

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 13, 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

COOK Having been appointed to read the minutes of the City Council proceedings of August 27, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

STREET AND ALLEY VACATION 04008 - VACATING 21ST STREET BETWEEN Y STREET AND THE ABANDONED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY - Mike Rierden, 645 M Street, Suite 200, Attorney, came forward for approval on behalf of his applicant. He also stated that the planning commission originally recommended denial, however since then, the applicant has met all of the conditions made of the planning commission.

John Marker, no address given, came forward on behalf of the University of Nebraska-Lincoln in support of this street and alley vacation.

Greg Czaplewski, Planning Department, came forward to answer questions of the Council. Further discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities Department, came forward to answer questions of the Council. Further discussion followed.

Glenn Cekal, 1420 "C" Street, came forward and stated his questions and concerns regarding this matter.

Greg Czaplewski, Planning Department, came forward to answer the questions of Glenn Cekal. Further discussion followed.

Mr. Rierden came forward for rebuttal.

This matter was taken under advisement.

CHANGE OF ZONE 04040 - APPLICATION OF JOYCE HINKLEY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 58TH STREET AND COLFAX AVENUE;

STREET AND ALLEY VACATION 04009 - VACATING THE SECTION OF NORTH 58TH STREET RIGHT-OF-WAY BETWEEN COLFAX AVENUE AND THE MURDOCK TRAIL - Peter Katt, 1045 Lincoln Mall, Suite 200, Attorney, came forward on behalf of his applicant for approval. He also stated that the Planning Commission recommended approval.

Council Member Jonathan Cook asked Mr. Katt why he was requesting second and third reading today on this item.

Mr. Katt stated that they would like to get this project underway because the building season is going fast.

This matter was taken under advisement.

CHANGE OF ZONE 04032 - AMENDING CHAPTER 27.60 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT BY REVISING THE STATEMENT OF INTENT OF THE PLANNED UNIT DEVELOPMENT DISTRICT; BY AMENDING SECTION 27.60.010 TO REVISE THE GENERAL PURPOSE; BY AMENDING SECTION 27.60.020 TO DELETE EXISTING USE REGULATIONS AND TO ADD GENERAL REQUIREMENTS AND DEVELOPMENT PLAN REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS; BY RENUMBERING SECTION 27.60.035 AS 27.60.030 AND AMENDING THE SAME TO DELETE EXISTING REQUIREMENTS REGARDING THE FORM OF A PRELIMINARY PLAN AND TO ADD REQUIREMENTS FOR THE FORM OF A FINAL PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.60.040 TO DELETE EXISTING REQUIREMENTS REGARDING PRELIMINARY PLAN PROCEDURES AND TO ADD A PROCESS FOR REVIEWING APPLICATIONS FOR A PLANNED UNIT DEVELOPMENT; BY ADDING A NEW SECTION NUMBERED 27.60.050 TO PROVIDE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT FOLLOWING APPROVAL; BY REPEALING SECTION 27.60.055 REGARDING FINAL PLAN FORM; BY REPEALING SECTION 27.60.056 REGARDING FINAL PLAN PROCEDURE; BY AMENDING SECTION 27.60.060 TO DELETE THE EXISTING LANGUAGE REGARDING AMENDMENT TO PLANNED UNIT DEVELOPMENTS AND

TO ADD NEW REQUIREMENTS; BY REPEALING SECTION 27.60.070 REGARDING ABANDONMENT OR FAILURE TO PROCEED WITH DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.60.080 TO PROVIDE PROVISIONS REGARDING PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS - Marvin Krout, Planning Department Director, came forward for approval. He also stated that the Planning Commission has recommended approval. Further discussion followed.

Glenn Cekal, 1420 C Street, came forward and stated his concerns on this matter.

This matter was taken under advisement.

CHANGE OF ZONE 04043 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1, I-2 AND THE I-3 ZONING DISTRICTS BY AMENDING SECTION 27.47.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.47.035 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1 INDUSTRIAL DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.47.040 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.49.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.49.030 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-2 INDUSTRIAL PARK DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.49.050 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.51.040 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-3 EMPLOYMENT CENTER DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.51.060 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-3 EMPLOYMENT CENTER DISTRICT - Ray Hill, Planning Department, came forward for approval.

Chris Schroeder, Health Department, came forward to help answer questions of the Council. Further discussion followed.

Tim Butz, with the American Civil Liberties Union of Nebraska (ACLU), came forward and stated his concerns.

This matter was taken under advisement.

CHANGE OF ZONE 04047 - APPLICATION OF JEROME HITTNER, MICHAEL MCKEEMAN, AND MANETTE KIDNEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND OLD CHENEY ROAD - Jack Wolfe, 800 Wells Fargo Center, came forward on behalf of the applicant for approval.

This matter was taken under advisement.

CHANGE OF ZONE 04048 - APPLICATION OF WILDERNESS RIDGE, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD;

SPECIAL PERMIT 1692C - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS RIDGE COMMUNITY UNIT PLAN TO EXPAND THE WILDERNESS RIDGE GOLF COURSE TO INCLUDE A PARKING LOT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD;

USE PERMIT 126B - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS WOODS OFFICE PARK TO REVISE THE BOUNDARIES BY REMOVING THE AREA OF THE PARKING LOT FROM THE USE PERMIT, WITH A WAIVER TO REDUCE THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD - DeNay Kalkowski, 1111 Lincoln Mall, Suite 350, Attorney, came forward on behalf of the applicant for approval.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 04020 - AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN, TO UPGRADE EXISTING US HIGHWAY 77/WEST BYPASS FROM AN EXPRESSWAY TO A FREEWAY BEGINNING AT THE PLANNED SOUTH BELTWAY INTERCHANGE JUST SOUTH OF SALTILLO ROAD AND ENDING AT INTERSTATE 80, TO CONSTRUCT NEW INTERCHANGES AT PIONEERS BOULEVARD AND WARLICK BOULEVARD, TO CLOSE ACCESS TO US-77 AT ROKEYB ROAD, YANKEE HILL ROAD AND OLD CHENEY ROAD, AND TO CHANGE THE FUTURE FUNCTIONAL CLASSIFICATION OF US-77 FROM I-80 TO THE SOUTH BELTWAY INTERCHANGE, THE SOUTH BELTWAY AND THE EAST BELTWAY TO FREEWAY STATUS - Syed Ataullah, with the Department of Roads, came forward in support of these items.

Bob Grundman, 7412 Karl Drive, President of the Star City Youth Foundation, came forward in opposition of these items. Further discussion followed.

Chuck Fricke, 1345 Old Cheney Road, with Information Technology, came forward and stated that he is in favor of the beltway but in opposition of changing the intersection.

Tom McCormack, 1406 D Street, came forward in opposition of these items and to express his concerns regarding Wilderness Park.

Joe Hampton, came forward on behalf of LIBA in support of the beltway.

Glenn Cekal, 1420 C Street, came forward to express his concerns regarding Wilderness Park and how we should protect it.

Roger Yant, 5640 Hunts Drive, came forward to support the State Plan.

Eldon Poppe, Roadway Design Engineer for the Department of Roads, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 04004A - APPLICATION OF MEYER HOMES, INC. TO AMEND THE STONE BRIDGE CREEK COMMUNITY UNIT PLAN TO ALLOW A DECK HIGHER THAN THREE FEET TO EXTEND UP TO EIGHT FEET INTO THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT 7310 WHITEWATER LANE - Stan Buyers, 130 S. 46th Street, Meyer Homes, came forward on behalf of his homeowners for approval. Further discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WHEN FUNDING COMES FROM MORE THAN ONE FISCAL YEAR C.I.P. BUDGET FOR PROJECT NO. 780106, ANTELOPE VALLEY BIG T, JOINT ANTELOPE VALLEY AUTHORITY (JAVA) PROJECT - Nicole Fleck-Tooze, Public Works and Utilities, came forward for approval and to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

****TOOK BREAK 3:15 P.M.**

RECONVENED 3:25 P.M.**

CALLING UPON FEDERAL, STATE AND LOCAL OFFICIALS, AND UPON LINCOLN AGENCIES AND INSTITUTIONS, TO AFFIRM AND UPHOLD CIVIL RIGHTS AND CIVIL LIBERTIES - Council Member Jonathan Cook announced that he introduced this resolution on behalf of the Lincoln Bill of Rights Defense Coalition. He also announced that Mark Weddleton, who is a leader of this group, will be speaking on behalf of this resolution as is Laurie Thomas Lee, Ph.d, who is a UNL Professor and an author of numerous articles and national law journals on privacy and the patriot act.

Mark Weddleton, with the Lincoln Bill of Rights Defense Coalition, came forward to speak on behalf of this resolution and to ask for approval. Further discussion followed.

Dr. Laurie Thomas Lee, Ph.d, came forward to speak in support of this resolution. Further discussion followed.

CAMP Made a motion to "Lay on the table" which would basically indefinitely postpone the resolution as not being within our domain or our jurisdictional domain.

Council Chair Werner asked Dana Roper, City Attorney, if it would matter if they have the public hearing first since it was already advertised as a public hearing in the newspaper.

Dana Roper stated that it would be appropriate to have the motion and the vote first. He then stated that a majority vote would be needed to carry the motion. Then if the resolution is passed, the Council would then need to move onto the next item of business. He also stated that this is a non-debatable motion, which means no discussion.

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

Council Member Camp suggested that they allow the U.S. District Attorney to speak next.

Council Chair Werner denied his request and stated that he could not come up next because they will be going in the order of the sign up sheets.

Bob Barr, care of 835 Garfield Street, came forward in support of this resolution and gave a description of his background which consists of him being a former member of the Congress of the Judiciary Committee which considered the USA Patriot Act, a former US Attorney appointed by Former President Reagan, a former CIA official, and he served and continues to serve on the Board of the NRA, and he also serves as a consultant with the both the ACLU and the ACU (American Conservative Union). Further discussion followed.

Roger Yant, 5640 Hunts Drive, came forward and stated that he is in support of the Patriot Act and in opposition of Bill No. 04R-232. Further discussion followed.

Mike Morosin, 2055 "S" Street, came forward in opposition of Bill No. 04R-232.

Douglas Farmer, 1860 Harrison Avenue, came forward in opposition of Bill No. 04R-232.

Raleigh Peterson, 926 N. 67th Street, came forward in support of Bill No. 04R-232.

Mike Heavican, 8811 Augusta Drive, United States Attorney General for Nebraska, also a representative of the Justice Department for Nebraska, came forward in opposition of Bill No. 04R-232. Further discussion followed.

Council Member Glenn Friendt asked Council Chair Werner if Mr. Heavican could have additional time to speak. Werner replied no, but stated that they are allowed to ask him additional questions.

Faye Colburn, 5235 Cooper, came forward in support of Bill No. 04R-232.

Mike Wardy, 3701 Faulkner Drive, came forward in opposition of Bill No. 04R-232.

Rod Vlcek, 5724 Seward Avenue, Chairman of United Steel Workers of America Local 286 Committee on Political Education, came forward in support of Bill No. 04R-232. Further discussion followed.

Gina Palokangas, 10755 Burt Street, FBI Agent, came forward in opposition of Bill No. 04R-232. Further discussion followed.

Glen Ledder, 2010 Lake Street, came forward in support of Bill No. 04R-232.

Marcus Veazey, 10755 Burt Street, Assistant Special Agent for the FBI, came forward in opposition of Bill No. 04R-232. Further discussion followed.

****TOOK BREAK 6:45 P.M.**

RECONVENED 6:55 P.M.**

Leola Bullock, 4210 North 73 Street, came forward in support of Bill No. 04R-232.

Michael Baker, 4700 Birch Hollow Drive, came forward in support of Bill No. 04R-232. Further discussion followed.

Barbara Layman, 2270 "W" Street, came forward in opposition of Bill No. 04R-232. Further discussion followed.

Luke Kellison, 1541 Sioux Street, came forward in support of Bill No. 04R-232.

Gary Lacey, 1300 G Street, Apt. 202W, County Attorney for Lancaster County, came forward in opposition of Bill No. 04R-232. Further discussion followed.

Lela Shanks, 2761 Randolph, came forward in support of Bill No. 04R-232.

Carol McShane, 4731 N. 25th Street, came forward in support of Bill No. 04R-232.

Frank Delgado, 3325 P Street, came forward, in support of Bill No. 04R-232.

Anna Hopkins, 1901 Washington Street, came forward in support of Bill No. 04R-232.

Tom Casady, Chief of the Lincoln Police Department, came forward to help answer questions of the Council. He stated that the Patriot Act is a Federal Law and has nothing to do with his work. Further discussion followed.

Carol Connor, no address given, Director of Libraries, came forward and express her concerns regarding the privacy of Library files. Further discussion followed.

Mark Weddleton, and Laurie Thomas Lee, Ph.d, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Bill Hoffman, 1340 Garber Avenue, came forward to discuss his concerns regarding the residence located at 1819 Washington Street. This matter was taken under advisement.

** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF JERRY AND SANDRA IRWIN DBA THE FOXY LADY TO EXPAND THEIR LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 22 FEET BY 17 FEET AT 1823 O STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82956 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 Jerry and Sandra Irwin dba The Foxy Lady to expand its licensed premises by the addition of an outside area measuring approximately 22 feet by 17 feet at the presently licensed premises located at 1823 O Street, 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 the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Patte Newman

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

APPLICATION OF PERSHING CENTER FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA ON THE NORTH AND SOUTH LAWNS OF PERSHING CENTER BETWEEN 16TH STREET AND CENTENNIAL MALL ON SEPTEMBER 25, 2004 FROM 5:00 A.M. TO 11:50 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82957 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Pershing Center for a Special Designated License to cover an area measuring approximately 280 feet by 60 feet to the north and 200 feet by 60 feet to south at the Pershing Center, 226 Centennial Mall South, Lincoln, Nebraska, on September 25, 2004 from 5:00 a.m. to 11:50 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

APPLICATION OF BARRYMORE'S FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 60 FEET BY 20 FEET IN THE ALLEY AT 124 NORTH 13TH STREET ON OCTOBER 2, 16, 30, AND NOVEMBER 26, 2004 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82958 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 Barrymore's for a Special Designated License to cover an area measuring 60 feet by 20 feet in the alley at 124 North 13th Street, Lincoln, Nebraska, on October 2, 16, 30, 2004, and November 26, 2004 between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER F TO ADJUST THE HOURLY PAY RANGE - PRIOR to reading:

SVOBODA Moved to waive Council rules to have action on this date.

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

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 "F"; repealing Ordinance No. 18222, passed by the City Council on August 11, 2003, the second time. **(See Council Action under Ordinances - 3rd Reading)**

APPROVING THE LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82959 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor agreement between the City of Lincoln and the International Association of Firefighters, to be effective August 12, 2004, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

STREET AND ALLEY VACATION 04008 - VACATING 21ST STREET BETWEEN Y STREET AND THE ABANDONED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY - CLERK read the ordinance, introduced by Jonathan Cook, vacating 21st Street between Y Street and the abandoned Missouri Pacific Railroad right-of-way, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 04040 - APPLICATION OF JOYCE HINKLEY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 58TH STREET AND COLFAX AVENUE - PRIOR to reading:

SVOBODA Moved to waive Council rules to have action on this date.

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

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 second time. **(See Council Action under Ordinances - 3rd Reading)**

STREET AND ALLEY VACATION 04009 - VACATING THE SECTION OF NORTH 58TH STREET RIGHT-OF-WAY BETWEEN COLFAX AVENUE AND THE MURDOCK TRAIL - PRIOR to reading:

SVOBODA Moved to waive Council rules to have action on this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, vacating the portion of North 58th Street right-of-way between Colfax Avenue and the Murdock Trail, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time. **(See Council Action under Ordinances - 3rd Reading)**

CHANGE OF ZONE 04032 - AMENDING CHAPTER 27.60 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT BY REVISING THE STATEMENT OF INTENT OF THE PLANNED UNIT DEVELOPMENT DISTRICT; BY AMENDING SECTION 27.60.010 TO REVISE THE GENERAL PURPOSE; BY AMENDING SECTION 27.60.020 TO DELETE EXISTING USE REGULATIONS AND TO ADD GENERAL REQUIREMENTS AND DEVELOPMENT PLAN REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS; BY RENUMBERING SECTION 27.60.035 AS 27.60.030 AND AMENDING THE SAME TO DELETE EXISTING REQUIREMENTS REGARDING THE FORM OF A PRELIMINARY PLAN AND TO ADD REQUIREMENTS FOR THE FORM OF A FINAL PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.60.040 TO DELETE EXISTING REQUIREMENTS REGARDING PRELIMINARY PLAN PROCEDURES AND TO ADD A PROCESS FOR REVIEWING APPLICATIONS FOR A PLANNED UNIT DEVELOPMENT; BY ADDING A NEW SECTION NUMBERED 27.60.050 TO PROVIDE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT FOLLOWING APPROVAL; BY REPEALING SECTION 27.60.055 REGARDING FINAL PLAN FORM; BY REPEALING SECTION 27.60.056 REGARDING FINAL PLAN PROCEDURE; BY AMENDING SECTION 27.60.060 TO DELETE THE EXISTING LANGUAGE REGARDING AMENDMENT TO PLANNED UNIT DEVELOPMENTS AND TO ADD NEW REQUIREMENTS; BY REPEALING SECTION 27.60.070 REGARDING ABANDONMENT OR FAILURE TO PROCEED WITH DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.60.080 TO PROVIDE PROVISIONS REGARDING PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS - CLERK read an ordinance, introduced by Jonathan Cook, Change of Zone 04032 - Amending Chapter 27.60 of the Lincoln Municipal Code relating to the Planned Unit Development District by revising the statement of intent of the Planned Unit Development District; by amending Section 27.60.010 to revise the general purpose; by amending Section 27.60.020 to delete existing use regulations and to add general requirements and development plan requirements for planned unit developments; by renumbering Section 27.60.035 as 27.60.030 and amending the same to delete existing requirements regarding the form of a preliminary plan and to add requirements for the form of a final planned unit development; by amending Section 27.60.040 to delete existing requirements regarding preliminary plan procedures and to add a process for reviewing applications for a planned unit development; by adding a new section numbered 27.60.050 to provide requirements for a planned unit development following approval; by repealing Section 27.60.055 regarding final plan form; by repealing Section 27.60.056 regarding final plan procedure; by amending Section 27.60.060 to delete the existing language regarding amendment to planned unit developments and to add new requirements; by repealing Section 27.60.070 regarding abandonment or failure to proceed with development of a planned unit development; and adding a new section numbered 27.60.080 to provide provisions regarding previously approved planned unit developments, the second time.

CHANGE OF ZONE 04043 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1, I-2 AND THE I-3 ZONING DISTRICTS BY AMENDING SECTION 27.47.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.47.035 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1 INDUSTRIAL DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.47.040 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.49.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.49.030 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-2 INDUSTRIAL PARK DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.49.050 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.51.040 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-3 EMPLOYMENT

CENTER DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.51.060 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-3 EMPLOYMENT CENTER DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, Change of Zone 04043 - Amending Title 27 of the Lincoln Municipal Code to allow churches as a permitted conditional use in the I-1, I-2 and the I-3 zoning districts by amending Section 27.47.020 to delete churches from the general use regulations of the I-1 Industrial District; amending Section 27.47.035 to add churches as a permitted conditional use in the I-1 Industrial District and specifying conditions therefor; amending Section 27.47.040 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-1 Industrial District; amending Section 27.49.020 to delete churches from the general use regulations of the I-2 Industrial Park District; amending Section 27.49.030 to add churches as a permitted conditional use in the I-2 Industrial Park District and specifying conditions therefor; amending Section 27.49.050 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-2 Industrial Park District; amending Section 27.51.040 to add churches as a permitted conditional use in the I-3 Employment Center District and specifying conditions therefor; amending Section 27.51.060 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-3 Employment Center District, the second time.

CHANGE OF ZONE 04047 - APPLICATION OF JEROME HITTNER, MICHAEL MCKEEMAN, AND MANETTE KIDNEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND OLD CHENEY 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, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 04048 - APPLICATION OF WILDERNESS RIDGE, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL 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, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 1692C - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS RIDGE COMMUNITY UNIT PLAN TO EXPAND THE WILDERNESS RIDGE GOLF COURSE TO INCLUDE A PARKING LOT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD.

CAMP Moved to delay action for 1 week to 9/20/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 126B - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS WOODS OFFICE PARK TO REVISE THE BOUNDARIES BY REMOVING THE AREA OF THE PARKING LOT FROM THE USE PERMIT, WITH A WAIVER TO REDUCE THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD.

CAMP Moved to delay action for 1 week to 9/20/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

RESOLUTIONS

APPLICATION OF BLESSED SACRAMENT CHURCH, 1720 LAKE STREET, TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 11, 2004 THROUGH OCTOBER 10, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82960 WHEREAS, Blessed Sacrament Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Blessed Sacrament Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. John Sullivan. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

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

APPLICATION OF NORTH AMERICAN MARTYRS CATHOLIC PARISH, 1101 ISAAC DRIVE, TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 29, 2004 THROUGH NOVEMBER 21, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82961 WHEREAS, North American Martyrs Catholic Parish has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to North American Martyrs Catholic Parish to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. Joel Panzer. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

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

APPLICATION OF ST. TERESA'S CATHOLIC CHURCH, 735 S. 36TH STREET, TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 26, 2004 THROUGH NOVEMBER 14, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82962 WHEREAS, St. Teresa's Catholic Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Teresa's Catholic Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Rev. Joseph J. Nemecek. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Glenn Friendt

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

COMP. PLAN AMENDMENT 04020 - AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN, TO UPGRADE EXISTING US HIGHWAY 77/WEST BYPASS FROM AN EXPRESSWAY TO A FREEWAY BEGINNING AT THE PLANNED SOUTH BELTWAY INTERCHANGE JUST SOUTH OF SALTILLO ROAD AND ENDING AT INTERSTATE 80, TO CONSTRUCT NEW INTERCHANGES AT PIONEERS BOULEVARD AND WARLICK BOULEVARD, TO CLOSE ACCESS TO US-77 AT ROKEBY ROAD, YANKEE HILL ROAD AND OLD CHENEY ROAD, AND TO CHANGE THE FUTURE FUNCTIONAL CLASSIFICATION OF US-77 FROM I-80 TO THE SOUTH BELTWAY INTERCHANGE, THE SOUTH BELTWAY AND THE EAST BELTWAY TO FREEWAY STATUS.

COOK Moved to delay for 2 weeks to 9/27/04.

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

SPECIAL PERMIT 04004A - APPLICATION OF MEYER HOMES, INC. TO AMEND THE STONE BRIDGE CREEK COMMUNITY UNIT PLAN TO ALLOW A DECK HIGHER THAN THREE FEET TO EXTEND UP TO EIGHT FEET INTO THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT 7310 WHITEWATER LANE

A-82963 WHEREAS, Dan Byers of Meyer Homes, Inc. has submitted an application designated as Special Permit No. 04004A for authority to amend Stone Bridge Creek Community Unit Plan to allow a deck higher than three feet to extend up to eight feet into the rear yard setback, on property generally located at 7310 Whitewater Lane, and legally described to wit:

Lot 11, Block 2, Stone Bridge Creek 2nd Addition,
Lincoln, Lancaster County, Nebraska;

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

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

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

That the application of Meyer Homes, Inc., hereinafter referred to as "Permittee", to amend Stone Bridge Creek Community Unit Plan to allow a deck higher than three feet to extend up to eight feet into the rear yard setback on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of deck in the rear yard setback be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an 8' x 16' deck higher than 3' to project 8' into the required rear yard setback.

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

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

Introduced by Jonathan Cook

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

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT WHEN FUNDING COMES FROM MORE THAN ONE FISCAL YEAR C.I.P. BUDGET FOR PROJECT NO. 780106, ANTELOPE VALLEY BIG T, JOINT ANTELOPE VALLEY AUTHORITY (JAVA) PROJECT - PRIOR to reading:

SVOBODA Moved to Amend Bill No. 04R-230, in the following manner: On page 2, delete all of lines 11, 12 and 13 and insert in lieu thereof the following language: That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) Big T Project to be paid from CIP funds for fiscal years 2004, 2005, and 2006.

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

A-82964 WHEREAS, the Antelope Valley Big T Project for the grade separation structure and associated approach roadways located near 16th and Holdrege Street, described as City Project 780106, State Project CM-55(144) - Control No. 11215e, has been approved by the City; and

WHEREAS, the construction will include the north, south, and west legs of the new elevated intersection including the bridge at the north-south roadway across the BNSF railroad tracks. This project will connect to the existing arterial roadway system at the west end near 10th and Holdrege and will provide the north-south connection between the new roadways constructed under the Antelope Valley Military Road and Bridge Project and the Antelope Valley "Y" Street Bridge and Roadway Project; and

WHEREAS, construction of the Antelope Valley Big T Project is scheduled to begin in late Fall of 2004 with an anticipated completion date of December 2006; and

WHEREAS, the project is shown in the City's 2004 - 2010 Capital Improvement Program as Project No. 780106, Antelope Valley Big T with appropriations in the amount of \$6,355,000 in FY 2004/2005, \$10,300,000 in FY 2005/2006, and \$5,565,000 in FY 2006/2007; and

WHEREAS, funding for this work includes Highway Allocation Funds, State Train Mile Tax Funds, Railroad Transportation Safety District Funds, Federal Aid - Urban Area Project Funds, and the value of donated right-of-way will be used towards the required match for FA Funds received for this project; and

WHEREAS, the Public Works & Utilities Department believes it is in the public interest to enter into a multi-year contract for the Antelope Valley Big T Project to coordinate the construction of the project and to match the funding appropriation to the cash outlay; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) Big T Project to be paid from CIP funds for fiscal years 2004, 2005, and 2006.

Introduced by Jonathan Cook

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

APPEAL OF ALODIUM LLC TO THE ARTERIAL STREET IMPACT FEES IMPOSED FOR THE BUILDING LOCATED AT 6710 L STREET - PRIOR to reading:

CAMP Moved to continue public hearing & action for 1 week to 9/20/04.

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

CALLING UPON FEDERAL, STATE AND LOCAL OFFICIALS, AND UPON LINCOLN AGENCIES AND INSTITUTIONS, TO AFFIRM AND UPHOLD CIVIL RIGHTS AND CIVIL LIBERTIES - PRIOR to reading:

CAMP Moved to delay for one week with action only to 9/20/04.

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

COOK Moved to amend Bill No. 04R-232 in the following manner: insert on page 1, after line 8: "Whereas, Law Enforcement Officials at every level of government work hard to defend us at home; and"

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

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

A-82965 DEFENSE OF LIBERTY RESOLUTION

A Resolution calling upon federal, state and local officials, and upon Lincoln agencies and institutions, to affirm and uphold civil rights and civil liberties.

Whereas, the protection of civil rights and civil liberties is essential to the well-being of a free and democratic society; and

Whereas, the men and women in the United State Armed Forces are bravely serving around the world defending our freedoms; and

Whereas, Law Enforcement Officials at every level of government work hard to defend us at home; and

Whereas, the members of the Lincoln City Council believe that there is no inherent conflict between national security and the preservation of liberty -- Americans can be both safe and free; and

Whereas, government security measures that undermine fundamental rights do damage to the American institutions and values that the residents of the City of Lincoln hold dear; and

Whereas, federal, state and local governments should protect the public from terrorist attacks, such as those that occurred on September 11, 2001, but should do so in a rational and deliberative fashion in order to ensure that security measures enhance public safety without impairing constitutional rights or infringing on civil liberties; and

Whereas, certain federal policies adopted since September 11, 2001, including certain provisions in the USA PATRIOT Act (Public Law 107-56) and related federal actions unduly infringe upon fundamental rights and liberties; and

Whereas, these new policies include granting law enforcement and intelligence agencies broad access to personal medical, business, library and education records with little if any judicial oversight; limitations on the traditional authority of federal courts to curb law enforcement abuses of electronic surveillance in anti-terrorism investigations and ordinary criminal investigations; the power to authorize the indefinite incarceration of non-citizens based on mere suspicion of terrorist activity without access to counsel or meaningful recourse to the federal courts; the expansion of the authority of federal agents to conduct so-called "sneak and peek" or "black bag" searches, in which the subject of the search warrant is unaware that his property has been searched; and

Whereas, the City of Lincoln has a diverse population, including immigrants and students, whose contributions to the city are vital to its economy, culture and civic character; and

Whereas, these new policies may undermine trust between immigrant communities and the government, and in particular, pose a threat to the civil rights and liberties of the residents of our city who are or who appear to be Arab, Muslim or of South Asian descent; and

Whereas, the federal government has drafted new legislation entitled the Domestic Security Enhancement Act (DSEA) (also known as PATRIOT II), which may further compromise constitutional rights and our government's unique system of checks and balances; and

Whereas, four states, more than 340 communities throughout the country, and the Association of Students of the University of Nebraska have enacted resolutions that reaffirm support for civil rights and civil liberties and demand accountability from law enforcement agencies regarding the exercise of the extraordinary new powers referred to herein.

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

1. That the Lincoln City Council affirms its commitment to uphold civil rights and civil liberties as recognized in the United States Constitution and its Amendments.

2. That the Lincoln City Council calls upon federal, state and local officials, and upon Lincoln agencies and institutions, to affirm and protect civil rights and civil liberties.

3. That the Lincoln City Council affirms its strong support for the rights of immigrants and opposes racial, religious or ethnic profiling, or any measures that single out individuals for legal scrutiny or enforcement activity based primarily upon their country of origin.

4. That the Lincoln City Council opposes requests by federal authorities that, if granted, would cause agencies of the City of Lincoln to exercise powers or cooperate in the exercise of powers in apparent violation of any city ordinance or the laws or Constitution of this State or the United States.

5. That the Lincoln City Council urges each of the City's public libraries to inform library patrons that Sections 215 and 505 of the USA PATRIOT Act give the government expanded authority to monitor book-borrowing and Internet activities without patrons' knowledge or consent and that this law prohibits library staff from informing patrons if federal agents have requested patrons' library records.

6. That in order to assess the effect of antiterrorism initiatives on the residents of the City of Lincoln, the Lincoln City Council calls upon federal officials to make periodic reports, consistent with the Freedom of Information Act, that include:

(a) the number of Lincoln residents who have been arrested or otherwise detained by federal authorities as a result of terrorism investigations since September 11, 2001;

(b) the number of search warrants that have been executed in the City of Lincoln without notice to the subject of the warrant pursuant to section 213 of the USA PATRIOT Act;

(c) the number of electronic surveillance actions carried out in the City of Lincoln under powers granted in the USA PATRIOT Act;

(d) the number of investigations undertaken by federal authorities to monitor political meetings, religious gatherings or other activities protected by the First Amendment within the City of Lincoln;

(e) the number of times education records have been obtained from public schools and institutions of higher learning in the City of Lincoln under section 507 of the USA PATRIOT Act;

(f) the number of times library records or records of books purchased by store patrons in bookstores have been obtained in the City of Lincoln under section 215 or 505 of the USA PATRIOT Act; and

(g) the number of times business or medical records have been obtained from businesses or health care providers within the City of Lincoln under section 215 or 505 of the USA PATRIOT Act.

7. That the Lincoln City Council gives voice to the concerns of Lincoln residents by supporting efforts consistent with this resolution to change those sections of the USA PATRIOT Act that unduly infringe upon fundamental rights and liberties as recognized in the United States Constitution and its Amendments.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2004 AT 1:30 PM FOR AN APPLICATION OF SLAPSHOTZ BAR & GRILL INC DBA SLAPSHOTZ BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82966 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Application of Slapshotz Bar & Grill Inc dba Slapshotz Bar & Grill for a Class I Liquor License at 1245 Libra Drive, Suite 110.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2004 AT 1:30 PM FOR AN APPLICATION OF KATCH LLC DBA LUCKIE'S LOUNGE FOR AN ADDITION TO LICENSED PREMISE FOR A BEER GARDEN AREA LOCATED AT 1101 WEST BOND STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82967 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Application of Katch LLC dba Luckie's Lounge for an addition to licensed premise for a beer garden area located at 1101 West Bond Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2004 AT 1:30 PM FOR AN APPLICATION OF 1339 "O" STREET INC DBA BROTHERS EST 1967 FOR AN ADDITION TO LICENSED PREMISE FOR AN L-SHAPED OUTDOOR SIDEWALK CAFÉ APPROXIMATELY 8' X 108' AT THE NE CORNER OF THE BUILDING AT 1339 "O" STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82968 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Application of 1339 "O" Street Inc dba Brothers Est 1967 for an addition to licensed premise for an L-Shaped Outdoor Sidewalk café approximately 8' x 108' at the NE Corner of the building at 1339 "O" Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2004 AT 1:30 PM FOR A MANAGE APPLICATION OF DEREK A. PIERSON FOR WADSWORTH OLD CHICAGO INC DBA OLD CHICAGO LOCATED AT 826 P STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82969 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Manager Application of Derek A. Pierson for Wadsworth Old Chicago Inc dba Old Chicago located at 826 P Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 27, 2004 AT 5:30 P.M. FOR THE APPLICATION OF GAS N SHOP INC DBA GAS N SHOP FOR A CLASS "D" LIQUOR LICENSE AT 951 WEST "O" STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82970 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Application of Gas N Shop Inc dba Gas N Shop for a Class D Liquor License located at 951 West "O" Street.

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 04044 - Application of Planning Director to amend LMC Chapter 27.65 and to add a new chapter 27.83 to the Lincoln zoning ordinance to address "Build - Through" standards.

Change of Zone 04057 - Application of Hoegemeyer Palmer Construction Inc for a change from AG Agricultural District to R-3 Residential District on property generally located at S. 84th Street and Kathy Lane.

Change of Zone 04058 - Application of Planning Director at the request of Public Works and Utilities to amend Section 27.82.110 "Miscellaneous Provisions" of the impact fee ordinance.

Special Permit 04042 - Application of Hoegemeyer Palmer Construction Inc to develop Lattimer's Addition Community Unit Plan for approximately 13 single family units generally located at S. 84th Street and Kathy Lane.

Special Permit 04045 - Application of Father Panzer to increase lot coverage for a church on property generally located at NW 12th Street and Isaac Drive.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 30, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF AUGUST 16 THRU AUGUST 27, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82971 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 Glenn Friendt

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 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 JULY, 2004: GUARANTEED PHONE SERVICE, ONE CALL COMM, NETWORK BILLING SYSTEMS LLC, SPRINT COMMUNICATIONS COMPANY, ECI COMMUNICATIONS INC.- CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR AUGUST, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 9/20/04)

CHANGE OF ZONE 04054 - APPLICATION OF STEVEN MIERS FOR A CHANGE OF ZONE FROM R-5 TO I-1 ON APPROXIMATELY 1.6 ACRES GENERALLY LOCATED AT 66TH AND VINE STREETS - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

STREET AND ALLEY VACATION 03017 - VACATING THE WEST 20' OF 24TH STREET BETWEEN U AND VINE STREETS AND THE NORTH 15' OF U STREET FROM 23RD TO 24TH STREETS - CLERK read an ordinance, introduced by Glenn Friendt, vacating the west 20 feet of 24th Street between U and Vine Streets, and the north 15 feet of U Street from 23rd to 24th Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

SPECIAL PERMIT 04025 - APPLICATION OF BRIGHTON CONSTRUCTION COMPANY TO DEVELOP LIBERTY VILLAGE COMMUNITY UNIT PLAN CONSISTING OF 16 SINGLE FAMILY DWELLINGS WITH REQUESTED WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, STORM WATER DETENTION, MINIMUM LOT AREA, AVERAGE LOT WIDTH, RECREATION FACILITIES, OPEN SPACE, AND UTILITY EASEMENT WIDTH, ON PROPERTY GENERALLY LOCATED AT 24TH AND VINE STREETS.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN ACTION PROGRAM FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving a Sublease Agreement between the City of Lincoln and Lincoln Action Program for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2004 through June 30, 2005 whereby the City of Lincoln is subleasing space to Lincoln Action Program at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

APPROVING A COMMUNICATIONS SITE SUBLEASE AGREEMENT BETWEEN THE CITY AND WIRELESS LAND LP FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN SAUNDERS COUNTY - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Wireless Land LP for the placement of City's emergency communications facilities upon a tower and tower property leased by Wireless Land and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the first time.

APPROVING AN ANTENNA SITE LEASE AGREEMENT BETWEEN THE CITY AND NORRIS PUBLIC POWER DISTRICT FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN HALLAM, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Norris Public Power District for the placement of City's emergency communications facilities upon a tower and tower property leased by Norris Public Power District and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the first time.

APPROVING A COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL WIP LEASE CORP. FOR THE PLACEMENT OF 911 FACILITIES ON CITY PROPERTY IN CERESCO, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corporation, hereinafter Nextel, for the placement of City's emergency communications facilities upon a tower and tower property leased by Nextel and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the first time.

ORDINANCES - 3RD READING

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER F TO ADJUST THE HOURLY PAY RANGE - PRIOR to reading:

SVOBODA Moved to waive Council rules to have action on this date.

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

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 "F"; repealing Ordinance No. 18222, passed by the City Council on August 11, 2003, the third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18432**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04040 - APPLICATION OF JOYCE HINKLEY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 58TH STREET AND COLFAX AVENUE - PRIOR to reading:

SVOBODA Moved to waive Council rules to have action on this date.

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

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 third time.

COOK Moved to pass the ordinance as amended.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18433**, is recorded in Ordinance Book #25.

STREET AND ALLEY VACATION 04009 - VACATING THE SECTION OF NORTH 58TH STREET RIGHT-OF-WAY BETWEEN COLFAX AVENUE AND THE MURDOCK TRAIL - PRIOR to reading:

SVOBODA Moved to waive Council rules to have action on this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, vacating the portion of North 58th Street right-of-way between Colfax Avenue and the Murdock Trail, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18434**, is recorded in Ordinance Book #25.

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 a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18435**, is recorded in Ordinance Book #25.

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 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82972 WHEREAS, Glen Herbert has submitted an application designated as Special Permit No. 04011 for authority to develop Boulder Ridge Community Unit Plan consisting of 190 single family units, 47 single family attached units and 224 multiple family units with an additional 240 unassigned units, on property located at S. 84th Street and Pine Lake Road, and legally described to wit:

A part of Lot 39 I.T. in the Southwest Quarter of Section 14, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, being more particularly described as follows:

Commencing at the northwest corner of said Southwest Quarter of Section 14 and extending thence north 89 degrees 45 minutes 03 seconds east, along the north line of said Southwest Quarter of Section 14, a distance of 50.09 feet to the point of beginning; thence continuing north 89 degrees 45 minutes 03 seconds east, 2597.27 feet to the northeast corner of said Southwest Quarter of Section 14; thence south 01 degrees 10 minutes 05 seconds east, along the east line of said Southwest Quarter of Section 14, a distance of 1324.63 feet; thence south 89 degrees 52 minutes 28 seconds west, 1333.67 feet; thence south 00 degrees 44 minutes 14 seconds east, 1166.90 feet; thence north 70 degrees 28 minutes 04 seconds west, 303.58 feet to a point of curvature of a circular curve to the left having a central angle of 20 degrees 17 minutes 38 seconds, a radius of 1096.50 feet, and whose chord (386.35 feet) bears north 80 degrees 36 minutes 54 seconds west; thence along the arc of said curve, 388.38 feet; thence south 89 degrees 14 minutes 17 seconds west, 291.17 feet; thence north 00 degrees 19 minutes 34 seconds west, 550.55 feet; thence south 89 degrees 44 minutes 47 seconds west, 334.69 feet to a point 50.00 feet east of the west line of said Southwest Quarter of Section 14; thence north 00

degrees 18 minutes 16 seconds west, 570.84 feet;
thence north 89 degrees 47 minutes 45 seconds east,
334.34 feet; thence north 00 degrees 15 minutes 16
seconds west, 753.67 feet; thence south 89 degrees 40
minutes 56 seconds west, 334.89 feet; thence north 00
degrees 18 minutes 27 seconds west, 449.26 feet, to
the point of beginning; containing a total calculated
area of 99.64 acres, more or less;

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

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

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

That the application of Glen Herbert, hereinafter referred to as
"Permittee", to develop Boulder Ridge Community Unit Plan consisting of
190 single family units, 47 single family attached units and 224
multiple family units with an additional 240 unassigned units, on the
property legally described above, be and the same is hereby granted
under the provisions of Section 27.63.320 and Chapter 27.65 of the
Lincoln Municipal Code upon condition that construction and operation of
said community unit plan be in strict compliance with said application,
the site plan, and the following additional express terms, conditions,
and requirements:

1. This permit approves 701 dwelling units consisting of 190
single family units, 47 single family attached units, 224 multiple
family units and 240 unassigned units within the Boulder Ridge Community
Unit Plan.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and
reproducible final plan including five copies
conforming to the approved preliminary plat of Boulder
Ridge Addition.
 - b. The construction plans must conform to the approved
plans.
 - c. Final plats within the area of this community unit
plan must be approved by the City.
3. Before occupying the dwelling units, all development and
construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently
maintained by the Permittee or an appropriately established homeowners
association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for
all interpretations of setbacks, yards, locations of buildings, location
of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution
shall be binding and obligatory upon the Permittee, his successors, and
assigns. The building official shall report violations to the City
Council which may revoke the special permit or take such other action as
may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of
acceptance to the City Clerk within 30 days following approval of the
special permit, provided, however, said 30-day period may be extended up
to six months by administrative amendment. The City Clerk shall file a
copy of the resolution approving the special permit and the letter of
acceptance with the Register of Deeds, filing fees therefor to be paid
in advance by the Permittee.

Introduced by Annette McRoy

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 - CLERK read the following resolution, introduced by
Annette McRoy, who moved its adoption:

A-82973 WHEREAS, Glen Herbert has submitted for approval by the Lincoln
City - Lancaster County Planning Commission, the preliminary plat of
Boulder Ridge Addition, generally located at S. 84th Street and Pine

Lake Road; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on June 9, 2004 and adopted Resolution No. PC-00877 which conditionally approved Preliminary Plat No. 04008; and

WHEREAS, applicant has appealed the action of the Lincoln City-Lancaster County Planning Commission and is requesting the elimination of condition 1.1.14 to the preliminary plat which requires revisions to the preliminary plat to show the corrections requested by the Public Works and Utilities memo of May 6, 2004 except that a median in Barkley Drive shall be permitted east of 84th Street with a median opening for South 85th Terrace and Court; and

WHEREAS, the final action of the Lincoln City - Lancaster County Planning Commission should be affirmed.

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

The preliminary plat of Boulder Ridge Addition is hereby approved subject to the terms and conditions of Resolution No. PC-00877 which is attached hereto marked as Exhibit A and made a part of this resolution as though fully set forth verbatim.

Introduced by Annette McRoy

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

FRIENDT Made a motion from the floor indicating the Council support for the bond issue tomorrow as follows: "WHEREAS, the City of Lincoln has called for a Special Election to be held tomorrow, September 14, 2004. WHEREAS, this election is to vote on a \$75 million bond issue to catch up on roads, streets, trails, and sidewalk improvements. WHEREAS, the City Council wishes to publicly state its support on such issue. THEREFORE, be it resolved by the City Council of Lincoln that the City Council hereby endorses the bond issue and urges all citizens to vote for the future of our community."

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 20, 2004.
Seconded by Cook & 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 September 20, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 9:28 P.M.

CAMP Moved to adjourn the City Council meeting of September 13, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Phillips, Senior Office Assistant

