

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 15, 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 November 8, 2004, reported having done so, found same correct.

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

**MAYOR'S PROCLAMATION - "HIRE A VETERAN MONTH"**

Mayor Seng announced that the month of November is "Hire A Veteran Month" in honor of Veterans Day. She encourages all businesses in the Lincoln Community to provide employment opportunities to those who have served in the armed forces. She also recognized the following four individuals in being instrumental in hiring veterans: Dan Taute, Bill Jenkins, Mark Grover, and Steve Richman.

**PUBLIC HEARING**

MANAGER APPLICATION OF JAMES C. KELSEY FOR B & R STORES INC. DBA RUSS'S B & R IGA AT 130 NORTH 66TH STREET - James C. Kelsey, 2245 N. 63<sup>rd</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

AMENDING ORDINANCE 18287 TO CORRECT THE LEGAL DESCRIPTION FOR CHANGE OF ZONE 3425 FROM P PUBLIC USE TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BLVD;

AMENDING ORDINANCE 18286 TO CORRECT THE LEGAL DESCRIPTION OF THE PROPERTY DECLARED AS SURPLUS ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BLVD - Steve Hiller, Parks & Recreation Department, came forward for approval and to answer any questions of the Council.

This matter was taken under advisement.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCORPORATE THE TERM SPECIAL WASTE INTO THE DEFINITION OF REFUSE, UPDATE DEFINITIONS, AND CLARIFY WHO MUST BE LICENSED TO HAUL CERTAIN WASTE TO BETTER REFLECT THE INTENT OF THE CODE - Scott Holmes, Health Department, came forward for approval. Further discussion followed.

Nancy Clark, Health Department, came forward for approval. Further discussion followed.

This matter was taken under advisement.

HEARING ON D&A PROPERTIES, LLC'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF ARTERIAL STREET IMPACT FEES FOR A CHILD CARE FACILITY AT 8310 WENDALL WAY AND REQUESTING A WAIVER OF SAID FEES - Dawn Robinson, 4241 Duxhall Drive, came forward as the owner for approval. Further discussion followed.

Michaela Hansen, Public Works & Utilities, came forward to help answer questions of the Council. Further discussion followed.

Ms. Robinson came forward for rebuttal.

This matter was taken under advisement.

ASSESSING THE DEMOLITION AND UTILITY ABANDONMENT EXPENSE INCURRED BY THE CITY AGAINST THE PROPERTY COMMONLY KNOWN AS 1819 WASHINGTON STREET - Bill Hoffman, 1340 Garber Avenue, came forward stating that he feels that the building should not have been declared as unsafe. Further discussion followed.

Glenn Cekal, 1420 "C" Street, came forward and stated that he feels that there should be a judge that solely handles Building and Safety issues.

This matter was taken under advisement.

APPROVING THE REVISED LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS - Scott Holmes, Health Department, came forward for approval. Further discussion followed.  
This matter was taken under advisement.

USE PERMIT NO. 124A - APPLICATION OF NEBCO, INC. TO WAIVE THE INTERNAL SIDE YARD SETBACKS IN THE O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BLVD - Tim Gergen with Olsson Associates, came forward for approval. Further discussion followed.  
This matter was taken under advisement.

SPECIAL PERMIT 1813A - AMENDING THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN TO WAIVE THE REAR SETBACK REQUIREMENTS FOR LOTS 20 - 42, BLOCK 1, ADJACENT TO ANTELOPE CREEK, ON PROPERTY GENERALLY LOCATED AT S. 80TH STREET AND PIONEERS BLVD - Kent Braasch, 11606 Nicholas Street, Omaha, Nebraska, came forward representing Nebraska Nurseries for approval. Further discussion followed.  
This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY, LOWER PLATTE SOUTH NRD, AND THE UNIVERSITY OF NEBRASKA FOR CHANNEL STABILIZATION ON DEAD MAN'S RUN AND ITS TRIBUTARY - Nicole Fleck-Tooze, Public Works & Utilities, came forward to help answer questions of the Council. Further discussion followed.  
Jennifer Dam, 332 Canfield Administration Building, UNL, came forward on behalf of the University of Nebraska in support.  
Glen Johnson, no address given, came forward on behalf of the NRD in support.  
This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" Street, came forward to discuss his concerns regarding the city of Lincoln purchasing the properties that are located in the Antelope Valley Area. He said that he feels that they are not doing it in good faith and he hopes that the city of Lincoln will present a better light on the matter.  
This matter was taken under advisement.

Glenn Cekal, 1420 "C" Street, came forward and stated that he was very impressed when Chief Cassidy spoke to the Chamber of Commerce regarding quality of living. He also gave the following suggestions: Chief Cassidy's speech should have been given over Channel 5 to help inform the city, there should be political support given by all people of what was said in the speech, the city needs effective public service officers to observe downtown Lincoln, and the Building and Safety Department needs a judge to help with the quality of living and to help reduce crime.  
This matter was taken under advisement.

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

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JAMES C. KELSEY FOR B & R STORES INC. DBA RUSS'S B & R IGA AT 130 NORTH 66TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83075 WHEREAS, B&R Stores, Inc., dba Russ's B&R IGA located at 130 N. 66<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "DK" liquor license, and now requests that James C. Kelsey be named manager;  
WHEREAS, James C. Kelsey 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 Asct, and the pertinent City Ordinances, the City Council recommends that James C. Kelsey 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 - 2<sup>ND</sup> READING

AMENDING ORDINANCE 18287 TO CORRECT THE LEGAL DESCRIPTION FOR CHANGE OF ZONE 3425 FROM P PUBLIC USE TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BLVD. (IN CONNECTION W/04-206) - CLERK read an ordinance, introduced by Patte Newman, 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.

AMENDING ORDINANCE 18286 TO CORRECT THE LEGAL DESCRIPTION OF THE PROPERTY DECLARED AS SURPLUS ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BLVD. (IN CONNECTION W/04-204)- CLERK read an ordinance, introduced by Patte Newman, amending Section 1 of Ordinance No. 18286, passed by the City Council on January 5, 2004, to correct the legal description of the approximately five acres of City-owned property generally located adjacent to the Highlands Golf Course at N.W. 12<sup>th</sup> Street, north of W. Highlands Boulevard declared as surplus and authorized to be sold, the second time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCORPORATE THE TERM SPECIAL WASTE INTO THE DEFINITION OF REFUSE, UPDATE DEFINITIONS, AND CLARIFY WHO MUST BE LICENSED TO HAUL CERTAIN WASTE TO BETTER REFLECT THE INTENT OF THE CODE - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 8.32 of the Lincoln Municipal Code to incorporate the term special waste into the definition of refuse, update definitions, and clarify who must be licensed to haul certain waste to better reflect the intent of the code, the second time.

RESOLUTIONS

HEARING ON D&A PROPERTIES, LLC'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF ARTERIAL STREET IMPACT FEES FOR A CHILD CARE FACILITY AT 8310 WENDALL WAY AND REQUESTING A WAIVER OF SAID FEES - PRIOR to reading -

CAMP Moved to delay Public Hearing and Action to 11/29/04.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 15 - 31, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83076 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated November 1, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Allied/Nationwide Insurance		Linda Voss	\$3,000.00
(Claim No. 26E20150 BA 7220634454)	\$1,849.86	Sorenson Construction	3,900.00
Kenneth L. Scott Sr.	722.41	Christopher Riffle, Jennifer Riffle	
Amanda Remmers	63.00	Michael Schmit & Kendra Schmit	4,810.50
Patrick Pella & Patricia Pella, on		Joyce A. Leick	118.00
behalf of minor son, Joshua Pella	5,000.00	Aaron Clyde Naber	747.02
Farmers Mutual of Nebraska		Ron Elder	53.00
(Claim No. A0409077)	3,353.99	Dan Sell	650.00
Jay Ragsdale	100.00	John Schiel	522.02

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

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

ASSESSING THE DEMOLITION AND UTILITY ABANDONMENT EXPENSE INCURRED BY THE CITY AGAINST THE PROPERTY COMMONLY KNOWN AS 1819 WASHINGTON STREET - PRIOR to reading:

COOK Moved to delay Public Hearing and Action to 11/29/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AMENDING THE CITY'S RESOLUTION ON LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES TO CLARIFY THE REIMBURSEMENT OF MEAL EXPENSES BY THE CITY FOR INDIVIDUALS TRAVELING ON CITY BUSINESS WITH AN OVERNIGHT STAY; AND TO UPDATE THE REFERENCE TO CITY AUDITOR AS CITY CONTROLLER - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83077 WHEREAS, the Local Government Miscellaneous Expenditure Act authorizes the City Council to reimburse expenses incurred by elected and appointed officials, employees, or volunteers; and

WHEREAS, the City Council adopted a formal policy in Resolution No. A-77093 passed November 27, 1995, which resolution was amended by Resolution No. A-78287 passed August 18, 1997, and Resolution No. A-80161 passed May 1, 2002; and

WHEREAS, this policy governs educational workshops, conferences, training programs, official functions, hearings and meetings, registration fees, mileage, meals and lodging, travel expenditures, recognition dinners, plaques, certificates of achievement, and other miscellaneous expenditures; and

WHEREAS, this policy recognizes the various budget limitations, job assignments, and training needs of departments; and

WHEREAS, this policy needs to be updated to reflect current conditions.

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

That it hereby adopts the following policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers.

**I. EXPENSES FOR EDUCATION, TRAINING, OR TRAVEL**

Payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers at educational work shops, conferences, training programs, official functions, hearings, job duties, or meetings whether incurred within or outside of City limits may be reimbursed as herein authorized.

Travel expenses, which are defined as those costs a traveler must pay for conducting City business and which are necessary for the purpose of travel, may be approved by the department head. It is understood that not all expenses are automatically reimbursable even if they are addressed in this resolution. Rather, the reimbursement of expenses may vary between departments and employees within a department as determined by the department head. Nothing herein shall be construed as requiring reimbursement of any meal. Under no circumstances will expenses be reimbursed in excess of those identified in this resolution.

Anyone authorized to travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, except for meals and tips, and to submit expense statements in accordance with this resolution.

**A. TRANSPORTATION EXPENSES**

The maximum payable transportation allowance for any motor transportation shall not exceed the actual round-trip cost of coach air fares for that particular trip.

1. Air Travel. The latest rates for air travel from the City of Lincoln will be used in calculating all transportation expenses and allowances. Coach fare shall be used. A traveler shall make reservations through a travel agency and charge the tickets to the City of Lincoln; provided, however, a traveler who wishes to take advantage of electronic tickets, shop for the lowest fare on the Internet, or call airlines directly, will be required to personally pay for the tickets and request reimbursement from the City by submitting proper documentation. The City will not advance money for the purchase of airline tickets.
2. Motor Vehicles - Privately Owned. When the use of a private motor vehicle has been authorized, the owner of the vehicle shall be reimbursed at a mileage rate established by the Mayor in Administrative Regulation No. 4 and as the same may be amended from time to time, for the most direct round-trip route between Lincoln and the place visited. This amount shall not exceed the coach round-trip fare to and from that point and shall be documented by a City mileage reimbursement form. When more than one eligible employee performs such travel in an authorized private motor vehicle, only one eligible employee may obtain reimbursement for transportation. Lodging, meals, and other expenses for employees other than the employee receiving mileage are allowable en route to the destination if the cost does not exceed coach airfare.

3. Local Transportation. Local transportation costs, including such costs as airport limousine and taxi fare (including reasonable tips) may be reimbursed. Expenses for rental cars may be reimbursed when the employee's department head has decided that such rental will serve the best interests of the City. Requests for a rental car must be approved in writing in advance of the trip. Car rentals may be authorized when such rental will be cheaper than taxi fares or when the use of the car permits the traveler to accomplish the purpose of the trip in a more efficient manner.
4. Travel by City Owned Vehicle. A traveler may use a City owned vehicle if the employee's department head has decided that such use will serve the best interests of the City. The traveler may be reimbursed for out-of-pocket expenses, such as gasoline, etc. Receipts must be obtained for all out-of-pocket expenses incurred for a City owned vehicle. Use of the City vehicle shall be restricted to City of Lincoln purposes only, and no private passengers shall be authorized.

**B. LIVING EXPENSES**

1. Lodging. Hotel and/or motel lodging should be selected well in advance and should be within a reasonable distance from or at the site of the official meeting place. Reimbursement shall be for a single occupancy rate. Detailed receipts for all lodging costs must be secured.
2. Meals. Individuals traveling on City business with an overnight stay will be allowed a daily per diem to cover the cost of meals and tips. The daily per diem amount shall not exceed thirty dollars (\$30.00 - \$7.00 breakfast, \$7.00 lunch, \$16.00 dinner) for most areas in the United States. Other areas in the United States are designated as high-cost areas, qualifying for a daily per diem not to exceed thirty-eight dollars (\$38.00 - \$9.00 breakfast, \$9.00 lunch, \$20.00 dinner). A list of these high-cost areas will be maintained and made available by the City Auditor Controller. The Each Department's Director will determine whether any reimbursement shall be made and the amount of the reimbursement to be made (in compliance with the terms and not to exceed the maximums set above). The City will not reimburse employees for any meal provided by the conference or airline. Additionally, the City will not reimburse employees for any meal where there is no overnight stay.
3. Registration Costs. The City will pay in advance, or reimburse an eligible traveler for, the registration fee paid when a receipt for the registration fee is obtained and is included with the travel expense statement. The proper procedure for advance payment of registration is to submit a payment voucher with a copy of the completed registration form or an invoice, payable to the conference, to the Auditor's Controller's Office in sufficient time to allow a warrant to be drawn and mailed to the conference prior to the deadline for registration.
4. Miscellaneous Expenses. Telephone expenses will be allowed only when necessary for City purposes. Expenses for tips should be included with the transportation and meal per diem.
5. Disallowance of Expenses. All major expenses including transportation (excluding taxi fares), lodging, and registration fees that are not supported by receipts attached to the travel expense statement may be disallowed for reimbursement at the discretion of the City Auditor Controller.

**C. TRAVEL APPROVAL**

When a department head decides that a trip for an employee is essential for City business, the department head may approve such travel. When the trip is to be taken by the department head, approval of the Mayor shall be obtained. Department heads shall be required to submit to the Mayor's Office a semi-annual report outlining travel requests which have been approved for department employees during that semi-annual time period. The semi-annual report shall list the department employees who were approved for travel; the purpose of the travel; and the budget impact resulting from the travel approvals.

**D. TRAVEL ADVANCE**

Travel advance for expenses will be granted to approved travelers. When a traveler desires an advance of funds, the department shall submit to the City ~~Auditor~~ Controller, a standard claim form itemizing estimated expenses. No travel advance may be considered prior to approval as set out in Section C. No advance may be considered prior to reconciliation of any prior travel advance.

**E. REIMBURSEMENT PROCEDURES**

**1. Traveler's Processing of Expenditure Statements**

- a. Within ten (10) working days after completion of the authorized travel, the traveler shall complete an itemized travel expense statement, attaching all necessary supporting receipts, and other documentation (noncompliance may result in denial of future advances to an employee). Attached documentation should include at least the following: lodging receipt, auto rental receipt (when authorized by department head), and airline itinerary.
- b. When arrangements are made for airline travel on weekends/Saturdays for purposes of securing lower ticket rates, payment for the hotel and meal costs incurred on the weekend are also authorized as long as the total of the lower airline ticket rate and the weekend hotel/meal costs do not exceed the Sunday/weekday airline ticket costs. It is expected that employees will exercise reasonable judgment to acquire all travel necessities at the lowest reasonable cost to the City. This may include scheduling travel in a way that results in a lower net cost to the City, such as group travel by auto, weekend travel for discount air fares, early ordering of airline tickets for the best discount fares, etc.

**2. Departmental Processing of Travel Statement of Expenditures**

Department heads or their designees shall examine the traveler's expense statements for proper accounting and documentation. They should insure that all necessary supporting documents and/or statements of explanation are attached before signing the travel expense statement.

**3. Finance Department Audit and Payment**

- Upon receipt of the request for funds, the ~~Auditor~~ Controller shall perform an audit to insure compliance with this resolution. The City ~~Auditor~~ Controller is authorized to request and receive additional information on any and all expenses.
- a. No Travel Advance Drawn. When no travel advance has been made, upon verification of an expense statement submitted, the City ~~Auditor~~ Controller shall process the payment of funds reimbursing the traveler.
  - b. Travel Advance Drawn. When a travel advance has been made and the cost of the trip is less than the amount advanced, the traveler shall return the balance of the funds to the City ~~Auditor~~ Controller within ten (10) working days after completion of travel. Upon verification of the expense statement by the ~~Auditor~~ Controller, a Treasurer's receipt shall be processed to deposit the balance of funds back to the fund from which the original advance was drawn.
  - c. Actual Expenses are Equal to Travel Advance. When a travel advance has been made and the actual cost of the trip is equal to the amount of the advance, the procedure outlined in the preceding paragraph (b) shall be followed with the exception that no funds shall be returned by the traveler.
  - d. Actual Expenses are More than Travel Advance. When the travel advance has been made and the actual cost of the trip is more than the amount advanced, then upon approval of the expense statement by the department head and verification by the City ~~Auditor~~ Controller, a warrant shall be issued to the traveler.

**II. PLAQUES AND AWARDS**

**A. The Mayor's Award of Excellence**

The Mayor's Award of Excellence recognizes employees who consistently provide outstanding service and work that demonstrates exemplary personal commitment to the City of Lincoln.

1. **Eligibility:**

All employees are eligible except individuals in the Management Compensation Plan and elected officials. Individuals or teams of employees are eligible for monthly or annual awards. Entire departments, divisions or sections are not eligible as a team.

2. **Nomination Procedure:**

Employees or teams may be nominated by supervisors, contemporaries, subordinates, and the general public. Nominations shall be submitted by completing the Mayor's Award of Excellence Form. Nomination forms will be available from department heads, the City Personnel Office, or employee bulletin boards. Team nominations should be specific as to each member's involvement. Additional supporting documentation such as correspondence relating to the employee's or team's performance by other City employees may be attached. All nominations must be signed by the employee's or team's department head or appropriate designee. Said signature indicates that the nomination has been validated. Nominations that are not validated must be returned to the person making the nomination within thirty (30) days. All completed nomination forms need to be returned to the City Personnel Office by the fifth (5th) day of the month for the following month's award.

3. **Nomination Criteria:**

Employees or teams may be nominated for the award based on any of the following criteria:

Safety:	Practices safety on the job and promotes and encourages others to do the same.
Productivity:	Always gives the best of oneself and encourages and promotes co-workers to perform their best.
Loss Prevention:	Demonstrates wise use of City resources and makes recommendations that result in substantial savings to the City outside the normal course of expected job functions.
Customer Relations:	Represents the City with a positive attitude, takes pride in ones work, and encourages co-workers to do the same.
Valor:	Performs an act of bravery above and beyond the call of duty.

4. **Selection Process:**

All validated nominations will be reviewed by the Mayor's Award of Excellence Committee. The committee may select no more than one (1) individual or team based on the selection criteria. Nominees will be eligible for three (3) months. Employees or teams will not be able to receive the monthly award more than once in any consecutive twelve (12) months. If a member of a new team has been previously selected for a monthly award, it will not nullify the team's eligibility to win an award. However, a previous winner cannot receive the monetary award and day off but still can be recognized. The Mayor's Monthly Award of Excellence may be presented every month and the Mayor's Annual Award of Excellence will be presented once every calendar year. An employee or team does not have to receive the Monthly Award to be eligible for the Mayor's Annual Award of Excellence.

5. **Award Recognition:**

All individuals/teams nominated will receive a letter and certificate. All monthly winners will be presented a one hundred dollar (\$100) U.S. Savings Bond (cost fifty dollars (\$50)), one day off with pay, and a plaque not to exceed a cost of fifty dollars (\$50). The Mayor's Annual Award of Excellence Recipient will receive a five hundred dollar (\$500) U.S. Savings Bond (cost of two hundred fifty dollars (\$250)), two (2) days off with pay, and a plaque not to exceed a cost of one hundred dollars (\$100). When the annual award recipient is a team, the \$500 savings bond will be divided equally among members. When it is impossible to divide the bond equally due to purchase increment issue price, the division will be made as close to the \$250 purchase price as possible, without going over. Each team member will receive two days off with pay and a plaque not to exceed a cost of \$100. All awards will be presented

before the City Council. The Mayor's Annual Award of Excellence committee may recommend Annual Honorable Mention Recipients who would receive a plaque not to exceed a cost of fifty dollars (\$50). All monetary awards will be considered compensation and subject to normal withholding and all applicable IRS regulations.

6. **Mayor's Award of Excellence Committee:**

The committee is made up of one (1) representative from each union, and a non-union representative appointed by the Mayor. Representatives will be appointed by September thirtieth (30th) of each year. The term of the committee members will be for two (2) years. If a committee member is unable to complete his/her term, another appointee will finish the term. Three consecutive absences or four (4) absences in a calendar year will result in notification of the respective bargaining unit.

7. **Administration:**

- a. The Personnel Department will oversee the Mayor's Award of Excellence Program.
- b. The City reserves the right to rescind this policy at any time.
- c. This program should not be interpreted as a negotiable item.
- d. The costs incurred to purchase a U.S. Savings Bond and to fund the day(s) off with pay will be charged to the employee's department budget.
- e. The costs incurred to purchase the plaques and awards and other expenditures will be charged to the Personnel Department budget.
- f. An individual or team winner will be chosen every month by the Mayor's Award of Excellence Committee when three or more members are present.

B. **Other Plaques and Awards**

Employees, appointed officials, and volunteers may be given plaques, certificates of achievement, or items of value provided the cost shall not exceed one hundred dollars (\$100.00) in value, notwithstanding mandated recognition under federal volunteer programs. Such awards shall recognize outstanding service and must be approved in advance by the employee's department head, the Mayor, or by the City Council. Such awards recognizing safety achievements must be approved in advance by the safety committee.

III. **MISCELLANEOUS**

A. **Employee Appreciation - Development Days**

Within each calendar year, all departments may conduct an employee development-appreciation day for the purpose of education, planning, and department betterment.

B. **Recognition Dinners/Meals**

Each year recognition dinners/meals may be held for elected and appointed officials, employees, or volunteers of the local government. The maximum cost per person for such dinner shall not exceed twenty-five dollars (\$25.00). An annual recognition dinner/meal may be held separately for employees of each department or separately for volunteers or any of them in combination.

C. **Expenses of Spouses**

Nothing in this resolution shall authorize the expenditure of funds to pay for any expenses incurred by the spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the local government and such expenditure has been authorized as set out herein.

E. **Meals for Council Members**

Authorized expenditures shall not include expenditures for meals of paid members of the City Council while attending a public meeting of the Council unless it is a joint meeting with one or more other governing bodies.

BE IT FURTHER RESOLVED that Resolution No. A-78287 passed by the City Council on August 18, 1997 as hitherto existing, be and the same is hereby repealed.

Introduced by Patte Newman

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

APPROVING THE REVISED LINCOLN-LANCASTER COUNTY AIR POLLUTION CONTROL REGULATIONS AND STANDARDS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83078 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendments to Article 2, Section 6(A), Article 2, Section 17(O) and (P), Article 2, Section 18(A), Article 2, Section 20, Article 2, Section 22 (E) and (G), and Article 2, Section 28, of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, are hereby approved. The Amendments are required to update the regulations as a result of the actions taken by the United States Environmental Protection Agency.

The City Clerk is directed to return two (2) fully executed copies of said Amendments to Susan Starcher, Lancaster County Clerk's Office, for filing with the County.

Introduced by Patte Newman

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

USE PERMIT NO. 124A - APPLICATION OF NEBCO, INC. TO WAIVE THE INTERNAL SIDE YARD SETBACKS IN THE O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BLVD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83079 WHEREAS, NEBCO, Inc. has submitted an application in accordance with Sections 27.27.080 and 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 124A for authority to amend Use Permit No. 124 to waive the internal side yard setbacks in the O-3 Office Park District on property generally located at Highway 34 and Fallbrook Blvd., and legally described to wit:

Lots 1 and 2, Fallbrook 9th Addition, located in the Southwest Quarter of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 327,939.49 square feet, more or less;

Together with:

A portion of Outlot D, Fallbrook Addition, located in the Southwest Quarter of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northwest corner of Lot 2, Fallbrook 9th Addition; thence on an assumed bearing of north 29 degrees 05 minutes 59 seconds west along a line perpendicular to the center line of Fallbrook Boulevard, a distance of 53.50 feet to a point of intersection with said centerline; thence north 60 degrees 54 minutes 01 seconds east along said centerline, a distance of 52.13 feet to a point of intersection with the southwest line of said Outlot D, Fallbrook Addition, said point being the true point of beginning; thence continuing north 60 degrees 54 minutes 01 seconds east along said centerline extended, a distance of 88.00 feet to a point; thence south 55 degrees 58 minutes 38 seconds east, a distance of 88.00 feet to a point of intersection with the southeast line of said Outlot D, said point being a point of curvature for a non-tangent curve; thence along a curve in a clockwise direction, having a radius of 88.00 feet, arc length of 179.52 feet, delta angle of 116 degrees 52 minutes 57 seconds, a chord bearing of north 87 degrees 32 minutes 21 seconds west along a south line of said Outlot D, and a chord length of 149.97 feet to the point of beginning, said tract contains a calculated area of 7,899.17 square feet more or less;

and

Lot 3, Block 2, Fallbrook Addition, located in the South Half of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 464,620.34 square feet, more or less;

and

Lot 3, Block 13, Fallbrook Addition, located in the Southeast Quarter of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 47,839.65 square feet, more or less; and

Lot 1, Block 14, Fallbrook Addition, located in the South Half of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 58,247.37 square feet more or less; and

Lot 3, Block 1, Fallbrook 4th Addition, located in the Southeast Quarter of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 58,239.14 square feet more or less; and

Lots 1 and 2, Fallbrook 2nd Addition, located in the Southeast Quarter of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 642,191.40 square feet more or less; and

Lots 1, Block 2, Fallbrook Addition, located in the Southeast Quarter of Section 34, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; said tract contains a calculated area of 915,946.04 square feet more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this development of commercial space and dwelling units 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 NEBCO, Inc., hereinafter referred to as "Permittee", to amend Use Permit No. 124 to waive the internal side yard setbacks in the O-3 Office Park District on the property legally described above be and the same is hereby granted under the provisions of Sections 27.27.080 and 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development and dwelling units be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit allows internal side yard setbacks to be waived in the O-3 Office Park district.
2. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible final site plan as approved and six copies.
  - b. The construction plans must conform to the approved plans.
3. Before occupying any building all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping 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, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. The site plan as approved by this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

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

SPECIAL PERMIT 1813A - AMENDING THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN TO WAIVE THE REAR SETBACK REQUIREMENTS FOR LOTS 20 - 42, BLOCK 1, ADJACENT TO ANTELOPE CREEK, ON PROPERTY GENERALLY LOCATED AT S. 80TH STREET AND PIONEERS BLVD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83080 WHEREAS, Nebraska Nurseries, Inc. has submitted an application designated as Special Permit No. 1813A for authority to amend The Preserve on Antelope Creek Community Unit Plan to waive the rear setback requirements for Lots 20-42, Block 1, adjacent to Antelope Creek on property generally located at S. 80th Street and Pioneers Blvd., and legally described to wit:

A tract of land consisting of portions of Lot 51 and a portion of Lot 57 Irregular Tracts, and The Preserve on Antelope Creek, Lots 1 and 2, and The Preserve on Antelope Creek 1st Addition, Lots 1 through 36, Block 1, Lots 1 through 20, Block 2, and Outlots A through F, and The Preserve on Antelope Creek 2nd Addition, Lots 1 through 5 and Outlots A through E, and The Preserve on Antelope Creek 3rd Addition, Lot 1 and Outlot A, and The Preserve on Antelope Creek 4th Addition, Lots 1 through 20 and Outlots A and B, and The Preserve on Antelope Creek 5th Addition, Lots 1 and 2, and The Preserve on Antelope Creek 6th Addition, Lots 1 through 9 and Outlots A and B, all surveyed, platted and recorded in Lancaster County, Nebraska and all located in the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, being more particularly described as follows:

Beginning at the southwest corner of Lot 54 of said Quarter Section; thence north 89 degrees 21 minutes 34 seconds east along the south line of said Lot 54, a distance of 200.19 feet to the east line of said Lot 54; thence north 00 degrees 11 minutes 13 seconds west on said line, a distance of 259.93 feet to the south right-of-way line of Pioneers Boulevard; thence north 89 degrees 20 minutes 29 seconds east on said line, a distance of 600.59 feet to the east line of Lot 57 of the aforesaid Northeast Quarter of Section 10; thence south 00 degrees 11 minutes 52 seconds east on said line, a distance of 2133.34 feet; thence south 00 degrees 13 minutes 54 seconds east on said line, a distance of 456.67 feet; thence on the southerly and westerly lines of said Lot 57 for the next four courses; north 89 degrees 58 minutes 22 seconds west, a distance of 52.68 feet; north 15 degrees 39 minutes 36 seconds west, a distance of 425.55 feet; north 61 degrees 34 minutes 23 seconds west, a distance of 1398.97 feet; north 31 degrees 42 minutes 49 seconds west, a distance of 481.67 feet to the west line of said Lot 57, said line also being the east line of Outlot "A", Pioneer Subdivision, a subdivision as platted and recorded in Lancaster County, Nebraska; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 203.46 feet; thence south 89 degrees 43 minutes 52 seconds east, a distance of 73.06 feet; thence north 79 degrees 07 minutes 47 seconds east, a distance of 70.38 feet; thence south 86 degrees 37 minutes 54 seconds east, a distance of 84.78 feet; thence south 66 degrees 20 minutes 00 seconds east, a distance of 78.47 feet; thence north 55 degrees 16 minutes 54 seconds east, a distance of 154.09 feet to a point on a curve; thence northwesterly along a curve to the left having a radius of 292.55 feet and a central angle of 15 degrees 30 minutes 27 seconds, an arc distance of 79.18 feet (chord = 78.94 feet, chord bearing = north

49 degrees 52 minutes 30 seconds west) to a point of reverse curvature; thence northwesterly along a curve to the right having a radius of 420.40 feet and a central angle of 19 degrees 46 minutes 13 seconds, an arc distance of 145.06 feet (chord = 144.34 feet, chord bearing = north 47 degrees 44 minutes 38 seconds west) to a point of tangency; thence north 37 degrees 51 minutes 31 seconds west, a distance of 48.41 feet to a point of curvature; thence northwesterly along a curve to the left having a radius of 144.27 feet and a central angle of 52 degrees 16 minutes 35 seconds, an arc distance of 131.63 feet (chord = 127.11 feet, chord bearing = north 63 degrees 59 minutes 49 seconds west) to a point of tangency; thence south 89 degrees 51 minutes 54 seconds west, a distance of 16.99 feet to a point of curvature; thence northwesterly along a curve to the right having a radius of 95.82 feet and a central angle of 46 degrees 31 minutes 36 seconds, an arc distance of 77.81 feet (chord = 75.69 feet, chord bearing = north 66 degrees 52 minutes 18 seconds west) to a point of tangency; thence north 43 degrees 36 minutes 30 seconds west, a distance of 37.54 feet to the aforesaid west line of Lot 57; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 59.13 feet; thence south 89 degrees 46 minutes 35 seconds east, a distance of 166.69 feet; thence north 66 degrees 33 minutes 19 seconds east, a distance of 289.31 feet; thence north 37 degrees 33 minutes 31 seconds east, a distance of 76.97 feet; thence north 89 degrees 48 minutes 08 seconds east, a distance of 183.77 feet; thence north 00 degrees 49 minutes 59 seconds west, a distance of 31.82 feet to a point on the south line of Lot 55 of said Quarter Section; thence north 89 degrees 21 minutes 34 seconds east along said south line of Lot 55, a distance of 176.68 feet to the point of beginning, containing 2,525,682 square feet or 57.98 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the 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 Nebraska Nurseries, Inc., hereinafter referred to as "Permittee", to amend The Preserve on Antelope Creek Community Unit Plan to waive the rear setback requirements for Lots 20-42, Block 1, adjacent to Antelope Creek, 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 waives the rear setback at for Lots 20-42, Block 1, provided there is no encroachment into the 100-year floodplain for Antelope Creek as shown on the plan.

2. Before receiving building permits:

a. The Permittee must submit a revised and reproducible final plan with five copies.

b. The construction plans must conform to the approved plans.

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

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

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

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

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

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

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

APPROVING AN AGREEMENT BETWEEN THE CITY, LOWER PLATTE SOUTH NRD, AND THE UNIVERSITY OF NEBRASKA FOR CHANNEL STABILIZATION ON DEAD MAN'S RUN AND ITS TRIBUTARY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83081 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln, Lower Platte South NRD, and the University of Nebraska to allow cost sharing and oversight on a Lower Platte South Natural Resources District project for channel stabilization efforts on Dead Man's Run and a tributary to Dead Man's Run, generally located at N. 48th Street from Holdrege Street to Dean Man's Run, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 6, 2004 AT 1:30 P.M. FOR J J KAT INC DBA BREWSKY'S FOOD & SPIRITS FOR AN ADDITION TO THEIR LICENSED PREMISE FOR A SIDEWALK CAFÉ APPROXIMATELY 36 FEET BY 15 FEET LOCATED AT 2840 SOUTH 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83082 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 6, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of J J Kat Inc dba Brewsky's Food & Spirits for an Addition to their licensed premise for a sidewalk café approximately 36 feet by 15 feet located at 2840 South 70<sup>th</sup> Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 13, 2004, AT 10:00 A.M. ON THE BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83083 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the City Clerk by and she is hereby instructed to give ten days' notice by publication according to law that the City Council will at a regular meeting on the 6<sup>th</sup> day of December, 2004, at 1:30 P.M., assess the improvements in the following special assessment districts:

Paving District No. 2624 - The frontage road which parallels Highway 77 from Holland Road south approximately 1, 375 feet.

Water District No. 1190 - NW 6<sup>th</sup> Street from W Dawes to W Saunders.

BE IT FURTHER RESOLVED that the City Council wil sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments of Monday, December 13, 2004, at 10:00 A.M. with adjournments from day to day until said work of equalizing such assessments are completed.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 29, 2004 AT 5:30 P.M. FOR A MANAGER APPLICATION OF RENAE STROUGHTER FOR ERNIE'S FB LLC DBA ERNIE'S FAST BREAK LOCATED AT 7000 "O" STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83084 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 29, 2004, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska, for the Manager Application of Renae Stroughter for Ernie's FB LLC dba Ernie's Fast Break located at 7000 "O" Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 29, 2004 AT 5:30 P.M. FOR THE APPLICATION OF GATEAU ENTERPRISES LLC DBA GREEN GATEAU CAFÉ FOR AN ADDITION TO THEIR LICENSED PREMISE FOR AN OUTDOOR CAFÉ APPROXIMATELY 33 FEET BY 10 FEET ON THE WEST SIDE OF THE BUILDING LOCATED AT 330 SOUTH 10<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83085 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 29, 2004, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska, for the Application of Gateau Enterprises LLC dba Green Gateau Café for an addition to their licensed premise for an outdoor café approximately 33 feet by 10 feet on the west side of the building located at 330 South 10<sup>th</sup> Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 6, 2004 AT 1:30 P.M. FOR THE APPLICATION OF ALFREDO BARRERA DBA AY CHIHUAHUA FOR A LIQUOR CATERING LICENSE LOCATED AT 2050 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83086 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 6, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska, for the Application of Alfredo Barrera dba Ay Chihuahua for a liquor catering license located at 2050 Cornhusker Highway.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 6, 2004 AT 1:30 P.M. FOR A MANAGER APPLICATION OF JEFFRE J. MANN FOR PINELAKE II LLC DBA THE C-STATION LOCATED AT 1401 PINE LAKE ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83087 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 6, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, Nebraska, for the Manager Application of Jeffrey J. Mann for Pinelake II LLC dba The C-Station located at 1401 Pine Lake Road.

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

Introduced by Ken Svoboda

Seconded by Cook 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:

Special Permit No. 228K - Application submitted by Lloyd and Donna Hinkley, for Capitol Beach West Community Unit Plan, to amend the front yard setback on property located at 302 W. Lakeshore Drive.

Special Permit No. 04060 - Application submitted by Cheryl Dubas, dba Little Munchkinland, for an early childhood care facility, with request to waive the requirement to be located on an arterial street on property located at N. 24<sup>th</sup> Street and Superior Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON NOVEMBER 8, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

(Resolutions listed hereunder advance to Public Hearing on 11/29/04)

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, LANDFILL REVENUE FUND, AND STREET CONSTRUCTION/VEHICLE TAX FUNDS, WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Ken Svoboda, vacating the south 6.5 feet of P Street right-of-way adjacent to the former Salvation Army building at 8<sup>th</sup> and P Streets and the west 15.5 feet of N. 8<sup>th</sup> Street adjacent to the same building complex, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 04011 - VACATING THE SOUTH 6.5 FEET OF THE P STREET RIGHT-OF-WAY ADJACENT TO THE FORMER SALVATION ARMY BUILDING AT 8TH AND P STREET AND THE WEST 15.5 FEET OF N. 8TH STREET ADJACENT TO THE SAME BUILDING COMPLEX - CLERK read an ordinance, introduced by Ken Svoboda, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Sewer Construction Fund, Water Construction Fund, Landfill Revenue Fund, and Street Construction/Vehicle Tax Funds, within the Public Works & Utilities Department, the first time.

ORDINANCES - 3<sup>RD</sup> READING

VACATION NO. 03023 - VACATING THE NORTH 10 FEET OF Q STREET RIGHT-OF-WAY ADJACENT TO LOTS 7, 8, AND 9, BLOCK 30, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND Q STREETS - PRIOR to reading:

NEWMAN Moved to delay action to 11/29/04.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, McRoy, Newman; NAYS: Friendt, Svoboda, Werner.

CHANGE OF ZONE 04057 - APPLICATION OF HOEGEMEYER PALMER CONSTRUCTION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S. 84TH STREET, SOUTH OF KATHY LANE - 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18467, is recorded in Ordinance Book #25.

SPECIAL PERMIT 04042 - APPLICATION OF HOEGEMEYER PALMER CONSTRUCTION TO DEVELOP LATTIMER'S ADDITION COMMUNITY UNIT PLAN FOR 13 SINGLE FAMILY DWELLING UNITS, WITH REQUESTED WAIVERS TO THE PRELIMINARY PLAT PROCESS AND THE RECREATION PLAN REQUIREMENT, ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S. 84TH STREET, SOUTH OF KATHY LANE - PRIOR to reading:

COOK Made motion to amend number 1 to Bill No. 04R-290 in the following manner: on page 3, between lines 6 and 7, insert a new condition number 6 to read as follows: 6. The Permittee shall relinquish access from Pinehill Lane to 84<sup>th</sup> Street at such time as Pinehill Lane is extended to the east to intersect Rentfro Drive. Upon relinquishment of such access by Permittee the City may, at City's cost, make the physical changes necessary to close the intersection of Pinehill Lane and 84<sup>th</sup> Street. Also, renumber subsequent conditions accordingly.

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

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

A-83088 WHEREAS, Hoegemeyer Palmer Construction has submitted an application designated as Special Permit No. 04042 for authority to construct Lattimer's Addition Community Unit Plan consisting of 12 single family dwelling units, with requested waivers to waive the preliminary plat process and to waive the requirement that recreational facilities be provided, on property located on the east side of S. 84th Street, south of Kathy Lane, and legally described to wit:

Lot 71, Irregular Tract in the Northwest Quarter of  
Section 11, Township 9 North, Range 7 East of the 6th  
P.M., Lancaster County, Nebraska;

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

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

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

That the application of Hoegemeyer Palmer Construction,  
hereinafter referred to as "Permittee", to construct Lattimer's Addition  
Community Unit Plan consisting of 12 single family dwelling units, on  
the property legally described above, be and the same is hereby granted  
under the provisions of Section 27.63.320 and Chapter 27.65 of the  
Lincoln Municipal Code upon condition that construction and operation of  
said community unit plan be in strict compliance with said application,  
the site plan, and the following additional express terms, conditions,  
and requirements:

1. This permit approves 12 lots and the following waivers to  
the Land Subdivision Ordinance, Zoning Code and Design Standards:
  - a. The requirement of Lincoln Municipal Code § 26.11.020  
that a preliminary plat is required for all  
subdivisions is waived, except that this waiver of the  
preliminary plat shall only be effective for a period  
of ten years from the date of the this approval, and  
shall be of no force or effect thereafter. This  
waiver is further subject to the requirement that if  
any final plat on all or a portion of the approved  
community unit plan is submitted five years or more  
after the effective date of the community unit plan,  
the City may require that a new community unit plan be  
submitted, pursuant to all the provisions of Section  
26.31.015. A new community unit plan may be required  
if the subdivision ordinance, the design standards, or  
the required improvements have been amended by the  
city; and as a result, the community unit plan as  
originally approved does not comply with the amended  
rules and regulations.
  - b. The requirement of Section 1.3 of the Design Standards  
for Community Plans that adequate and appropriate  
recreational facilities be provided in the common open  
area is waived as there is no common open area within  
this development and the lot sizes are comparable to  
typical single-family homes not located within a  
community unit plan.
2. Before receiving building permits:
  - a. The Permittee must submit an acceptable, revised and  
reproducible final plan including five copies.
  - 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 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 Permittee shall relinquish access from Pinehill Lane to  
84<sup>th</sup> Street at such time as Pinehill Lane is extended to the east to  
intersect Rentfro Drive. Upon relinquishment of such access by Permittee  
the City may, at City's cost, make the physical changes necessary to  
close the intersection of Pinehill Lane and 84<sup>th</sup> Street.
7. 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.

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

Introduced by Annette McRoy

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

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE JOB CLASSIFICATION OF "UTILITIES SECURITY MANAGER" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18418 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classification of "Utilities Security Manager", the third time.

MCROY 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 **#18468**, is recorded in Ordinance Book #25.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CHANGING THE JOB CLASSIFICATION TITLE "ASSISTANT SUPERINTENDENT OF EQUIPMENT MANAGEMENT" TO "ASSISTANT SUPERINTENDENT OF FLEET SERVICES" AND "SUPERINTENDENT OF EQUIPMENT MANAGEMENT" TO "SUPERINTENDENT OF FLEET SERVICES"; AND AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" BY CREATING THE JOB CLASSIFICATION OF "VISITOR SERVICES COORDINATOR" AND DELETING THE JOB CLASSIFICATION OF "METER READER III" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance NO. 18412 relating to the pay schedules of employees whose schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by changing the job classification title of "Assistant Superintendent of Equipment Management" to "Assistant Superintendent of Fleet Services" and "Superintendent of Equipment Management" to Superintendent of Fleet Services" and amending Section 3 of Ordinance No. 18412 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classification of "Visitor Services Coordinator" and deleting the job classification of "Meter Reader III", the third time.

MCROY 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 **#18469**, is recorded in Ordinance Book #25.

#### MISCELLANEOUS BUSINESS

##### PENDING -

CAMP Moved to extend the Pending List to November 29, 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 November 29, 2004.

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

REGULAR MEETING  
NOVEMBER 15, 2004  
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ADJOURNMENT 3:00 P.M.

CAMP            Moved to adjourn the City Council meeting of November 15, 2004.  
                  Seconded by Cook & carried by the following vote: AYES: Camp,  
                  Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
                  So ordered.

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Joan E. Ross, CMC, City Clerk

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Jamie Phillips, Senior Office Assistant