

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 21, 2004 AT 1:30 P.M.**

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

COOK Having been appointed to read the minutes of the City Council proceedings of June 14, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF SHUBH HOTELS CORNHUSKER LLC DBA MARRIOTT CORNHUSKER FOR A CLASS CK LIQUOR LICENSE AT 333 S. 13TH STREET;

MANAGER APPLICATION OF SACHIT R. NADKARNI FOR SHUBH HOTELS CORNHUSKER LLC DBA MARRIOTT CORNHUSKER AT 333 S. 13TH STREET - Tim O'Neill, Attorney, 121 S. 13th Street, took oath and came forward representing the applicant and asked for approval. Sachit R. Nadkarni, Manager, 7401 South 20th Street, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF BENJAMIN R. MORAN FOR O'FOURTEEN, INC. DBA WOODY'S PUB & GRILL AT 101 N. 14TH STREET, SUITE - Benjamin R. Moran, Manager, 230 South 11th Street, Apartment 2, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF BRIAN TOWLE FOR GATEWAY BOWL CORP. DBA GATEWAY BOWL AT 333 N. COTNER BLVD - Brian Towle, Manager, 5424 Stonecliffe Drive, took oath and came forward for approval.

This matter was taken under advisement.

ANNEXATION 04007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 53.32 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF S. 56TH STREET AND YANKEE HILL ROAD;

CHANGE OF ZONE 04009 - APPLICATION OF RIDGE DEVELOPMENT CO., SOUTHVIEW INC., AND PINE LAKE HEIGHTS JOINT VENTURE FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF S. 56TH STREET AND YANKEE HILL ROAD;

APPROVING BIG THOMPSON CREEK 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., AND DEVELOPMENTS UNLIMITED, LLP, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 53.32 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND YANKEE HILL ROAD - DaNay Kalkowski, Attorney, 1111 Lincoln Mall, Suite 350, came forward on behalf of applicants for approval.

This matter was taken under advisement.

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO ALLOW ALCOHOLIC BEVERAGES AT THE FOLSOM CHILDREN'S ZOO AND THE LINCOLN CHILDREN'S MUSEUM DURING FUND RAISING ACTIVITIES AND EVENTS WHEN THE FACILITIES ARE NOT OPEN TO THE GENERAL PUBLIC - Jeanelle Lust, Attorney, 2811 Sedalia Drive, President of the Board of Directors of the Folsom Children's Zoo, came forward asking for approval. Further discussion followed.

Rich Patrick, 6623 Boxelder Drive, President Elect of the Board of Directors of the Lincoln Children's Museum, came forward asking for approval. Further discussion followed.

Dana Roper, City Attorney, was asked to come forward to help answer questions of the Council. Further discussion followed.

Russ Fosler, Lincoln Police Department Investigator, came forward to help answer questions of the Council. Further discussion followed.

Glenn Cekal, 1420 "C" Street, came forward to express his concerns regarding this matter.

Danny Walker, 427 "E" Street, came forward in opposition.
This matter was taken under advisement.

CREATING A NEW CHAPTER 8.50 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING SMOKING REGULATIONS AND REPEALING CHAPTER 8.48 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN SMOKEFREE AIR ACT;

APPROVING REVISIONS TO THE LINCOLN SMOKEFREE AIR ACT - Ed Schneider, 7641 Leighton Avenue, President of the Lancaster Board of Health, came forward in opposition. Further discussion followed.

Mary Rouner, 1820 Surfside, owner of BC Pub, came forward and stated that she feels that this ordinance is not in the best interest and she would like to see the Council reconsider the Health Departments amendments, therefore she is in opposition.

Bailey Heafer, 2200 Pester Ridge Road, came forward and gave handouts stating which states have gone with a complete nonsmoking ban, which she is in favor of, and she also gave information regarding how harmful second-hand smoke is.

Rick Bickford, 6504 Benton, representing the Fraternal Order Eagles, came forward stating that they help raise money for children's foundations and if this ordinance passes he feels that it will hurt them on raising money for those foundations, therefore he is in opposition.

Joan Anderson, address unclear, with Lancaster Medical Society, came forward and stated that originally that she was in favor of the original smoking ban ordinance, however, she is now in favor of this ordinance in order to protect the children 18 years old or younger.

Mark Hunzeker, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of his applicant, Big Red Keno, and stated that they appreciate the fact that the under 18 prohibition is not in this ordinance. He also proposed an Amendment which would show the procedure of how violations will be dealt with. He stated that he would like on page 15, line 9, to delete the remainder of the paragraph, and after the sentence that is left, he would like to add the following text: the decision of the Health Director shall be final unless appealed.

Council Member Camp asked Mr. Hunzeker if they could call his Motion To Amend as Amendment No. 2 because they already have a Motion To Amend No. 1.

Mr. Hunzeker said that would be fine to call it Amendment No. 2.

Council Member Camp asked Council Member Svoboda to discuss the Amendment No. 1 that he is going to present.

Council Member Svoboda discussed the Amendment No. 1 and how it will change the wordage from less than 60% (which suggests to food) to use the words to at least 40%. Meaning that 40% of the business gross revenue in alcohol, not 60% or less in food, which he feels will close a loophole.

Council Member Newman asked Mr. Hunzeker how he feels about that amendment.

Mr. Hunzeker stated that he would object to that Amendment.
Further discussion followed.

Council Chair Werner announced that anyone that has already testified on this item will now be allowed to have an additional two minutes to discuss the Amendment that Council Member Svoboda brought forward.

Ed Schneider, came forward and expressed his concerns and showed a flow sheet which he feels will help define a bar. He also provided copies of his flow sheet for the City Council. Further discussion followed.

Rick Bickford, came forward to express his opinions of opposition regarding Mr. Schneider's point.

Council Chair Werner announced that since everyone that testified earlier on this item got a chance to come forward and address Mr. Svoboda's Amendment, that now they will continue the public hearing.

Danny Walker, 427 "E" Street, came forward to express his opinions of stopping the smoking in schools.

David Holmquist, 5700 Franklin Street, Director of Government Relations for the American Cancer Society here in Nebraska, came forward stating he is a proponent and an opponent at the same time. He stated that Lexington, KY, and Lawrence, KS, are similar in size to Lincoln and they are completely smoke free, and he feels Lincoln should follow in their steps. Further discussion followed.

Don Arena, 1200 W. Burnham, owner of Red Fox, came forward in support of letting the parents decide if their children should be allowed to go into smoking facilities. Further discussion followed.

Cindy Wostrel, 5232 Patmore Road, Chairwomen of Tobacco Free Lincoln, came forward and stated their concerns with the proposed changes that are before the City Council. She stated that the youth should not be exposed to second hand smoke and Tobacco Free Lincoln would like to see them protected.

John Hewitt, 8111 S. 98th Street, Denton, NE, came forward and expressed his concerns with the ordinance of protecting children from smoking establishments. He stated that he felt if we do pass the ordinance keeping the children out of smoking establishments, then there might be an incident like there was on 19th and L Street where a child was left in a car and froze to death.

Wes Beal, 2840 R Street, Apartment 2, came forward on behalf of Health Education Inc, a non profit agency in Lincoln, and stated that he is in support of some of the amendments and in opposition of others. Further discussion followed.

Glenn Cekal, 1420 "C" Street, came forward and expressed his concerns with this matter.

Bob Jergensen, 5444 W. Brixton, owner of PO Pears, came forward in support of Mr. Hunzeker's Amendment No. 2. He also stated that he was in opposition of the ordinance not allowing 18 and younger into smoking establishments. Further discussion followed.

Frank Delgado, 3325 "P" Street, came forward in support of the revised amendment.

This matter was taken under advisement.

SPECIAL PERMIT 1870A - APPLICATION OF GERRY AND DIANNE KRIESER TO DEVELOP STEVENS CREEK RIDGE 1ST ADDITION COMMUNITY UNIT PLAN FOR 10 SINGLE FAMILY RESIDENTIAL ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 134TH STREET AND HOLDREGE STREET - Brian Carstens, 601 Old Cheney Road, came forward and behalf of applicant for approval.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN FOR THE ACQUISITION AND DEMOLITION OF THE NORTHEAST PRINTERS BUILDING BY THE CITY FOR REDEVELOPMENT OF THE SITE ON PROPERTY GENERALLY LOCATED AT 2436 N. 48TH STREET - Wynn Hjermsstad, Urban Development Department, came forward for approval and to describe the purpose of the project. Further discussion followed.

This matter was taken under advisement.

APPEAL OF ORCHID ENTERPRISES, LLC, FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF SPECIAL PERMIT 04020 FOR A LIMITED LANDFILL AT S.W. 27TH STREET AND WEST O STREET, REQUIRING A 12 MONTH TIME LIMIT - Michael Rierden, 645 "M" Street, Suite 200, came forward on behalf the applicant. He stated that the Planning Commission recommended approval but put them on a time frame of 12 months to complete the project. However, they are asking for 24 months to complete the project. Further discussion followed.

Tom Friedman, 1404 N. 150th Street, Omaha, NE, owner of the property, stated that he would like to develop the property and put a commercial building on it. Further discussion followed.

Gary Butts, 2238 S. 48th Street, Project Manager of the site, came forward to clarify that the project is not going to be a dump. He also stated that he did make Mr. Friedman aware of the limited landfill provision in the zoning ordinance which they plan on using.

Rick Brandt, 404 Hill Street, Operator of the Project, came forward for approval and to answer any questions of the Council. Further discussion followed.

Matt Minchow, with West Gate Bank, came forward in support of Mr. Friedman's project.

Mr. Rierden came forward for rebuttal.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FUNDING OF RESURFACING WORK ON CORNHUSKER HIGHWAY BETWEEN 13TH AND 20TH STREET, CORNHUSKER HIGHWAY FROM 35TH TO 44TH STREET AND 9TH STREET FROM Q TO H STREETS - Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions of the Council.

Council Member Cook asked if the wording of the application was correct.

Nicole Fleck-Tooze stated that the wording is correct.

This matter was taken under advisement.

AUTHORIZING THE ACCEPTANCE OF TWO TOUR DE LINCOLN ART WORKS FOR INCLUSION IN THE CITY'S PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY - Lynn Johnson, Director of Parks & Recreation Department, came forward for approval.

Council Member Camp asked if there is a mistake with one of the addresses of where the art will be located.

Mr. Johnson stated that it is incorrect. The address should be at 27th and Sheridan Blvd, not 27th and Capital Parkway. Further discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND BEUTLER DEVELOPMENT SERVICES FOR FUND DEVELOPMENT SERVICES FOR A FOUR-YEAR TERM BEGINNING JULY 1, 2004 - Lynn Johnson, Director of Parks and Recreation Department, came forward asking for approval. Further discussion followed.

Danny Walker, came forward to express his concerns on this matter. Further discussion followed.

Glenn Cekal, 1420 "C" Street, came forward and expressed his concerns on this matter. Further discussion followed.

This matter was taken under advisement.

ACCEPTING A DONATION OF \$45,000 FOR RENOVATION OF PARK IMPROVEMENTS AND TO ESTABLISH AN ENDOWMENT FOR ON-GOING PARK MAINTENANCE OF PARK LAND LOCATED AT S. COTNER BLVD. AND ALDRICH ROAD - Lynn Johnson, Director of Parks and Recreation Department, came forward for approval. Further discussion followed.

This matter was taken under advisement.

****TOOK BREAK 4:55 P.M.**

RECONVENED 4:05 P.M.

MISCELLANEOUS BUSINESS

Danny Walker, 437 E Street, came forward to discuss the topic of the garbage dump adjacent to 610 G Street. He also showed photos on the overhead regarding this topic. Council Member McRoy is going to submit this issue to the Downtown Lincoln Association and request them to follow up and to respond to Mr. Walker.

This matter was taken under advisement.

Glenn Cekal, 1420 C Street, came forward and expressed his concerns of there being no sidewalks on either side of Cornhusker Highway for bicyclists. Further discussion followed.

This matter was taken under advisement.

Bill Roads, no address given, came forward and expressed his concerns regarding homeless people.

This matter was taken under advisement.

Frank Delgado, 3325 "P" Street, came forward to discuss his concerns regarding documents that were discussed at the Comprehensive Plan Review Meeting regarding acreages that are partially within the City and partially within the County and there was no City line drawn on the map. He recommended that a City Line and the 3 mile limits line be put into the document.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF SHUBH HOTELS CORNHUSKER LLC DBA MARRIOTT CORNHUSKER FOR A CLASS CK LIQUOR LICENSE AT 333 S. 13TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82820 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 Shubh Hotels Cornhusker L.L.C. d/b/a "Marriott Cornhusker" for a Class "CK" liquor license at 333 South 13th Street, Lincoln, Nebraska, for the license period ending October 31, 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 Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

MANAGER APPLICATION OF SACHIT R. NADKARNI FOR SHUBH HOTELS CORNHUSKER LLC DBA MARRIOTT CORNHUSKER AT 333 S. 13TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82821 WHEREAS, Shubh Hotels Cornhusker L.L.C., d/b/a Marriott Cornhusker, located at 333 South 13th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Sachit R. Nadkarni be named manager;

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

MANAGER APPLICATION OF BENJAMIN R. MORAN FOR O'FOURTEEN, INC. DBA WOODY'S PUB & GRILL AT 101 N. 14TH STREET, SUITE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82822 WHEREAS, O'Fourteen, Inc. d/b/a Woody's Pub & Grill located at 101 North 14th Street, Suite 6, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Benjamin R. Moran be named manager;

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

REGULAR MEETING

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MANAGER APPLICATION OF BRIAN TOWLE FOR GATEWAY BOWL CORP. DBA GATEWAY BOWL AT 333 N. COTNER BLVD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82823 WHEREAS, Gateway Bowl Corp. d/b/a Gateway Bowl located at 333 North Cotner Blvd., Lincoln, Nebraska, has been approved for a Retail Class "C" liquor license, and now requests that Brian Towle be named manager;

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

ANNEXATION 04007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 53.32 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF S. 56TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-122, 04R-148) - CLERK read an ordinance, introduced by Jon Camp, annexing and including approximately 53.32 acres of property located northeast of S. 56th Street and Yankee Hill Road as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 04009 - APPLICATION OF RIDGE DEVELOPMENT CO., SOUTHVIEW INC., AND PINE LAKE HEIGHTS JOINT VENTURE FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF S. 56TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/04-121, 04R-148) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING BIG THOMPSON CREEK 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., AND DEVELOPMENTS UNLIMITED, LLP, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 53.32 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND YANKEE HILL ROAD - Prior to reading:

CAMP Moved to delay action for one week to 6/28/04 on Bill No. 04R-148.

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

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO ALLOW ALCOHOLIC BEVERAGES AT THE FOLSOM CHILDREN'S ZOO AND THE LINCOLN CHILDREN'S MUSEUM DURING FUND RAISING ACTIVITIES AND EVENTS WHEN THE FACILITIES ARE NOT OPEN TO THE GENERAL PUBLIC - CLERK read an ordinance, introduced by Jon Camp, amending Section 12.08.270 of the Lincoln Municipal Code to allow alcoholic beverages to be served at the Folsom Children's Zoo and the Lincoln Children's Museum during fund-raising activities and events when the facilities are not open to the general public; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the second time.

CREATING A NEW CHAPTER 8.50 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING SMOKING REGULATIONS AND REPEALING CHAPTER 8.48 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN SMOKEFREE AIR ACT - CLERK read an ordinance, introduced by Jon Camp, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.50 entitled the Lincoln Smoking Regulation Act, the second time.

APPROVING REVISIONS TO THE LINCOLN SMOKEFREE AIR ACT - PRIOR to reading:
COOK Moved to withdraw Bill No. 04-92.

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

CLERK Read an ordinance, introduced by 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.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4480 & was placed on file in the Office of the City Clerk.

RESOLUTIONS

SPECIAL PERMIT 1870A - APPLICATION OF GERRY AND DIANNE KRIESER TO DEVELOP STEVENS CREEK RIDGE 1ST ADDITION COMMUNITY UNIT PLAN FOR 10 SINGLE FAMILY RESIDENTIAL ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 134TH STREET AND HOLDREGE STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82824 WHEREAS, Gerry and Dianne Krieser have submitted an application designated as Special Permit No. 1870A for authority to develop Stevens Creek Ridge 1st Community Unit Plan consisting of ten single family residential acreage lots on property generally located at North 134th and Holdrege Streets, and legally described to wit: Lot 13 I.T., and all of Stevens Creek Ridge Addition located in the East Half of Section 17, Township 10 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska;

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

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of **Gerry and Dianne Krieser**, hereinafter referred to as "Permittee", to develop **STEVENS CREEK RIDGE 1ST COMMUNITY UNIT PLAN**, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a total of ten single family lots consisting of the eight currently shown on the site plan and two to be located on the property by administrative amendment at a later date.

2. Before receiving building permits:
 - a. The Permittee must submit a permanent reproducible final site plan as approved with three copies.
 - b. Final plat must be approved.
3. Before occupying this development, all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, their successors and assigns.
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, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
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 Jonathan Cook

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

APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN FOR THE ACQUISITION AND DEMOLITION OF THE NORTHEAST PRINTERS BUILDING BY THE CITY FOR REDEVELOPMENT OF THE SITE ON PROPERTY GENERALLY LOCATED AT 2436 N. 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82825 WHEREAS, the City Council on December 7, 1998 adopted Resolution No. A-79200, adopting the University Place Redevelopment Plan, and said plan was amended by Resolution No. A-81098 adopted on September 17, 2001 and Resolution No. A-82040 adopted on April 14, 2003; and

WHEREAS, the Director of Urban Development has filed with the City Clerk an amendment to the University Place Redevelopment Plan to provide for the acquisition, site preparation, and demolition of the Northeast Printers Building at 2436 N. 48th Street; said plan amendments are attached hereto, marked as Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on May 14, 2004 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on May 26, 2004 before the Lincoln City - Lancaster County Planning Commission regarding the amendments to the University Place Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed amendments to the University Place Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on May 24, 2004 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on June 10, 2004 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on June 21, 2004 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on June 4, 2004 and June 11, 2004 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on June 21, 2004 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on May 21, 2004 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed amendments to the University Place Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed amendments.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the University Place Redevelopment Plan as modified by the proposed amendments is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the University Place Redevelopment Plan as modified by the proposed amendments is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendments to the University Place Redevelopment Plan attached hereto as Attachment "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said amendments to the University Place Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to the findings, approvals, and authorizations set forth in Resolutions No. A-79200, A-81098, and A-82040.

Introduced by Jonathan Cook

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

APPEAL OF ORCHID ENTERPRISES, LLC, FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF SPECIAL PERMIT 04020 FOR A LIMITED LANDFILL AT S.W. 27TH STREET AND WEST O STREET, REQUIRING A 12 MONTH TIME LIMIT - PRIOR to reading:

CAMP Moved to Amend Bill No. 04R-147, in the following manner: On page 2, line 10, after the word "affirmed" insert the following words: except that condition 1 of the conditions of approval should be amended to extend the duration of the special permit from 12 months to 24 months. On page 3, line 3, delete the number 12 and insert in lieu thereof the number 24.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82826 WHEREAS, Thomas D. Friedman, on behalf of Orchid Enterprises, L.L.C., has submitted an application designated as Special Permit No. 04020 for authority to operate a limited landfill on property located west of S.W. 27th Street and West O Street, and legally described to wit:

A part of Lot 105 I.T. and a part of Lot 106 I.T., located in the Northeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, described as follows:

Beginning at the northeast corner of said Lot 106 I.T., said point also being the northwest corner of Lot 81 I.T., said point also being 60.00 feet south of the north line of said Northeast Quarter and lying on the south right-of-way line of West O Street, and extending thence south 00 degrees 00 minutes 21 seconds west (assumed) on the east line of said Lot 106 I.T., a distance of 300.15 feet to a southeast corner of said Lot 106 I.T., said point being also the southwest corner of Lot 81 I.T. and a northeast corner of Lot 105 I.T.; thence south 00 degrees 02 minutes 30 seconds east on the east line of said Lot 105 I.T., a distance of 59.84 feet to the southwest corner of Lot 93 I.T.; thence south 89 degrees 13 minutes 53 seconds west, a distance of 343.15 feet to a point of intersection with the west line of said Lot 105 I.T., 60.00 feet south of the northwest corner of said Lot 105 I.T.; thence continuing south 89 degrees 13 minutes 53 seconds west, a distance of 342.68 feet to a point of intersection with the west line of said Lot 106 I.T.; thence north 00 degrees 03 minutes 53 seconds west on the west line of said Lot 106 I.T., a distance of 359.73 feet to a point of intersection with the south right-of-way line of West O Street, said point also being the northwest corner of said Lot 106 I.T.; thence north 89 degrees 16 minutes 06 seconds east on the north line of said Lot 106 I.T., a distance of 686.83 feet to the point of beginning, containing an area of 5.67 acres;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on May 26, 2004 and conditionally approved Special Permit No. 04020; and

WHEREAS, J. Michael Rierden, on behalf of Orchid Enterprises, L.L.C., has appealed the action of the Lincoln City-Lancaster County Planning Commission's conditional approval of Special Permit No. 04020; and

WHEREAS, the final action of the Lincoln City-Lancaster County Planning Commission conditionally approving Special Permit No. 04020 should be affirmed; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this limited landfill will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the Comprehensive Plan of the City of Lincoln and 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 Thomas D. Friedman, on behalf of Orchid Enterprises, L.L.C., hereinafter referred to as "Permittee", to operate a limited landfill be and the same is hereby granted under the provisions of Section 27.43.040(p) and 27.63.560 the Lincoln Municipal Code upon condition that construction and operation of said limited landfill be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a limited landfill operation for a period of 12 months from the date of the issuance of the building permit. The operation shall be limited to the operating hours of 7:30 a.m. to 6:00 p.m., Monday through Saturday.

2. Before receiving building permits:

- a. The Permittee must receive a determination in writing from the FAA that this is a Class IV C&D debris landfill that is not a hazardous wildlife attractant or a hazard to aircraft, and submit said document to the Planning Department office for review and approval.
- b. The limited landfill must meet all local, state and federal regulations.

3. Before operation of this limited landfill all development and construction must be in conformance with the approved plans.

4. Before beginning this limited landfill operation the City County Health Department must approve the water, wastewater systems and air quality and noise permits.

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 and the Permittee's 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 Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FUNDING OF RESURFACING WORK ON CORNHUSKER HIGHWAY BETWEEN 13TH AND 20TH STREET, CORNHUSKER HIGHWAY FROM 35TH TO 44TH STREET AND 9TH STREET FROM Q TO H STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82827 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. RD-6-6(1040), CN 12765, City Project No. 701753), to obligate Federal and State funds for resurfacing work on Cornhusker Highway between 13th and 20th Streets, Cornhusker Highway from 35th to 44th Streets and 9th Street from Q to H Streets, 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 Jonathan Cook

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

AUTHORIZING THE ACCEPTANCE OF TWO TOUR DE LINCOLN ART WORKS FOR INCLUSION IN THE CITY'S PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY - PRIOR to reading:

CAMP Moved to Amend Bill No. 04R-151 in the following manner: On page 1, line 11, delete the words Capitol Parkway and insert in lieu thereof the words Sheridan Blvd.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82828 WHEREAS, the Lincoln Arts Council sponsored a temporary display of public art throughout the community entitled the Tour de Lincoln art project; and

WHEREAS, the art works were sold at public auction at the end of the temporary display to individuals and groups; and

WHEREAS, twelve of the Tour de Lincoln project bikes were previously offered to the City and accepted as donations for public display of art on public property; and

WHEREAS, two additional donors have offered the Tour de Lincoln project bikes to the City for public display; and

WHEREAS, the City through its Parks and Recreation Department, desires to accept the two additional donated bikes and to install them in downtown Lincoln and at S. 27th Street and Capitol Parkway.

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

That the donation of two Tour de Lincoln bikes, Cruisin by Mary Kolar and Ride of Passage by Liz Shea-McCoy, for display on public property is hereby accepted.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND BEUTLER DEVELOPMENT SERVICES FOR FUND DEVELOPMENT SERVICES FOR A FOUR-YEAR TERM BEGINNING JULY 1, 2004 - PRIOR to reading:

CAMP Action delayed on Bill No. 04R-152 for 1 week to 6/28/04.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82829 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement for development services between the City of Lincoln and the Beutler Development Services for fund development services for a four year term beginning July 1, 2004, 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 Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Agreement to the Parks and Recreation Department for transmittal to Chris Beutler.

Introduced by Jonathan Cook

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

ACCEPTING A DONATION OF \$45,000 FOR RENOVATION OF PARK IMPROVEMENTS AND TO ESTABLISH AN ENDOWMENT FOR ON-GOING PARK MAINTENANCE OF PARK LAND LOCATED AT S. COTNER BLVD. AND ALDRICH ROAD - PRIOR to reading:

CAMP Moved to accept Substitute Resolution.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82830 WHEREAS, an Offer of Donation in the amount of \$45,000.00 has been made to the City of Lincoln for the purpose of renovation and park improvements and to establish an endowment for on-going park maintenance of park land located at South Cotner Blvd. and Aldrich Road; and

WHEREAS, the Parks & Recreation Department has recommended that the 0.9 acre park area be named "Kontras Park" in recognition of this donation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the acceptance of a \$45,000.00 donation for renovation and park improvements and to establish an endowment for on-going park maintenance of 0.9 acres of park area to be known as Kontras Park is hereby accepted and approved effective the date of its receipt, and that the deep and sincere appreciation of the City of Lincoln to the Donor of this gift is hereby expressed and made a part of the records of the City of Lincoln.

Introduced by Jonathan Cook

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 THE CITY COUNCIL ON JUNE 14, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE COUNCIL AND THE LANCASTER COUNTY BOARD ON JUNE 15, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND TO THE CLOSE OF BUSINESS
JUNE 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 JUNE 14 THRU JUNE 18, 2004 - CLERK read
the following resolution, introduced by Jonathan Cook, who moved its
adoption:

A-82831 BE IT 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 Jonathan Cook

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

INVESTMENT OF FUNDS FOR THE WEEK OF JUNE 1 THRU JUNE 11, 2004 - CLERK read the
following resolution, introduced by Jonathan Cook, who moved its
adoption:

A-82832 BE IT 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 Jonathan Cook

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH
OF APRIL, 2004: QUANTUM SHIFT, UNITED SYSTEMS ACCESS, STAR NUMBER, IBM
GLOBAL, T-NETIX; MAY, 2004: ATS MOBILE - CLERK presented said report
which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder will advance to Public Hearing on 6/28/04)

APPROVING (1) LEASE AGREEMENT FROM THE CITY AND THE COUNTY OF LANCASTER TO THE
LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION; (2) LEASE AGREEMENT
FROM THE COMMISSION TO THE COUNTY AND THE CITY; AND (3) THE ISSUANCE OF
NOT TO EXCEED \$12,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL
REVENUE AND REFUNDING BONDS, ALL WITH RESPECT TO ADDITIONS AND
IMPROVEMENTS AT THE CITY-COUNTY HEALTH DEPARTMENT BUILDING - CLERK read
an ordinance, introduced by Jonathan Cook, an ordinance of the City of
Lincoln, Nebraska (The "City") accepting and approving (1) a first
amendment to lease agreement jointly, as lessor and the Lincoln-
Lancaster County Public Building Commission (The "Commission"), as
lessee, with respect to (A) the Lincoln-Lancaster County Health
Department Grounds and Building (The "Health Facilities"), and (2) a
First Amendment to lease agreement among the Commission, as lessor, and
the City and the County, Jointly, as lessee, with respect to the Health
Facilities together with certain related facilities, building and
structures to be constructed adjacent and connected to the existing
Health Facilities and (3) the issuance sale and delivery of not to
exceed twelve million dollars (12,000,000) in aggregate principal amount
of tax supported lease rental revenue bonds, series 2004, by the
commission, the first time.

CREATING SEWER DISTRICT NO. 1180 IN SOUTH FOLSOM STREET FROM W. SOUTH STREET
SOUTH APPROXIMATELY 1250 FEET - CLERK read an ordinance, introduced by
Jonathan Cook, creating Sewer District No. 1180, 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 first time.

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 287 IN WEST CHARLESTON STREET, 1ST
STREET WEST APPROXIMATELY 1100 FEET - CLERK read an ordinance,
introduced by Jonathan Cook, creating Ornamental Lighting District No.
287, defining the limits thereof, designating the improvements to be
made therein, designating the property to be benefitted, providing for
the payment of the cost thereof, and repealing all ordinances and parts
of ordinances in conflict herewith, the first time.

ANNEXATION 03008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE - CLERK read an ordinance, introduced by Jonathan Cook, 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.

APPROVING CARDINAL HEIGHTS 2ND ADDITION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN HARTLAND HOMES INC. AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE.

CHANGE OF ZONE 04013 - APPLICATION OF HARTLAND HOMES INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE - CLERK read an ordinance, introduced by Jonathan Cook, 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.

SPECIAL PERMIT 2045 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP HARTLAND'S CARDINAL HEIGHTS 2ND COMMUNITY UNIT PLAN FOR 56 DWELLING UNITS, WITH WAIVERS TO ALLOW SANITARY SEWER LINES TO RUN OPPOSITE STREET GRADES, THE TRANSFER OF SANITARY SEWER FROM ONE BASIN TO ANOTHER, LOTS TO EXCEED THREE TO ONE LOT DEPTH TO WIDTH RATIO, LOTS WITH LESS THAN THE MIN. WIDTH, LOTS WITH LESS THAN THE MINIMUM LOT AREA, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND W. THATCHER LANE.

CHANGE OF ZONE 04036 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 27TH STREET AND STRATFORD AVE - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING SECTION 27.52.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO STANDARDS TO BE FOLLOWED IN CONNECTION WITH FLOOD REGULATIONS FOR EXISTING URBAN AREA TO MAKE THE LANGUAGE CONSISTENT WITH THE MINIMUM FEMA STANDARD LANGUAGE FOR FLOODWAYS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.52.030 of the Lincoln Municipal Code relating to Standards to be followed in connection with Flood Regulations for Existing Urban Area to make the language consistent with the minimum FEMA standard language for floodways; and repealing Section 27.52.030 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

STREET & ALLEY VACATION 03020 - VACATING THE EAST-WEST ALLEY BETWEEN SOUTH STREET AND SAYLOR STREET, WEST OF 55TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between South Sewer Street and Saylor Street, west of 55th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SVOBODA 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 **#18381**, is recorded in Ordinance Book #25.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CHANGING THE PAY RANGE FOR COMMUNITY HEALTH SERVICES MANAGER - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 1 of Ordinance No. 18223 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by amending the pay range of Community Health Services Manager from (M05) to (M04), the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18382**, is recorded in Ordinance Book #25.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A BY CHANGING THE JOB CLASSIFICATION OF WATER SERVICE WORKER III TO WATER SERVICE SUPERVISOR AND TO AMEND THE PAY RANGE OF WATER METER SHOP SUPERVISOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 1 and 3 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" and "C", respectively, by amending the job classification of "Water Service Worker III" to "Water Service Supervisor" and amending its pay range from (A08) to (A10); and by moving the job classification "Water Meter Shop Supervisor" from the LCEA "C" Range to the LCEA "A" Range, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18383**, is recorded in Ordinance Book #25.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER E BY CREATING THE JOB CLASSIFICATION OF OMBUDSMAN - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 1 of Ordinance No. 18221 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E" by creating the job classification of Ombudsman, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18384**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04028 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO CREATE A SPECIAL SIGN OVERLAY DISTRICT WITHIN THE B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN O AND P STREETS AND NORTH 11TH AND NORTH 12TH STREETS - CLERK read an ordinance, introduced by Ken Svoboda, designating the Grand Theater Special Sign District as an overlay special sign district within the B-4 Lincoln Center Business District on property generally located between O and P Streets and North 11th and North 12th Streets, excluding the west 50 feet and the east 50 feet on O Street, in accordance with the provisions of § 27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18385**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04029 - APPLICATION OF SANITARY AND IMPROVEMENT DISTRICT NO. 6 FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-3 HIGHWAY COMMERCIAL AND FROM R-1 RESIDENTIAL AND H-3 HIGHWAY COMMERCIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N.W. 84TH STREET/S.W. 84TH STREET AND WEST O STREET - PRIOR to reading:

COOK Moved to Amend No. 1.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SVOBODA Moved to pass the ordinance as amended.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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

The ordinance, being numbered **#18386**, is recorded in Ordinance Book #25.

REGULAR MEETING

JUNE 21, 2004

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CHANGE OF ZONE 04033 - APPLICATION OF ST. ELIZABETH COMMUNITY HEALTH CENTER FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF KENSINGTON DRIVE AND WEST OF N. 26TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18387**, is recorded in Ordinance Book #25.

USE PERMIT 94B - APPLICATION OF ST. ELIZABETH COMMUNITY HEALTH CENTER TO INCREASE THE BOUNDARY OF THE EXISTING USE PERMIT TO ALLOW A TOTAL OF 47,000 SQ. FT. OF FLOOR AREA AND A REDUCTION IN THE FRONT YARD SETBACK ALONG N. 26TH STREET FROM 50 FEET TO 20 FEET, ON PROPERTY GENERALLY LOCATED SOUTH OF KENSINGTON DRIVE AND WEST OF N. 26TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82833 WHEREAS, St. Elizabeth Community Health Center has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 94B for authority to expand the boundary of Use Permit No. 94A, increase the total allowed square footage of floor area from 45,000 sq. ft. to 47,000 sq. ft. to allow construction of a medical office building and to reduce the front yard setback along N. 26th Street from 50' to 20', on property generally located south of Kensington Drive and west of North 26th Street, and legally described to wit:

Lots 1 through 3 and Outlot "A", Block 2, Elizabeth Park North Addition in the Southeast Quarter of Section 1, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this medical office building 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 St. Elizabeth Community Health Center, hereinafter referred to as "Permittee", to expand the boundary of Use Permit No. 94A, increase the total allowed square footage of floor area from 45,000 sq. ft. to 47,000 sq. ft. to allow construction of a medical office building and to reduce the front yard setback along N. 26th Street from 50' to 20', on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said office building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a total of 47,000 square feet of floor area and a reduction in the front yard setback along N. 26th Street from 50' to 20'.

2. Before receiving building permits:

a. The Permittee must complete the following instructions and submit the documents and plans to the Planning Department for review and approval:

i. A revised site plan showing the following revisions:

(1) Correct the typo in the "Existing Use Permit Legal Description".

(2) Combine the legal description into one description.

- (3) Provide a wall constructed of materials similar to the building of a height and length to screen the drive thru and a 60% landscape screen from 0' to 10' along the west property line as it abuts the O-3 district. A note may fulfill this requirement stating that the landscape plan will be reviewed with the building permit.
 - ii. A permanent reproducible final site plan as approved.
 - iii. Revise the grading and drainage plan to maximize the drainage area flowing to N. 26th Street to the satisfaction of Public Works and Utilities Department.
 - b. The construction plans must conform to the approved plans.
 - c. The required easements as shown on the site plan must be recorded with the Register of Deeds.
 - b. The construction plans must conform to the approved plans.
3. Before occupying this medical office/retail center all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements, including landscaping and recreational facilities, shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
5. 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.
6. The site plan accompanying this permit, approved by the City Council, represents the official approved permit and shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, etc.
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.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

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

ANNEXATION NO. 04006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.979 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND NORVAL ROAD - PRIOR to reading:

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

SVOBODA Moved to pass the Substitute Ordinance.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, 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.

The ordinance, being numbered **#18388**, is recorded in Ordinance Book #25.

REGULAR MEETING

JUNE 21, 2004

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CHANGE OF ZONE 04010 - APPLICATION OF RON TONNIGES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND NORVAL ROAD - PRIOR to reading:

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

SVOBODA Moved to pass the Substitute Ordinance.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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

The ordinance, being numbered **#18389**, is recorded in Ordinance Book #25.

APPROVING THE BRANDT HEIGHTS 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND RONALD A. TONNIGES AND MARVA R. TONNIGES OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 3.979 ACRES OF PROPERTY GENERALLY LOCATED NORTH AND SOUTH OF NORVAL ROAD AND EAST OF 84TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82834 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Brandt Heights 1st 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 Ronald A. Tonniges and Marva R. Tonniges, outlining certain conditions and understandings between the City and said Owner relating to the annexation of approximately 3.979 acres of property generally located north and south of Norval Road and east of 84th Street 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 one fully executed copy 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 Owners.

Introduced by Jonathan Cook

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

VACATING THE NORTH 9'4" OF THE Q STREET RIGHT-OF-WAY ADJACENT TO A PART OF THE HAYMARKET PARKING GARAGE GENERALLY LOCATED AT 9TH AND Q STREETS AS PART OF A CONTRACTUAL AGREEMENT BETWEEN B&J PARTNERSHIP AND THE CITY - CLERK read an ordinance, introduced by Ken Svoboda, vacating the north 9'4" of Q Street right-of-way adjacent to a part of the Haymarket Parking Garage, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18390**, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to withdrawn Bill No. 04R-157 from the Upcoming Public Hearing Resolutions List.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4479 & was placed on file in the Office of the City Clerk.

CAMP Moved to extend the Pending List to June 28, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June 28, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 5:03 P.M.

CAMP Moved to adjourn the City Council meeting of June 21, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

