION COMMUNITY UNIT PLAN TO ADD 16 DWELLING UNITS AND WAIVERS TO THE REQUIRED LOT WIDTH, LOT DEPTH, AND LOT AREA, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND SHADOW PINES DRIVE - Brian Carstens, 601 Old Cheney Rd., Suite C, representing Canyon Homes came forward in favor of the Special Permit.

This matter was taken under advisement.

SPECIAL PERMIT 168A - APPLICATION OF MCMASTER ENTERPRISE, INC. FOR A PARKING LOT IN A RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT 1216 TO 1230 H STREET AND 635 S. 13TH STREET - Maryann Colbert, Manager of McMaster Enterprise, Inc., came forward in favor.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 02002.2 - APPLICATION OF THE UNIVERSITY OF NEBRASKA-LINCOLN TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO MODIFY THE LAND USE DESIGNATION FOR THE DOWNTOWN CAMPUS AND THE EAST CAMPUS AREA TO REFLECT CURRENT BOUNDARIES AND FUTURE EXPANSION OF THE UNIVERSITY - John Benson, Director of Institutions at the University of Nebraska, came forward in favor.

Mike Morosin, 2055 "S" St., came forward to ask if the University could share their expansion plan with the neighborhood.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 02002.12 - APPLICATION OF LINCOLN FEDERAL SAVINGS BANK TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO MOVE THE COMMUNITY CENTER DESIGNATION TO ½ MILE NORTH OF 40TH STREET AND ROKEBY ROAD AND DESIGNATE A NEW COMMERCIAL NEIGHBORHOOD CENTER GENERALLY SOUTHEAST OF S. 27TH STREET AND YANKEE HILL ROAD - Mike Rierden, Attorney, 645 "M" Street, Suite 200, came forward representing Lincoln

Federal Bank.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 02002.14 - APPLICATION OF LAND CONSTRUCTION INC. TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE 257 ACRES FROM COMMERCIAL TO INDUSTRIAL, ON PROPERTY GENERALLY LOCATED AT S.W. 56TH STREET, SOUTH OF O STREET - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward stated that this is basically a clean up item.

This matter was taken under advisement.

TOOK BREAK 3:50 P.M.

RECONVENED 4:10 P.M.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Street, came forward to discuss the amount of bleachers around the city that are in violation of safety codes. Councilman Friendt suggested that this will be placed on the pre-council agenda.

Charles Bacon, 1439 Rose Street, came forward to discuss the recent rail accident by remote control locomotives in Lincoln. He asked the Council to adopt a resolution to ban remote control locomotives.

Charlie Klaus, 8411 Pinedale Avenue, representing LIBA came forward to request Council to authorize a study of expanded fire department and rescue needed in the City. He also suggested that the repair of sidewalks needs to be a line item budget on a yearly basis to solve the current problem.

Mike Grieger, 2645 Van Dorn Street, came forward to ask for consideration of TIF funds to connect the skywalk to The St. George Building he presently owns, allowing him an opportunity to lease space.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF DLP, INC. DBA TAM O'SHANTER FOR A CLASS C LIQUOR LICENSE AT 105 S. 25TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81794 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 DLP, Inc. dba Tam O'Shanter for a Class "C" liquor license at 105 S. 25th Street, Lincoln, Nebraska, for the license period ending October 31, 2003, 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF DIONA L. PEITHMAN FOR DLP, INC. DBA TAM O'SHANTER AT 105 S. 25TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81795 WHEREAS, DLP, Inc. dba "Tam O'Shanter" located at 105 S. 25th Street, Lincoln, Nebraska has been approved for a Retail Class "C"

liquor license, and now requests that Diona L. Peithman be named manager;

WHEREAS, Diona L. Peithman 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 Diona L. Peithman 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPLICATION OF AMERICAN BUSINESS INITIATIVES, INC. DBA EURASIA RUSSIAN STORE FOR A CLASS D LIQUOR LICENSE AT 809 P STREET, SUITE 102 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81796 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 American Business Initiatives, Inc. dba "Eurasia Russian Store" for a Class "D" liquor license at 809 P Street, Suite 102, Lincoln, Nebraska, for the license period ending April 30, 2003, 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; CONFLICT OF INTEREST: Camp.

MANAGER APPLICATION OF KASYM ISLAMOV FOR AMERICAN BUSINESS INITIATIVES, INC. DBA EURASIA RUSSIAN STORE AT 809 P STREET, SUITE 102 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81797 WHEREAS, American Business Initiatives, Inc. dba "Eurasia Russian Store" located at 809 P Street, Suite 102, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Kasym Islamov be named manager;

WHEREAS, Kasym Islamov 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 Kasym Islamov 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; CONFLICT OF INTEREST: Camp.

MANAGER APPLICATION OF STEVEN D. BARTOS FOR LA SOCIETE DES 40 HOMMES DBA AMERICAN LEGION 3 AT 5630 P STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81798 WHEREAS, La Societe Des 40 Hommes dba "American Legion 3" located at 5630 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Steven D. Bartos be named manager;

WHEREAS, Steven D. Bartos 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 Steven D. Bartos 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF JAMES P. MADSEN FOR MADSEN BOWLING & BILLIARD CENTER CO. DBA MADSEN'S BOWLING & BILLIARD CENTER AT 1316 N. 47TH STREET - PRIOR to reading:

SVOBODA Moved to delay the public hearing and action on this matter for one week to 11/25/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER "E" BY CHANGING THE PAY RANGE OF PERSONNEL CLERK FROM E01 TO X11 - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for a certain employee group prefixed by the letter "E" by changing the pay range of personnel clerk from E01 to X11, the second time. **(See Ordinances - 3rd Reading)**

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS PREFIXED BY THE LETTERS "A" AND "C" TO CREATE THE CLASSIFICATIONS OF "SOLID WASTE OPERATIONS SUPERVISOR" AND "UTILITY ENGINEERING SPECIALIST." - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for certain employee groups prefixed by the letters "A" and "C" to create the classifications of "Solid Waste Operations Supervisor" and "Utility Engineering Specialist.", the second time. **(See Ordinances - 3rd Reading)**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE WATER SYSTEM OF THE CITY OF LINCOLN, NEBRASKA, AND DECLARING AN EMERGENCY - CLERK read an ordinance, introduced by Annette McRoy, authorizing and providing for the issuance of revenue bonds of the water system of the City of Lincoln, Nebraska and declaring an emergency, the second time. **(See Ordinances - 3rd Reading)**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$58,000,000 AGGREGATE PRINCIPAL AMOUNT OF LINCOLN WATER SYSTEM REVENUE AND REFUNDING BONDS IN ONE OR MORE SERIES, AND RELATED MATTERS, AND DECLARING AN EMERGENCY - CLERK read an ordinance, introduced by Annette McRoy, authorizing and providing for the issuance of not to exceed \$58,000,000 aggregate principal amount of Lincoln Water System revenue and refunding bonds in one or more series, and related matter, and declaring an emergency, the second time. **(See Ordinances - 3rd Reading)**

VACATING THE WEST 60.15 FEET OF WAGON LANE FROM THE SOUTH LINE OF OUTLOT B TO THE NORTH LINE OF OUTLOT C, FRONTIER ACRES, GENERALLY LOCATED AT S. 62ND STREET AND WAGON LANE. (IN CONNECTION W/02-170, 02R-276, 02R-277) (REQUEST TO HAVE 2ND & 3RD READINGS 11/18/02) - CLERK read an ordinance, introduced by Glenn Friendt, vacating the west 60.15 feet of Wagon Lane from the south line of Outlot B to the north line of Outlot C, Frontier Acres Addition, located in the Northwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the first time.

CHANGE OF ZONE 3375 - APPLICATION OF CARL SJULIN AND WEST GATE BANK FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND HIGHWAY 2. (IN CONNECTION W/02-164, 02R-276, 02R-277) (REQUEST 2ND & 3RD READINGS 11/18/02)- CLERK read an ordinance, introduced by

Glenn Friendt, 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.

VACATING A PORTION OF O'HANLON DRIVE, REQUESTED BY DON JOHNSON HOMES INC., DAVID AND SYDNEY RICHARDS, RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC., GENERALLY LOCATED ¼ MILE NORTH OF THE INTERSECTION OF S. 27TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Glenn Friendt, vacating a portion of O'Hanlon Drive located approximately one-fourth mile north of the intersection of South 27th

Street and Yankee Hill Road, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 3370 - APPLICATION OF CONNIE HEIER AND PATRICIA SLAUGHTER FOR A CHANGE OF ZONE FROM AG AGRICULTURE TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 112TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/02R-263)- CLERK read an ordinance, introduced by Glenn Friendt, 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 3376 - APPLICATION OF RON AND ROSE MCMAHAN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED 330 FEET NORTH OF WEST O STREET AND N.W. 14TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, 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 3380 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 79TH STREET AND PIONEERS BLVD. - CLERK read an ordinance, introduced by Glenn Friendt, 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 3382 - AMENDING SECTIONS 27.63.130 AND 27.63.680 OF THE LINCOLN MUNICIPAL CODE ZONING ORDINANCE TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AT GOLF COURSES AND COUNTRY CLUBS AS AN ALLOWED ACCESSORY USE BY SPECIAL PERMIT - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 27.63.130 of the Lincoln Municipal Code relating to permitted special uses for recreational facilities and Section 27.63.680 of the Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on the premises as a special permit use to allow the sale of alcohol for consumption on the premises at golf courses and country clubs as an allowed accessory use by special permit; and repealing Sections 27.63.130 and 27.63.680 of the Lincoln Municipal Code as hitherto existing, the first time.

RESOLUTIONS

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2003 - PRIOR to reading:

SENG Moved to delay action on Bill No. 02R-273 for two weeks to 12/2/02.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1986 - APPLICATION OF TJK INVESTMENTS, INC. FOR A PARKING LOT IN THE R-4 ZONING DISTRICT ON PROPERTY GENERALLY LOCATED AT 28TH AND VINE STREETS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81799 WHEREAS, TJK Investments, Inc. has submitted an application designated as Special Permit No. 1986 for authority to construct a parking lot in the R-4 Residential zoning district on property located at 28th and Vine Streets, and legally described to wit:

Lot 1, Block 2, Houtz & Baldwins Subdivision, except for the west 4 feet and except for triangle in northeast corner and Lot 2, Block 2, Houtz & Baldwins Subdivision, except that part thereof more particularly described as follows: Beginning at the northwest corner of said Lot 2 and proceeding easterly along the north line of said Lot 2, a distance of 3.97

feet; thence southwesterly along the arc of a circular curve, bearing to the right whose initial tangent deflects 90 degrees 23 minutes 55 seconds right from said north line whose central angle is 2 degrees 28 minutes 46 seconds, and whose radius is 1,155.92 feet, a distance of 50.03 feet to the intersection with the south line of said Lot 2; thence westerly along said south line of said Lot 2; thence westerly along said south line, a distance of 2.58 feet to the intersection with the west line of said Lot 2; thence northerly along said west line, a distance of 50.0 feet to the point of beginning; located in the West Half of the Northwest Quarter of the Southwest Quarter of Section 19, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 TJK Investments, Inc., hereinafter referred to as "Permittee", to construct a parking lot in the R-4 Residential zoning district on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63170 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a two-phase parking lot in the R-4 zoning district.
2. Before receiving building permits the construction plans must conform to the approved plans.
3. Before occupying the parking lot all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-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, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING VENITA KELLEY, PH.D. TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2005 - - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81800 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Venita Kelley, Ph.D. to the Lincoln-Lancaster Women's Commission for a two-year term expiring January 1, 2005 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING GWENDOLYN COMBS, PH.D. TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING JULY 1, 2005 - - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

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A-81801 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Gwendolyn Combs, Ph.D. to the Lincoln-Lancaster Women's Commission for a two-year term expiring January 1, 2005 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REAPPOINTING DEANNE FINNEGAN, STANLEY COOPER, AND DOROTHY ANDERSON TO THE CITIZEN POLICE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 17, 2005 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81802 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Deanne Finnegan, Stanley Cooper, and Dorothy Anderson to the Citizen Police Advisory Board for three-year terms expiring November 17, 2005 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADOPTING THE BY-LAWS FOR A NEW RECONSTITUTED VETERANS MEMORIAL GARDEN ADVISORY COUNCIL - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81803 WHEREAS, the City of Lincoln created the Veterans Memorial Garden Advisory Board to carry out the duties assigned to it in Resolution No. A-77004;

WHEREAS, the Bylaws of the Veterans Memorial Garden Council have been revised and updated to integrate a single advisory body consisting of members in the area regarding maintenance, improvements, and special events with members involved in fund-raising, improvements, and special events; and

WHEREAS, it is the desire of the integrated groups that the advisory council structure and associated by-laws be approved.

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

That the Bylaws of the City of Lincoln Veterans Memorial Garden Council as amended which is attached hereto and marked as Exhibit "A" is hereby accepted and approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING BOB BALDWIN, MELODY BATTEN, MAURICE CARLTON, TED CHAMBERS, DEAN CLAWSON, BEECH DALE, BILL DELANEY, KEITH FICKENSCHER, TOM MORRISSEY, KENNETH ORR, AND MABEL STAMLER TO THE NEWLY RECONSTITUTED VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING 11/1/03, 11/1/03, 11/1/05, 11/1/04, 11/1/05, 11/1/03, 11/1/03, 11/1/04, 11/1/04, 11/1/05, AND 11/1/05 RESPECTIVELY - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81804 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of the following to the Veterans Memorial Garden Advisory Council for terms as set out below is hereby approved:

Name:	Term Expires:
Bob Baldwin	November 1, 2003
Melody Batten	November 1, 2003
Maurice Carlton	November 1, 2005
Ted Chambers	November 1, 2004
Dean Clawson	November 1, 2005
Beech Dale	November 1, 2003
Bill Delaney	November 1, 2003
Keith Fickenschler	November 1, 2004
Tom Morrissey	November 1, 2004
Kenneth Orr	November 1, 2005
Mabel Stamler	November 1, 2005

Introduced by Annette McRoy

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING LYN KATHLENE TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2005 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81805 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Lyn Kathlene to the StarTran Advisory Board for a three-year term expiring October 20, 2005 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPOINTING TOM BALL TO THE AUDITORIUM ADVISORY BOARD FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2008 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81806 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tom Ball to the Auditorium Advisory Board for a six-year term expiring August 31, 2008 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REAPPOINTING SAM NELSON TO THE AUDITORIUM ADVISORY BOARD FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2008 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81807 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Sam Nelson to the Auditorium Advisory Board for a six-year term expiring August 31, 2008 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245) - PRIOR TO READING:

FRIENDT Moved to delay public hearing and action one week to 11/25/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) - PRIOR to reading:

MCROY Moved to delay public hearing and action one week to 11/25/02.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THE APPLICATION OF ARLINGTON PROPERTIES, INC. FOR THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A DOCK AT 720 O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81808 WHEREAS, Arlington Properties, Inc. has submitted an application for a permit to use the public right-of-way at 720 "O" Street, for construction of a dock; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Arlington Properties, Inc. to use the public right-of-way at 720 "O" Street for the purpose of constructing a dock, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1982 - APPLICATION OF CAROL ARLENE ANDERSON TO DEVELOP SUNSHINE HILLS COMMUNITY UNITY PLAN CONSISTING OF FOUR RESIDENTIAL ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 40TH STREET AND BLUFF ROAD.(IN CONNECTION W/02R-255) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81809 WHEREAS, Carol Arlene Anderson has submitted an application designated as Special Permit No. 1982 for authority to develop Sunshine Hills Community Unit Plan consisting of four residential acreage lots on property located at N. 40th Street and Bluff Road, and legally described to wit:

The North Half of the Northwest Quarter of Section 20,
Township 11 North, Range 7 East of the 6th P.M.,
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 Carol Arlene Anderson, hereinafter referred to as "Permittee", to develop Sunshine Hills Community Unit Plan consisting of four residential acreage lots, on the property legally described above, 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 and operation 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 four acreage residential lots and four outlots.

