

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 23, 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 Werner asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of August 16, 2004, reported having done so, found same correct.

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

**PRESENTATION BY LINCOLN POLICE DEPARTMENT
2004 LOCAL LAW ENFORCEMENT BLOCK GRANT**

Assistant Chief of Police Jim Peschong came forward to state the 2004 Local Law Enforcement Block Grant will be used for multi-data computers in the patrol cars.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF GATEAU ENTERPRISES, LLC DBA THE GREEN GATEAU CAFÉ & PATISSERIE FOR A CLASS J LIQUOR LICENSE AT 330 S. 10TH STREET;
MANAGER APPLICATION OF ERIC A. LEMKE FOR GATEAU ENTERPRISES, LLC DBA THE GREEN GATEAU CAFÉ & PATISSERIE AT 330 S. 10TH STREET;
APPLICATION OF GATEAU ENTERPRISES, LLC DBA WINDSOR STABLES RECEPTION CENTRE FOR A CLASS I LIQUOR LICENSE AT 1024 L STREET;
MANAGER APPLICATION OF ERIC A. LEMKE FOR GATEAU ENTERPRISES, LLC DBA WINDSOR STABLES RECEPTION CENTRE AT 1024 L STREET - Eric Lemke, 710 N. 73rd Street, took the oath and came forward to answer any questions.
This matter was taken under advisement.

APPLICATION OF REMLO ENTERPRISES, LLC DBA HEPBURN'S VILLE GRILLE & PUB FOR A CLASS J LIQUOR LICENSE AT 2701 N. 48TH STREET, #4;
MANAGER APPLICATION OF KAYLA J. OLMER FOR REMLO ENTERPRISES, LLC DBA HEPBURN'S VILLE GRILLE & PUB AT 2701 N. 48TH STREET, #4 - Kayla J. Olmer, 2201 S. 47th Street, took the oath and came forward to answer any questions.
This matter was taken under advisement.

CHANGE OF ZONE 04017 - APPLICATION OF GLEN HERBERT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/04R-212, 04R-213);

SPECIAL PERMIT 04011 - APPLICATION OF GLEN HERBERT TO DEVELOP BOULDER RIDGE COMMUNITY UNIT PLAN FOR 189 SINGLE FAMILY UNITS, 48 SINGLE FAMILY ATTACHED UNITS, 224 MULTIPLE FAMILY UNITS, AND AN ADDITIONAL 240 UNASSIGNED UNITS ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/04-157, 04R-213);

APPEAL OF GLEN HERBERT FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF BOULDER RIDGE PRELIMINARY PLAT, CONDITION 1.1.14 REQUIRING CORRECTIONS TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PUBLIC WORKS AND UTILITIES DEPARTMENT MEMO, ON PROPERTY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/04-157, 04R-212) - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Glen Herbert, to request a left turn access from Pine Lake Road & S. 86th Street, to delete the requirement to show a pedestrian easement over an existing sanitary sewer easement and to note Public Works will allow a median be constructed at the intersection of 84th Street and Barkley Drive east of 84th Street. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward to explain Public Works position against the left turn access requested.

Discussion continued.

This matter was taken under advisement.

USE PERMIT 04002 - APPLICATION OF CAMERON CORPORATION TO DEVELOP 112 DWELLING UNITS AND TWO OUTLOTS IN THE O-3 OFFICE PARK DISTRICT WITH REQUESTED WAIVERS OF THE LAND SUBDIVISION ORDINANCE AND ZONING CODE TO WAIVE FRONT, SIDE AND REAR YARD SETBACKS, LOCATION OF SANITARY SEWER MAIN, LOCATION OF WATER MAIN, LOT DEPTH TO WIDTH RATIO, TO ALLOW SANITARY SEWER FLOWING OPPOSITE STREET GRADES, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT W. FLETCHER AVENUE AND N.W. 12TH/13TH STREETS - Tom Huston, Cline Williams Law Firm, 233 S. 13th St., came forward representing Brent Hollingsworth in requesting this Use Permit to develop 112 dwelling units. Discussion followed.

Nick McElvain, Water Department, came forward to explain the water level and water pressure in this area. Discussion followed.

Deborah Bjorman, 1133 NW Gary Street, came forward in opposition.

Greg Bridge, 5736 NW 11st St., came forward in opposition.

Bruce Meyer, 5739 NW 12th St., came forward in opposition.

Discussion followed.

Dana Roper, City Attorney, came forward to answer legal questions.

Ray Hill, Planning Department, came forward to answer use design questions. Discussion followed.

Mr. Huston came forward for rebuttal.

This matter was taken under advisement.

DECLARING AN AREA GENERALLY BOUNDED BY M STREET ON THE SOUTH, 48TH STREET ON THE WEST, R STREET ON THE NORTH, AND 52ND STREET ON THE EAST AS BLIGHTED AND SUBSTANDARD - Wynn Hjermstad, Urban Development Department, came forward to explain & answer questions on the Blight Determination Study. Discussion followed.

Dick Hartsock, 300 N. 48th Street, Ste. #1, came forward in favor of.

Russell Miller, 341 S. 52nd Street, came forward in favor of.

Fred Freytag, 530 S. 38th Street, came forward in favor of.

Bob Van Valkenburg, 7921 Reno Road, came forward in opposition.

Discussion followed.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Balvi LLC and Manager Julius Misle, in opposition. Discussion followed.

Don Wesely, no address given, came forward representing Realty Trust Group in a neutral position. He reported Starbuck's would like to locate at the abandoned gas station on the corner of 48th and O Street and requests accesses onto O Street & 48th Street. Discussion followed.

Roger Figard, Public Works and Utilities Dept., came forward to state Public Works is not in favor of accesses onto 48th Street and O Street at this location. Discussion continued.

Dana Roper, City Attorney, came forward to answer a legal question.

This matter was taken under advisement.

TOOK BREAK 4:40 P.M.

RECONVENED 4:54 P.M.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$38,800 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - Kit Boesch, Human Services Department, came forward to state Planned Parenthood withdrew their request for funding so the total amount would change to \$35,800.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY THE APPROVAL OR REJECTION OF ORDINANCE NO. 18396 ADOPTING THE LINCOLN SMOKING REGULATION ACT TO PROHIBIT SMOKING IN INDOOR PUBLIC PLACES AND PLACES OF EMPLOYMENT - Bob Van Valkenburg, 7921 Reno Rd., came forward in favor of.

Mary Rauner, 1820 Surfside Dr., manager of B.C.'s Pub in Downtown O Street, came forward representing a coalition of local businesses concerning the clarity of the proposed wording of Ordinance No. 18396, the Lincoln Smoking Regulation Act on the ballot. The question being brought forward is full ban or partial ban and that is the way it should be stated for clarity, for fairness to both sides and most importantly to lessen confusion to the voting public. The ballot should reflect the difference between full and partial ban. They are requesting, at the very least, to add the wording, "and would return to the Lincoln Smoke Free Air Act" to the vote against. Discussion followed.

Danny Walker, 427 E St., asked the Council if a smoking ban is passed in Lincoln does the State have the ability to repeal it?

Dana Roper, City Attorney, answered yes, if the State wanted to adopt some regulations they could pre-empt this ordinance. Discussion followed.

This matter was taken under advisement.

APPROVING A LANDSCAPE MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY AND NORTHRIDGE HEIGHTS PARTNERS TO ALLOW MORE LANDSCAPING TO BE PLANTED IN THREE MEDIANS IN FLETCHER AVENUE BETWEEN N. 28TH STREET AND RIDGE PARK DRIVE - Lynn Johnson, Director of Parks and Recreation Department, came forward to state the City will pay approximately \$900.00 a year for the landscaping of these three medians to Northridge Heights Partners and to answer any questions.

This matter was taken under advisement.

ADOPTING THE CITY OF LINCOLN 2004-2005 ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2004/05 - 2009/10 - Steve Hubka, Budget Officer, explained the valuations had an increase of 3.2%. The final budget shows a 3.2% increase for the tax funded portion of the budget and a tax rate increase of 1.6% which was due to the debt service cost of bond issues, mainly the 2001-2003 Storm Sewer Bond Issues. Discussion followed.

