

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

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

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

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of July 19, 2004, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA IN N STREET BETWEEN 16TH AND 14TH STREETS, AND 15TH STREET M TO O STREETS ON AUGUST 12 THROUGH 15, 2004 FROM 11:00 A.M. TO 11:59 P.M. - Tom Lorenz, 1364 Prairie View Road, Executive Director of Pershing Center, came forward for approval.

This matter was taken under advisement.

AMENDING CHAPTER 27.58 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE AIRPORT ENVIRONS NOISE DIST. TO CHANGE THE NOISE LEVEL REFERENCE FROM LDN TO DNL; TO DELETE THE NUMBER 1 FROM THE DISTRICT NAME; TO AMEND THE BOUNDARIES OF THE DISTRICT; TO REVISE PROVISIONS REGARDING PERMITTED USES; TO REVISE PROVISION REGARDING CONDITIONAL PERMITTED USES; TO DELETE THE REQUIREMENT THAT A COVENANT, NOTICE & ACKNOWLEDGMENT BE GRANTED & INSTEAD TO REQUIRE THE GRANT OF AN AVIATION & NOISE EASEMENT; & TO ADD REFERENCE TO THE AVIATION & NOISE EASEMENT;

COMP. PLAN AMENDMENT 04002 - ADOPTING THE LINCOLN AIRPORT F.A.R. PART 150 NOISE COMPATIBILITY STUDY AS AN APPROVED SUBAREA PLAN OF THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN & TO AMEND THE LAND USE PLAN ACCORDINGLY FOR THE AREA GENERALLY LOCATED BETWEEN SW 40TH ST. & S. CODDINGTON AVE., FROM W. SOUTH ST. TO ½ MILE NORTH OF W. A ST;

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY & THE AIRPORT AUTHORITY REGARDING CITY'S & AIRPORT AUTHORITY'S RESPONSIBILITIES IN IMPLEMENTING THE AIRPORT ENVIRONS NOISE DISTRICT REQUIREMENT THAT AS A CONDITION OF SUBDIVISION, ZONING CODE, COMMUNITY UNIT PLAN, SPECIAL PERMIT, OR USE PERMIT APPROVAL THAT THE APPLICANT GRANT AN AVIATION EASEMENT PROTECTING THE AIRPORT AUTHORITY FROM CLAIMS OF DAMAGES FROM AIRPORT NOISE & OVERFLIGHT IMPACT - Duncan Ross, Planning Department, came forward for approval and to answer any questions of the Council. Further discussion followed.

Mike Johnson, 1045 Lincoln Mall, Suite 200, Attorney for Airport Authority, came forward to help answer questions of the Council. Further discussion followed.

John Large, 1511 Fairfield, Deputy Director of Engineering at Lincoln Airport Authority, came forward in support and stated that he has been the project manager of this project and he could answer any questions that the Council may have.

This matter was taken under advisement.

APPROVING THE FINANCING OF A LEASE-PURCHASE AGREEMENT BETWEEN THE CITY & UNION BANK & TRUST COMPANY IN AN AMOUNT NOT TO EXCEED \$2,500,000 FOR THE ACQUISITION BY THE CITY OF FIRE FIGHTING & PUBLIC SAFETY EMERGENCY EQUIPMENT - Don Herz, Finance Director, came forward for approval and to answer questions of the Council. Further discussion followed.

Lauren Wismer, 233 S. 13 Street, Attorney with Gillmore and Bell, came forward to help describe the certificate of participation. Further discussion followed.

Mike Spadt, Fire Department Chief, came forward for approval and to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04041 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE FROM P PUBLIC USE DISTRICT TO I-1 INDUSTRIAL DISTRICT ON APPROXIMATELY 24.62 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 9TH ST. & CALVERT ST - Mike Rierden, 645 M Street, Suite 200, came forward on behalf of B & J Partnership asking for approval. Further discussion followed. Ray Hill, Planning Department, came forward to help answer questions of the Council regarding this change of zone. Further discussion followed. This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" Street, came forward and presented three photographs of areas in Lincoln that need attention. Two photos were of park property or open space located at 20<sup>th</sup> and S Streets. The other photo was of weeds on property located at R Street and X Street. Ken Svoboda, acting as Council Chairperson, directed that the photographs be sent to the appropriate departments. This matter was taken under advisement.

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

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA IN N STREET BETWEEN 16TH AND 14TH STREETS, AND 15TH STREET M TO O STREETS ON AUGUST 12 THROUGH 15, 2004 FROM 11:00 A.M. TO 11:59 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82876 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 Pershing Center for a Special Designated License to cover an area in N Street between 16th and 14th Streets, and 15th Street M to O Streets at Pershing Center, 226 Centennial Mall South, Lincoln, Nebraska, on August 12 through 15, 2004 from 11:00 a.m. to 11:59 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda; NAYS: None; ABSENT: McRoy, Werner.

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

AMENDING CHAPTER 27.58 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE AIRPORT ENVIRONS NOISE DIST. TO CHANGE THE NOISE LEVEL REFERENCE FROM LDN TO DNL; TO DELETE THE NUMBER 1 FROM THE DISTRICT NAME; TO AMEND THE BOUNDARIES OF THE DISTRICT; TO REVISE PROVISIONS REGARDING PERMITTED USES; TO REVISE PROVISION REGARDING CONDITIONAL PERMITTED USES; TO DELETE THE REQUIREMENT THAT A COVENANT, NOTICE & ACKNOWLEDGMENT BE GRANTED & INSTEAD TO REQUIRE THE GRANT OF AN AVIATION & NOISE EASEMENT; & TO ADD REFERENCE TO THE AVIATION & NOISE EASEMENT. (IN CONNECTION W/04R-172 & 04R-182) - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.58 of the Lincoln Municipal Code relating to the Airport Environs Noise Dist. to change the noise level reference from Ldn to DNL; to delete the number 1 from the district name; to amend

the boundaries of the district; to revise provisions regarding permitted uses; to revise provision regarding conditional permitted uses; to delete the requirement that a Covenant, Notice & Acknowledgment be granted & instead to require the grant of an aviation & noise easement; & to add reference to the aviation & noise easement, the second time.

COMP. PLAN AMENDMENT 04002 - ADOPTING THE LINCOLN AIRPORT F.A.R. PART 150 NOISE COMPATIBILITY STUDY AS AN APPROVED SUBAREA PLAN OF THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN & TO AMEND THE LAND USE PLAN ACCORDINGLY FOR THE AREA GENERALLY LOCATED BETWEEN SW 40TH ST. & S. CODDINGTON AVE., FROM W. SOUTH ST. TO ½ MILE NORTH OF W. A ST. (IN CONNECTION W/04-131 & 04R-182) - PRIOR to reading:

CAMP Moved to delay item for 1 week to 8/2/04.

CLERK Read an ordinance, introduced by Patte Newman, Comp. Plan Amendment 04002 - Adopting the Lincoln Airport F.A.R. Part 150 Noise Compatibility Study as an approved subarea plan of the Lincoln/Lancaster County Comprehensive Plan & to amend the land use plan accordingly for the area generally located between SW 40th St. & S. Coddington Ave., from W. South St. to ½ mile north of W. A St., the second time.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY & THE AIRPORT AUTHORITY REGARDING CITY'S & AIRPORT AUTHORITY'S RESPONSIBILITIES IN IMPLEMENTING THE AIRPORT ENVIRONS NOISE DISTRICT REQUIREMENT THAT AS A CONDITION OF SUBDIVISION, ZONING CODE, COMMUNITY UNIT PLAN, SPECIAL PERMIT, OR USE PERMIT APPROVAL THAT THE APPLICANT GRANT AN AVIATION EASEMENT PROTECTING THE AIRPORT AUTHORITY FROM CLAIMS OF DAMAGES FROM AIRPORT NOISE & OVERFLIGHT IMPACT. (IN CONNECTION W/04-131 & 04R-172) - PRIOR to reading:

CAMP Moved to delay item for 1 week to 8/2/04.

CLERK Read an ordinance, introduced by Patte Newman, approving an Interlocal Agreement between the City & the Airport Authority regarding City's & Airport Authority's responsibilities in implementing the Airport Environs Noise District requirement that as a condition of subdivision, zoning code, community unit plan, special permit, or use permit approval that the applicant grant an aviation easement protecting the Airport Authority from claims of damages from airport noise & overflight impact, the second time.

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

APPROVING THE FINANCING OF A LEASE-PURCHASE AGREEMENT BETWEEN THE CITY & UNION BANK & TRUST COMPANY IN AN AMOUNT NOT TO EXCEED \$2,500,000 FOR THE ACQUISITION BY THE CITY OF FIRE FIGHTING & PUBLIC SAFETY EMERGENCY EQUIPMENT - CLERK read an ordinance, introduced by Patte Newman, approving the financing of a Lease-Purchase Agreement between the City & Union Bank & Trust Company in an amount not to exceed \$2,500,000 for the acquisition by the City of fire fighting & public safety emergency equipment, the second time.

CHANGE OF ZONE 04041 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE FROM P PUBLIC USE DISTRICT TO I-1 INDUSTRIAL DISTRICT ON APPROXIMATELY 24.62 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 9TH ST. & CALVERT ST. - CLERK read an ordinance, introduced by Patte Newman, Change of Zone 04041 - Application of B&J Partnership for a change from P Public Use District to I-1 Industrial District on approximately 24.62 acres of property generally located at South 9th St. & Calvert St., the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY & THE AIRPORT AUTHORITY FOR STORAGE SPACE AT BUILDINGS NO. 2690 & 2699 IN LINCOLN AIR PARK WEST FOR A TERM BEGINNING SEPT. 1, 2004 THROUGH AUG. 31, 2005 - CLERK read an ordinance, introduced by Patte Newman, approving a Lease Agreement between the City & the Airport Authority for storage space at Buildings No. 2690 & 2699 in Lincoln Air Park West for a term beginning Sept. 1, 2004 through Aug. 31, 2005, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY & LANCASTER COUNTY TO PROVIDE FOR THE WIDENING, RECONSTRUCTION, & MAINTENANCE OF HOLDREGE ST. BEYOND THE CITY LIMITS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82877 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln and Lancaster County to provide for the widening, reconstruction, and maintenance of Holdrege Street beyond the City's limits, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Patte Newman

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

APPROVING AN AGREEMENT BETWEEN THE CITY & LANCASTER COUNTY TO PROVIDE THE CITY WITH AN APPROPRIATE FACILITY AT THE COUNTY YOUTH ASSESSMENT CENTER FOR TEMPORARY DETENTION OF JUVENILES TAKEN INTO CUSTODY BY THE LINCOLN POLICE DEPT - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82878 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln and Lancaster County to provide an appropriate facility at the County Youth Assessment Center for temporary detention of juveniles taken into custody by the Lincoln Police Department, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Patte Newman

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

APPOINTING HOLLY BURNS TO THE CITY PERSONNEL BOARD TO FILL AN UNEXPIRED TERM EXPIRING JUNE 22, 2005 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82879 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Holly Burns to the City Personnel Board to fill an unexpired term expiring June 22, 2005, is hereby approved.

Introduced by Patte Newman

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

APPOINTING PATRICK BORER TO THE CITY PERSONNEL BOARD FOR A FIVE-YEAR TERM EXPIRING JUNE 22, 2009 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82880 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Patrick Borer to the City Personnel Board for a five-year term expiring June 22, 2009, is hereby approved.

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 9, 2004 AT 5:30 PM FOR THE APPLICATION OF PENALTY BOX PUB LLC DBA PENALTY BOX PUB FOR A CLASS I LIQUOR LICENSE LOCATED AT 5551 SOUTH 48<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82881 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 9, 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> Street, Lincoln, Nebraska, for the Application of Penalty Box Pub for a Class I Liquor License located at 5551 South 48<sup>th</sup> Street.

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

Introduced by Jon Camp

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

SETTING A HEARING DATE OF MONDAY, AUGUST 16, 2004, AT 1:30 P.M. ON THE APPEAL OF IMPACT FEE DETERMINATION ON BEHALF OF BEREAN FUNDAMENTAL CHURCH OF LINCOLN, NEBRASKA, COVERING BUILDING PERMIT APPLICATION NO. B0401352, ON PROPERTY LOCATED AT 6400 SOUTH 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval.

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 04036 - requested by ESP Inc. for approximately 18 lots and 2 outlots on property generally located at Pier 2 and Lamont Drive.

Special Permit No. 04038 - requested by Edward Rose Properties Inc for a 100' tower on property generally located at N. 31<sup>st</sup> Street.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JUNE, 2004 - 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 JULY 19, 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 CITY COUNCIL ON JULY 12, 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 AT THE CLOSE OF BUSINESS JUNE 30, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF JULY 12 THRU JULY 16, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82882 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 Jon Camp

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

#### ORDINANCES - 1<sup>ST</sup> READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 8/2/04)

AMENDING SECTION 5.04.210 OF THE LINCOLN MUNICIPAL CODE TO ADJUST OCCUPATION TAX ON LIQUOR LICENSES TO SET THEM AT THE MAXIMUM RATE ALLOWED BY RECENTLY PASSED LB 485 - CLERK read an ordinance, introduced by Jon Camp, amending Section 5.04.210 to adjust occupation tax on liquor licenses to set them at the maximum rate allowed by recently passed LC 485; repealing Section 5.04.210 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of May 1, 2005, the first time.

CHANGE OF ZONE 04039 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - 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 first time.

SPECIAL PERMIT 2046A - APPLICATION OF EIGER CORPORATION TO DEVELOP 32,500 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET, TO REDUCE SETBACKS FROM 20 FEET TO 0 FEET ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND S. 87TH STREET, TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, AND TO ALLOW LOT LINES NOT AT RIGHT ANGLES TO STREET, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 84TH STREET AND HIGHWAY 2.

USE PERMIT 150A - APPLICATION OF EIGER CORPORATION TO DEVELOP 325,000 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET, TO REDUCE SETBACKS FROM 20 FEET TO 0 FEET ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND S. 87TH STREET, TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, AND TO ALLOW LOT LINES NOT AT RIGHT ANGLES TO STREET, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 84TH STREET AND HIGHWAY 2.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER M TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18223, passed by the City Council on August 11, 2003, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER E TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18221, passed by the City Council on August 11, 2003, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A AND THE LETTER C BY CREATING THE JOB CLASSIFICATIONS OF EMS MANAGEMENT SUPPORT SPECIALIST AND URBAN SEARCH AND RESCUE SPECIALIST - CLERK read an ordinance, introduced by Jon Camp, 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 creating the job classifications of EMS Management Support Specialist and Urban Search and Rescue Specialist, the first time.

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN, TO CLARIFY THE PROCEDURE FOR TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER N - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.76.200 of the Lincoln Municipal Code relating to the Compensation Plan to clarify the procedure for temporary assignment to a higher classification as it relates to employees with a pay range prefixed by the letter "N"; and repealing Section 2.76.200 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER X TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18218, passed by the City Council on August 11, 2003, the first time.

AMENDING CHAPTER 5.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOWLING ALLEYS TO DEFINE "PUBLIC BOWLING CENTERS" AND TO REQUIRE A PERMIT FOR A TEEN NIGHT EVENT AT A PUBLIC BOWLING CENTER, TO CHANGE THE REFERENCE FROM PUBLIC BOWLING ALLEY TO PUBLIC BOWLING CENTER, TO PROVIDE THE PERMIT PROCEDURE AND FEE FOR TEEN NIGHT EVENTS, TO REVISE CONDITIONS FOR ISSUANCE OF PERMITS, TO PROVIDE THAT PERMITS FOR BOWLING CENTERS SHALL EXPIRE ONE YEAR AFTER DATE OF ISSUANCE, TO CHANGE REFERENCES TO BOWLING "ALLEYS" TO "LANES", TO CHANGE REFERENCES TO BOWLING ALLEY TO PUBLIC BOWLING CENTER, TO CLARIFY GROUNDS FOR REVOCATION OF PERMITS, TO CHANGE A REFERENCE TO "LICENSE" TO "PERMIT", TO ADD NEW SECTIONS TO PROVIDE PERMIT REQUIREMENTS FOR TEEN NIGHT EVENTS, TO PROHIBIT THE USE OF TOBACCO AND ALCOHOLIC LIQUOR AT ALL TEEN NIGHT EVENTS, TO ESTABLISH CLOSING HOURS FOR TEEN NIGHT EVENTS, TO ESTABLISH A MINIMUM AGE OF TEEN NIGHT EVENT PARTICIPANTS, TO MAKE IT UNLAWFUL TO FALSELY PRESENT AGE AT A TEEN NIGHT EVENT, TO LIMIT THE USE OF FACILITIES, TO REQUIRE MAINTENANCE AND ONE YEAR RETENTION OF A ROSTER OF PARTICIPANTS AT EACH TEEN NIGHT EVENT, TO REQUIRE A CERTIFICATE OF INSURANCE COVERAGE, TO PROVIDE AN EXCEPTION REGARDING VIOLATIONS, AND TO PROVIDE PENALTIES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.14 of the Lincoln Municipal Code to relating to Bowling Alleys by amending the chapter title to Bowling Centers, amending Section 5.14.010 to provide a definition of "public bowling center" and to require a permit for a teen night event at a public bowling center; amending Section 5.14.020 to change a reference from public bowling alley to public bowling center; adding a new section numbered 5.14.022 to provide the permit procedure and fee for teen night events; amending Section 5.14.030 to revise conditions for issuance of permits; amending Section 5.14.040 to provide that permits for bowling centers shall expire one year after date of issuance and permits for teen nights as stated on the permit; amending Section 5.14.050 to change references to bowling "alleys" to "lanes"; amending Section 5.14.060 to changes references to bowling alley to public bowling center and to change a reference from alley to lane; amending Section 5.14.070 to clarify grounds for revocation of permits; amending Section 5.14.080 to change a reference to "license" to "permit" and to change a reference to bowling alley to public bowling center; adding a new section numbered 5.14.100 to provide permit requirements for teen night events; adding a new section numbered 5.14.110 to prohibit the use of tobacco and alcoholic liquor at all teen night events; adding a new section numbered 5.14.120 to prohibit the participation of adults at teen night events; adding a new section numbered 5.14.130 to establish closing hours for teen night events; adding a new section numbered 5.14.140 to establish the minimum age of teen night event participants; adding a new section numbered 5.14.150 to make it unlawful to falsely present age at a teen night event; adding a new section numbered 5.14.160 to limit the use of facilities; adding a new section numbered 5.14.170 to require the maintenance and one-year retention of a roster of participants at each teen night event; adding a new section numbered 5.14.180 to require a certificate of insurance coverage be submitted with each teen night event permit application; adding a new section numbered 5.14.190 to provide an exception regarding violations; adding a new section numbered 5.14.200 to provide penalties for violations of this chapter; and repealing Sections 5.14.010, 5.14.020, 5.14.030, 5.14.040, 5.14.050, 5.14.060, 5.14.070, and 5.14.080 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 5.04.120 OF THE LINCOLN MUNICIPAL CODE TO ALLOW MINORS TO BE ON PREMISES LICENSED TO SELL ALCOHOL AFTER 9:00 P.M. ONLY DURING TIMES AND PLACES PROPERLY PERMITTED FOR A PARTICULAR TEEN NIGHT EVENT - CLERK read an ordinance, introduced by Jon Camp, amending Section 5.04.120 of the Lincoln Municipal Code to allow minors to be on premises licensed to sell alcohol after 9:00 p.m. only during times and places properly permitted for a particular teen night event; and repealing Section 5.04.120 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3<sup>RD</sup> READING & RESOLUTIONS FOR ACTION

VACATION 03013 - VACATING SOUTH 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES AND THE WEST 50' OF THE ALLEY EAST OF SOUTH 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES - CLERK read an ordinance, introduced by Annette McRoy, vacating South 49<sup>th</sup> Street between Prescott and Lowell Avenues, and the west 50' of the alley east of South 49<sup>th</sup> Street between Prescott and Lowell Avenues, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FRIENDT Moved to pass the ordinance as read.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda; NAYS: None; ABSENT: McRoy, Werner.  
The ordinance, being numbered **#18405**, is recorded in Ordinance Book #25.

VACATION 04002 - VACATING THE REMAINING PORTION OF NORTH 47TH STREET BETWEEN THE NORTH LINE OF W STREET AND THE SOUTH LINE OF THE VACATED MISSOURI PACIFIC RAILROAD - CLERK read an ordinance, introduced by Annette McRoy, vacating the remaining portion of North 47<sup>th</sup> Street between the north line of W Street and the south line of the vacated Missouri Pacific Railroad, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FRIENDT Moved to pass the ordinance as read.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda; NAYS: None; ABSENT: McRoy, Werner.  
The ordinance, being numbered **#18406**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04031 - APPLICATION OF ROSE INVESTMENTS, INC. FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO P PUBLIC USE DISTRICT AND R-4 RESIDENTIAL DISTRICT, AND FROM R-4 RESIDENTIAL DISTRICT TO P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED WEST OF NORTH 33RD STREET AND SOUTH OF APPLE STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FRIENDT Moved to pass the ordinance as read.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, Newman, Svoboda; NAYS: None; ABSENT: McRoy, Werner.  
The ordinance, being numbered **#18407**, is recorded in Ordinance Book #25.

SPECIAL PERMIT 04023 - APPLICATION OF ROSE INVESTMENTS, INC. TO DEVELOP FLAT IRON CROSSING COMMUNITY UNIT PLAN FOR 34 DWELLING UNITS, INCLUDING WAIVERS OF THE MAXIMUM BLOCK LENGTH, PEDESTRIAN WAY EASEMENT, LOT DEPTH TO WIDTH RATIO, RECREATIONAL FACILITY, AND LOCATION OF SANITARY SEWER MAIN, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 33RD STREET AND SOUTH OF APPLE STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-82883 WHEREAS, Rose Investments, Inc. has submitted an application designated as Special Permit No. 04023 for authority to develop Flat Iron Crossing Community Unit Plan for 34 dwelling units, together with requested waivers to the City of Lincoln Design Standards and Land Subdivision Ordinance requirements regarding the filing of a preliminary plat with the special permit, minimum lot area, maximum block length, pedestrian way easement, lot depth to width ratio, providing a recreational facility, sidewalks and location of sanitary sewer and water mains, on property generally located west of N. 33rd Street and south of Apple Street, and legally described to wit:

A portion of Lots 1 and 2, Koser Subdivision, and a portion of the vacated Missouri Pacific Railroad, all located in the Northwest Quarter of Section 19, Township 10 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows: Commencing at the southwest corner of Lot 2, Koser Subdivision; thence north 00°06'18" west (an assumed bearing) on the east right of way line of North 30th Street, a distance of 19.16 feet to the point of beginning; thence continuing on said bearing a distance of 127.61 feet; thence south 89°30'46" east, a distance of 189.89 feet; thence south 00°04'35" east, a distance of 20.00 feet; thence south 89°23'06" east, a distance of 1286.63 feet; thence south



00°04'03" east, a distance of 30.04 feet; thence south 00°00'16" east, a distance of 22.70 feet; thence south 00°02'25" east, a distance of 80.97 feet; thence south 89°49' 19" west, a distance of 1153.66 feet; thence north 00°01'37" west, a distance of 113.66 feet; thence on a curve to the left, having a radius of 286.50 feet, a central angle of 27°29'36", a chord bearing of south 76°16'49" west, a chord distance of 136.16 feet to a point of reverse curvature; thence on a curve to the right, having a radius of 313.50 feet, a central angle of 27°21'41", a chord bearing of south 76°45'40" east, a chord distance of 148.29 feet; thence south 89°53'42" east, a distance of 40.77 feet; thence on a curve to the left, having a radius of 20.00 feet, a central angle of 16°38'55", a chord bearing of south 81°34'15" west, a chord distance of 5.79 feet to the point of beginning, and containing a calculated area of 192,015.87 square feet or 4.41 acres more or less;

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

WHEREAS, the area included within the site plan for this community unit plan is surrounded by such development or unusual conditions that strict application of the design standards and subdivision requirements would result in actual difficulties or substantial hardship; 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 Rose Investments, Inc., hereinafter referred to as "Permittee", to develop Flat Iron Crossing Community Unit Plan consisting of 34 dwelling units, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 34 dwelling units and waives design standards and subdivision requirements regarding filing a preliminary plat, minimum lot area, maximum block length, pedestrian way easement, lot depth to width ratio, providing a recreational facility, installing sidewalks on the north side of the private roadway, and location of sanitary sewer and water mains.

2. The waiver of the preliminary plat process shall only be effective for a period of ten years from the date of the City's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the approval of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of § 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

3. Before receiving building permits:

- a. The Permittee must submit an acceptable, revised and reproducible final plan including six copies.
- b. The construction plans must conform to the approved plans.
- c. Final plats will be approved by the Planning Director after:
  - i. The Permittee completes or posts a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water

- detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- ii. The Subdivider signs an agreement that binds the Subdivider, its successors and assigns:
- (1) To complete the street paving of O'Carroll Street (to be renamed) shown on the final plat within two years following the approval of the final plat.
  - (2) To complete the installation of sidewalks along the north side of O'Carroll Street (to be renamed) and along N. 30th and N. 33rd Streets as shown on the final plat within four years following the approval of the final plat.
  - (3) To complete the public water distribution system to serve this plat within two years following the approval of the final plat.
  - (4) To complete the public wastewater collection system to serve this plat within two years following the approval of the final plat.
  - (5) To complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two years following the approval of the final plat.
  - (6) To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two years following the approval of the final plat.
  - (7) To complete the installation of private street lights along streets within this plat within two years following the approval of the final plat.
  - (8) To complete the planting of the street trees along streets within this plat within two years following the approval of the final plat.
  - (9) To complete the installation of the street name signs within two years following the approval of the final plat.
  - (10) To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
  - (11) To Submit to the Director of Public Works a plan shown proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - (12) To complete the public and private improvements shown on the Community Unit Plan.

- (13) To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- (14) To continuously and regularly maintain the street trees along the private roadways.
- (15) To submit to the lot buyers and home builders a copy of the soil analysis.
- (16) To pay all design, engineering, labor, material, inspection, and other improvement costs.
- (17) To disclose to the lot buyers that the Lincoln Lancaster County Health Department is concerned about potential risks associated with residential near an I-1 Industrial District.
- (18) To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- (19) To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- (20) To post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.

4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

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

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

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

Introduced by Annette McRoy

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

#### MISCELLANEOUS BUSINESS

##### PENDING -

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

##### UPCOMING RESOLUTIONS -

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

##### ADJOURNMENT 6:30 P.M.

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

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Joan E. Ross, CMC, City Clerk

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Jamie Neddenriep, Senior Office Assistant