2. Before receiving building permits:

- a. The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council to the Planning Department.
- b. The construction plans must conform to the approved

- plans.
- c. Final plats within the area of this community unit plan must be approved by the City.
 - d. The required easements as shown on the site plan must be recorded with the Register of Deeds.
3. An agreement with the County Engineer for street maintenance must be approved.
 4. Before occupying this community unit plan, all development and construction must conform to the approved plans.
 5. Before occupying this community unit plan the City County Health Department must approve the water and waste water systems.
 6. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
 7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, her successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-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, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF SUNSHINE HILLS CONSISTING OF FOUR RESIDENTIAL ACREAGE LOTS AND FOUR OUTLOTS, WITH WAIVERS TO THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 40TH STREET AND BLUFF ROAD. (IN CONNECTION W/02R-254) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81810 WHEREAS, Carol Arlene Anderson has submitted the preliminary plat of **SUNSHINE HILLS** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated October 3, 2002, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **SUNSHINE HILLS**, located at N. 40th Street and Bluff Road as submitted by Carol Arlene Anderson is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirements of §§ 26.27.020, 26.27.070, 26.27.080, 26.27.090 of the Lincoln Municipal Code for sidewalks, street lights, landscape screen, and street trees are hereby waived since the area is of larger lots, of a rural nature and the subdivision will not be annexed.

2. The requirement of § 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1320 feet between cross streets is waived for the west, north, and south side of Harold Road/Court.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1691C - APPLICATION OF CANYON HOMES, L.L.C. TO AMEND THE SHADOW PINES 1ST ADDITION COMMUNITY UNIT PLAN TO ADD 16 DWELLING UNITS AND

WAIVERS TO THE REQUIRED LOT WIDTH, LOT DEPTH, AND LOT AREA, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND SHADOW PINES DRIVE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81811 WHEREAS, Canyon Homes L.L.C. has submitted an application designated as Special Permit No. 1691C for authority to amend Shadow Pines 1st Community Unit Plan to add 16 dwelling units and waivers to the required lot width, lot depth, and lot area, on property generally located at South 56th Street and Shadow Pines Drive, and legally described to wit:

Lot 1, Block 1, Shadow Pines Addition, located in the Southwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this increase in the dwelling units will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 Canyon Homes, L.L.C., hereinafter referred to as "Permittee", to amend Shadow Pines 1st Community Unit Plan to add 16 dwelling units, 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 16 additional dwelling units in the Shadow Pines Community Unit Plan for a total of 92.
2. The requirement of Lincoln Municipal Code § 26.23.140 that lots be 120 feet deep when abutting major streets is hereby modified to allow lot depth of 100 feet.
3. The requirement of Lincoln Municipal Code § 26.23.140 relating to average lot width for two family lots is hereby amended from 40 feet to 37 feet.
4. The requirement of Lincoln Municipal Code § 27.15.080(a) relating to lot area for two family lots is hereby amended from 5,000 square feet per family to 3,700 square feet per family.
5. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan and five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this CUP must be approved by the City.
6. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
7. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
8. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-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, filing fees therefor to be paid in advance by the Permittee.
11. 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 except as specifically amended by this resolution.

Introduced by Annette McRoy

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

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1692B - APPLICATION OF WILDERNESS RIDGE, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AT WILDERNESS RIDGE GOLF COURSE GENERALLY LOCATED SOUTHWEST OF S. 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

SVOBODA Moved to delay action for one week to 11/25/02.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 168A - APPLICATION OF MCMASTER ENTERPRISE, INC. FOR A PARKING LOT IN A RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT 1216 TO 1230 H STREET AND 635 S. 13TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81812 WHEREAS, McMaster Enterprise, Inc. has submitted an application designated as Special Permit No. 168A for authority to construct a parking lot in a residential district on property located at 1216 to 1230 H Street and 635 S. 13th Street, and legally described to wit:

The East Half of Lot 8, all of Lots 9 and 10 and the north 44 feet of Lots 11 and 12, Block 126, Lincoln Original Plat, located in the Northeast Quarter of Section 26, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 McMaster Enterprise, Inc., hereinafter referred to as "Permittee", to construct a parking lot in a residential district, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot.
2. Before receiving building permits the construction plans must conform to the approved plans.
3. Before occupying the parking lot all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements including the landscaping must be permanently maintained by the Permittee.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-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, filing fees therefor to be paid in advance by the Permittee.
8. 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 Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02001 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN SECTIONS REGARDING LAND USE, TRANSPORTATION, PARKS & RECREATION, AND UTILITIES TO REFLECT IMPROVEMENTS TO SERVE THE E-3 SUBAREA GENERALLY LOCATED BETWEEN 84TH AND 120TH STREETS FROM SOUTH OF PIONEERS BLVD. TO O STREET AND TO SHOW THIS AREA AS INSIDE THE FUTURE

SERVICE LIMIT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81813 WHEREAS, the Planning Director has made application to amend the Lincoln Lancaster County Comprehensive Plan (2025) to revise the sections regarding land use, transportation, parks and recreation, and utilities to reflect the needed improvements to serve the E-3 subarea generally located between 84th and 120th Streets, from south of Pioneers Boulevard to "O" Street and to show this area as inside the "Future Service Limit"; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed change.

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 as follows:

1. Amend the Existing County Roads Functional Classification on page E48 to adjust the functional classification for the E-3 Area as shown on Attachment "A", attached hereto and incorporated herein by reference by:

- (a) adding the functional classification designation of Rural Major Collector for "A" Street, 112th to 120th Streets;
- (b) adding the functional classification designation of Rural Major Collector for 120th Street, "O" Street to Pioneers Boulevard; and
- (c) adjusting the Urban Area Boundary to include the Future Service Limit.

2. Amend the Existing City Streets Functional Classification on page E49 to adjust the functional classification for the E-3 area as shown on Attachment "A" by

- (a) adding the functional classification designation of Rural Major City Collector for "A" Street, 112th to 120th Streets;
- (b) adding the functional classification designation of Rural Major Collector for 120th Street, "O" Street to Pioneers Boulevard; and
- (c) adjusting Urban Area Boundary to include the Future Service Limit.

3. Amending the Lincoln/Lancaster County Land Use Plan and the Lincoln Area Detail from the Lincoln/Lancaster County Land Use Plan on pages F23 and F25 to reflect the land uses as shown on Attachment "B" which is attached hereto and made a part hereof by reference.

4. Amend the Future Functional Classification: City Streets on page F103 to adjust the Functional Classification Map for the E-3 Area as shown on Attachment "C" attached hereto and incorporated herein by reference by

- (a) adding the functional classification designation of Urban Minor Arterial for "A" Street, 112th to 120th Streets;
- (b) adding the functional classification designation of Urban Minor Arterial for 120th Street, O Street to Pioneers Boulevard;
and
- (c) adjusting the Urban Area Boundary to include the Future Service Limit.

5. Amending the Future Functional Classification: County Roads on page F104 to adjust the adjust the Functional Classification for the E-3 Area as shown on Attachment "C" by

- (a) adding the functional classification designation of Urban Minor Arterial for "A" Street, 112th to 120th Streets;
- (b) adding the functional classification designation of Urban Minor Arterial for 120th Street, O Street to Pioneers Boulevard; and
- (c) adjusting the Urban Area Boundary to include the Future Service Limit.

6. Amend the Project Studies: Lincoln Area Street and Roadway Improvements 2025 on page F105 to add roadway improvements for the E-3 Area as shown on Attachment "D", attached hereto and incorporated herein by reference, to include:

- (a) 98th Street, "A" Street to Old Cheney Road as 4-Lanes + TL;

- (b) 112th Street, Holdrege Street to Van Dorn Street as 4-Lanes + TL;
- (c) "A" Street, 98th Street to 112th Street as 4-Lanes + TL;
- (d) "A" Street, 112th Street to 120th Street as 2-Lanes + CTL;
- (e) Van Dorn Street, 84th Street to 112th Street as 4-Lanes + TL;
- (f) Pioneers Boulevard, 84th Street to 112th Street as 4-Lanes + TL;
- (g) 112th Street, Van Dorn Street to Pioneers Boulevard, as 2-Lanes + CTL;
- (h) 120th Street, "O" Street to Van Dorn Street as 2-Lanes + CTL.

7. Amend the Urban Area System Improvements listed on page F109 to add the following roadway improvements for the E-3 Area:

- (a) 98th Street, "A" Street to Old Cheney Road as 4-Lanes + TL;
- (b) 112th Street, Holdrege Street to Van Dorn Street as 4-Lanes + TL;
- (c) "A" Street, 98th Street to 112th Street as 4-Lanes + TL;
- (d) "A" Street, 112th Street to 120th Street as 2-Lanes + CTL;
- (e) Van Dorn Street, 84th Street to 112th Street as 4-Lanes + TL;
- (f) Pioneers Boulevard, 84th Street to 112th Street as 4-Lanes + TL;
- (g) 112th Street, Van Dorn Street to Pioneers Boulevard, as 2-Lanes + CTL;
- (h) 120th Street, "O" Street to Van Dorn Street as 2-Lanes + CTL.

8. Amend the Right of Way Standards on page F112 to add right-of-way designation for 120 feet within the E-3 Area as shown on Attachment "E", attached hereto and incorporated herein by reference, to include:

- (a) 112th Street, Holdrege Street to Old Cheney Road;
- (b) "A" Street, 98th Street to 120th Street;
- (c) Van Dorn Street, 98th Street to 120th Street;
- (d) 120th Street, "O" Street to Van Dorn Street.

9. Amend Tiers I and II, Right of Way on page F113 as shown on Attachment "F" attached hereto and incorporated herein by reference, to remove acquisition potential 120 feet of right-of-way for:

- (a) 112th Street, Holdrege Street to Old Cheney Road;
- (b) "A" Street, 98th Street to 120th Street;
- (c) Van Dorn Street, 98th Street to 120th Street;
- (d) 120th Street, "O" Street to Van Dorn Street.

10. Amend City of Lincoln Streets Plan, Project Funding through year 2025 on page F116 to add the estimated \$36,350,000.00 cost for the additional road improvements to the "Projected Expenditures" within (7) City/Fed/State Share of Major Projects, as shown on Attachment "G" attached hereto and incorporated herein by reference.

11. Amend Future Parks on page F134 to add four future neighborhood parks in the general vicinity as shown on the attached map, attached hereto as Attachment "H" and incorporated herein by reference.

12. 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 amendment.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02001.A - APPLICATION OF REALTY TRUST GROUP TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION FROM AGRICULTURE TO URBAN RESIDENTIAL AND COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 84TH AND VAN DORN STREETS - PRIOR to reading:

CAMP Moved to place Bill No. 02R-259 on pending indefinitely.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02001.B - APPLICATION OF REALTY TRUST GROUP TO AMEND THE

2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE DESIGNATION FROM AGRICULTURE TO URBAN RESIDENTIAL AND COMMERCIAL USES, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 84TH AND SOUTH STREETS - PRIOR to reading:

CAMP Moved to place Bill No. 02R-259 on pending indefinitely.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02002.2 - APPLICATION OF THE UNIVERSITY OF NEBRASKA-LINCOLN TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO MODIFY THE LAND USE DESIGNATION FOR THE DOWNTOWN CAMPUS AND THE EAST CAMPUS AREA TO REFLECT CURRENT BOUNDARIES AND FUTURE EXPANSION OF THE UNIVERSITY - CLERK read the following resolution, introduced by , who moved its adoption:

A-81814 WHEREAS, the Planning Director, on behalf of the University of Nebraska-Lincoln, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to modify land use designation for the downtown campus and east campus area to reflect current boundaries and future expansion; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed change and has recommended approval of said proposed change.

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

That the Lincoln/Lancaster County Land Use Plan and the Lincoln Area Detail from the Lincoln/Lancaster County Land Use Plan on pages F23 and F25, respectively, of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same are hereby revised to designate the areas as Public and Semi-Public and Residential as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

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 to such specific amendments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02002.4 - APPLICATION OF CONNIE HEIER AND PATRICIA SLAUGHTER TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE 215 ACRES FROM AGRICULTURE TO LOW DENSITY RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT S. 112TH TO 120TH STREETS, SOUTH OF OLD CHENEY ROAD. (IN CONNECTION W/02-166) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81815 WHEREAS, the Planning Director, on behalf of Connie Heier and Patricia Slaughter, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation of 215 acres of land at the southeast corner of S. 112th Street and Old Cheney Road from Agricultural use to Low Density Residential use; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed change and has recommended approval of said proposed change.

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

That the Lincoln Lancaster County Land Use Plan on page F23 of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby revised to designate 215 acres of land at the southeast corner of S. 112th Street and Old Cheney Road as Low Density Residential as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

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 to such specific amendments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda; NAYS: McRoy, Werner.

COMP. PLAN AMENDMENT 02002.8 - APPLICATION OF ARVID AND WAVA WUNDERLICH AND CORNHUSKER ENERGY LEXINGTON L.L.C. TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE 140 ACRES FROM AGRICULTURE AND AGRICULTURE STREAM CORRIDOR TO INDUSTRIAL, ON PROPERTY GENERALLY LOCATED AT N. 162ND STREET AND HIGHWAY 6 - CLERK read the following resolution,

introduced by Annette McRoy, who moved its adoption:

Seconded by Seng & **LOST** by the following vote: AYES: None;
NAYS: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner.

The resolution, having **LOST**, was assigned File #38-4420 & was placed on file in the Office of the City Clerk.

COMP. PLAN AMENDMENT 02002.9 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE 10-12 ACRES OF PUBLIC/SEMI-PUBLIC AND GREENSPACE TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND HAVELOCK AVENUE - PRIOR to reading:

SENG Moved to withdraw Bill No. 02R-265.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The resolution, having been **WITHDRAWN**, was assigned the File #38-4421 & was placed on file in the Office of the City Clerk.

COMP. PLAN AMENDMENT 02002.11 - APPLICATION OF KREIN REAL ESTATE TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE PROPERTY FROM PUBLIC AND SEMI-PUBLIC TO COMMERCIAL, ON PROPERTY GENERALLY LOCATED ONE BLOCK SOUTHEAST OF S. 70TH STREET AND O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81816 WHEREAS, the Planning Director, on behalf of Krein Real Estate, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation of land generally located one block southeast of S. 70th Street and "O" Street from Public and Semi Public to Commercial; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed change and has recommended approval of said proposed change.

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

That the Lincoln Lancaster County Land Use Plan and the Lincoln Detail Area on pages F23 and F25 of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same are hereby revised to designate the property at 600 S. 70th Street as Commercial as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

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 to such specific amendments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02002.12 - APPLICATION OF LINCOLN FEDERAL SAVINGS BANK TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO MOVE THE COMMUNITY CENTER DESIGNATION TO ½ MILE NORTH OF 40TH STREET AND ROKEBY ROAD AND DESIGNATE A NEW COMMERCIAL NEIGHBORHOOD CENTER GENERALLY SOUTHEAST OF S. 27TH STREET AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81817 WHEREAS, the Planning Director, on behalf of Lincoln Federal Savings Bank, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to move the Community Center designation from 40th and Rokeby Road to ½ mile north of 40th Street and Rokeby Road and to designate a new commercial Neighborhood Center generally southeast of S. 27th Street and Yankee Hill Road; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed change and has recommended approval of said proposed change.

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

1. That the Lincoln Lancaster County Land Use Plan and the Lincoln Area Detail on pages F23 and F25, respectively, of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same are hereby revised to move the Community Center designation from 40th and Rokeby Road to the area generally ½ mile between Rokeby Road and Yankee Hill Road on S. 40th Street as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

2. That the Existing and Proposed Commerce Centers figure on page F 41 and text under Proposed Locations on page F46 of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same are hereby revised to show and list the designated Community Center from South 40th

Street and Rokeby Road to generally ½ mile between Rokeby Road and Yankee Hill Road on S. 40th Street.

3. That the Existing and Proposed Commerce Centers figure on page F41 of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby revised to designate a new Neighborhood Center generally southeast of 27th Street and Yankee Hill Road as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

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 to such specific amendments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02002.14 - APPLICATION OF LAND CONSTRUCTION INC. TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE 257 ACRES FROM COMMERCIAL TO INDUSTRIAL, ON PROPERTY GENERALLY LOCATED AT S.W. 56TH STREET, SOUTH OF O STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81818 WHEREAS, the Planning Director, on behalf of Land Construction, Inc., has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the designation of 257 acres of land generally located at S.W. 56th Street, south of "O" Street from Commercial use to Industrial use; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed change and has recommended approval of said proposed change.

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

That the Lincoln Lancaster County Land Use Plan and Lincoln Area Detail on pages F23 and F25 respectively of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same are hereby revised to designate 257 acres of land at S.W. 56th Street, south of "O" Street as Industrial use as shown on Attachment "A" which is attached hereto and made a part hereof by reference.

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 to such specific amendments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 02003 - APPLICATION OF THE DIRECTOR OF PARKS & RECREATION TO AMEND THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO AMEND THE "FUTURE CONDITIONS: PARKS, RECREATION AND OPEN SPACE" SECTION TO CORRECT THE TEXT REGARDING THE DESCRIPTION OF NEIGHBORHOOD PARKS RELATING TO THE NUMBER OF ACRES COMPRISING A TYPICAL NEIGHBORHOOD PARK SITE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81819 WHEREAS, the Planning Director, on behalf of the Director of Parks and Recreation, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the "Future Conditions: Parks, Recreation and Open Space" to correct the text regarding the number of acres comprising a typical neighborhood park site; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has made recommendations on said proposed change and has recommended approval of said proposed amendment.

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

That the Parks, Recreation and Open Space section on page F136 of the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby revised to read as follows:

"Neighborhood Parks: Description

Sites of approximately ~~five to six~~ eight to twelve acres, centrally located within areas of residential development. Typical activity areas include playground equipment, open lawn area for informal games and activities, play court with a single basketball goal for informal games, seating, and walking paths."

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 to such specific amendments.

Introduced by Annette McRoy

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

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF THE DESIGN STANDARDS WHICH REQUIRE A TURNAROUND ON DEAD-END STREETS ON PROPERTY GENERALLY LOCATED AT OLD CHENEY ROAD AND HIGHWAY 2. (IN CONNECTION W/02-164, 02-170, 02R-277) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81820 WHEREAS, the Administrative Final Plat of West Gate Bank Addition has been submitted for approval; and

WHEREAS, one of the conditions of approval of Administrative Final Plats, pursuant to Lincoln Municipal Code § 26.23.080, is the requirement that dead end streets shall have a sixty foot minimum radius turnaround; and

WHEREAS, applicant has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the requirement of Lincoln Municipal Code § 26.23.280 relating to the required sixty foot turnaround for a dead end street, generally located at Old Cheney Road and Highway 2, is hereby waived for West Gate Bank Addition.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT 146 - APPLICATION OF CARL SJULIN AND WEST GATE BANK TO DEVELOP 60,000 SQ. FT. OF OFFICE AND FINANCIAL SPACE, WITH A WAIVER OF THE 45' HEIGHT LIMIT IN THE O-3 DISTRICT AND A WAIVER OF THE STREET TREES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND HIGHWAY 2. (IN CONNECTION W/02-164, 02-170, 02R-276) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81821 WHEREAS, Carl Sjulín and West Gate Bank have submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 146 for authority to construct 60,000 sq. ft. of office and financial space, together with the associated request for a waiver of the 45' height limit of the O-3 Office park District and waiver of the required street trees along Highway 2, on property generally located at Old Cheney Road and Highway 2, and legally described to wit:

A portion of vacated Wagon Lane, Outlot "C" Frontier Acres, the remaining portion of Outlot "B" Frontier Acres, the remaining portion of Lot 46 I.T., and Lots 130 I.T. and 157 I.T., all located in the Northwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows: Commencing at the northeast corner of the remaining portion of Outlot "B" Frontier Acres, said point being 50.00 feet south of the north line of said Northwest Quarter of Section 16, said point being the true point of beginning; thence on an assumed bearing of south 00 degrees 04 minutes 08 seconds west along the east line of the remaining portion of said Outlot "B", the east line of a portion of vacated Wagon Lane, and the east line of Outlot "C" Frontier Acres, a distance of 673.89 feet to the southeast corner of said Outlot "C"; thence south 89 degrees 55 minutes 26 seconds west along the south line of said Outlot "C", a distance of 60.20 feet to the southwest corner of said Outlot "C", said point being the southeast corner of the remaining portion of Lot 46 I.T; thence north 59 degrees 00 minutes 59 seconds west along the south line of said remaining portion of Lot 46 I.T., said line being the north line of Nebraska Highway Number 2

right-of-way, a distance of 128.34 feet to the southwest corner of said remaining portion of Lot 46 I.T., said point being the southeast corner of Lot 130 I.T.; thence north 55 degrees 52 minutes 26 seconds west along a south line of said Lot 130 I.T., said line being the north line of said right-of-way, a distance of 192.25 feet to a south corner of said Lot 130 I.T.; thence north 48 degrees 51 minutes 49 seconds west along a south line of said Lot 130 I.T., and the south line of Lot 157 I.T., said line being the north line of said right-of-way, a distance of 401.95 feet to the west corner of said Lot 157 I.T.; thence north 38 degrees 25 minutes 22 seconds east along a northwest line of said Lot 157 I.T., said line being a southeast line of Old Cheney Road right-of-way, a distance of 108.15 feet to a northwest corner of said Lot 157 I.T.; thence along a curve in a clockwise direction, having a radius of 522.96 feet, arc length of 216.38 feet, delta angle of 23 degrees 42 minutes 24 seconds, a chord bearing of north 57 degrees 11 minutes 58 seconds east along a northwest line of said Lot 157 I.T., and a northwest line of Lot 130 I.T., said line being a southeast line of said right-of-way, and a chord length of 214.84 feet to a north corner of said Lot 130 I.T.; thence north 75 degrees 43 minutes 38 seconds east along a north line of said Lot 130 I.T., said line being a south line of said right-of-way, a distance of 41.11 feet to a north corner of said Lot 130 I.T.; thence north 75 degrees 40 minutes 13 seconds east along a north line of said Lot 130 I.T., said line being a south line of said right-of-way, a distance of 35.42 feet to a north corner of said Lot 130 I.T.; thence north 70 degrees 30 minutes 00 seconds east along a north line of said Lot 130 I.T., said line being a south line of said right-of-way, a distance of 16.05 feet to a north corner of said Lot 130 I.T.; thence north 85 degrees 27 minutes 00 seconds east along a north line of said Lot 130 I.T., said line being a south line of said right-of-way, a distance of 45.03 feet to a north corner of said Lot 130 I.T.; thence north 89 degrees 31 minutes 04 seconds east along a north line of said Lot 130 I.T., said line being a south line of said right-of-way, a distance of 80.36 feet to the northeast corner of said Lot 130 I.T., said point being the northwest corner of the remaining portion of Lot 46 I.T.; thence north 83 degrees 13 minutes 39 seconds east along a north line of said remaining portion of Lot 46 I.T., said line being a south line of said right-of-way, a distance of 50.85 feet to a north corner of said remaining portion of Lot 46 I.T.; thence north 90 degrees 00 minutes 00 seconds east along the north line of said remaining portion of Lot 46 I.T., and the north line of the remaining portion of Outlot "B" Frontier Acres, said line being the south line of said right-of-way, said line also being 50.00 feet south of and parallel with the north line of said Northwest Quarter, a distance of 120.07 feet to the point of beginning, said tract contains a calculated area of 279,651.45 square feet or 6.42 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this office and financial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent 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 Carl Sjulín and West Gate Bank, hereinafter referred to as "Permittee", to construct 60,000 sq. ft. of office and financial space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the

Lincoln Municipal Code upon condition that construction and operation of said office and financial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 60,000 square foot building to accommodate a 4,500 square foot drive-through bank and 55,500 square feet of office space, with waiver to the maximum height of the district as shown on the site plan and waiver of the required location and spacing of street trees along Highway 2.

2. Before receiving building permits:

a. The Permittee must submit a revised and reproducible final plan including five copies.

b. The construction plans must conform to the approved plans.

3. Before occupying the building all development and construction must be completed in conformance with the approved plans.

4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81822 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed October 28, 2002, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance 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 Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADOPTING THE WATER SYSTEM IMPACT FEE, WATER DISTRIBUTION IMPACT FEE, WASTEWATER IMPACT FEE, ARTERIAL STREET IMPACT FEE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULES TO BE USED TO DETERMINE THE AMOUNT OF EACH REQUIRED IMPACT FEE PURSUANT TO THE REQUIREMENT OF THE IMPACT FEE ORDINANCE.(In connection w/02-160, 02-161, 02R-207) - PRIOR to reading:

WERNER Moved to delay action on Bill 02-161 to 12/9/02.

Seconded by Seng & **LOST** by the following vote: AYES: Cook, McRoy, Werner; NAYS: Camp, Friendt, Seng, Svoboda.

FRIENDT Moved to place Bill No. 02-161 on pending, with no date certain.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Seng, Werner.

APPROVING A SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81825 WHEREAS, the City Council of Lincoln, Nebraska, is authorized under Section 17.22.010 of the Lincoln Municipal Code to establish water

use charges for all customers of the Lincoln Water System.

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

Effective with the billing cycle commencing on November 15, 2002, and ending January 15, 2003, the following schedule of water use charges is hereby established and adopted:

SCHEDULE A

The following rate schedule shall apply to all residential property. "Residential Property" shall be defined as property consisting of dwelling units. If there is more than one use per master meter on any one property including the residential use, the schedule to be used will be determined as residential, if the residential portion is 50 percent or more of the area of the building.

86 cents per 100 cubic feet for the first 800 cubic feet of water used per dwelling unit each month.

117 cents per 100 cubic feet for the next 1500 cubic feet of water used per dwelling unit each month.

164 cents per 100 cubic feet for all additional water used each month. The monthly Service Charge shall be hereinafter provided.

SCHEDULE B

The following rate schedule shall apply for the current calendar year to all non-residential property that used less than 12,000,000 cubic feet of water in the previous calendar year:

86 cents per 100 cubic feet for the first 8000 cubic feet of water used per month.

117 cents per 100 cubic feet for all additional water used each month. The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE C

The following rate schedule shall apply for the current year to all non-residential property that used more than 12,000,000 cubic feet of water in the previous calendar year. On a calendar year basis, a "base usage" of each high user customer will be determined. The base usage is an average of the water usage of each high user customer for the previous three (3) calendar years. The following fees would apply: 80 cents per 100 cubic feet for water usage less than base to 5% above base.

84 cents per 100 cubic feet for water usage 5% - 15% above base.

88 cents per 100 cubic feet for water usage 15% - 25% above base.

93 cents per 100 cubic feet for water usage for all water usage over 25% above base.

The minimum monthly Service Charge shall be as hereinafter provided.

SCHEDULE D - PROVISIONS APPLICABLE -

TO ALL TYPES OF WATER SERVICE

Service Charge. There shall be a Service Charge per month to each property using the Lincoln Water System, determined by the number and size of the water meter, or meters, serving such property, to-wit:

WATER METER SIZE	SERVICE CHARGE FOR WATER METER
5/8 inch	\$ 2.95
3/4 inch	2.95
1 inch	2.95
1-1/2 inch	5.90
2 inch	11.80
3 inch	26.55
4 inch	47.20
6 inch	106.15
8 inch	188.75
10 inch	294.90

The Service Charge for a multiple dwelling unit or mobile home shall be at least \$1.81 per dwelling unit or mobile home hookup space per month. In those instances where fire protection considerations dictate that a water meter larger than 1-inch service a single-family dwelling unit located on a single lot, the monthly service charge shall be \$2.95 per dwelling unit. A dwelling unit shall, for the purpose of this schedule, be defined as a room or rooms in which kitchen facilities are provided, located in the building or structure used by a facility or household as a home or residence of the family or household.

WATER RATES TO CUSTOMERS OUTSIDE

THE CITY LIMITS

Customers located outside the City Limits of Lincoln and served by the water system of the City of Lincoln shall pay the same water rates charged to customers within the City Limits of Lincoln for water furnished them by the water system of the City of Lincoln.

BE IT FURTHER RESOLVED that Resolution No. A-81410, adopted by the City Council on March 25, 2002, is hereby superseded.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: Cook, Werner.

PETITIONS & COMMUNICATIONS

The following were referred to the Planning Dept.:

CHANGE OF ZONE 3388 - APPLICATION OF CARPENTER MOTORS FOR A CHANGE OF ZONE FROM H-2 TO B-3 ON PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTH COTNER AND "O" STREETS.

CHANGE OF ZONE 3389 - APPLICATION OF CHEE-VEE LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM B-1 TO H-2 ON PROPERTY LOCATED AT 2105 & 2109 HIGHWAY 2.

SPECIAL PERMIT 1994 - APPLICATION OF BARBARA A. BAIER TO EXPAND A NONSTANDARD SINGLE-FAMILY DWELLING INTO A REQUIRED YARD ON PROPERTY LOCATED AT 727 S. 18TH STREET.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR OCTOBER 28 THROUGH NOVEMBER 1, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81823 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

INVESTMENT OF FUNDS FOR NOVEMBER 4 THROUGH NOVEMBER 8, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81824 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL NOVEMBER 4, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTED DURING THE MONTH OF OCTOBER, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR OCTOBER, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTH OF JULY, AUG., & SEPT., 2002: PNG TELECOMMUNICATIONS, INC.; FOR THE MONTH OF SEPTEMBER, 2002: AMERICAN FARM BUREAU, INC., IBM GLOBAL SERVICES-NS DIV., GE BUSINESS PROD. SOLUTIONS, ACCESS LINE COMMUNICATIONS CORP., QUANTUM SHIFT COMMUNICATIONS, NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC., US PAGING, LLC, SHAFFER COMMUNICATIONS, INC., BELL ATLANTIC COMMUNICATIONS, ALLTEL COMMUNICATIONS OF NEBRASKA, INC., VERIZON SELECT SERVICES, INC., AND MCLEOD USA TELECOMMUNICATIONS SERVICES, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

CREATING WATER DISTRICT NO. 1189 IN N.W. 23RD STREET, WEST Q TO WEST O, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Water District No. 1189 in N.W. 23rd Street, West Q to West O, and assessing the cost thereof against the benefitted property, the first time.

CREATING SEWER DISTRICT NO. 1178 IN N.W. 23RD STREET, WEST Q TO WEST O, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Sewer District No. 1178 in N.W. 23rd Street, West Q to West o, and assessing the cost thereof against the benefitted property, the first time.

CREATING ALLEY PAVING DISTRICT NO. 363 FROM 26TH STREET TO 27TH STREET BETWEEN Q AND R STREETS, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Alley Paving District No. 363 from 26th Street to 27th Street between Q and R Streets, and assessing the cost thereof against the benefitted property, the first time.

CREATING PAVING DISTRICT NO. 2624 IN FRONTAGE ROAD WHICH PARALLELS N. HIGHWAY 77 FROM HOLLAND ROAD SOUTH APPROXIMATELY 1,375 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Paving District No. 2624 in Frontage Road which parallels N. Highway 77 from Holland Road south approximately 1,375 feet and assessing the cost thereof against the benefitted property, the first time.

ACCEPTING AND APPROVING THE LEASE AGREEMENTS BETWEEN THE CITY AND NEBRASKA MACHINERY COMPANY FOR THE LEASE OF FOUR ARTICULATED FRAME FOUR-WHEEL DRIVE MOTOR GRADERS FOR THE SNOW REMOVAL SEASON NOVEMBER 2002 THROUGH FEBRUARY 2003 WITH AN OPTION TO RENEW FOR TWO ADDITIONAL SNOW REMOVAL SEASONS, AND DECLARING AN EMERGENCY. (REQUEST 2ND & 3RD READINGS W/EMERGENCY CLAUSE)- CLERK read an ordinance, introduced by Annette McRoy, accepting and approving the lease agreements between the City and Nebraska Machinery Company for the lease of four articulated frame four-wheel drive motor graders for the snow removal season November 2002 through February 2003 with an option to renew for two additional snow removal seasons, and declaring an emergency, the first time.

AUTHORIZING THE TRANSFER OF FUNDS AND APPROPRIATIONS WITHIN THE CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATE UNPROGRAMMED KENO FUNDS FOR VARIOUS PARKS & RECREATIONS DEPT. PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, authorizing the transfer of funds and appropriations within the Capital Improvement Program and appropriate unprogrammed Keno funds for various Parks & Recreations Dept. projects, the first time.

ACCEPTING THE OFFER OF PINE LAKE DEVELOPMENT, L.L.C. TO DEDICATE 98TH STREET RIGHT-OF-WAY GENERALLY LOCATED NORTH OF PINE LAKE ROAD, ABUTTING 98TH STREET TO THE WEST - CLERK read an ordinance, introduced by Annette McRoy, accepting the offer of Pine Lake Development, L.L.C. to dedicate 98th Street Right-of-Way generally located north of Pine Lake Road, abutting 98th Street to the west, the first time.

CHANGE OF ZONE 77HP - APPLICATION OF THE DIRECTOR OF URBAN DEVELOPMENT TO DESIGNATE THE FORMER U.S. POST OFFICE AND COURTHOUSE (OLD FEDERAL BUILDING) AS A LANDMARK, GENERALLY LOCATED AT 129 N. 10TH STREET.(IN CONNECTION W/02-179 & 02-184) - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 77HP - application of the Director of Urban Development to designate the former U.S. Post Office and Courthouse (Old Federal Building) as a landmark, generally located at 129 N. 10th Street, the first time.

CHANGE OF ZONE 3377 - APPLICATION OF THE DIRECTOR OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 9TH AND O STREETS.(IN CONNECTION W/02-178 & 02-184) - CLERK read an ordinance, introduce by Annette McRoy, for a Change of Zone 3377, application of the Director of Urban Development for a Change of Zone from P Public use to B-4 Lincoln Center Business District on property generally located at 9th and O Streets, the first time.

CHANGE OF ZONE 3379 - APPLICATION OF MARVIN AND BARBARA ARMSTRONG FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT N. 58TH STREET AND 120' NORTH OF BALLARD AVENUE - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3379, application of Marvin and Barbara Armstrong for a Change of Zone from R-4 residential to I-1 Industrial on property generally located at N. 58th Street and 120' north of Ballard Avenue, the first time.

CHANGE OF ZONE 3383 - APPLICATION OF CAPITOL SPORTS FOUNDATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 70TH STREET AND SALT CREEK, SOUTH OF ARBOR ROAD - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3383, application of Capitol Sports Foundation for a Change of Zone from AG Agricultural to I-1 Industrial on property generally located at the Northeast corner of N. 70th Street and Salt Creek, south of Arbor Road, the first time.

CHANGE OF ZONE 3384 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO O-2 SUBURBAN OFFICE ON PROPERTY GENERALLY LOCATED AT 201 CAPITOL BEACH BLVD - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3384, application of the Planning Director for a Change of Zone from R-2 Residential to O-2 Suburban Office on property generally located at 201 Capitol Beach Blvd., the first time.

ACCEPTING THE OFFER OF STONE BRIDGE CREEK, L.L.C. TO DEDICATE ALVO ROAD RIGHT-OF-WAY GENERALLY LOCATED WEST OF NORTH 14TH STREET - CLERK read an ordinance, introduced by Annette McRoy, accepting the offer of Stone Bridge Creek, L.L.C. to dedicate Alvo Road right-of-way generally located west of north 14th Street, the first time.

DECLARING THE "COMFORT STATION AT OLD FEDERAL PLACE" AS SURPLUS PROPERTY ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 9TH AND O STREETS. (In connection with 02-178 & 02-179) - CLERK read an ordinance, introduced by Annette McRoy, declaring the "Comfort Station at Old Federal Place" as surplus property on property generally located at the Southwest corner of 9th and O Streets, the first time.

ORDINANCES - 3RD READING

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER "E" BY CHANGING THE PAY RANGE OF PERSONNEL CLERK FROM E01 TO X11. - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for a certain employee group prefixed by the letter "E" by changing the pay range of personnel clerk from E01 to X11, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance being numbered #18086 is recorded in Ordinance Book No. 25, Page

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS PREFIXED BY THE LETTERS "A" AND "C" TO CREATE THE CLASSIFICATIONS OF "SOLID WASTE OPERATIONS SUPERVISOR" AND "UTILITY ENGINEERING SPECIALIST." - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for certain employee groups prefixed by the letters "A" and "C" to create the classifications of "Solid Waste Operations Supervisor" and "Utility Engineering Specialist.", the third time.

CAMP Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance being numbered #18087 is recorded in Ordinance Book No. 25, Page

AMENDING TITLE 6 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS BY ADDING A NEW CHAPTER 6.02 RELATING TO ANIMAL CONTROL DEFINITIONS WHICH CONSOLIDATES THE DEFINITIONS PREVIOUSLY FOUND IN CHAPTERS 6.04, 6.08, 6.10 AND 6.12 AND REVISES THE DEFINITION OF REVISED DEFINITIONS FOR "HOBBY KENNEL" OR "CATTERIES," "KENNEL," AND "FOWLS," AND ADDS NEW DEFINITIONS FOR "ANIMAL RESCUE ORGANIZATION," "ANIMAL SHELTER," "FOSTER HOMES," "ROOSTER," "COMMERCIAL BOARDING KENNEL," "COMMERCIAL BREEDING

KENNEL," "DOG KENNEL," "INDOOR HOUSING FACILITY," "MULTI-DOG HOUSEHOLD," "MULTI-CAT HOUSEHOLD," "OUTDOOR HOUSING FACILITY," AND "WRITTEN CONSENT"; AND; BY AMENDING CHAPTER 6.04 RELATING TO ANIMAL CONTROL REGULATIONS IN GENERAL TO PROHIBIT ROOSTERS WITHIN THE CITY OF LINCOLN, TO REGULATE ANIMAL RESCUE ORGANIZATIONS, AND TO MODIFY PERMIT FEE PROVISIONS; BY AMENDING CHAPTER 6.08 RELATING TO DOGS TO SET MINIMUM PENALTY AMOUNTS FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO INCREASE LICENSING FEES FOR DOGS, TO REQUIRE DISPOSAL OF DOG FECES OR MANURE IN A SANITARY MANNER, TO PERMIT AND REGULATE MULTI-DOG HOUSEHOLDS, TO PERMIT AND REGULATE COMMERCIAL BREEDING KENNELS, AND TO EXEMPT COMMERCIAL BREEDING KENNELS AND MULTI-DOG HOUSEHOLDS FROM THE PROHIBITION OF MAINTAINING A DOG KENNEL; BY AMENDING CHAPTER 6.10 RELATING TO DANGEROUS DOGS TO ALLOW THE USE OF MICROCHIPS FOR MARKING SUCH DOGS AND TO SET MINIMUM PENALTIES; BY AMENDING 6.12 RELATING TO CATS TO SET MINIMUM PENALTIES FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO PLACE A LIMIT ON THE NUMBER OF CATS A PERSON MAY OWN WITHOUT A MULTI-CAT HOUSEHOLD, CATTERY OR HOBBY KENNEL PERMIT, TO INCREASE LICENSE FEES FOR CATS, TO INCREASE LICENSE FEES FOR CATTERIES AND HOBBY KENNELS, TO PERMIT AND REGULATE MULTI-CAT HOUSEHOLDS, TO ALLOW CURRENT CAT OWNERS OR THOSE WHO ARE SUBSEQUENTLY ANNEXED INTO THE CITY WHO OWN MORE THAN 15 CATS TO RETAIN ALL THEIR CATS UNTIL DEATH OR TRANSFER OF OWNERSHIP OF THE CAT; IN ORDER TO IMPLEMENT THE RECOMMENDATIONS OF THE ANIMAL CONTROL BOARD - PRIOR to reading:

WERNER Moved 3 motions to amend Bill No. 02-157.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Werner; NAYS: Svoboda.

CLERK Read the following ordinance introduced by Terry Werner, amending title 6 of the Lincoln Municipal Code relating to animals by adding a new chapter 6.02 relating to animal control definitions which consolidates the definitions previously found in Chapters 6.04, 6.08, 6.10 and 6.12 and revises the definition of revised definitions for "hobby kennel" or "catteries," "kennel," and "fowls," and adds new definitions for "animal rescue organization," "animal shelter," "foster homes," "rooster," "commercial boarding kennel," "commercial breeding kennel," "dog kennel," "indoor housing facility," "multi-dog household," "multi-cat household," "outdoor housing facility," and "written consent"; and; by amending chapter 6.04 relating to animal control regulations in general to prohibit roosters within the City of Lincoln, to regulate animal rescue organizations, and to modify permit fee provisions; by amending Chapter 6.08 relating to dogs to set minimum penalty amounts for repetitive violations of licensing requirements, to increase licensing fees for dogs, to require disposal of dog feces or manure in a sanitary manner, to permit and regulate multi-dog households, to permit and regulate commercial breeding kennels, and to exempt commercial breeding kennels and multi-dog households from the prohibition of maintaining a dog kennel; by amending chapter 6.10 relating to dangerous dogs to allow the use of microchips for marking such dogs and to set minimum penalties; by amending 6.12 relating to cats to set minimum penalties for repetitive violations of licensing requirements, to place a limit on the number of cats a person may own without a multi-cat household, cattery or hobby kennel permit, to increase license fees for cats, to increase license fees for catteries and hobby kennels, to permit and regulate multi-cat households, to allow current cat owners or those who are subsequently annexed into the city who own more than 15 cats to retain all their cats until death or transfer of ownership of the cat; in order to implement the recommendations of the animal control board, the third time.

WERNER Moved to pass the ordinance as amended.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance being numbered **#18092** is recorded in Ordinance Book No. 25, Page

VACATING THE WEST 60.15 FEET OF WAGON LANE FROM THE SOUTH LINE OF OUTLOT B TO THE NORTH LINE OF OUTLOT C, FRONTIER ACRES, GENERALLY LOCATED AT S. 62ND STREET AND WAGON LANE.(In connection w/02-170, 02R-276, 02R-277) - PRIOR to reading:

SVOBODA Moved to waive Council rules to have 2nd & 3rd reading on this date.

Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: Cook, Werner.

CLERK Read an ordinance, introduced by Glenn Friendt, vacating the west 60.15 feet of Wagon Lane from the south line of Outlot B to the north line of Outlot C, Frontier Acres, generally located at S. 62nd Street and Wagon Lane, the third time.

FRIENDT Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance being numbered #18090 is recorded in Ordinance Book No. 25, Page

CHANGE OF ZONE 3375 - APPLICATION OF CARL SJULIN AND WEST GATE BANK FOR A
CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK ON
PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY
ROAD AND HIGHWAY 2. (In connection w/02-164, 02R-276, 02R-277) - PRIOR
to reading:

SVOBODA Moved to waive Council rules to have 2nd & 3rd reading on this
date.
Seconded by Seng & carried by the following vote: AYES: Camp,
Friendt, McRoy, Seng, Svoboda; NAYS: Cook & Werner.

CLERK Read an ordinance, introduced by Glenn Friendt, for a Change of
Zone 3375, application of Carl Sjulín and West Gate Bank for a Change of
Zone from AGR Agricultural Residential to O-3 Office Park on property
generally located northeast of the intersection of Old Cheney Road and
Highway 2.

FRIENDT Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance being numbered #18091 is recorded in Ordinance Book No. 25, Page

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A
NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY;
TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND
PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW
SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050
TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060
TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070
TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE
ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF
IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-
ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A
NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-
ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE
FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR
MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247, 02R-207) -
PRIOR to reading:

WERNER Moved to delay action on Bill 02-160 to 12/9/02.
Seconded by Seng & **LOST** by the following vote: AYES: Cook, McRoy,
Werner; NAYS: Camp, Friendt, Seng, Svoboda.

FRIENDT Moved to place Bill No. 02-160 on pending, with no date certain.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Friendt, McRoy, Svoboda; NAYS: Cook, Seng, Werner.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION ORDINANCE)
TO AMEND SECTION 26.23.040 TO MODIFY THE REFERENCE TO THE COMPREHENSIVE
PLAN AND TO INCREASE THE MINIMUM RIGHT-OF-WAY WIDTH FOR BIKEWAYS FROM A
14-FOOT EASEMENT TO A 20-FOOT EASEMENT; AND TO AMEND SECTION 26.23.160
TO REQUIRE A DEDICATION OF LAND OR PAYMENT OF AN IMPACT FEE FOR
NEIGHBORHOOD PARKS AND TRAILS. (IN CONNECTION W/02-160, 02R-247, 02R-207)
- PRIOR to reading:

WERNER Moved to delay action on Bill 02-161 to 12/9/02.
Seconded by Seng & **LOST** by the following vote: AYES: Cook, McRoy,
Werner; NAYS: Camp, Friendt, Seng, Svoboda.

FRIENDT Moved to place Bill No. 02-161 on pending, with no date certain.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Friendt, McRoy, Svoboda; NAYS: Cook, Seng, Werner.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE WATER
SYSTEM OF THE CITY OF LINCOLN, NEBRASKA, AND DECLARING AN EMERGENCY -
PRIOR to reading:

WERNER Moved to waive Council rules to have 2nd & 3rd reading on this
date.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, authorizing and
providing for the issuance of revenue bonds of the water system of the
City of Lincoln, Nebraska, and declaring an emergency, the third time.

MCROY Moved to pass Ordinance as read.

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Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.
The ordinance being numbered #18088 is recorded in Ordinance Book No. 25, Page

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$58,000,000 AGGREGATE PRINCIPAL AMOUNT OF LINCOLN WATER SYSTEM REVENUE AND REFUNDING BONDS IN ONE OR MORE SERIES, AND RELATED MATTERS, AND DECLARING AN EMERGENCY - PRIOR to reading:

WERNER Moved to waive Council rules to have 2nd & 3rd reading on this date.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, authorizing and providing for the issuance of not to exceed \$58,000,000 aggregate principal amount of Lincoln water system revenue and refunding bonds in one or more series, and related matters, and declaring an emergency, the third time.

MCROY Moved to pass Ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

The ordinance being numbered #18089 is recorded in Ordinance Book No. 25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 25, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on November 25, 2002.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: None; ABSENT: McRoy.

ADJOURNMENT

6:15 P.M.

CAMP Moved to adjourn the City Council meeting of November 18, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: None; ABSENT: McRoy.
So ordered.

Joan E. Ross, City Clerk

Glenna S. Graupmann, Sr. Office Assistant