Bob Van Valkenburg, 7921 Reno Rd., came forward to comment on the budget. Discussion followed.

Mike Morosin, 2055 S St., came forward to express his opinion on the amendments to the budget.

Danny Walker, 427 E St., came forward to agree with Mr. Morosin's comments.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 E St., came forward representing the South Salt Creek Neighborhood Association to report on the street & sidewalk conditions in the area of 5th Street BNSF rail line and B, C, D, E, and F Streets. Discussion followed.

Barbara Bauer, 2321 Devonshire Dr., came forward to report the condition of Cooper Park by Everett School. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF GATEAU ENTERPRISES, LLC DBA THE GREEN GATEAU CAFÉ & PATISSERIE FOR A CLASS J LIQUOR LICENSE AT 330 S. 10TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82926 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 Gateau Enterprises LLC dba The Green Gateau Café & Patisserie for a Class "J" liquor license at 330 S. 10th Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be

approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF ERIC A. LEMKE FOR GATEAU ENTERPRISES, LLC DBA THE GREEN GATEAU CAFÉ & PATISSERIE AT 330 S. 10TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82927 WHEREAS, Gateau Enterprises LLC dba Green Gateau Café & Patisserie located at 330 S. 10th Street, Lincoln, Nebraska has been approved for a Retail Class "J" liquor license, and now requests that Eric A. Lemke be named manager;

WHEREAS, Eric A. Lemke appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Eric A. Lemke be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF GATEAU ENTERPRISES, LLC DBA WINDSOR STABLES RECEPTION CENTRE FOR A CLASS I LIQUOR LICENSE AT 1024 L STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82928 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 Gateau Enterprises LLC dba Windsor Stables Reception Centre for a Class "I" liquor license at 1024 L Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF ERIC A. LEMKE FOR GATEAU ENTERPRISES, LLC DBA WINDSOR STABLES RECEPTION CENTRE AT 1024 L STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82929 WHEREAS, Gateau Enterprises LLC dba Windsor Stables Reception Centre located at 1024 L Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Eric A. Lemke be named manager;

WHEREAS, Eric A. Lemke appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Eric A. Lemke be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF ARTURO'S INC. DBA ARTURO'S RESTAURANTE & CANTINA FOR A LIQUOR CATERING LICENSE AT 803 Q STREET, #150 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82930 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 ordinance, the City Council recommends that the

application of Arturo's Inc. dba Arturo's Restaurante & Cantina for the issuance of a Catering Permit to the existing liquor license, located at 803 Q Street, #150, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF REMLO ENTERPRISES, LLC DBA HEPBURN'S VILLE GRILLE & PUB FOR A CLASS J LIQUOR LICENSE AT 2701 N. 48TH STREET, #4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82931 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 Remlo Enterprises, LLC dba Hepburn's Ville Grille & Pub for a Class "J" liquor license at 2701 N. 48th Street, #4, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF KAYLA J. OLMER FOR REMLO ENTERPRISES, LLC DBA HEPBURN'S VILLE GRILLE & PUB AT 2701 N. 48TH STREET, #4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82932 WHEREAS, Remlo Enterprises, LLC dba Hepburn's Ville Grille & Pub located at 2701 N. 48th Street, #4, Lincoln, Nebraska has been approved for a Retail Class "J" liquor license, and now requests that Kayla J. Olmer be named manager;

WHEREAS, Kayla J. Olmer appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Kayla J. Olmer be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

CHANGE OF ZONE 04017 - APPLICATION OF GLEN HERBERT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made apart of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 04011 - APPLICATION OF GLEN HERBERT TO DEVELOP BOULDER RIDGE COMMUNITY UNIT PLAN FOR 189 SINGLE FAMILY UNITS, 48 SINGLE FAMILY ATTACHED UNITS, 224 MULTIPLE FAMILY UNITS, AND AN ADDITIONAL 240 UNASSIGNED UNITS ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to delay action on Bill No. 04R-212 for one week to 8/30/04.

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

APPEAL OF GLEN HERBERT FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF BOULDER RIDGE PRELIMINARY PLAT, CONDITION 1.1.14 REQUIRING CORRECTIONS TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PUBLIC WORKS AND UTILITIES DEPARTMENT MEMO, ON PROPERTY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to delay action on Bill No. 04R-213 for one week to 8/30/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

RESOLUTIONS

USE PERMIT 04002 - APPLICATION OF CAMERON CORPORATION TO DEVELOP 112 DWELLING UNITS AND TWO OUTLOTS IN THE O-3 OFFICE PARK DISTRICT WITH REQUESTED WAIVERS OF THE LAND SUBDIVISION ORDINANCE AND ZONING CODE TO WAIVE FRONT, SIDE AND REAR YARD SETBACKS, LOCATION OF SANITARY SEWER MAIN, LOCATION OF WATER MAIN, LOT DEPTH TO WIDTH RATIO, TO ALLOW SANITARY SEWER FLOWING OPPOSITE STREET GRADES, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT W. FLETCHER AVENUE AND N.W. 12TH/13TH STREETS. (8/16/04 - CON'T. PUBLIC HEARING W/ACTION TO 8/23/04) - PRIOR to reading:

COOK Moved to amend Bill No. 04R-200 in the following manner: 1. On page 6, after line 8, insert the following paragraphs xxiv and xxv:
(x) In the event that aesthetic screening and landscaping are not successful in protecting the townhome units from golf balls and that Permittee desires to construct or install a net or similar screen, that the City of Lincoln shall have no responsibility of obligation for the cost of construction or installation of such net or screen.
(y) That such agreement signed by Permittee shall obligate Permittee to acknowledge that the townhome units are located in close proximity to a golf course and that errant golf shots are a known risk of living in such a location. Such acknowledgment may shall be added to the final plat or contained in Protective Covenants for the development.

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

COOK Made a friendly amendment to change the word may to shall in (v) of the amendment to be inserted after line 8 on page 6.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

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

The resolution, having **LOST**, was assigned File #38-4482 & was placed on file in the Office of the City Clerk.

DECLARING AN AREA GENERALLY BOUNDED BY M STREET ON THE SOUTH, 48TH STREET ON THE WEST, R STREET ON THE NORTH, AND 52ND STREET ON THE EAST AS BLIGHTED AND SUBSTANDARD. (8/16/04 - CON'T. PUBLIC HEARING W/ACTION TO 8/23/04) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82933 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the 48th and O Streets Redevelopment Area, as shown and described on Attachment "A"; and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the

other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the 48th and O Streets Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on July 9, 2004 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on July 21, 2004 before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the 48th and O Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on July 21, 2004 recommended that the 48th and O Streets Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said 48th and O Streets Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on August 4, 2004 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on August 16, 2004 regarding the proposed determination that the 48th and O Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on July 30, 2004 and August 6, 2004 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on August 16, 2004 regarding the proposed determination that the 48th and O Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on August 16, 2004 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed that the 48th and O Streets Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

1. That it is hereby found and determined that the 48th and O Streets Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

2. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "F" (entitled Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That it is hereby found and determined that said area is an eligible site for urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the 48th and O Streets Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Annette McRoy

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$38,800 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES. (8/9/04 - DELAY PUBLIC HEARING & ACTION TO 8/23/04) - PRIOR to reading:

COOK Moved to amend Bill No. 04R-204 as follows: 1. On page 2, line 6, delete the amount of \$38,800 and insert in lieu thereof the amount of \$35,800. 2. On page 1, line 11, delete the amount of \$38,800 and insert in lieu thereof the amount of \$35,800. 3. Substitute the revised Attachment "A".

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

CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82934 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of ~~\$38,800~~ \$35,800 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 21) attached hereto and incorporated herein by reference.

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

The designation of the ~~\$38,800~~ \$35,800 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Glenn Friendt

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY THE APPROVAL OR REJECTION OF ORDINANCE NO. 18396 ADOPTING THE LINCOLN SMOKING REGULATION ACT TO PROHIBIT SMOKING IN INDOOR PUBLIC PLACES AND PLACES OF EMPLOYMENT - PRIOR to reading:

NEWMAN Moved to delay action on Bill No. 04R-207 for one week to 8/30/04.

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

REAPPOINTING LAURIE LAGE, BLANCA RAMIREZ-SALAZAR, MARK KOLLER, AND JEFF GORGEN TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR A THREE-YEAR TERM EXPIRING AUGUST 31, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82935 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Laurie Lage, Blanca Ramirez-Salazar,

Mark Koller, and Jeff Gorgen to the Community Development Task Force for three-year terms expiring August 31, 2007, is hereby approved.

Introduced by Annette McRoy

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

REAPPOINTING RICHARD NOBLE AND JIM JOHNSON TO THE CABLE ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING JULY 1, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82936 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Richard "Dick" Noble and Jim Johnson to the Cable Advisory Board for three-year terms expiring July 1, 2007, is hereby approved.

Introduced by Annette McRoy

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

REAPPOINTING AMY TIEMANN-TIPTON AND SHARON WHERRY TO THE AUDITORIUM ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 31, 2007 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82937 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Amy Tiemann-Tipton and Sharon Wherry to the Auditorium Advisory Board for three-year terms expiring August 31, 2007, is hereby approved.

Introduced by Annette McRoy

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

APPROVING A LANDSCAPE MAINTENANCE SERVICES AGREEMENT BETWEEN THE CITY AND NORTHRIDGE HEIGHTS PARTNERS TO ALLOW MORE LANDSCAPING TO BE PLANTED IN THREE MEDIANS IN FLETCHER AVENUE BETWEEN N. 28TH STREET AND RIDGE PARK DRIVE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82938 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Landscape Maintenance Services Agreement between the City of Lincoln and Northridge Heights Partners, LLP to allow landscaping in three medians in Fletcher Avenue between N. 28th Street and Ridge Park Drive, upon the terms and conditions set out in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Agreement to the Parks and Recreation Department for transmittal to Northridge Heights Partners, LLP.

Introduced by Annette McRoy

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

ADOPTING THE CITY OF LINCOLN 2004-2005 ANNUAL OPERATING BUDGET AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2004/05 - 2009/10 PRIOR to reading:

COOK Moved to approve the substitute resolution for 04R-211.

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

A-82939 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on June 28, 2004; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August 9, 2004 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2004, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. The City Council, by adoption of the Capital Improvement Program on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first year of said Capital Improvement Program.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the annual budget for Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

5. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Trust Fund, Agency Fund, and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

6. There is hereby appropriated all money now credited or which will be credited to the Building and Safety Fund notwithstanding any sum limitation set forth in the budget attached hereto.

7. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

8. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated in the Worker's Compensation Loss Revolving Fund all amounts included in the budget for Worker's Compensation benefits, together with any recoveries on account of subrogation interests, from which fund all losses and costs incidental to the administration of such losses shall be paid, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated to the credit of the Social Security Fund and Payroll Liability Account, in addition to the tax levied therefor, any money deducted from employees' salaries and wages together with any departmental contributions in non-tax supported funds, notwithstanding any sum limitations set forth in the budget attached hereto.

11. There is hereby appropriated all money now credited or which will be credited to the Self-Insured Health Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

12. There is hereby appropriated cash balances credited to the Health Care Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for payment as needed to provide health care benefits to City employees.

13. There is hereby appropriated all money now credited or which will be credited to the Snow Removal Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

14. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

15. There is hereby appropriated all money now credited or which will be credited to the Unemployment Insurance Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

16. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

17. There is hereby appropriated all money now credited or which will be credited to the Parking Lot Revolving Fund to be used for designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

18. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

19. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

20. There is hereby appropriated all money now credited or which will be credited in the Advance Acquisition Fund as provided in Article IX B, Section 12 of the City Charter, notwithstanding any sum limitation set forth in the budget attached hereto.

