

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 24, 2004 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Werner; Council Members: Cook, Friendt, McRoy, Newman, Svoboda, Werner; Teresa Meier, Deputy 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

NEWMAN Having been appointed to read the minutes of the City Council proceedings of May 17, 2004, reported having done so, found same correct.

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

Mayor Seng came forward to talk about the disasters caused by the tornado's over the weekend. She stated that the City has been working with the County to deal with the devastation in Hallam. 27 Lincoln Police Officers were dispatched to Hallam to aide in the security. The LPD Swat bus and three ambulances were dispatched to Hallam, also along with Fire & Rescue personnel and the Health Dept., Forestry, and Building & Safety staff have offered there services as well.

Police Chief Casady, Fire Chief Spadt, Doug Ahlberg, Director of Emergency Management, County Commissioner Hudkin and County Commissioner Heier each came forward to talk about the devastation in Hallam as well.

Dana Roper, City Attorney, came forward to state that the Court ruled the City has the authority to implement the Impact Fees.

PUBLIC HEARING

APPLICATION OF B&B-Q INC. DBA CHEERLEADERS BAR & GRILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 90 FEET BY 55 FEET TO THE NORTH AT 5560 SOUTH 48TH STREET ON JUNE 5, 2004 FROM 10:00 A.M. TO 9:00 P.M. - Dean Borkman, came forward to ask for approval.

This matter was taken under advisement.

CREATING GRADING DISTRICT NO. 152 IN THE NORTH/SOUTH ALLEY N. 58TH STREET TO TOUZALIN AVE., GLADSTONE TO JUDSON STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;  
CREATING GRAVELING DISTRICT NO. 341 IN THE NORTH/SOUTH ALLEY N. 58TH STREET TO TOUZALIN AVE., GLADSTONE TO JUDSON STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Fred Barker, 3341 Touzalin, stated he is seeking access to his workshop from the alley. Discussion followed.

Rick Pribyl, 3330 N. 58<sup>th</sup> Street, came forward in support of. Discussion followed.

Marty Wenzl, 5840 Gladstone, came forward in opposition.

Janet and Fred Matulka, 5815 Gladstone, came forward in opposition. Discussion followed.

Elmer Cole, Engineering Services, came forward to answer questions of the City Council. Discussion followed.

Craig Groat, 4935 Huntington Ave., came forward in a neutral position.

This matter was taken under advisement.

CREATING PAVING DISTRICT NO. 2628 IN NORTH 36TH STREET, VINE TO W STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Deputy City Clerk stated that five letters against this Paving District are on file in the City Clerk's office.

Elmer Cole, Engineering Services, stated that Diane Merrill, Southeast corner of 36<sup>th</sup> & W St., called to say she's in support. Discussion followed.

Jake Whittaker, 3600 Vine Street, stated he is the one who requested the Paving District and came forward to answer questions.

This matter was taken under advisement.

APPROVING REVISIONS TO THE LINCOLN SMOKEFREE AIR ACT - Jonathan Cook, Council Member, moved to have Public Hearing and Action on this item on June 14, 2004. He feels this will give the Council a chance to study the proposed substitute ordinance and for the public to comment on the substitute ordinance.

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

Mr. Cook stated that the effective date of July 1, 2004 is still in effect, however, there may be a grace period regarding the enforcement. Discussion followed.

Melissa Wentz, Manager of a downtown restaurant/bar, asked about the enforcement of the 60/40 split when six months out of the year they are at 59.5 and six months they are at 60.5

Judy Halstead, Health Dept., stated they look at the annual average. Discussion followed.

Charlotte Burke, Health Dept., stated there were 6918 letters sent to businesses which do not include home based businesses, schools or government. 2591 responses have been received.

This matter was taken under advisement.

ORDERING PAVING UNIT NO. 138 CONSTRUCTED IN NORTH 57TH STREET BETWEEN FREMONT AND HARTLEY STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Elmer Cole, Engineering Services, stated he received a phone call from Don & Bonnie Yohe at 5645 Fremont to state they are against the Paving Unit.

Carol Butte, 1311 N. 43<sup>rd</sup> St. came forward in opposition. Discussion followed.

Delores Roettele, 5637 Fremont, came forward in opposition.

This matter was taken under advisement.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LOWER PLATTE SOUTH NRD FOR THE MANAGEMENT OF THE KING SALINE WETLAND SITE LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 31-11-7 AND A PORTION OF THE S 1/2 OF SECTION 30-11-7 - Terry Genrich, Natural Resource Manager for Parks and Recreation Dept., came forward to answer questions.

This matter was taken under advisement.

APPROVING THE PROPOSED BEST MANAGEMENT PRACTICE (BMP) AND DRY WEATHER STORM DRAINAGE ASSESSMENT: PHASE II TO MONITOR URBAN WATER QUALITY - Craig Groat, 4935 Huntington Ave., came forward to talk about pollution control.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Mike Grieger, 2645 Van Dorn, came forward to thank Glenn Friendt for what he has done for the community.

This matter was taken under advisement.

Craig Groat, 4935 Huntington Ave., commented that he felt there was a lack of civility among the Council Members and a disrespect for knowledge, education and code of ethics.

This matter was taken under advisement.

Bill Rhoads, 2335 Orchard #2, came forward to promote keeping Daywatch open for the homeless.

Connie Stinson, 1008 Jackson, Beatrice, NE, stated Daywatch makes the homeless more comfortable than the City Mission or Matt Talbot Kitchen and promoted keeping it open. Discussion followed.

Patty Letkiewicz, 7105 Francis Street, asked that Daywatch be kept open.

Jackie Lewis, P.O. Box 84872, Lincoln, NE, stated the churches of Lincoln need to get more involved in helping the homeless.

This matter was taken under advisement.

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

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN WINGS L.L.C. DBA HOOTER'S FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 96 FEET BY 66 FEET TO THE NORTH AT 6811 O STREET ON JUNE 12, 2004 FROM 11:00 A.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82768 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 Lincoln Wings L.L.C. d/b/a "Hooters" for a Special Designated License to cover an area measuring 96 feet by 66 feet to the north at 6811 O Street, Lincoln, Nebraska, on June 12, 2004, between the hours of 11:00 a.m. and 9:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF B&B-Q INC. DBA CHEERLEADERS BAR & GRILL FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 90 FEET BY 55 FEET TO THE NORTH AT 5560 SOUTH 48TH STREET ON JUNE 5, 2004 FROM 10:00 A.M. TO 9:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82769 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of B&B-Q Inc. dba "Cheerleaders Bar and Grill" for a Special Designated License to cover an area measuring 90 feet by 55 feet in the parking lot at 5560 South 48th Street, Lincoln, Nebraska, on the 5th day of June, 2004, between the hours of 10:00 a.m. noon and 9:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

#### ORDINANCES - 2<sup>ND</sup> READING

CREATING GRADING DISTRICT NO. 152 IN THE NORTH/SOUTH ALLEY N. 58TH STREET TO TOUZALIN AVE., GLADSTONE TO JUDSON STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, an ordinance creating Grading District No. 152, defining the limits thereof, establishing the width of the roadway to be graded, providing for the grading of the sidewalk space and the relaying of sidewalks providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING GRAVELING DISTRICT NO. 341 IN THE NORTH/SOUTH ALLEY N. 58TH STREET TO

TOUZALIN AVE., GLADSTONE TO JUDSON STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, creating Graveling District No. 341, defining the limits thereof, establishing the width of the roadway to be improved with gravel, crushed rock or other similar material, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING WATER DISTRICT NO. 1193 IN OAKS HOLLOW LANE, STEVENS RIDGE ESTATES AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, creating Water District No. 1193, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING PAVING DISTRICT NO. 2628 IN NORTH 36TH STREET, VINE TO W STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, creating Paving District No. 2628, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

RENAMING UPTON GRAY LANE TO UPTON GREY LANE GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD TO CORRECT THE SPELLING OF SAID STREET - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Upton Gray Lane to Upton Grey Lane located east of South 56<sup>th</sup> Street and south of Pine Lake Road, to correct the spelling of said street, the second time.

APPROVING REVISIONS TO THE LINCOLN SMOKEFREE AIR ACT - PRIOR to reading:

COOK Moved to have Public Hearing continued with action to 6/14/04.  
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 8.48 of the Lincoln Municipal Code, Lincoln Smokefree Air Act by amending Section 8.48.020 to clarify the purpose statement; adding a new Section numbered 8.48.135 to add a definition for smoking breakrooms; adding a new section numbered 8.48.162 to require a permit in order to allow smoking; amending Section 8.48.170 to provide for where a permit may be issued and to delete affidavit requirement; amending Section 8.48.180 to clarify signage requirements; adding a new section numbered 8.48.182 to provide permit information requirements; adding a new section numbered 8.48.184 to provide inspection procedures; adding a new section numbered 8.48.186 to provide for suspension, revocation of a permit; adding a new section numbered 8.48.186 to provide for suspension, revocation of a permit; adding a new section numbered 8.48.188 to provide for a hearing amending Section 8.48.190 to clarify enforcement procedures; repealing Sections 8.48.020, 8.48.170, 8.48.180, and 8.48.190 of the Lincoln Municipal Code as hitherto existing; and providing that this ordinance shall become effective July 1, 2004, the second time.

#### RESOLUTIONS

ORDERING PAVING UNIT NO. 138 CONSTRUCTED IN NORTH 57TH STREET BETWEEN FREMONT AND HARTLEY STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

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

The resolution, having **LOST**, was assigned File #38-4474 & was placed on file in the Office of the City Clerk.

ORDERING ALLEY PAVING DISTRICT NO. 362A CONSTRUCTED IN THE EAST/WEST ALLEY, 48TH TO 49TH STREETS, LOWELL TO MEREDETH STREETS - PRIOR to reading:  
FRIENDT Moved to place Bill No. 04R-112 on Pending Date Certain to 6/7/04.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LOWER PLATTE SOUTH NRD FOR THE MANAGEMENT OF THE KING SALINE WETLAND SITE LOCATED IN A PORTION OF THE NW 1/4 OF SECTION 31-11-7 AND A PORTION OF THE S 1/2 OF SECTION 30-11-7 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82770 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Cooperative Agreement between the City of Lincoln and the Lower Platte South Natural Resources District for the management of the "King Wetland Site" which is comprised of 61.19 acres of farmland and saline wetlands purchased by the City of Lincoln with Nebraska Environmental Trust Funds and the Nebraska Game and Parks Commission with Section 6 funds, upon the terms and conditions set out in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Cooperative Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Cooperative Agreement to the Lower Platte South NRD, Attn: Dan Schulz, Box 83581, Lincoln, NE 68501-3581, and one fully executed copy of said Interlocal Agreement to Tom Malstrom at Parks and Recreation.

Introduced by Patte Newman

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

APPROVING THE PROPOSED BEST MANAGEMENT PRACTICE (BMP) AND DRY WEATHER STORM DRAINAGE ASSESSMENT: PHASE II TO MONITOR URBAN WATER QUALITY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82771 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Proposal for BMP and Dry Weather Storm Drainage Assessment: Phase II for monitoring dry weather flows, the Work Plan, and the Implementation Plan, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved, upon the terms and conditions as set forth in said Proposal, and the Mayor is authorized to execute said Proposal on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Proposal to the University of Nebraska-Lincoln, 303 Canfield Administration Building, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JUNE 14, 2004 AT 1:30 PM FOR AN APPLICATION OF AMERICAN DRUG STORES DBA "OSCO DRUG #5246" FOR A CLASS "C" LIQUOR LICENSE AT 130-B N. 66<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82773 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 14, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Application of American Drug Stores dba "Osco #5218" for a Class C liquor license located at 5500 S. 56<sup>th</sup> Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JUNE 14, 2004 AT 1:30 P.M. FOR AN

APPLICATION OF AMERICAN DRUG STORES DBA "OSCO #5218" FOR A CLASS "C" LIQUOR LICENSE AT 5500 S. 56<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82774 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 14, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Application of American Drug Stores dba "Osco #5246" for a Class C liquor license located at 5500 S. 56<sup>th</sup> Street.

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

Introduced by Patte Newman

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

APPROVING THE WILDERNESS HILLS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN FEDERAL BANCORP, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay action on Bill No. 04R-107 for two weeks to 6/7/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1999 - APPLICATION OF GERALD MADDOX TO DEVELOP WILDERNESS HILL COMMUNITY UNIT PLAN CONSISTING OF 640 SINGLE FAMILY, TOWNHOUSE, AND MULTI-FAMILY DWELLING UNITS, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, LANDSCAPING IN TRAFFIC CIRCLES AND MEDIANS, FRONT YARD SETBACKS, REAR YARD SETBACKS, MINIMUM LOT AREA AND WIDTH, BUILDING HEIGHT, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay action on Bill No. 04R-108 for two weeks to 6/7/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 154 - APPLICATION OF GERALD MADDOX TO DEVELOP 495,000 SQ. FT. OF OFFICE AND COMMERCIAL FLOOR AREA, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, LANDSCAPING IN TRAFFIC CIRCLES AND MEDIANS, FRONT YARD SETBACKS, REAR YARD SETBACKS, MINIMUM LOT AREA AND WIDTH, BUILDING HEIGHT, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27<sup>TH</sup> AND YANKEE HILL ROAD

COOK Moved to delay action on Bill No. 04R-109 for two weeks to 6/7/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

#### PETITIONS & COMMUNICATIONS

REPORT ON DESIGN PUBLIC HEARING - WEST BYPASS, SALTILLO & PIONEERS, NH-77-(156), C.N. 12552A, HELD APRIL 14, 2004. RECEIVED FROM STATE DEPARTMENT OF ROADS - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 17, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF MAY 10 THRU MAY 14, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82772 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 Patte Newman

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

REPORT OF LINCOLN ELECTRIC SYSTEM 2003 ANNUAL FINANCIAL REPORT - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

**ORDINANCES - 1<sup>ST</sup> READING**

ANNEXATION NO. 04005 AND 04008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 17 RESIDENCES, THE SOUTHWEST RURAL FIRE DISTRICT AND THE YANKEE HILL SCHOOL, ON PROPERTY GENERALLY LOCATED NEAR SOUTH FOLSOM STREET AND WEST CALVERT STREET - 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 first time.

AMENDING CHAPTER 14.50 OF THE LINCOLN MUNICIPAL CODE GOVERNING SIDEWALK CAFES TO STREAMLINE THE APPLICATION PROCESS, TO CLARIFY THE TYPES OF ESTABLISHMENTS ELIGIBLE AND THE NUMBER OF PATRONS TO BE SERVED BY A SIDEWALK CAFÉ - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 14.50 of the Lincoln Municipal Code relating to sidewalk cafes to streamline the application and the application process and to clarify the types of establishments eligible for sidewalk cafes and the number of patrons that can be served in a sidewalk café; and repealing Sections 14.50.010, 14.50.030, 14.50.040, 14.50.050, 14.50.060, 14.50.085, and 14.50.090 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 14.55 OF THE LINCOLN MUNICIPAL CODE GOVERNING SIDEWALK VENDORS TO STREAMLINE THE APPLICATION PROCESS AND TO EXPAND THE DEFINITION AND AREAS SERVED BY VENDOR CARTS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 14.55 of the Lincoln Municipal Code relating to sidewalk vendors to expand the definition of vendor and to add a definition of "stand," to streamline the permit application process, and to expand the areas that can be served by vendor carts; repealing Section 14.55.020, 14.55.030, 14.55.040, 14.55.050, 14.55.070 and 14.55.095 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR PORTIONS OF PROPERTY NEAR BIG THOMPSON CREEK ADDITION GENERALLY LOCATED AT S. 56TH STREET NORTH OF YANKEE HILL ROAD FOR A FUTURE FIRE STATION SITE - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Land Exchange Agreement between the City of Lincoln, Nebraska and Ridge Development Company and Southview, Inc. For portions of property generally located at S. 56<sup>th</sup> Street north of Yankee Hill Road for a future fire station site, the first time.

**ORDINANCES - 3<sup>RD</sup> READING**

ANNEXATION 02012 WILDERNESS HILLS - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 91.98 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-96, 04R-107, 04R-108, 04R-109) - PRIOR to reading:

COOK Moved to delay action on Bill No. 04-95 for two weeks to 6/7/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Glenn Friendt, 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.

CHANGE OF ZONE 3423 - APPLICATION OF GERALD MADDOX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, R-5 RESIDENTIAL DISTRICT, O-3 OFFICE PARK DISTRICT, AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-95, 04R-107, 04R-108, 04R-109) - PRIOR to reading:

COOK Moved to delay action on Bill No. 04-96 for two weeks to 6/7/04. Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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

CHANGE OF ZONE 04025 - AMENDING SECTION 27.71.120 OF THE LINCOLN MUNICIPAL CODE TO ALLOW TEMPORARY CONCRETE PAVING PLANTS - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 27.71.120 of the Lincoln Municipal Code to approve temporary concrete paving plants; and repealing Section 27.71.120 of the Lincoln Municipal Code as hitherto existing, the third time.

FRIENDT 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 #18369, is recorded in Ordinance Book 202, Page

CHANGE OF ZONE 04026 - APPLICATION OF THE COUNTRY CLUB AND IRVINGDALE NEIGHBORHOOD ASSOCIATIONS FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN 17TH AND 30TH STREETS FROM SOUTH STREET TO WOODCREST STREET - PRIOR to reading:

COOK Moved to adopt Amendment #2, on page 1, delete all of lines 9 through 28, being the entire legal description, and insert in lieu thereof the following:

Lots 1-9, 15-24, Block 1, Lots 1-24, Block 2, Ryons Addition; Lots 1-10, Block 1, Lots 1-10, Block 2, Lots 1-10, Block 3, and Lots 1-10, Block 4, Marion Heights Addition; Lots 1-48, Cherry Hill Place; Lots 1-12, Block 1, Lots 1-12, Block 2, Youngs Subdivision; Lots 1-18, Alexander's Subdivision; Lots 1-4, Chapline Subdivision; Lots 1-14, Block 1, Lots 1-10, Block 2, Lots 1-24, Block 3, Lots 1-9, Block 6, Lots 1-16, Block 7, Lots 1-25, Block 8, Lots 1-16, Block 9, Lots 1-6 Block 10, Garfield Park; Lot 1, Block 1, Sewell's Addition; Lots 2-24, Block 1, Lots 1-24, Block 2, Replat of Sewell's Addition; Lots 1-24, Block 1, Lots 1-24, Block 2, Randall Place; Lots 1-24, Block 1, Lots 1-24, Block 8, Homecrest; Lots 1-12, Block 1, Yates and Thompsons Subdivision; Lots 1-13 and 16-24, Block 1, Lots 1-3 and 6-11, Block 2, Lots 1-8 and 14-20, Block 4, Lots 1-6 and 12-16, Block 5, Lots 1-4 and 10-12, Block 8, Sheridan Place, and Lots 59-62 I.T., all located in the South Half of Section 36, Township 10 North, Range 6 East; and Lots 1-11, Block 1, Lots 4-14, Block 14, Lots 4-7, Block 15, Lots 1, 2 and 12-23, Block 16, Sheridan Park, located in the SW Quarter of Section 31, Township 10 North, Range 7 East, Lancaster County, Nebraska, generally located between South Street and Van Dorn Street, from S 17<sup>th</sup> Street to S. 30<sup>th</sup> Street.

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

SVOBODA Moved to adopt Amendment #1 on page 1, line 13, delete the word "Alexander" and insert in lieu thereof the word Alexander's. On page 1, line 13, after the words Alexander Subdivision, delete the numbers "1-14" and insert in lieu thereof the numbers 1-4. On page 1, line 23, after the words "Block 1," delete the words "Lots 1 and 2, Block 12".

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

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



FRIENDT Moved to pass the ordinance as amended.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18370, is recorded in Ordinance Book 202, Page

AMENDING SECTION 9.20.080 OF THE LINCOLN MUNICIPAL CODE REGARDING PANHANDLING  
BY PROVIDING A MORE SPECIFIC DEFINITION OF THE OFFENSE INCLUDING BUT NOT  
LIMITED TO THE TIME, PLACE AND MANNER OF THE ACTS PROHIBITED BY SAID  
ORDINANCE - CLERK read an ordinance, introduced by Glenn Friendt,  
amending Section 9.20.080 of the Lincoln Municipal Code relating to the  
panhandling to provide a more specific definition of the offense  
including but not limited to the time, place and manner of the acts  
prohibited by said ordinance; and repealing Section 9.20.080 of the  
Lincoln Municipal code as hitherto existing, the third time.

FRIENDT 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 #18371, is recorded in Ordinance Book 202, Page

APPROVING A LEASE AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH  
DEPARTMENT AND THE LINCOLN MEDICAL EDUCATION PARTNERSHIP FOR THE WIC  
PROGRAM FOR A THREE-YEAR PERIOD AT 4600 VALLEY ROAD - CLERK read an  
ordinance, introduced by Glenn Friendt, accepting and approving a Lease  
Agreement between the City of Lincoln, Nebraska and Lincoln Medical  
Education Partnership for the lease of 200 sq. ft. of space at 4600  
Valley Road, Lincoln, Lancaster County, Nebraska, on behalf of the  
Lincoln-Lancaster County Health Department for its WIC Program for a  
term of three years, the third time.

FRIENDT 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 #18372, is recorded in Ordinance Book 202, Page

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

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to June 7, 2004.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to Withdraw Bill No. 04R-123.  
Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The resolution, having been **WITHDRAWN**, was assigned File #38-4475 & was placed  
on file in the Office of the City Clerk.

CAMP Moved to approve the resolutions to have Public Hearing on  
June 7, 2004.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**ADJOURNMENT 7:47 P.M.**

CAMP Moved to adjourn the City Council meeting of May 24, 2004.

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

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Teresa Meier, Deputy City Clerk

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Judy Roscoe, Senior Office Assistant