

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 2, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair 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 July 26, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

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;

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 - DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, came forward on behalf of Eiger Corporation for approval. She showed the amendment plan map and the request of the map that was approved back in March. She also stated that the Planning Commission gave their approval.

Mike Morosin, 2055 S Street, came forward expressing his concerns regarding the transferring of sewage from one basement to another.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer Mr. Morosin's question.

DaNay Kalkowski, came forward for rebuttal.

This matter was taken under advisement.

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 - Don Taute, Personnel Director, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

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 - Bob Davis, 2000 N. 58th Street, one of the owners of Hollywood Bowl. He came forward for approval and to state that he would like to allow teen's into his bowling facility and he feels that the \$5 fee will become a little redundant. He also had the legal language changed from bowling "alley" to bowling "lanes" to sound better. Further discussion followed.

Joan Ross, City Clerk, explained the fees and occupation tax. Further discussion followed.

John Losito, 321 Victory Lane, Manager of Sun Valley Lanes. He came forward for approval and he stated that he also agrees with the legal language change from "alley" to "lanes". He also said that he has been running a teen night program for about eight years now. He shuts down the lounge for this night and there is no smoking allowed at this time either. He also has an off-duty sheriff on hand and he doesn't make any money in doing this teen night. He stated that he does it more to give back to the community. He also agrees that the City should delete the permit fee. Further discussion followed.

Jennifer Davis, 1524 Washington, Apt. 2, came forward for approval and to state that she runs the youth program at the Hollywood Bowl and this activity is providing a fun and problem-free outlet for teens.

Carol Brown, 2201 Elba Circle, came forward for approval and to state that she is testifying on behalf of her son who could not make it. She is in support of the teen nights at Bowling Alleys because it gives them something to do in a safe environment.

Russ Fosler, LPD Investigator, stated there have been no problems during these events.

This matter was taken under advisement.

AMENDING THE MONTHLY RATE FOR THE 911 SURCHARGE FROM \$.75 PER LINE TO \$1.00 PER LINE - Mike Morosin, 2055 S Street, came forward to stated that people on fixed incomes will have some problems finding money for this.

Glenn Cekal, 1420 C Street, came forward to state that he agrees with Mr. Morosin.

This matter was taken under advisement.

APPROVING A THREE-YEAR SERVICES CONTRACT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT;

APPROVING THE BUDGET AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION MANAGEMENT AND MAINTENANCE DISTRICTS FOR FISCAL YEAR 2004 - 2005 - Marc Wullschleger, Director of Urban Development, came forward for approval.

Michelle Waite, 201 Canfield Administrative Building, Chair of Downtown Lincoln Association, came forward for approval. Further discussion followed.

Polly McMullen, 2512 Calvert, Downtown Lincoln Association Executive Director, came forward for approval and to help answer questions of the Council. Further discussion followed.

Dallas McGee, Assistant Director of Urban Development Department, came forward to help answer questions of the Council. Further discussion followed.

Glenn Cekal, 1420 C Street, came forward to suggest that the Senior Center downtown should have a bike rack. He also thanks the Downtown Lincoln Association for having such wonderful landscaping.

Polly McMullen, came forward and stated that she wasn't aware of any suggestions being made about the senior center needing a bike rack. However, she felt that it shouldn't be a problem to get one for the front of that building. She also stated that they have looked into the up-keeping of alley ways. She was told that the alleys are to be maintained by the abutting property owners of the alley. It is not in the DLA's contract.

Council Member McRoy and Council Chair Werner expressed their appreciation to the DLA for the wonderful landscaping that has been done in downtown Lincoln.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL CO. TO ALLOW WHITEHEAD OIL TO INSTALL AND OPERATE A PROPOSED PETROLEUM REMEDIATION SYSTEM - Jeff McPeak, with Olsson Associations came forward on behalf of Whitehead Oil Company for approval.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 S Street, came forward to discuss valuations and how the figures are decided. Further discussion followed.

This matter was taken under advisement.

John Barrette, 2901 A Street, Apartment 207, came forward and stated that he appreciates that the Council is putting the Smokefree Air Act on the ballot.

This matter was taken under advisement.