21. There is hereby appropriated all money now credited or which will be credited to the 911 Communication Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

22. There is hereby appropriated all money now credited or which will be credited to the Auditorium Promotion Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

23. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

24. There is hereby appropriated all money now credited or which will be credited to the Tax Sale Revolving Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

25. There is hereby appropriated all money now credited or to be credited in the City Aviation Promotion Fund as provided in Neb. Rev. Stat. Section 3-504.02 (1991), notwithstanding any sum limitation set forth in the budget attached hereto.

26. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

27. There is hereby appropriated all money in the Cable Access Television Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

28. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.

29. There is hereby appropriated all money now credited or which will be credited to the Disaster Recovery Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for paying disaster related expenditures or for reimbursement to other City funds which have made disaster related expenditures for which reimbursement from outside sources has been received or as otherwise appropriated.

30. There is hereby appropriated all money now credited or which will be credited to the Property Tax Refund Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

31. There is hereby appropriated all money now credited or which will

be credited to the Title V Clean Air fund notwithstanding any sum limitation set forth in the budget attached hereto.

32. There is hereby appropriated all money now credited or which will be credited to the Impact Fees Fund notwithstanding any sum limitation set forth in the budget attached hereto.

33. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

	<u>Appropriated Amount-90%</u>	<u>Total Tax As Levied-100%</u>	<u>Per \$100 Market Value</u>
General	\$20,171,695	\$22,412,994	0.17059
Library	5,789,355	6,432,617	0.04896
Bond and Interest			
Redemption	1,764,240	1,960,267	0.01492
Social Security	2,155,636	2,395,151	0.01823
Police & Fire Pension	4,999,468	5,554,964	0.04228

34. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2004, together with any monies previously so reserved.

35. Any unexpended balance remaining in the Police and Fire Pension Fund is reappropriated pursuant to Lincoln Municipal Code, Chapters 2.62, 2.65 and 2.66, notwithstanding any sum limitation set forth in the budget attached hereto.

36. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

37. There is hereby designated and appropriated General Fund cash balances in an amount equal to the debt service falling due during the fiscal year for the Golf Course Revenue Bonds issued in 2001 for the purpose of providing for the payment of the principal and interest on such bonds, as they become due, if and to the extent that amounts credited to the Golf Revenue Fund are insufficient and to the extent that such General Fund cash balances are available.

38. Funding is included in the General Fund, City Council personnel budget pursuant to the election of May 11, 2004 where the voters approved a charter amendment to establish a review and recommendation committee for City Council members compensation. The annual City Council salary of \$24,000 as recommended by the committee is hereby approved with the passing of this resolution and is effective beginning May 16, 2005.

39. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial statements as of August 31, 2003 was \$35,987,302. This August 31, 2003 unreserved balance is 33.6% of the General Fund budget for 2004-2005 of \$107,074,196 included in this resolution. The August 31, 2003 unreserved balance was 13.6% greater than the 20% goal for such balance set by Resolution A-82134.

40. That the appropriations for the following items be transferred effective August 31, 2004:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5655	General Expense/Work Study	\$3,840
To: 09009.5022	Parks/Parks Admin./Salaries	\$3,840
From: 18002.5856	General Expense/City Share of Downtown Maint.	\$79,210
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj. (also increases 13001.9234 U.D. CIP Transf.)	\$79,210
From: 18001.5859	Contingency/Other Serv. & Charges	\$5,000
To: 10001.5021	Personnel/Salaries	\$5,000
From: 18001.5989	Contingency/Misc. Other Serv. & Charges	\$40,000
To: 06014.5021	Finance/911 Communications/Salaries	\$40,000
	(also increases 19001.9226)	

41. That the cash for the following items be transferred effective August 31, 2004:

From: 10005.5959 Personnel/Risk Mgmt./Workers Comp. Fund \$50,000
 To: 10011.4533 Personnel/Risk Mgmt./Excess Self Ins. Fund \$50,000
 From: Fund 475 1999 G.O. Var. Purpose Bonds (Libraries) \$500,000
 To: Fund 310 Bond Interest & Redemption \$500,000

42. That cash and appropriations up to the following amounts for the following items be transferred effective August 31, 2004:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 19001.9247	Inter-Fund Transfers/Wilderness Park Transfer	\$25,000
To: 296015.6138	Parks & Rec./Special Projects/Wilderness Park	\$25,000
From: 18002.5657	General Expense/Human Service Contracts (Daywatch subledger 70076 A)	\$2,500
To: 79500.5763	StarTran/Printing	\$2,500
From: 18002.5655	General Expense/Work Study	\$2,283.30
To: 10005.5021	Personnel/Risk Mgmt./Salaries	\$2,150
To: 10005.5086	Personnel/Risk Mgmt./FICA	\$133.30
From: 18001.5989	Contingency	\$524
To: 406105.6072	911 Comm./Backup Comm. Ctr.	\$524

43. That the following unexpended appropriations are reappropriated effective August 31, 2004 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
01001.5989	City Council/Misc. Other Serv. & Charges	\$48,600
02007.6064	Mayor/Aging Services/Sr. Ctr./Cars & Trucks	\$18,000
02002.5631	Mayor/Aging Services/Admin./Misc. Cont./data mgmt. sys.	\$58,591
18002.5621	General Expense/Misc. Contractual (blight study)	\$1,550
18002.5856	General Expense/City Share of Downtown Maintenance	\$17,000
18002.5659	General Expense/Peoplesoft Financial System	\$60,000
05004.6071	Fire/Emergency Services/Fire Equipment	\$285,039
06006.5761	Finance/City Clerk/Microfilming	\$11,899
06009.6069	Finance/City Treasurer/Data Processing Equipment	\$58,778
06065.6093	Finance/Radio Shop/Replacement Equipment	\$77,255
09250.9246	Parks/Unprogrammed KENO Appropriations	\$26.10
79110.5621	Pub. Wks./Util./Drainage/Williamsburg Detention Pond	\$194,988
04025.6069	Police Garage/D.P. Equip. (Gasboy card reader)	\$7,000
13001.9220	U.D./Admin./Cash Transfers Out (Antelope Valley)	\$106,511
09250.9220	Parks/KENO/Cash Transfers Out (Antelope Valley)	\$311,172
09002.9220	Parks/Parks Admin./Cash Transfers Out (Antelope Valley)	\$490,541

**REGULAR MEETING
AUGUST 23, 2004
PAGE 1120**

44. That unencumbered appropriations from the budget for the fiscal year beginning September 1, 2003 be transferred and reappropriated up to the following amounts effective August 31, 2004:

<u>ACCOUNT NUMBER</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
From: 18002.5966	Gen. Exp./Industrial Promotion (Pershing promotion)	
		\$5,000
To: 19001.9243	Interfund Transfers/City Share of Auditorium	\$5,000
From: 18002.5632	Gen. Exp./Sys. Dev. - I.S. (Parking Ticket System)	
		\$35,000
To: 06009.6069	Finance/City Treasurer/Data Processing Equipment	
		\$35,000
From: 02007.5021	Mayor/Aging Services/Sr. Ctrs./Salaries	\$13,884
To: 02002.5631	Mayor/Aging Services/Admin./Data Mgmt. Sys.	\$13,884
From: 05004.5021	Fire/Emergency Services/Regular Salaries	\$65,310
To: 05004.9221	Fire/Emergency Services/City Match Federal Programs	
		\$65,310
From: 18001.5989	Contingency/Misc. Other Serv. & Charges	\$25,000
To: 18002.5962	General Expense/Election Expense	\$25,000
From: 413104.6131	U.D./ADA Compliance Bldgs.	\$46,000
	(also reduces 13006.9234)	
413106.6132	U.D./Willard School Roof Repair	\$4,000
	(also reduces 13006.9234)	
To: 13001.5628	U.D./Consultant Services (Downtown Master Plan)	
		\$50,000
From: 11001.6001	Planning/Reapprop. Funds	\$28,367
To: 11001.5628	Planning/Consultant Services (Downtown Master Plan)	
		\$28,367
From: 18001.5989	Contingency	\$30,000
To: 18002.5642	General Expense/Legal Services	\$30,000
From: 18001.5989	Contingency	\$75,000
To: 18002.5628	General Expense/Consultant Services	\$75,000
From: 18001.5989	Contingency	\$44,883
To: 409318.6137	Parks/Master Street Trees	\$44,883
	(also increases 09002.9237)	

45. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2004 up to the amount shown below:

<u>FUND</u>	<u>AMOUNT</u>
General	\$2,031,000
Health	\$201,000
Animal Control	\$51,000
StarTran	\$101,000
Aging	\$122,000

In addition, any reimbursements received from FEMA related to expenses incurred for the Hallam tornado clean up are hereby reappropriated to the respective department budgets.

(tt) . That the following amounts are hereby appropriated and cash transfers authorized as of August 31, 2004:

From: 09249.9220	Tennis Capital Improvements	
		\$25,000
To: 409382.6138	Mahoney Ballfield Renovation	
		\$25,000

(also increases 09002.9237)

47. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone 04054 - App. Mark Hunzeker and Shanna Cole from R-5 to I-1 on property at N. 66th & Vine Street
Special Permit 1654B - App. of Ross Parde an amendment to the Pine Lake Heights Community Unit Plan to reduce the rear yard setback on property located at 3500 Pela Verde Circle.

REPORTS OF CITY OFFICERS

INVESTMENTS OF FUNDS FOR THE WEEK OF AUGUST 9 THRU AUGUST 13, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82940 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Patte Newman

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 16, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF APRIL THRU JUNE, 2004: ACCESSLINE COMM.,; JULY, 2004: SPRINT SPECTRUM, VARTEC, NEXTEL, EXCEL, NOSVA - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS - NONE
(Resolutions listed hereunder advance to Public Hearing on 8/9/04)

ORDINANCES - 3RD READING

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER REVENUE FUND, SANITARY SEWER CONSTRUCTION FUND, STORM SEWER BOND FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION, AND PARKING FUND - CLERK read an ordinance, introduced by Glenn Friendt, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, Landfill Revenue Fund, Storm Sewer Bond Issue Fund, Street Construction Fund, Vehicle Tax Fund, and Parking Lot Revolving Fund within the Public Works & Utilities Department, the third time.

FRIENDT Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18429**, is recorded in Ordinance Book , Page

AMENDING SECTION 8.20.230 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE PERMIT FEE FOR LEVEL II FOOD HANDLER AND LEVEL II APPROVED INSERVICE FOOD HANDLER AND TO ESTABLISH A PERMIT FEE FOR LEVEL III APPROVED INSERVICE FOOD HANDLER - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 8.20.230 of the Lincoln Municipal Code to increase the permit fees for Level II Food Handler and Level II Approved Inservice Food Handler and to establish a permit fee for Level III Approved Inservice Food Handler; and repealing Section 8.20.230 of the Lincoln Municipal Code as hitherto existing, the third time.

FRIENDT Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18430**, is recorded in Ordinance Book , Page

AMENDING CHAPTER 24.01 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE DEFINITION OF DIRECTOR TO REFER TO THE DIRECTOR OF BUILDING AND SAFETY, TO INCREASE THE SCHEDULE OF FEES, AND TO IMPOSE A MINIMUM FINE FOR

VIOLATING THE PROVISIONS OF THIS CHAPTER - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 24.01 of the Lincoln Municipal Code relating to Lincoln Fire Suppression Systems by amending Section 24.01.010 to change the definition of Director to refer to the Director of Building and Safety; by amending Section 24.01.200 to increase the schedule of fees; by amending Section 24.01.380 to impose a minimum fine for violating the provisions of this Chapter; and repealing Sections 24.01.010, 24.01.200, and 24.01.380 of the Lincoln Municipal Code as hitherto existing, the third time.

FRIENDT Moved to pass the ordinance as read.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18431, is recorded in Ordinance Book , Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 30, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on August 30, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 6:20 P.M.

CAMP Moved to adjourn the City Council meeting of August 23, 2004.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant