

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 26, 2004 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Camp; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Joan Ross, City Clerk.

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

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of January 12, 2004, reported having done so, found same correct.

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

Allan Abbott, Director of Public Works and Utilities, came forward to discuss the Mayor's announcement of the snow emergency on all snow emergency routes, arterial streets and bus routes and the snow emergency parking ban. Discussion followed.

PUBLIC HEARING

MANAGER APPLICATION OF DAVID M. SOFLIN FOR HINKY DINKY LINCOLN #9 LLC DBA SUNMART #738 AT 2145 S. 17TH STREET - David M. Soflin, 511 Lakeside Drive, Apartment 202, took oath and came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF MARTY L. DLOUHY FOR B&R STORES, INC. DBA RUSS'S BISHOP HEIGHTS IGA AT 4200 S. 27TH STREET - Marty L. Dlouhy, 375 2nd Street, Garland, Nebraska, took oath and came forward to answer any questions.

This matter was taken under advisement.

APPROVING A FOUR-YEAR FINANCIAL CONSULTING SERVICE AGREEMENT BETWEEN THE CITY AND AMERITAS INVESTMENT - Don Herz, Director of Finance, came forward for approval for Ameritas to serve as our financial advisor for the next four years. Discussion followed.

This matter was taken under advisement.

STREET AND ALLEY VACATION 03012 - VACATING THE EAST-WEST ALLEY IN BLOCK 1, TRESTERS ADDITION, FROM THE EAST LINE OF N. 26TH STREET TO THE WEST LINE OF N. 27TH STREET, ON PROPERTY GENERALLY LOCATED AT N. 27TH AND Y STREETS - Ken Seacrest, representing B&J Partnership, came forward for approval of this street and alley vacation and discussed the plans for this area.

This matter was taken under advisement.

SPECIAL PERMIT 2043 - APPLICATION OF PAPKE'S, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 6112 HAVELOCK AVENUE - Nick Papke, 4806 West Vosler Street, came forward for approval of this special permit application. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 2031 - APPLICATION OF PEARLE F. FINIGAN TO DEVELOP FINIGAN 2ND ADDITION COMMUNITY UNIT PLAN FOR FOUR ACREAGE RESIDENTIAL UNITS, INCLUDING WAIVERS TO THE YARD SETBACKS, MINIMUM LOT AREA, ORNAMENTAL STREET LIGHTING, SIDEWALKS, STREET TREES, LANDSCAPE SCREEN, AND STORMWATER DETENTION, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. 84TH STREET AND WAVERLY ROAD - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Pearle F. Finnigan for approval of this special permit application. Discussion followed.

Michael Morosin, 2055 S Street, came forward and discussed his concerns regarding planting trees, putting in sidewalks, and looking into storm water detention in this area.

Ray Hill, Planning Department, came forward to answer any questions regarding this special permit and his deferral recommendation. Discussion followed.

Mark Hunzeker, came forward for rebuttal. Discussion followed.
This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Michael Morosin, 2055 S Street, came forward to discuss his opinion of the importance of allowing the public to come forward and express their concerns. He also stated that 5 minutes was not long enough to present their concerns.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF DAVID M. SOFLIN FOR HINKY DINKY LINCOLN #9 LLC DBA SUMMART #738 AT 2145 S. 17TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption for approval:

A-82546 WHEREAS, Hinky Dinky Lincoln #9 LLC dba Sunmart located at 2145 S. 17th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that David M. Soflin be named manager;

WHEREAS, David M. Soflin 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 David M. Soflin 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 Terry Werner

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

MANAGER APPLICATION OF MARTY L. DLOUHY FOR B&R STORES, INC. DBA RUSS'S BISHOP HEIGHTS IGA AT 4200 S. 27TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption for approval:

A-82547 WHEREAS, B&r Stores, Inc. dba Russ's Bishop Heights IGA located at 4200 S 27th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Marty L. Dlouhy be named manager;

WHEREAS, Marty L. Dlouhy 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 Marty L. Dlouhy be approved as manager of this business for said licensee. The City is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Terry Werner

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

ORDINANCES - 2ND READING

APPROVING A FOUR-YEAR FINANCIAL CONSULTING SERVICE AGREEMENT BETWEEN THE CITY AND AMERITAS INVESTMENT - CLERK read an ordinance, introduced by Patte Newman, approving an agreement between the City of Lincoln and Ameritas Investment Corp. for the provision of financial consulting services to the City of Lincoln, the second time.

STREET NAME CHANGE 03008 - NAMING THE NEW STREET CONSTRUCTED AS PART OF THE A STREET OVERPASS PROJECT AS S.W. 1ST STREET, GENERALLY LOCATED AT S.W. 1ST AND WEST A STREETS - CLERK read an ordinance, introduced by Patte Newman, naming the new street constructed as part of the A Street Overpass Project as S.W. 1st Street located generally at S.W. 1st Street and West A Street, as recommended by the Street Name Committee, the second time.

STREET AND ALLEY VACATION 03012 - VACATING THE EAST-WEST ALLEY IN BLOCK 1, TRESTERS ADDITION, FROM THE EAST LINE OF N. 26TH STREET TO THE WEST LINE OF N. 27TH STREET, ON PROPERTY GENERALLY LOCATED AT N. 27TH AND Y STREETS - CLERK read an ordinance, introduced by Patte Newman, vacating the east-west alley in Block 1, Tresters Addition, from the east line of N. 26th Street to the west line of N. 27th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

RESOLUTIONS

APPLICATION OF NEBRASKA AGRI-BUSINESS ASSOCIATION AT 1335 H STREET, SUITE 100, TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM JANUARY 27, 2004 THROUGH JANUARY 29, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82548 WHEREAS, Nebraska Agri-Business Association has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Nebraska Agri-Business Association to conduct a raffle in the City of Lincoln in accordance with the application filed by Robert Anderson. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

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

APPLICATION OF ST. PATRICK'S CHURCH AT 6126 MORRILL AVENUE TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM JANUARY 30, 2004 THROUGH MARCH 17, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82549 WHEREAS, St. Patrick's Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.50 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Patrick's Church to conduct a lottery in the City

of Lincoln in accordance with the application filed by Stan Fraas. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

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

APPROVING BOB'S GRIDIRON GRILLE & PIGSKIN PUB AT 4201 S. 27TH STREET AS A KENO SATELLITE SITE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82550 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Bob's Gridiron Grille & Pigskin Pub, 4200 S. 27th Street, Lincoln, NE 68502.

The City Clerk is directed to return an executed copy of this Resolution to Bob's Gridiron Grille & Pigskin Pub, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Ken Svoboda

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

SPECIAL PERMIT 2043 - APPLICATION OF PAPKE'S, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 6112 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82551 WHEREAS, Papke's, Inc. has submitted an application designated as Special Permit No. 2043 for authority to sell alcoholic beverages for consumption on the premises generally located at 6112 Havelock Avenue, legally described as:

Lot 15, Block 15, Havelock, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises 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 Papke's, Inc., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only.

2. 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 the special permit or take such other action as may be necessary to gain compliance.

3. 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 Ken Svoboda

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

SPECIAL PERMIT 2031 - APPLICATION OF PEARLE F. FINIGAN TO DEVELOP FINIGAN 2ND ADDITION COMMUNITY UNIT PLAN FOR FOUR ACREAGE RESIDENTIAL UNITS, INCLUDING WAIVERS TO THE YARD SETBACKS, MINIMUM LOT AREA, ORNAMENTAL STREET LIGHTING, SIDEWALKS, STREET TREES, LANDSCAPE SCREEN, AND STORMWATER DETENTION, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF N. 84TH STREET AND WAVERLY ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-82552 WHEREAS, Pearle F. Finigan has submitted an application designated as Special Permit No. 2031 for authority to develop Finigan 2nd Addition Community Unit Plan consisting of four acreage residential units on property located northwest of the intersection of North 84th Street and Waverly Road, and legally described to wit:

The Northeast Quarter of the Southeast Quarter and a portion of Lot 9 I.T., located in Section 10, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more fully described as follows: Beginning at the north 1/16 corner of the Southeast Quarter of said Section 10 and extending thence south 89 degrees 18 minutes 40 seconds east, a distance of 1315.75 feet; thence south 00 degrees 11 minutes 32 seconds east, 2037.56 feet; thence north 89 degrees 16 minutes 08 seconds west, 50.01 feet; thence south 00 degrees 11 minutes 32 seconds east, 550.07 feet; thence south 89 degrees 16 minutes 08 seconds east, 1249.56 feet; thence south 00 degrees 11 minutes 32 seconds east, 1268.33 feet; thence south 89 degrees 17 minutes 24 seconds east, 16.13 feet; thence north 00 degrees 11 minutes 43 seconds west, 1318.34 feet to the point of beginning, containing an area of 77.032 acres more or less;

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 Pearle F. Finigan, hereinafter referred to as "Permittee", to develop Finigan 2nd Addition Community Unit Plan consisting of four dwelling units, 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 single family lots and the following waivers:
 - a. A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree land subdivision requirements since the area is of larger lots, rural in nature, and the subdivision will not be annexed.
 - b. A modification to the land subdivision requirements to permit a block length in excess of 1320' along the north, south, east, and west perimeter of this

- subdivision.
 - c. A waiver of the AG Agricultural District setback requirements as shown on the final plan.
 - d. A waiver of the AG Agricultural District 20 acre minimum lot area requirement to allow the clustering of three acre lots.
2. Before receiving building permits:
- a. The Permittee must submit an acceptable, revised, and reproducible final plan.
 - b. The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council.
 - c. The construction plans must conform to the approved plans.
 - d. Final Plats within the area of this special permit shall be approved by the City/County Board.
 - e. The required easements as shown on the site plan must be recorded with the Register of Deeds.
 - f. The County Board must approve the following associated requests:
 - i. Finigan 2nd Addition Preliminary Plat #03007.
 - ii. County Special Permit 204.
 - iii. The County Engineer has approved an agreement for street maintenance.
 - iv. A waiver to the sidewalk, street lights, landscape screen, stormwater detention and street tree land subdivision requirements since the area is of larger lots, rural in nature, and the subdivision will not be annexed.
 - v. A modification to the land subdivision requirements to permit a block length in excess of 1320' along the north, south, east, and west perimeter of this subdivision.
 - vi. A waiver of the AG Agricultural District setback requirements as shown on the final plan.
 - vii. A waiver of the AG Agricultural District 20 acre minimum lot area requirement to allow the clustering of three acre lots.
3. Before occupying this community unit plan, all development and construction must be completed in conformance with the approved plans.
4. Before occupying this community unit plan, the City/County Health Department must approve the water and waste water systems.
5. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
6. 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.
7. 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.
8. 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 Ken Svoboda

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

REAPPOINTING MICHAEL AYARS AND JERRY SHOECRAFT TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82553 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Michael Ayars and Jerry Shoecraft to the Lincoln Electric System Administrative Board for three-year terms expiring December 31, 2006 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING KATHY CAMPBELL TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82554 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kathy Campbell to the Lincoln Electric System Administrative Board for a three-year term expiring December 31, 2006 is hereby approved.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 9, 2004, AT 1:30 PM FOR APP. OF R FOX, INC. DBA RED FOX STEAK HOUSE OF A REQUEST FOR ADDITION TO THEIR ESTABLISHMENT AT 1339 WEST "O" STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82555 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 9, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the App. of R Fox, Inc. dba Red Fox Steak House for an addition to premise at 1339 West "O" Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 9, 2004, AT 1:30 PM FOR APP. OF RAMOS PIZZA INC. DBA RAMOS PIZZA PUB BUSTER'S BBQ FOR A CLASS I LIQUOR LICENSE AT 2435 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82556 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 9, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the App. of Ramos Pizza Inc. dba Ramos Pizza Pub Buster's BBQ for a Class I Liquor License at 2435 South 48th Street.

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

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A WATER DISTRICT FOR LOTS 2, 3, 4, 5 AND 7 OF STEVENS RIDGE ESTATES SUBMITTED BY MARK AND DEANNA HUTCHINS - CLERK presented said petition which was referred to the Public Works Dept.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF DECEMBER, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INFORMAL PETITION TO CREATE WATER DISTRICT FOR THE PROPERTY AT 2400 SOUTH FOLSOM COURT THAT WAS INCLUDED IN THE YANKEE HILL ANNEXATION SUBMITTED BY MICHAEL JORGENSEN OF STEEL FABRICATORS INC. - CLERK presented said petition which was referred to the Public Works Dept.

INFORMAL PETITION TO CREATE ALLEY RE-PAVING DISTRICT BETWEEN 16TH TO 17TH AND FROM "O" TO "P" STREET, EAST/WEST ALLEY SUBMITTED BY MONTE D. WILSON OF NEBRASKA MATTRESS COMPANY - CLERK presented said petition which was referred to the Public Works Dept.

THE FOLLOWING WERE REFERRED TO PLANNING DEPARTMENT:

- Change of Zone HP 79 - App. of Alpha Xi Delta Building Association, from B-4 to B-4 with a landmark designation on property generally located at N. 16th Street and "R" Street.
- Change of Zone HP 80 - App. of Michael and Carol James, from R-5 to R-5 with a landmark designation on property located at 145 S. 28th Street.
- Change of Zone 3421 - App. of Chameleon & Co. from H-3 Highway Commercial District to R-3 Residential District, on property generally located at N. 1st Street and W. Charleston Street.
- Change of Zone 04003 - App. of Director of Planning to amend Sections 27.63.680 and 27.63.685 of the LMC relating to the sale of alcoholic beverages for consumption on the and off the premises and to delete provisions prohibiting approval of the special permits by the Planning Commission, and repealing Sections 27.63.680 and 27.63.685 of the LMC as hitherto existing.
- Special Permit 1928A - App. of Chameleon & Co., Dinerstein Company, and Dr. Robert White, amendment to the Oak Creek Apartments Community Unit Plan to add approximately 172 units, with a request to waive landscape screening, on property generally located at N. 1st Street and W. Charleston Street.
- Special Permit 04001 - App. of U.S. Cellular Wireless Communications for a wireless facility with a request to waive landscape screening on property generally located at N. 70th Street and Fletcher Avenue.
- Special Permit 04002 - App. of Mark Seacrest of Sunrise Coffee Co., for the authority to sell alcoholic beverages for consumption on the premises, on property located at 1265 S. Cotner Boulevard.

REPORTS OF CITY OFFICERS

Clerk's letter and Mayor's approval of ordinances and resolutions passed by council on January 12, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

Investment of funds for January 5 thru January 9, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-82557 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 Ken Svoboda

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

Investment of funds for January 12 thru January 23, 2004- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-82558 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 Ken Svoboda

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

Report from city Treasurer Telecommunication occupation Tax for the months of October thru December, 2003: Birch Telecom Inc, Claricom Networks LLC, Matrix Telecom Inc; November, 2003: NE Tech & Telecom Inc, Cincinnati Bell; December, 2003: Aquila, Nextel West Corp, NOS Comm Inc, Cellular One, Lightyear Comm Inc, Touch 1 Comm Inc, D & D Comm Inc, LDMI Telecom Inc, Globalcom Inc, Tri-M Comm Inc, ATS Mobile Telephone Co, Telecorp Comm Inc, ATT Wireless PCS LLC, NOSVA Limited Partnership, GTC Telecom Corp, Excel Telecom Inc, VarTec Telecom Inc, and Business Telecom, Inc.

Report from City Treasurer of Franchise tax for the month of December, 2003 from Aquila - CLERK presented said report which was placed on file in the Office of the City Clerk.

Report from City Treasurer of City Cash on hand at the close of business December 31, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

CHANGE OF ZONE 3428 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING NEW SECTIONS 27.11.090, 27.13.090, AND 27.15.090 TO REQUIRE APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS ON PROPERTY LOCATED WITHIN THE R-1, R-2, AND R-3 RESIDENTIAL DISTRICTS, RESPECTIVELY, AND LOCATED WITHIN THE CITY LIMITS AS OF DECEMBER 31, 1949, TO COMPLY WITH THE NEIGHBORHOOD DESIGN STANDARDS; AMENDING SECTIONS 27.17.090, 27.19.090, 27.21.090, 27.23.090, AND 27.24.090 TO PROVIDE THAT THE NEIGHBORHOOD DESIGN STANDARDS SHALL APPLY TO APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS ON PROPERTY LOCATED WITHIN THE R-4, R-5, R-6, R-7, AND R-8 RESIDENTIAL DISTRICTS, RESPECTIVELY, AND LOCATED WITHIN THE CITY LIMITS AS OF DECEMBER 31, 1949 - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code by adding new Sections 27.11.090, 27.13.090, and 27.15.090 to require applications for building permits for new construction of principal buildings on property located within the R-1, R-2, and R-3 Residential Districts, respectively, and located within the City limits as of December 31, 1949, to comply with the Neighborhood Design Standards; amending Sections 27.17.090, 27.19.090, 27.21.090, 27.23.090, and 27.24.090 to provide that the Neighborhood Design Standards shall apply to applications for building permits for new construction of principal buildings on property located within the R-4, R-5, R-6, R-7, and R-8 Residential Districts, respectively, and located within the City limits as of December 31, 1949, the first time.

CHANGE OF ZONE 3429 - APPLICATION OF WILLIAM KREIN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District maps attached to and made 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 3431 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.03.470 TO INCLUDE "MEDICAL TESTING LABORATORY" IN THE DEFINITION OF "OFFICE BUILDING"; AMENDING SECTIONS 27.27.030, 27.28.040, AND 27.37.020, TO ELIMINATE MEDICAL TESTING LABORATORIES AS A PERMITTED USE OR SPECIAL PERMIT USE IN THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, AND B-5 PLANNED REGIONAL BUSINESS DISTRICT, RESPECTIVELY; AND AMENDING SECTION 27.63.390 TO ELIMINATE MEDICAL TESTING LABORATORIES AS A SPECIAL PERMITTED USE IN THE O-3 ZONING DISTRICT - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code by amending Section 27.03.470 to include "medical testing laboratory" in the definition of "office building"; amending Sections 27.27.030, 27.28.040, and 27.37.020, to eliminate medical testing laboratories as a permitted use or special permit use in the O-3 Office Park District, R-T Residential Transition District, and B-5 Planned Regional Business District, respectively; and amending Section 27.63.390 to eliminate medical testing laboratories as a special permitted use in the O-3 zoning district, the first time.

CHANGE OF ZONE 3432 - APPLICATION OF YASUFUKU USA, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND WEST BOND CIRCLE - CLERK read an ordinance, introduced by Ken Svoboda, 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 3433 - APPLICATION OF GALLUP, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT, ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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.

ADOPTED THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2003 AND DECEMBER 2003 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Ken Svoboda, adopting the supplements to the Lincoln Municipal Code dated June, 2003; and December 2003 as part of the official Lincoln Municipal Code, the first time.

ORDINANCES - 3RD READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$35,000,000 - CLERK read an ordinance, introduced by Terry Werner, authorizing and providing for the issuance of highway allocation fund pledge bonds of the City of Lincoln, Nebraska in an amount not to exceed \$35,000,000, the third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18290**, is recorded in Ordinance Book #25.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 186.7 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 84TH STREET BETWEEN OLD CHENEY ROAD AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Patte Newman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits map attached to and made a part of Ordinance No.18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18291**, is recorded in Ordinance Book #25.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE PARKS AND RECREATION CAPITAL IMPROVEMENT PROGRAM ATHLETIC FUNDS IN THE AMOUNT OF \$75,000 FROM BUSINESS UNIT 409374.6138 UNI BALLFIELD LIGHTING TO BUSINESS UNIT 409312.6138 BALLFIELD RENOVATION TO PURCHASE AGRA LIME FOR IMPROVED DRAINAGE TO FIELDS AT ELK, HOLMES, DENSMORE AND MAHONEY PARKS - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of unspent and unencumbered appropriations and between certain capital improvement projects within the Parks and Recreation Department, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18292**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 3424 - APPLICATION OF EVERETT NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL, R-5 RESIDENTIAL, R-6 RESIDENTIAL AND B-3 COMMERCIAL TO R-2 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED BETWEEN 9TH AND 13TH STREETS, FROM WASHINGTON TO SOUTH STREETS - PRIOR TO READING:

WERNER Moved to amend bill number 04-4 as follows:

1. On page 1, line 23, after the words "Block 38, South Lincoln Addition;" insert the following: Lots 5 and 6, Block 36,.

2. On page 2, line 9, after the words "Block 20,:" insert the following: Lots 5 and 6, Block 21, Lots 1-3 and the east half of the vacated alley adjacent thereto, Block 22,.

3. On page 2, at the end of line 13, after the words, "Block 34," insert the following: Lots 1, ,2 abd 5, Block 35, and Lots 5 and 6, Block 36,.

4. On page 2, after line 18, insert the following new Section 4: Section 4. That the "Lincoln Zoning District Maps" attached to and

made a part of Title 27 of the Lincoln Municipal Code by and they are hereby amended by changing the boundaries of the districts established and shown on said Maps as follows:

Lots 1 and 2, Block 36, South Lincoln Addition, Lincoln, Lancaster County, Nebraska:

be and it hereby is transferred from the B-3 Commercial District to the R-2 Residential District and is hereby made a part of the R-2 Residential District and governed by all the provisions and regulations pertaining to the R-2 Residential District.

5. On page 2, line 19, renumber Section 4 as Section 5.

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

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

MCROY Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18293**, is recorded in Ordinance Book #25.

NAMING THE STUB STREETS ON O STREET NEAR 63RD STREET AS NORTH 63RD STREET AND SOUTH 63RD STREET AND NAMING THE STUB STREETS ON O STREET NEAR 68TH STREET AS NORTH 68TH STREET AND SOUTH 68TH STREET - CLERK read an ordinance, introduced by Annette McRoy, to name the stub streets on O Street near 63rd Street and 68th Street as North 63rd Street, and South 68th Street, as recommended by the Street Name Committee, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18294**, is recorded in Ordinance Book #25.

AMENDING SECTION 14.80.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO SNOW AND ICE REMOVAL TO PROVIDE THAT THE SIDEWALK INSPECTOR SHALL PLACE A WRITTEN NOTICE ON THE FRONT DOOR OR OTHER CONSPICUOUS PLACE ON THE PROPERTY ORDERING THE SIDEWALKS ALONG THE SAME OR ANY PORTION THEREOF TO BE CLEARED IMMEDIATELY AND PROVIDING A DEADLINE TO COMPLETE THE SAME OF NOT LESS THAN TWELVE HOURS AFTER POSTING THE SAME - CLERK read an ordinance, introduced by Annette McRoy, amending Section 14.80.110 of the Lincoln Municipal Code relating to snow and ice removal to provide that the Sidewalk Inspector shall place a written notice on the front door or other conspicuous place on the property ordering the sidewalks along the same or any portion thereof to be cleared immediately and providing a deadline to complete the same of not less than twelve hours after posting the same; and repealing Section 14.80.110 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.

Patte Newman stated for the record, "my only concern is, this is a great idea, I'm just hoping, and Allan has confirmed, that they will work with the elderly folks who do have a problem getting their lawn care people out there in a timely manner, so I have gotten that commitment and that is for the record".

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

The ordinance, being numbered **#18295**, is recorded in Ordinance Book #25.

APPROVING A FIVE YEAR/5,000 HOUR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND DEERE CREDIT INC. FOR A 90 HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS AND UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the City of Lincoln, Nebraska and Deere Credit, Inc. for a 90 horse power class backhoe loader for use by the Public Works & Utilities Water Division, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18296**, is recorded in Ordinance Book #25.

APPROVING A FIVE YEAR/5,000 HOUR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND DEERE CREDIT INC. FOR AN ARTICULATED FRAME FOUR-WHEEL DRIVE MOTOR GRADER FOR USE BY THE PARKS AND RECREATION DEPARTMENT IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the city of Lincoln, Nebraska and Deere Credit, Inc. for a Four-Wheel Drive Articulated Frame Motor Grader for use by the Public Works & Utilities Water Division, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18297, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to February 2, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on February 2, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 6:30 P.M.

SVOBODA Moved to adjourn the City Council meeting of January 26, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