Glenn Cekal, 1420 C Street, came forward and expressed his opinion on government efficiency, and he also suggested that many of the alleys in Lincoln need to be better maintained.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

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 second 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 second 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 - PRIOR to reading:

CAMP Moved to delay for Action only for 1 week to 8/9/04.

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

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 - PRIOR to reading:

CAMP Moved to delay for Action only for 1 week to 8/9/04.

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

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 second 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 second 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 second 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 second 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 second 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 second 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 second time.

RESOLUTIONS

AMENDING THE MONTHLY RATE FOR THE 911 SURCHARGE FROM \$.75 PER LINE TO \$1.00 PER LINE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82884 WHEREAS, Neb. Rev. Stat. §§ 86-1001 through 86-1009 as amended by LB 133,, passed by the First Session of the 92nd Legislature of the State of Nebraska, now set out in Neb. Rev. Stat. § 86-420 et seq., authorized the City of Lincoln to impose a service surcharge for 911 service within its 911 service area; and

WHEREAS, the City did enter into a contract with Alltel, a service supplier as defined by the aforesaid statutes for the telephone exchanges which are listed on Attachment "A", which is attached hereto and made a part hereof by reference.

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

1. Service Surcharge Established. Pursuant to Neb. Rev. Stat. §§ 86-420 et seq., there is hereby imposed a service surcharge in the amount of One Dollar (\$1.00) on each local exchange access line physically terminating in the 911 service area of the City of Lincoln as defined by Neb. Rev. Stat. § 86-429.

2. Each service user shall pay service surcharges on each of such service user's local exchange access lines, except that an individual service user shall not be required to pay, on a single periodic billing, service surcharges on more than 100 local exchange access lines, or their equivalent in any single 911 service area. Every service user shall be liable for any service surcharge billed to such user until the surcharge has been paid to the service supplier.

3. The service supplier is hereby authorized and directed to bill the service surcharge imposed by this resolution to each service user commencing January 1, 2005.

The service supplier shall annually provide to the City a list of amounts uncollected along with the names and addresses of those service

users who carry a balance that can be determined by the service supplier to be for non-payment of any service surcharge. The service supplier shall not be liable for such uncollected amounts.

4. Service Surcharges; Quarterly Remittance; Audit. The amount of the service surcharges collected in one calendar quarter by the service supplier shall be remitted to the City no later than sixty days after the close of that calendar quarter. At the time of the remittance, the service supplier shall file a return for remittance with the City in such form as the City and the service supplier agree upon. The service supplier shall maintain a record of the amount of service surcharges collected. The record shall be maintained for a period of one year after the date the amount was billed. The City may, at its own expense, require an annual audit of the service supplier's books and records concerning the collection and remittance of the service surcharges.

5. 911 Communication Fund Established. There has been established a separate fund known as the 911 Communication Fund in which shall be deposited all funds collected by the City from the imposition of the service surcharge as hereinbefore provided. The fund collected and placed in the 911 Communication Fund shall be used solely to pay for costs for 911 service. Any money remaining in the fund at the end of any fiscal year shall remain in the fund for payments during any succeeding year.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward a copy of this resolution to Alltel.

Introduced by Jon Camp

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

APPROVING A THREE-YEAR SERVICES CONTRACT FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82885 WHEREAS, the City of Lincoln and the Downtown Lincoln Association have previously entered into an agreement under which the Downtown Lincoln Association has provided various management and maintenance services as contemplated under the various downtown business improvement districts for a three-year period; and

WHEREAS, the City and the Downtown Lincoln Association are desirous of entering into a contract to provide management and maintenance services for a three-year period.

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

That the Services Contract for Downtown Business Improvement Districts (2004), a copy of which is attached hereto, marked as Attachment "A", and made a part hereof by reference, be and the same is hereby approved and the Mayor is hereby authorized to execute the same on behalf of the City.

The City Clerk is directed to return one fully executed copy of said contract to the Downtown Lincoln Association, and one fully executed copy to the Urban Development Director.

Introduced by Jon Camp

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

APPROVING THE BUDGET AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION MANAGEMENT AND MAINTENANCE DISTRICTS FOR FISCAL YEAR 2004 - 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82886 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2004-2005 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2004 to August 31, 2005 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced by Jon Camp

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

AUTHORIZING VINCENZO'S INC. TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 808 P STREET TO PROVIDE OUTDOOR SEATING FOR VINCENZO'S RESTAURANT - PRIOR to reading:

FRIENDT Moved to delay Pub. Hearing and Action for 1 week to 8/9/04.
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSTAINING: Camp.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 1 - 15, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82888 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated July 16, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Helen Knolle	\$500,000.00	Heritage Pines Homeowners Assn.	\$ 194.35
Gayle Godwin	1,916.57	Ruth Deckard	1,256.93
Toni Arntzen	407.25	Lori A. Fritz	100.00
Erin McGovern	1,831.00	Jeff Hughes - Repair of sod by Public Works	
John & Ann Cejka	540.00		
Daryl Hill	466.32		

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

Introduced by Jon Camp

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

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL CO. TO ALLOW WHITEHEAD OIL TO INSTALL AND OPERATE A PROPOSED PETROLEUM REMEDIATION SYSTEM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82889 WHEREAS, Whitehead Oil Co. is proposing to construct and operate a petroleum remediation system in the vicinity of 25th and Randolph streets; and

WHEREAS, the City is interested in allowing such remediation to occur; and

WHEREAS, the City and Whitehead Oil Co. have negotiated an agreement to allow the placement of the necessary piping under the right-of-way and other City property to conduct the remediation effort.

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

That the License Agreement between the City of Lincoln and Whitehead Oil Co. to allow Whitehead Oil to install and operate the proposed petroleum remediation system is hereby approved. The agreement provides that Whitehead Oil Co. will pay the City an annual fee of \$396 for the use of City property upon which the system is located.

The City Clerk is directed to return a signed copy of the License Agreement to Jeff McPeak, Olsson Associates, 1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501, representative for Whitehead Oil.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 16, 2004 AT 1:30 P.M. FOR A MANAGER APPLICATION OF GEOFFREY M. WEBB FOR BARRY GOOD INC DBA BARRY'S BAR & GRILL LOCATED AT 235 N 9TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82890 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 16, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for a Manager Application of Geoffrey M. Webb for Barry Good Inc dba Barry's Bar & Grill located at 235 N. 9th Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 16, 2004 AT 1:30 P.M. FOR AN APPLICATION OF LICHTI BROS OIL CO INC DBA SHELL FOOD MART FOR A CLASS B LIQUOR LICENSE LOCATED AT 1101 BELMONT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82891 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 16, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for an Application of Lichti Bros Oil Co Inc dba Shell Food Mart for a Class B Liquor License located at 1101 Belmont.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 16, 2004 AT 1:30 P.M. FOR AN APPLICATION OF LICHTI BROS OIL CO INC DBA SHELL FOOD MART FOR A CLASS B LIQUOR LICENSE LOCATED AT 6000 HAVELOCK - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82892 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 16, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for an Application of Lichti Bros Oil Co Inc dba Shell Food Mart for a Class B Liquor License located at 6000 Havelock.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 16, 2004 AT 1:30 P.M. FOR A APPLICATION OF BCRT INC DBA COYOTE WILLY'S FOR AN ADDITION TO LICENSED PREMISE FOR AN OUTDOOR AREA MEASURING APPROXIMATELY 45' X 60', LOCATED AT 2137 CORNHUSKER HIGHWAY, SUITE A - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82893 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 16, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for an Application of BCRT Inc dba Coyote Willy's for an addition to licensed premise for an outdoor area measuring 45' x 60', located at 2137 Cornhusker Highway, Suite A.

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

Introduced by Jonathan Cook

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

SETTING A HEARING DATE OF MONDAY, SEPTEMBER 13, 2004, AT 1:30 P.M. ON THE APPEAL OF IMPACT FEE DETERMINATION ON BEHALF OF ALODIUM, LLC COVERING BUILDING PERMIT APPLICATION NO. B0401846, ON PROPERTY LOCATED AT 6710 L STREET, LINCOLN, NEBRASKA - CLERK read the following resolution, introduced by Jonathan Cook, who moved its approval.

PETITIONS & COMMUNICATIONS

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2005-2010 SURFACE TRANSPORTATION PROGRAM - CLERK presented said report which was placed on file n 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 26, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JUNE 30, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82894 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended June 30, 2004, \$300,308.76 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

REPORT FROM THE CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR APRIL, MAY, JUNE OF 2004: IONEX COMM NORTH, TOUCH 1 COMM, CLARICOM NETWORKS, Z-TEL COMM; MAY, 2004: NE TECHNOLOGY & TELECOMM; JUNE, 2004: TELECORP COMM, EXCEL, NOSVA LIMITED PARTNERSHIP, ATS MOBILE TELEPHONE CO, ASSOCIATION ADMINISTRATORS, WORLDXCHANGE CORP, LIGHTYEAR NETWORK SOLUTIONS, AFFINITY NETWORK, NOS COMM, GTC TELECOM, LDMI TELECOMM, GLOBALCOM INC, ZONE TELECOM, TRI-M COMM, VARTEC, NEXTEL WEST CORP, SPRINT SPECTRUM, CELLULAR ONE, TELECOMM CO, USA INC, D & D COMM, SPRINT COMM, NORSTAN NETWORK SERVICES, AMERIVISION COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF JUNE, 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 19 THRU JULY 23, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82895 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 Jonathan Cook

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

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 8/9/04)

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER A AND C TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, adopted 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 letters "A," and "C,,"; and repealing Ordinance No. 18220, 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 B TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 "B"; and repealing Ordinance No. 18219, 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 N TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, 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 "N"; and repealing Ordinance No. 18217, 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 P TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, adopted 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 "P"; and repealing Ordinance No. 18224, passed by the City Council on August 11, 2003, the first time.

STREET & ALLEY VACATION NO. 04004 - VACATING SOUTH 6TH STREET BETWEEN THE SOUTH LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AND THE NORTH LINE OF THE EAST/WEST ALLEY BETWEEN M AND L STREET, GENERALLY LOCATED AT 6TH AND M STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating South 6th Street between the south line of the Burlington Northern Santa Fe Railroad right-of-way and the north line of the east/west alley between M and L Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

MISCELLANEOUS NO. 04006 - VACATING A PORTION OF THE PLAT OF RIVERSIDE ADDITION, A PORTION OF THE PLAT OF HALTERS SUBDIVISION, LOT 60 I.T., AND ALL OF THE PREVIOUSLY VACATED STREET AND ALLEY RIGHTS-OF-WAY ADJACENT THERETO, LOCATED ALONG SALT CREEK, NORTH OF MILITARY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of the plat of Halters Subdivision, Lot 60 I. T., and all the previously vacated street and alley rights-of-way adjacent thereto, located along Salt Creek, north of Military Road, Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 04035 - APPLICATION OF MADONNA REHABILITATION HOSPITAL FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - 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 1713C - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO AMEND THE ASPEN 3RD ADDITION COMMUNITY UNIT PLAN TO PERMIT 67 DWELLING UNITS, WITH A REQUESTED WAIVER OF THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD.

USE PERMIT 04001 - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO PERMIT A 110,000 SQ. FT. MEDICAL/OFFICE BUILDING, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD.

VACATION 04005 - VACATING ALLEN ROAD FROM THE WEST LINE OF STEPHANIE LANE WEST TO A POINT APPROXIMATELY 565 L.F. ALONG THE CENTERLINE OF ALLEN ROAD, GENERALLY LOCATED AT PINE LAKE ROAD AND STEPHANIE LANE - CLERK read an ordinance, introduced by Jonathan Cook, vacating Allen Road from the west line of Stephanie Lane west to a point approximately 565 I.f. along the centerline of Allen Road, generally located at Pine Lake Road and Stephanie Lane, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

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 - 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 third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18408**, is recorded in Ordinance Book #25.

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. - PRIOR to reading:

CAMP Moved to Amend No. 1 on Bill No. 04R-172.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Patte Newman, who moved it's adoption:

A-82896 WHEREAS, the Planning Director on behalf of the Lincoln Airport Authority has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to adopt the Lincoln Airport Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study as an approved subarea plan; to amend language in the Mobility and Transportation section; and to amend the Land Use Plan and Future Service Limit to designate land within the subarea as proposed in the subarea plan, on property generally located between N.W. 70th Street and N. 1st/12th Street from W. Claire Avenue to Waverly Road.

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Lincoln Airport Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study, on file in the office of the Planning Director and incorporated herein by reference, is adopted as an approved subarea plan.

BE IT FURTHER RESOLVED that one printed copy of the "Lincoln Airport Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study, shall be filed in the office of the Planning Director for use and examination by the public.

BE IT FURTHER RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln-Lancaster County Land Use Plan and the Lincoln Area Detail on pages F23 and F25, respectively, to designate changes in land use and to the City's future service limit as shown on the map, attached hereto as Exhibit "A", and change other maps in the Comprehensive Plan accordingly.

2. Amend the language on page F123 to reflect the following amendments:

The City of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure the balance between the airport operations and the surrounding land uses. The regulations govern uses and structural characteristics compatible with the airport's operations and minimize negative impacts on surrounding residents. The ~~previous~~ Airport noise exposure and land use study on the compatibility of airport noise and land uses was completed in ~~February, 1980~~ September, 2003. ~~An update of t~~This program will allow measures to be undertaken to provide an improved noise compatibility program to reduce noise and non-compatible land uses.

The Lincoln Airport Authority ~~will~~ has assessed the existing and future noise impacts, noise contours for the Airport environment in a *Part 150 Airport Noise*

Compatible Planning Study. The Comprehensive Plan will use information from the Part 150 Study to guide land use planning throughout the airport environs. The Airport Authority should begin the Part 150 Study within one year from the adoption of this Comprehensive Plan, and the material results should be processed as amendments to the Comprehensive Plan and City and County Land Use ordinances. These results could effect the development patterns in southwest and northwest Lincoln and other parts of the County.

3. Amend the language on page F123 to reflect the following amendments to strategies:

Strategies: Assess the Existing and Future Noise Impacts

• ~~Assess the existing and future noise impacts; noise contours for the Airport environment in a "Part 150 Airport Noise Compatible Planning Study."~~ The Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, completed in 2003 is an approved Subarea Plan of the Comprehensive Plan. Recommendations of the Study should be implemented over time.

4. Amend the Plan on page F123 to include the map titled "Lincoln Municipal Airport Environs and Noise Contours" as shown in Exhibit B on the following page; and

5. Amend the list of approved subarea plans on page F156 to include the "Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003" as an adopted subarea plan. (The Part 150 Study involves the preparation of two official documents: the Noise Exposure Maps (NEM) and the Noise Compatibility Program (NCP)).

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

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 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82897 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and the Airport Authority regarding 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 and overflight impact, a copy of 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 Interlocal Agreement on behalf of the City.

The City Clerk is directed to forward four fully executed originals of said Interlocal Agreement to Michael R. Johnson, Johnson Law Office, 6101 South 58th Street, Suite D, Lincoln, NE 68516-3652, for transmittal to the Airport Authority.

Introduced by Patte Newman

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

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 third time.

NEWMAN Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp.
The ordinance, being numbered **#18409**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18410**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18411**, is recorded in Ordinance Book #25.

RECONSIDERATION DUE TO SUFFICIENT PETITION SIGNATURES

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 SMOKEFREE AIR ACT. (COUNCIL MUST REPEAL THIS ORDINANCE IN ITS ENTIRETY OR PLACE ON THE BALLOT FOR VOTE OF THE CITIZENS OF LINCOLN; COUNCIL MUST ALSO SELECT A DATE FOR A SPECIAL ELECTION OR A GENERAL CITY ELECTION).

SVOBODA Moved motion to not repeal ordinance and to place on 11/2/04 ballot.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 9, 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 9, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, Newman, Svoboda; NAYS: None; ABSENT: McRoy, Werner.

ADJOURNMENT 2:55 P.M.

CAMP Moved to adjourn the City Council meeting of August 2, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, Newman, Svoboda; NAYS: None; ABSENT: McRoy, Werner.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant