

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 15, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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 March 8, 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.

PUBLIC HEARING

APPLICATION OF MESAL ENTERPRISES DBA ON THE GO FOR A CLASS B (BEER OFF-SALE) LIQUOR LICENSE AT 5240 SOUTH 48TH STREET;

MANAGER APPLICATION OF MATTHEW D. ALESIO FOR MESAL ENTERPRISES DBA ON THE GO AT 5240 SOUTH 48TH STREET - Mike Alesio, 6007 S. 88th St., owner of Mesal Enterprises and Matt Alesio, 335 Dale Dr., Manager of On the Go, took oath and came forward to answer questions.

Matt Alesio stated that everything was in place except for the landscaping. He just completed the Responsible Hospitality course and the staff has gone through the training via CD Rom.

This matter was taken under advisement.

APPLICATION OF PEKING PALACE LINCOLN, INC. DBA PEKING PALACE FOR A CLASS J (BEER, WINE, ON-SALE) LIQUOR LICENSE AT 8341 O STREET;

MANAGER APPLICATION OF NGHI TRIEU FOR PEKING PALACE LINCOLN, INC. DBA PEKING PALACE AT 8341 O STREET - Trung Luu, 8341 O Street, and Nghi Trieu, no address given, took oath and came forward to answer questions.

This matter was taken under advisement.

AMENDING THE LINCOLN MUNICIPAL CODE BY REPEALING SECTION 24.50.050, PERMITS AND INSPECTIONS FOR PRIVATE WATER AND SEWER MAIN INSTALLATION - Jonathan Cook made a motion to place Bill No. 04-46 on Pending indefinitely.

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

AMENDING SECTION 14.40.030 OF THE LINCOLN MUNICIPAL CODE PERTAINING TO BLOCK PARTY PERMITS TO INDICATE ISSUANCE BY THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND REQUIRING A DAMAGE DEPOSIT FROM THE APPLICANT- Terry Werner, Council Member, stated that there are two amendments to this ordinance. One will lower the Block Party fee to \$45.00 and the second amendment will remove the required damage deposit.

Jonathan Cook, Council Member stated that the Block Party permit fee has already been raised effective January 1, 2004 so this amendment will lower the fee to \$45.00.

Carol Brown, 2201 Elba Circle, stated that block parties promote community spirit, stronger neighborhoods by helping neighbors get to know each other. She is in favor of the \$45.00 fee. Discussion followed.

Jim Swinehart, 1834 Ryons, stated he is in favor of the \$45.00 fee. His neighborhood wouldn't have a block party if they had to pay the \$90.00 fee and the \$300.00 deposit.

Mike Morosin, 2055 S St. came forward in favor of the \$45.00 fee.

Glen Cekal, 1420 C St. suggested that the Neighborhood Associations buy barricades for their block parties. He was in favor of the \$45.00 fee.

Mr. Cook commented that the Public Works Department will be responsible for issuing the block party permits instead of the City Clerk.

This matter was taken under advisement.

AUTHORIZING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER

CONSTRUCTION FUND, WATER CONSTRUCTION FUND AND LANDFILL REVENUE FUND - Margaret Remenga, Public Works and Utilities Business Manager, stated this will allow appropriations to be transferred to nine projects. Cash is not being transferred instead it is appropriations to these projects. Jerry Obrist, Water Dept. and Gary Brandt, Wastewater were available to answer any questions.

This matter was taken under advisement.

AUTHORIZING THE CALLING FOR REDEMPTION OF OUTSTANDING Q, O, P, R/NORTH HAYMARKET REDEVELOPMENT PROJECT TAX ALLOCATION AND REFUNDING BONDS IN THE AMOUNT OF \$120,000.00 - Don Herz, Finance Director, stated this was a cleanup matter before issuing tax increment funding

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 16 - 29, 2004 - Katya Rosales, no address given, came forward to dispute the denial of her claim for damage to her car by a snow plow. Discussion followed.

Dana Roper came forward to show the letter sent from City Attorney Jim Faimon to the Walton Insurance Company, insurance company for the contractor of the snow plow, stating it should be their responsibility to pay for the damage of Ms. Rosales' vehicle. Further discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 4.62 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH A POLICE AND FIRE PENSION PLAN BOARD OF TRUSTEES TO PROVIDE OVERSIGHT AND DIRECTION WITH REGARD TO THE INVESTMENT OF THE ASSETS OF THE POLICE AND FIRE PENSION PLANS - Don Taute, Personnel Director, stated this is a substitute ordinance. There is an amendment to change the implementation date or to establish an implementation date because of the change of the present Police/Fire Advisory Committee which has been changed from 6 to 9 members. Discussion followed.

Paul Peter, 330 S. 13th St., came forward in support of the ordinance.

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

Ed Sheridan, 4040 Sheridan, came forward in support. Discussion followed.

Paul Lutomski, Personnel Dept. who oversees the Police & Fire Pension, stated the fund would be amortized over ten years. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 3:06 P.M.

RECONVENED 3:18 P.M.

MISCELLANEOUS BUSINESS - NONE

** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF MESAL ENTERPRISES DBA ON THE GO FOR A CLASS B (BEER OFF-SALE) LIQUOR LICENSE AT 5240 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82625 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 Mesal Enterprises dba On the Go for a Class "B" liquor

license at 5240 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2004, 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF MATTHEW D. ALESIO FOR MESAL ENTERPRISES DBA ON THE GO AT 5240 SOUTH 48TH STREET - CLERK read the following resolution, introduced by ken Svoboda, who moved its adoption for approval:

A-82626 WHEREAS, Mesal Enterprises dba On the Go located at 5240 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Matthew D. Alesio be named manager;

WHEREAS, Matthew D. Alesio appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matthew D. Alesio 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF PEKING PALACE LINCOLN, INC. DBA PEKING PALACE FOR A CLASS J (BEER, WINE, ON-SALE) LIQUOR LICENSE AT 8341 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82627 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 Peking Palace Lincoln, Inc. dba Peking Palace for a Class "J" liquor license at 8341 O Street, Lincoln, Nebraska, for the license period ending April 30, 2004, 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 Glenn Friendt

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

MANAGER APPLICATION OF NGHI TRIEU FOR PEKING PALACE LINCOLN, INC. DBA PEKING PALACE AT 8341 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82628 WHEREAS, Peking Palace Lincoln, Inc. dba Peking Palace located at 8341 O Street, Lincoln, Nebraska has been approved for a Retail Class "J" liquor license, and now requests that Nghi Trieu be named manager;

WHEREAS, Nghi Trieu 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 Nghi Trieu 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 Glenn Friendt

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

ORDINANCES - 2ND READING

AMENDING THE LINCOLN MUNICIPAL CODE BY REPEALING SECTION 24.50.050, PERMITS AND INSPECTIONS FOR PRIVATE WATER AND SEWER MAIN INSTALLATION - PRIOR to reading:

COOK Moved to place Bill No. 04-46 on Pending indefinitely.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Patte Newman, repealing Section
24.50.050 of the Lincoln Municipal Code relating to permits for the
installation of private sanitary sewers, private water mains, and
private storm sewer systems by utility contractors, the second time.

AMENDING SECTION 14.40.030 OF THE LINCOLN MUNICIPAL CODE PERTAINING TO BLOCK
PARTY PERMITS TO INDICATE ISSUANCE BY THE DEPARTMENT OF PUBLIC WORKS AND
UTILITIES AND REQUIRING A DAMAGE DEPOSIT FROM THE APPLICANT - CLERK
read an ordinance, introduced by Patte Newman, amending Section
14.40.030 of the Lincoln Municipal Code to provide that block party
permits be issued by the Department of Public Works and Utilities and to
add a provision requiring a damage deposit for loss of or damage to
barricades; and repealing Section 14.40.030 of the Lincoln Municipal
Code as hitherto existing, the second time.

AUTHORIZING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH
BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER
CONSTRUCTION FUND, WATER CONSTRUCTION FUND AND LANDFILL REVENUE FUND -
CLERK read an ordinance, introduced by Patte Newman, approving the
transfer of unspent and unencumbered appropriations and cash (if any)
between certain capital improvement projects within the Sanitary Sewer
Construction Fund, Water Construction Fund, and Landfill Revenue Fund
within the Public Works & Utilities Department, the second time.

RESOLUTIONS

AUTHORIZING THE CALLING FOR REDEMPTION OF OUTSTANDING Q, O, P, R/NORTH
HAYMARKET REDEVELOPMENT PROJECT TAX ALLOCATION AND REFUNDING BONDS IN
THE AMOUNT OF \$120,000.00 - CLERK read the following resolution,
introduced by Ken Svoboda, who moved its adoption:

A-82629 A RESOLUTION providing for the calling for redemption of
outstanding Q, O, P, R/North Haymarket Redevelopment Project Tax
Allocation and Refunding Bonds, Series 2001, of the City of Lincoln,
Nebraska, dated May 3, 2001, in the total principal amount of One
Hundred Sixty Thousand Dollars (\$160,000.00)
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
Section 1. The City Council ("Council") of the City of Lincoln,
Nebraska ("City") hereby finds and determines that the City has
heretofore issued and now has outstanding and unpaid interest-bearing
bonds of the City as follows:
Q, O, P, R/North Haymarket Redevelopment Project Tax Allocation
and Refunding Bonds, Series 2001, in the principal amount of
\$160,000.00, dated May 3, 2001 ("Outstanding Bonds"), bearing interest
at the rate of three and seventy-five hundredths percent (3.75%) per
annum, and maturing on November 15, 2004, said bonds being part of an
issue of \$1,200,000 in aggregate principal amount of Q, O, P, R/North
Haymarket Redevelopment Project Tax Allocation and Refunding Bonds,
Series 2001, issued pursuant to Ordinance No. 17827 duly passed and
adopted by the City Council on April 16, 2001 and approved by the Mayor
on April 20, 2001 ("Ordinance"), such bonds being redeemable at the
option of the City at any time on or after May 15, 2003 at a redemption
price equal to the principal amount thereof plus accrued interest
thereon to the date fixed for redemption.
Section 2. All of the Outstanding Bonds are hereby irrevocably
called for redemption and payment on April 27, 2004 at par plus accrued
interest to said date fixed for redemption.
Notice of the call for redemption, identifying the Outstanding
Bonds to be redeemed, shall be given by the Paying Agent for the
Outstanding Bonds, U.S. Bank National Association, upon mailing a copy
of the redemption notice by first-class mail, postage prepaid, at least
thirty days prior to the date fixed for redemption to the registered
owner of the Outstanding Bonds at the address shown on the registration
books; provided, however, that failure to give such notice by mailing,
or any defect therein, shall not affect the validity of any proceedings
for the redemption of any Bond with respect to which no such failure has
occurred. Any notice mailed as provided in the ordinance authorizing
the issuance of the Outstanding Bonds shall be conclusively presumed to
have been duly given, whether or not the registered owner received the
notice.

The registered owner of the Outstanding Bonds shall present the same for payment and redemption on April 27, 2004 at the office of the Paying Agent for the Outstanding Bonds, U.S. Bank National Association, the place of payment thereof, and interest on the Outstanding Bonds shall cease on and after April 27, 2004.

Section 3. A true copy of this Resolution shall be filed with the Paying Agent at least thirty (30) days prior to April 27, 2004.

Introduced by Ken Svoboda

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

REAPPOINTING JOY E. PATTEN TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82630 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Joy E. Patten to the StarTran Advisory Board for a three-year term expiring October 20, 2006 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING SUSAN EPPTS TO THE STARTRAN ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING OCTOBER 20, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82631 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Susan Epps to the StarTran Advisory Board to fill an unexpired term expiring October 20, 2005 is hereby approved.

Introduced by Ken Svoboda

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

APPROVING A FUNDING AGREEMENT BETWEEN THE CITY AND STATE DEPARTMENT OF ROADS TO OBLIGATE FEDERAL AND STATE FUNDS FOR THE REGIONAL INTELLIGENT TRANSPORTATION SYSTEMS ARCHITECTURE DEVELOPMENT PROJECT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82632 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. ITS03-ITSN(106), to obligate Federal and State funds for the Regional Intelligent Transportation Systems architecture development project, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Ken Svoboda

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 16 - 29, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82633 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated March 1, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Craig A. Workman	\$ 454.75	Kent Docekal	\$1,059.38
Deborah Stephen	100.00	Marcelle Karabatsos	35.00
Nancy A. Lowe	NAS*	Brooke Johnson	385.73
Katya Rosales	2,946.30	Alan P. Helms	293.64
Russ Kosch	NAS*	Becky Stout	156.52

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Tricia Rose White	NAS*	Donald Barth	260.00
Ricardo Hidalgo	NAS*	Mary R. Johnson	895.10
Samuel Sanchez/State Farm Insurance Co.	2,253.45	Loulwah Almarshoud	500.34
Paul VonBusch	NAS*	Beach Construction, Inc.	7,200.33
Brooke Johnson	786.19	Cody Molacek	2,137.00
Eugene & Jennifer Nelson	NAS*		
Paul Iwan	309.96		
Kary Giebelhaus/Randal D. Schmieding	817.36		
Florine Tobiska	NAS*		

* No Amount Specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by 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 MARCH 29, 2004 AT 5:30 P.M. FOR MAN. APP. OF MICHAEL RICE FOR RT OMAHA FRANCHISE LLC DBA "RUBY TUESDAY" AT 2700 NORTH HILL ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82634 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 29, 2004, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Man. App. of Michael Rice for RT Omaha Franchise, LLC dba "Ruby Tuesday" at 2700 North Hill Road.

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

SETTING THE HEARING DATE OF MARCH 29, 2004 AT 5:30 P.M. FOR APP. OF DLH, INC. DBA COACHES SPORTS BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 640 W. PROSPECTOR COURT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82635 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 29, 2004, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of DLH, Inc. DbA "Coaches Sports Bar and Grill" for a Class "I" liquor license at 640 W. Prospector Court.

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

SETTING THE HEARING DATE OF MARCH 29, 2004 AT 5:30 P.M. FOR THE APP. OF JASON KUHR DBA "MAIN STREET CAFÉ" FOR A CATERING LICENSE AT 1325 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82636 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 29, 2004, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Jason Kuhr dba "Main Street Café" for a liquor catering license at 1325 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING APPIAN WAY II CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ANDERMATT, L.L.C. AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 53.52 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82638 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement titled Appian Way Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Eiger

Corp. outlining certain conditions and understandings relating to the annexation of approximately 53.52 acres of property generally located at South 91st Street and Highway 2, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

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

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

Introduced by Patte Newman

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

SPECIAL PERMIT 2046 - APPLICATION OF EIGER CORPORATION TO DEVELOP A PLANNED SERVICE COMMERCIAL AREA IN THE H-4 GENERAL COMMERCIAL DISTRICT CONSISTING OF 73,200 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR WITH WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET; TO REDUCE SETBACKS FROM 20 FEET TO ZERO FEET ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND SOUTH 87TH STREET, AND TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to amend Bill No. 04R-37 on page 1, line 2 and page 4, lines 4 and 13, change "73,200 sq. ft. of commercial and retail floor area" to "67,500 sq. ft. of commercial and retail floor area".

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption as amended:

A-82639 WHEREAS, Eiger Corporation has submitted an application designated as Special Permit No. 2046 for authority to develop ~~73,200~~ 67,500 sq. ft. of commercial and retail floor area with requested waivers to the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of sewage from one drainage basin to another, on property generally located southeast of the intersection of South 84th Street and Highway 2, and legally described to wit:

A part of Lot 78 and all of Lot 108, Irregular Tracts, located in the Southwest Quarter of Section 23, all in Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, described as follows:

Beginning at the northeast corner of said Lot 108, said corner being on the existing westerly South 91st Street 33.00 foot right-of-way line; thence south 00 degrees 12 minutes 37 seconds west along said westerly right-of-way line, a distance of 4.62 feet to the northerly Yankee Hill Road right-of-way line; thence south 44 degrees 20 minutes 31 seconds west along said northerly right-of-way line, a distance of 285.77 feet to the point of curvature of a 1935.00 foot radius curve concave to the northwest; thence southwesterly along said northerly right-of-way line and said curve, through a central angle of 10 degrees 58 minutes 31 seconds, an arc distance of 370.66 feet, the chord of said curve bears south 49 degrees 49 minutes 48 seconds west, a distance of 370.09 feet; thence south 55 degrees 18 minutes 59 seconds west along said northerly right-of-way line, a distance of 31.13 feet to the future westerly right-of-way line of Amber Hill Road; thence north 24 degrees 41 minutes 05 seconds west along said westerly right-of-way line, a distance of 76.15 feet to the point of curvature of a 283.00 foot radius curve concave to the east; thence northerly along said westerly right-of-way line and said curve, through a central angle of 24 degrees 39 minutes 05 seconds an arc distance of 121.76 feet, the chord of said curve bears north 12 degrees 21 minutes 32 seconds west, a distance of 120.82 feet; thence north 00 degrees 02 minutes 00 seconds west along said westerly right-of-way line, a distance of 109.79 feet to the point of curvature of a

331.00 foot radius curve concave to the west; thence northerly along said westerly right-of-way line and said curve, through a central angle of 34 degrees 18 minutes 58 seconds, an arc distance of 198.25 feet, the chord of said curve bears north 17 degrees 11 minutes 29 seconds west, a distance of 195.30 feet to the southerly line of an existing Lincoln Electric System transmission line easement recorded as Instrument Number 95-12607 at the Lancaster County Register of Deeds; thence south 89 degrees 01 minutes 14 seconds west along said easement line, a distance of 421.42 feet to the point of curvature of a 1544.43 foot radius curve, concave to the south; thence northwesterly along said curve, through a central angle of 08 degrees 29 minutes 28 seconds, an arc distance of 228.88 feet, the chord of said curve bears north 49 degrees 41 minutes 49 seconds west, a distance of 228.67 feet; thence north 54 degrees 44 minutes 21 seconds east, a distance of 284.85 feet; thence south 57 degrees 04 minutes 22 seconds east, a distance of 349.77 feet to the point of curvature of a 369.50 foot radius curve, concave to the southwest; thence southeasterly along said curve, through a central angle of 21 degrees 15 minutes 29 seconds, an arc distance of 137.09 feet, the chord of said curve bears south 46 degrees 26 minutes 38 seconds east, a distance of 136.31 feet; thence north 56 degrees 35 minutes 33 seconds east, a distance of 36.02 feet; thence north 35 degrees 32 minutes 47 seconds east, a distance of 346.74 feet to a point on the existing southerly right-of-way line of Nebraska Highway No. 2; thence south 51 degrees 36 minutes 51 seconds east along said southerly right-of-way line, a distance of 463.01 feet to the westerly South 91st Street right-of-way line, said line being located 33.00 feet westerly of, perpendicular measurement, and parallel with the east line of said Southwest Quarter Section; thence south 00 degrees 12 minutes 24 seconds west along said westerly right-of-way line, a distance of 53.68 feet to the point of beginning, containing an area of 377,507.26 square feet or 8.67 acres, more or less;

and

Part of Lots 79, 80 and 83, Irregular Tracts, located in the Southwest Quarter of Section 23, and a part of the Northwest Quarter of the Southwest Quarter of Section 23, all in Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, described as follows:

Referring to the southwest corner of said Lot 79, said point being located on the existing easterly right-of-way line of 84th Street and 70.00 feet easterly of, perpendicular measurement, the west line of said Southwest Quarter of Section 23; thence north 00 degrees 52 minutes 06 seconds east along said existing easterly right-of-way line, a distance of 50.23 feet to the point of beginning; thence continuing north 00 degrees 52 minutes 06 seconds east along said existing easterly right-of-way line, a distance of 117.10 feet to a future corner of said southerly right-of-way line; thence north 02 degrees 10 minutes 26 seconds east along said future easterly right-of-way line, a distance of 60.05 feet; thence north 01 degrees 25 minutes 12 seconds east along said future easterly right-of-way line, a distance of 427.70 feet to the point of curvature of a 585.00 foot radius curve concave to the west; thence northerly along said future easterly right-of-way line and said curve, through a central angle of 20 degrees 45 minutes 19 seconds an arc distance of 211.91 feet, the chord of said curve bears north 08 degrees 57 minutes 31 seconds west, a distance of 210.76 feet; thence north 79 degrees 35 minutes 14 seconds east, a distance of 150.77 feet to the point of curvature of a 300.00 foot radius curve concave to the south; thence easterly along said curve, through a central angle of 45 degrees 41 minutes 48 seconds an arc distance of 239.27 feet, the chord of said curve bears

south 77 degrees 33 minutes 52 seconds east, a distance of 232.98 feet; thence south 54 degrees 42 minutes 58 seconds east, a distance of 83.46 feet to the point of curvature of a 300.00 foot radius curve concave to the west; thence southerly along said curve, through a central angle of 54 degrees 56 minutes 08 seconds an arc distance of 287.64 feet, the chord of said curve bears south 27 degrees 14 minutes 54 seconds east, a distance of 276.75 feet; thence south 00 degrees 13 minutes 10 seconds west, a distance of 94.48 feet to a point on the southerly line of said Lot 80; thence north 89 degrees 46 minutes 50 seconds west, along the southerly line of said Lot 80, a distance of 73.74 feet; thence south 00 degrees 22 minutes 01 seconds west, a distance of 372.97 feet to the point of curvature of a 1544.43 foot radius curve concave to the south; thence westerly along said curve, through a central angle of 06 degrees 37 minutes 11 seconds and arc distance of 178.44 feet, the chord of said curve bears south 88 degrees 38 minutes 35 seconds west, a distance of 178.34 feet; thence south 85 degrees 20 minutes 00 seconds west, a distance of 298.67 feet to the point of beginning, containing an area of 389,611.56 square feet or 8.94 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial and retail floor area 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 Eiger Corporation, hereinafter referred to as "Permittee", to construct ~~73,200~~ 67,500 sq. ft. of commercial and retail floor area with requested waivers to waive the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of sewage from one drainage basin to another, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said commercial and retail development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves ~~73,200~~ 67,500 square feet of commercial and retail floor area with waivers of the following requirements:
 - a. The preliminary plat process.
 - b. The requirement that dead end streets shall not exceed 1,000 feet is waived to allow a cul-de-sac in excess of 1,000 feet.
 - c. The requirement that a side yard and rear yard have a 20 foot setback is waived to allow zero foot setbacks adjacent to outlots.
 - d. The requirement that sidewalks be constructed on both sides of all streets within the Subdivision and on the side of the street abutting the Subdivision is waived along Highway 2 and South 87th Street.
 - e. The requirement that a wastewater collection system be constructed in accordance with the sanitary sewer design standards is waived to allow the transfer of sewage from one drainage basin to another.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised and reproducible final plan including six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats shall be approved by the Planning Director consistent with the approved use permit.
3. Before occupying the buildings 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 or an appropriately established association approved by the City Attorney.

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 Patte Newman

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

USE PERMIT NO. 150 - APPLICATION OF EIGER CORPORATION TO DEVELOP 284,300 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA WITH WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET; TO REDUCE SETBACKS FROM 20 FEET TO ZERO FEET ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND SOUTH 87TH STREET, AND TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to amend Bill No. 04R-38 on page 1, line 3 and page 5, lines 1 and 10, change "284,300 square feet of commercial retail floor are" to 290,000 square feet of commercial and retail floor area.

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

A-82640 WHEREAS, Eiger Corp. has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 150 for authority to construct ~~284,300~~ 290,000 square feet of commercial and retail floor area, with requested waivers to waive the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of sewage from one drainage basin to another, on property generally located southeast of the intersection of South 84th Street and Highway 2, and legally described to wit:

A tract of land composed of a part of Lots 78, 79, 80, 83, all of Lot 109, Irregular Tracts, located in the Southwest Quarter of Section 23, all of Lot 81, Irregular Tract, located in the Northwest Quarter of Section 23, a part of the Southwest Quarter of the Northwest Quarter of Section 23, a part of the Northwest Quarter of the Southwest Quarter of Section 23, and a part of the Southeast Quarter of the Northeast Quarter of Section 22, all in Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, described as follows:

Referring to the southwest corner of said Northwest Quarter of Section 23; thence south 89 degrees 52 minutes 54 seconds east, assumed bearing, along the south line of said Northwest Quarter Section, a distance of 8.32 feet to the future easterly right-of-way line of South 84th Street and the point of beginning, said point also being the point of curvature of a 585.00 foot radius curve, concave to the west; thence northwesterly along said future easterly right-of-way line and said curve, through a central angle of 5 degrees 19 minutes 51 seconds, an arc distance of 54.43 feet, the chord of said curve bears north 29 degrees 31 minutes 49 seconds west, a distance of 54.41 feet; thence north 32 degrees 11 minutes 45 seconds west along said future easterly right-of-way line, a distance of 136.19 feet to the point of curvature of a 465.00 foot radius curve, concave to the east; thence northerly along said future easterly right-of-way line and said curve, through a central angle of 04 degrees 50 minutes 15 seconds, an arc distance of 39.26 feet, the chord of said curve bears north 29 degrees 46

minutes 38 seconds west, a distance of 39.25 feet; thence north 62 degrees 38 minutes 30 seconds east along said future easterly right-of-way line, a distance of 5.00 feet to a point on a 460.00 foot radius curve, concave to the east; thence northerly along said future easterly right-of-way line and said curve, through a central angle of 56 degrees 22 minutes 59 seconds, an arc distance of 452.67 feet, the chord of said curve bears north 00 degrees 49 minutes 59 seconds east, a distance of 434.63 feet; thence north 29 degrees 01 minutes 29 seconds east along said future easterly right-of-way line, a distance of 39.29 feet to the intersection with the future southerly Nebraska Highway No. 2 right-of-way line; thence south 58 degrees 04 minutes 03 seconds east along said future southerly right-of-way line, a distance of 125.63 feet to an intersection of the existing southerly right-of-way line of Nebraska Highway No. 2 and the easterly existing South 84th Street right-of-way line; thence south 74 degrees 45 minutes 16 seconds east along said southerly right-of-way line, a distance of 74.68 feet; thence south 48 degrees 10 minutes 50 seconds east along said southerly right-of-way line, a distance of 301.81 feet; thence south 54 degrees 27 minutes 15 seconds east along said southerly right-of-way line, a distance of 400.00 feet; thence south 58 degrees 59 minutes 08 seconds east along said southerly right-of-way line, a distance of 290.85 feet to the north line of the Southwest Quarter of said Section; thence south 54 degrees 27 minutes 18 seconds east along said southerly right-of-way line, a distance of 1615.21 feet; thence south 51 degrees 36 minutes 51 seconds east along said southerly right-of-way line, a distance of 43.11 feet; thence south 35 degrees 32 minutes 47 seconds west, a distance of 346.74 feet; thence south 56 degrees 35 minutes 33 seconds west, a distance of 36.02 feet to the point of curvature of a 369.50 foot radius curve, concave to the southwest; thence northwesterly along said curve, through a central angle of 21 degrees 15 minutes 29 seconds, an arc distance of 137.09 feet, the chord of said curve bears north 46 degrees 26 minutes 38 seconds west, a distance of 136.31 feet; thence north 57 degrees 04 minutes 22 seconds west, a distance of 349.77 feet; thence south 54 degrees 44 minutes 21 seconds west, a distance of 284.85 feet to the point of curvature of a 1544.43 foot radius curve, concave to the south; thence southeasterly along said curve, through a central angle of 08 degrees 29 minutes 28 seconds, an arc distance of 228.88 feet, the chord of said curve bears south 49 degrees 41 minutes 49 seconds east, a distance of 228.67 feet to a point on the southerly line of an existing Lincoln Electric System transmission line easement recorded as Instrument Number 95-12607 at the Lancaster County Register of Deeds; thence south 89 degrees 01 minutes 14 seconds west along said easement line, a distance of 10.53 feet; thence south 59 degrees 00 minutes 27 seconds east, a distance of 22.10 feet to a point on the south line of the North Half of the Southwest Quarter, Section 23; thence north 89 degrees 58 minutes 00 seconds east along said Quarter Section line, a distance of 67.89 feet; thence south 00 degrees 02 minutes 00 seconds east, a distance of 146.74 feet to the northerly right-of-way line of the Omaha Public Power District's Railroad line and the point of curvature of a 1494.43 foot radius curve, concave to the south; thence northwesterly along said northerly right-of-way line and said curve, through a central angle of 55 degrees 34 minutes 19 seconds, an arc distance of 1449.47 feet, the chord of said curve bears north 66 degrees 52 minutes 50 seconds west, a distance of 1393.32 feet; thence south 85 degrees 20 minutes 00 seconds west along said northerly right-of-way line, a distance of 303.52 feet to the existing easterly right-of-way line of 84th Street, said point located 70.00 easterly of, perpendicular

measurement, the west line of said Southwest Quarter of Section 23; thence north 00 degrees 52 minutes 06 seconds east along said existing easterly right-of-way line, a distance of 50.23 feet; thence north 85 degrees 20 minutes 00 seconds east, a distance of 298.67 feet to the point of curvature of a 1544.43 foot radius curve concave to the south; thence easterly along said curve, through a central angle of 06 degrees 37 minutes 11 seconds an arc distance of 178.44 feet, the chord of said curve bears north 88 degrees 38 minutes 35 seconds east, a distance of 178.34 feet; thence north 00 degrees 22 minutes 01 seconds east, a distance of 372.97 feet to a point on the southerly line of said Lot 80; thence south 89 degrees 46 minutes 50 seconds east, along the southerly line of said Lot 80, a distance of 73.74 feet; thence north 00 degrees 13 minutes 10 seconds east, a distance of 94.48 feet to the point of curvature of a 300.00 foot radius curve concave to the west; thence northerly along said curve, through a central angle of 54 degrees 56 minutes 08 seconds an arc distance of 287.64 feet, the chord of said curve bears north 27 degrees 14 minutes 54 seconds west, a distance of 276.75 feet; thence north 54 degrees 42 minutes 58 seconds west, a distance of 83.46 feet to the point of curvature of a 300.00 foot radius curve concave to the south; thence westerly along said curve, through a central angle of 45 degrees 41 minutes 48 seconds, an arc distance of 239.27 feet, the chord of said curve bears north 77 degrees 33 minutes 52 seconds west, a distance of 232.98 feet; thence south 79 degrees 35 minutes 14 seconds west, a distance of 150.77 feet to a point on the future easterly right-of-way line of South 84th Street and a point of curvature of a 585.00 foot radius curve concave to the west; thence northerly along said future easterly right-of-way line and said curve, through a central angle of 07 degrees 31 minutes 43 seconds, an arc distance of 76.87 feet, the chord of said curve bears north 23 degrees 06 minutes 03 seconds west, a distance of 76.81 feet to the south line of said Northwest Quarter Section and the point of beginning; containing an area of 1,564,340.11 square feet (35.91 acres) more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this use permit for the development of commercial and retail area 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 Eiger Corp., hereinafter referred to as "Permittee", to construct ~~284,300~~ 290,000 square feet of commercial and retail floor area, with requested waivers to waive the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlots, to not require a sidewalk along Highway 2 and South 87th Street, and to allow the transfer of sewage from one drainage basin to another, on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction and operation of said commercial and retail space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves ~~284,300~~ 290,000 square feet of commercial and retail floor area with waiver of the following requirements:
 - a. The preliminary plat process.
 - b. The requirement that dead end streets shall not exceed 1,000 feet is waived to allow a cul-de-sac in excess of 1,000 feet.
 - c. The requirement that a side yard and rear yard have a 20 foot setback is waived to allow zero foot setbacks adjacent to outlots.
 - d. The requirement that sidewalks be constructed on both sides of all streets within the Subdivision and on the

- side of the street abutting the Subdivision is waived along Highway 2 and South 87th Street.
- e. The requirement that a wastewater collection system be constructed in accordance with the sanitary sewer design standards is waived to allow the transfer of sewage from one drainage basin to another.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised and reproducible final plan with six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this use permit must be approved by the Planning Director.
 3. Before occupying the buildings, 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 or an appropriately established association approved by the City Attorney.
 5. The site plan approved by this permit must 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 this use 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 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 Patte Newman

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

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON MARCH 8, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF MARCH 1 THRU MARCH 5, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-82637 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS 2/29/04 -CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF FEBRUARY, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

REPEALING ORDINANCE NO. 18139 WHICH CREATED PAVING DISTRICT NO. 2625 IN NORTH 57TH STREET, FREMONT TO HARTLEY, DUE TO THE LACK OF MAJORITY PETITION -

CLERK read an ordinance, introduced by Ken Svoboda, an ordinance repealing Ordinance No. 18139 which created Paving District No. 2625, which Paving District included all that portion of North 57th Street lying between the south curb line of Fremont Street and the north curb line of Hartley Street describing the benefitted property as follows: Lots 4 through 9, block 183 and Lots 1,2,3.10,11,12, Block 184, all in Havelock Addition to Lincoln all in the Southwest Quarter of Section 9, Township 10, North, Range 7 East of the Sixth Principal Meridian, in the City of Lincoln, Lancaster County, Nebraska and providing for the payment of the cost thereof, the first time.

CHANGE OF ZONE 04006 - APPLICATION OF TOM JORNAT, L.L.C. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT L STREET AND S.W. 25TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, an ordinance 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.

ORDINANCES - 3RD READING

AMENDING CHAPTER 4.62 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH A POLICE AND FIRE PENSION PLAN BOARD OF TRUSTEES TO PROVIDE OVERSIGHT AND DIRECTION WITH REGARD TO THE INVESTMENT OF THE ASSETS OF THE POLICE AND FIRE PENSION PLANS - PRIOR to reading:

COOK Moved to accept a substitute ordinance for Bill No. 03-65.

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

COOK Moved to amend the substitute ordinance of Bill No. 03-65 on page 1, line 9, after the semicolon, delete the word "and". On page 1, line 10, after the period, insert ;and establishing an effective date of September 1, 2004". On page 11, after line 18, insert a new section 7.5 to read as follows: Section 7.5. That the effective date of this ordinance shall be September 1, 2004.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 4.62 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan Advisory Committee by amending the chapter title to Police and Fire Pension Plan Investment Board; amending Section 4.62.010 to establish a Police and Fire Pension Plan Investment Board and define its membership and terms of service; adding a new section numbered 4.62.015 to outline the duties of the Police and Fire Pension Plan Investment Board; amending Section 4.62.020 to outline the duties of the Plan Administrator; by adding a new section numbered 4.62.025 relating to the investment of Police and Fire

Pension Plan assets; by adding a new section numbered 4.62.030 relating to the personal liability of Board members; ~~and~~ repealing Sections 4.62.010 and 4.62.020 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of September 1, 2004, the third time.

COOK Moved to pass the ordinance read.

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

The ordinance, being numbered **#18314**, is recorded in Ordinance Book , Page

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO STREET IMPROVEMENT VEHICLE TAX TO CREATE THE RESIDENTIAL REHABILITATION FUND TO BE USED ONLY FOR THE PURPOSE OF REHABILITATING EXISTING RESIDENTIAL STREETS - PRIOR to reading:

FRIENDT Moved to amend Bill No. 04-24 on page 2, line 14, delete the comma at the end of the line and insert the word "and". On page 2, line 15, delete the words "alley, public ways". On page 2, line 16, delete the period after the word "purposes", insert a comma and the following language: "and for no other purpose".

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 3.20 of the Lincoln Municipal Code relating to Street Improvement Vehicle Tax by adding a new section numbered 3.20.025 to add a definition for "rehabilitation"; adding a new section numbered 3.20.045 to add a definition for "residential street"; and amending Section 3.20.220 to create the "Residential Rehabilitation Fund" to be used only for the

purpose of rehabilitating existing residential streets; and repealing Section 3.20.220 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK 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 #18315 is recorded in Ordinance Book , Page

APPROVING A LEASE AGREEMENT BETWEEN NEBRASKA GOLF & TURF, NEBRASKA NATIONAL BANK, AND THE CITY FOR THE LEASE OF 225 GOLF CARS AND 14 UTILITY VEHICLES FOR USE BY THE CITY PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Patte Newman, an ordinance approving a Lease Agreement between Nebraska Golf & Turf, Nebraska National Bank, and the City for the lease of 225 golf cars and 14 utility vehicles for use by the City Parks and Recreation Department, the third time.

NEWMAN 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 #18316, is recorded in Ordinance Book , Page

APPROVING A LEASE AGREEMENT BETWEEN NEBRASKA NATIONAL BANK, AND THE CITY FOR GOLF COURSE AND PARK MAINTENANCE EQUIPMENT AT HOLMES AND MAHONEY GOLF COURSES - CLERK read an ordinance, introduced by Patte Newman, an ordinance approving a Lease Agreement between Nebraska National Bank, and the City for golf course and park maintenance equipment at Holmes and Mahoney Golf Courses, the third time.

NEWMAN 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 #18317, is recorded in Ordinance Book , Page

APPROVING TWO THREE-YEAR/5,000 HOUR LEASE AGREEMENTS WITH A BUYOUT OPTION BETWEEN THE CITY AND ELGIN SWEEPER COMPANY TO PROVIDE TWO FOUR-WHEELED STREET SWEEPERS FOR SWEEPING OF RESIDENTIAL AND ARTERIAL STREETS - CLERK read an ordinance, introduced by Annette McRoy, approving two three-year lease agreements between the City of Lincoln, Nebraska and Elgin Sweeper Company for an Elgin Eagle "F" Street Sweepers for sweeping of residential and arterial streets, 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 #18318, is recorded in Ordinance Book , Page

AMENDING § 2.76.040 DEFINITIONS OF THE LINCOLN MUNICIPAL CODE TO ALLOW POLICE TRAINEES TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN - CLERK read an ordinance, introduced by Annette McRoy, amending Section 2.76.040 of the Lincoln Municipal Code to amend the definition of "non-career service positions" to allow police trainees to participate in the City's health care plan; and repealing Section 2.76.040 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18319, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER A BY AMENDING THE PAY SCHEDULE FOR THE JOB CLASSIFICATIONS OF OPERATIONS QUALITY ASSURANCE COORDINATOR, PARK PLANNING ASSISTANT, STARTRAN HANDI-VAN SUPERVISOR, AND FOOD PRODUCTION MANAGER; AND CHANGING THE JOB TITLE OF ARBORIST III TO FORESTRY OPERATIONS SUPERVISOR AND ARBORIST IV TO CITY FORESTER - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classifications of Operations Quality Assurance Coordinator, Park Planning Assistant, and StarTran Handi-Van Supervisor; by changing the title of the job classification Arborist III to Forestry Operations Supervisor and changing the title of the job classification Arborist IV to City Forester; and by amending the pay range of Food Production Manager from A0 t A04, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,

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Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18320, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER N BY AMENDING THE PAY RANGE FOR THE JOB CLASSIFICATIONS OF COOK AND FOOD SERVICE WORKER - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18217 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by changing the pay range of the job classification of "Cook" (5435) from (N03) to (N05) and changing the pay range of the job classification "Food Service Workers" from (N01)to (N03), 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 #18321, is recorded in Ordinance Book , Page

ANNEXATION NO. 03002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 53.52 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made 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.

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 #18322, is recorded in Ordinance Book , Page

CHANGE OF ZONE 3411 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT AND B-5 PLANNED REGIONAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to accept a substitute ordinance.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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 substitute ordinance.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18323, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04001 - AMENDING CHAPTER 27.82 OF THE LINCOLN MUNICIPAL CODE RELATING TO IMPACT FEES BY REVISING THE DEFINITION OF LOW-INCOME OWNER-OCCUPIED HOUSING; TO ADD ELIGIBILITY CRITERIA FOR LOW-INCOME OWNER-OCCUPIED HOUSING EXEMPTIONS FROM IMPACT FEES AND MODIFY THE PROVISIONS REGARDING WHEN A REQUEST FOR EXEMPTION MUST BE MADE; AND TO MODIFY THE PROVISIONS REGARDING APPROVAL OF OWNER-OCCUPIED LOW-INCOME HOUSING EXEMPTION AND REIMBURSEMENT OF IMPACT FEES PAID - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.82 of the Lincoln Municipal Code relating to impact fees by amending Section 27.82.040 to revise the definition of "Low-to-Moderate-Income Owner-Occupied Housing", to delete the definitions of "Income Area, Low" and "Income Area, Moderate," to add a new definition for "Low-to-Moderate-Income Area", and to clarify the definition of "Low Income Rental Housing"; amending Section 27.82.060 to add eligibility criteria for Low-to-Moderate-Income Owner-Occupied Housing exemptions from Impact Fees and modifying the provisions regarding when a request for exemption must be made; amending Section 27.82.080 to modify the provisions regarding approval of Low-to-Moderate-Income Owner-Occupied Housing exemption and reimbursement of impact fees paid; and repealing Sections 27.82.040, 27.82.060, and 27.82.080 of the Lincoln Municipal Code as hitherto existing, 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 #18324, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04003 - AMENDING SECTIONS 27.63.680 AND 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AND OFF THE PREMISES AS A PERMITTED SPECIAL USE; TO DELETE CITY COUNCIL WAIVERS OF THE SPECIAL CONDITIONS FOR SAID USES; TO DELETE THE PROVISION ALLOWING FOR MITIGATION OF ADVERSE EFFECTS APPROVED BY THE PLANNING DIRECTOR WHEN A LICENSED PREMISES IS LOCATED 100 FEET OR CLOSER TO CERTAIN LISTED USES; TO REQUIRE A LICENSED PREMISES TO BE LOCATED NO CLOSER THAN 100 FEET FROM A PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION; TO DELETE THE REQUIREMENT THAT A LICENSED PREMISES BE LOCATED NO CLOSER THAN 100 FEET FROM RESIDENTIAL USES IN NONRESIDENTIAL DISTRICTS; AND TO DELETE PROVISIONS PROHIBITING APPROVAL OF THE SPECIAL PERMITS BY THE PLANNING COMMISSION - CLERK read an ordinance, introduced by Annette McRoy, amending Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on the premises and off the premises as a permitted special use, respectively, to delete City Council waivers of the special conditions for said uses, to delete the provision allowing for mitigation of adverse effects approved by the Planning Director when an licensed premises is located 100 feet or closer to certain listed uses, to also require a licenses premises to be located no closer than 100 feet from a park, church, or state mental health institution, to delete the requirement that a licenses premise be located no closer than 100 feet from residential uses, 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 Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: Camp, Svoboda.
The ordinance, being numbered #18325, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04004 - APPLICATION OF BRIAN AND KYM PINKERTON FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH 84TH STREET AND PIONEERS BOULEVARD - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made apart of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 o 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 read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18326, is recorded in Ordinance Book , Page

Cook Moved to revert back to the policy of providing parking passes to those who have City Council business from the City Council office.
Discussion followed.
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to March 22, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

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SVOBODA Moved to approve the resolutions to have Public Hearing on
March 22, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:34 P.M.

SVOBODA Moved to adjourn the City Council meeting of March 15, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant