

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 28, 2005 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair: Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Joan E. 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**

FRIENDT Having been appointed to read the minutes of the City Council proceedings of February 14, 2005, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF D.O & J. O INC. DBA O'ROURKE'S TAVERN TO EXPAND ITS CLASS C LIQUOR LICENSE BY AN ADDITION OF A BEER GARDEN AREA MEASURING 20 FT. BY 23 FT. TO THE NORTH ON PROPERTY GENERALLY LOCATED AT 1329 O STREET -

Doug McLeese, 2600 Jane Lane, President of O'Rourke's, took oath and came forward for approval.

Dave Moreland, 1639 Sunset Road, Vice President of O'Rourke's, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF RISKY INC. DBA RISKY'S SPORTS BAR & GRILL TO EXPAND ITS PRESENTLY LICENSED PREMISE BY THE ADDITION OF AN AREA MEASURING 19 FT. BY 20 FT. TO THE WEST AT 4680 LEIGHTON AVE - Roger Patton, 1600 N. 30<sup>th</sup> Street, took oath and came forward for approval.

Michael Patton, 1500 N. 37<sup>th</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF JOLENE BARTLING FOR WAL-MART STORES, INC. DBA WAL-MART SUPERCENTER #1943 AT 4700 N. 27TH STREET - Jolene Bartling, 6043 Meridian Drive, #435, took oath and came forward for approval.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION STORM SEWER REFUNDING BONDS IN AN AMOUNT NOT EXCEEDING \$7,000,000.00 - Don Herz, Finance Director, came forward for approval and to answer questions of the Council. Further discussion followed.

Lauren Wismer, City Bond Counsel with Gillmore and Bell, came forward for approval and to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 2.24 OF THE LINCOLN MUNICIPAL CODE TO ADD A NEW SECTION NUMBERED 2.24.090 AUTHORIZING THE LAW DEPARTMENT AND RISK MANAGEMENT TO INVESTIGATE ALL CLAIMS FILED AGAINST THE CITY AND TO ADJUST, COMPROMISE AND SETTLE ALL CLAIMS WHEREIN THE PAYMENT TO ANY INDIVIDUAL IS NOT IN EXCESS OF \$25,000.00 - Mike Morosin, 2055 "S" Street, came forward and asked questions.

Don Taute, Personnel Department Director, came forward to answer questions of Mr. Morosin and the Council. Further discussion followed.

Bill Kostner, Risk Manager, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05001 - APPLICATION OF GUY LAMMLE FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT LAMMLE CIRCLE AND GLENEAGLE COURT - Mark Palmer, Olsson Associates, came forward for approval and to answer any questions of the Council.

This matter was taken under advisement.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED \$9,950,000.00 FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM AT THE GENERAL ELECTION TO BE HELD MAY 3, 2005 - Don Herz, Finance Director, came forward for approval and to answer questions of the Council. Further discussion followed.

Lauren Wismer, City Bond Counsel with Gillmore and Bell, came forward for approval and to answer questions of the Council. Further discussion followed.

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

Danny Walker, 427 "E" Street, came forward to express his concerns and gave suggestions.

Mark Wullschleger, Director of Urban Development, came forward for approval and to answer questions of the Council. Further discussion followed.

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

This matter was taken under advisement.

APPROVING AN UPDATED MASTER PLAN FOR WOODS PARK - Lynn Johnson, Parks & Recreation Director, came forward for approval and he also gave a presentation of the master plan. Further discussion followed.

Barbara Bauer, 1224 S. 8<sup>th</sup> Street, came forward in support. Further discussion followed.

Danny Walker, 427 "E" Street, came forward in opposition.

Bob Hall, 800 Lakewood Drive, came forward in support.

Karen Vogeley, 3535 Frost Court, came forward in opposition.

Jim Jensen, 5701 S. 30<sup>th</sup> Street, came forward in support. Further discussion followed.

Corey Cashmere, 221 S. 29<sup>th</sup> Street, came forward in opposition. Further discussion followed.

Jason Eden, 6147 NW 12<sup>th</sup> Street, Manager of Woods Park Tennis Center, came forward in support. Further discussion followed.

Randall Smith, 705 S. 32<sup>nd</sup> Street, came forward in opposition.

Erin Schmit, 340 S. 40<sup>th</sup> Street, came forward in opposition.

Tom Massey, 3404 "M" Street, came forward in opposition.

Deb Bailey, 7430 S. 37<sup>th</sup> Street, came forward in opposition.

Susan Miller Schoen, 332 S. 29<sup>th</sup> Street, came forward in opposition.

Becky Martin, 338 S. 29<sup>th</sup> Street, came forward in opposition.

Jean Chicoine, 629 S. 27<sup>th</sup> Street, came forward in opposition.

Dick Patterson, 230 S. 29<sup>th</sup> Street, came forward in opposition.

Mary Ellen Ducey, 3101 "N" Street, came forward in opposition. Further discussion followed.

Michael James, 145 S. 28<sup>th</sup> Street, President of Woods Park Neighborhood Association, came forward in opposition. Further discussion followed.

Gunter Hofmann, 218 S. 29<sup>th</sup> Street, came forward in opposition.

Vernon Forbes, 602 S. 32<sup>nd</sup> Street, came forward in opposition.

Fred Freytag, 530 S. 38<sup>th</sup> Street, came forward in opposition.

Sandra Johnson, 639 S. 30<sup>th</sup> Street, came forward in opposition.

Ron Cerny, 434 S. 28<sup>th</sup> Street, came forward in opposition.

Brandon Koll, 310 S. 30<sup>th</sup> Street, came forward in opposition.

Jeff Schoch, 739 W. Leon Drive, President of the Tennis Association, came forward in support.

Joseth Moore, 1410 S. 26<sup>th</sup> Street, came forward in support.

Ed Patterson, 2103 "Q" Street, came forward in opposition.

Mike Morosin, 2055 "S" Street, came forward in opposition.

Jeff Keough, 3414 J Street, came forward in opposition.

This matter was taken under advisement.

TOOK BREAK 8:00 P.M.

RECONVENED 8:20 P.M.

SPECIAL PERMIT 04073 - APPLICATION OF ST. MONICA'S HOME FOR AUTHORITY TO OPERATE A 14,000 SQ. FT. HEALTH CARE FACILITY FOR UP TO 24 RESIDENTS, CONSISTING OF INPATIENT AND OUTPATIENT THERAPY, COUNSELING AND REHABILITATION SERVICES, ON PROPERTY GENERALLY LOCATED AT WEDGEWOOD DRIVE AND LAKEWOOD DRIVE, WITH REQUESTED WAIVERS TO THE REQUIRED LANDSCAPING IN THE FRONT AND SIDE YARDS AND TO ALLOW PARKING IN THE FRONT YARD - Tom Huston, 233 S. 13<sup>th</sup> Street, Attorney, came forward for approval. Further discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN FOR THE EAST DOWNTOWN HOTEL REDEVELOPMENT AREA INCLUDING THE ACQUISITION, DEMOLITION AND REDEVELOPMENT OF PROPERTY BOUNDED ON THE WEST BY N. 17TH STREET, ON THE NORTH BY Q STREET, ON THE EAST BY N. 18TH STREET, AND ON THE SOUTH BY P STREET - Mayor Coleen Seng, came forward to state that she fully supports this resolution and she then expressed the benefits of this development. She also offered an amendment for the Council to use that would eliminate the provisions of eminent domain.

Dallas McGee, Urban Development Department, came forward in support and to help answer questions of the Council. Further discussion followed.

Mark Wullschleger, Director of Urban Development Department, came forward in support and to help answer questions of the Council. Further discussion followed.

Jeff Cole, Urban Development Department, came forward in support and to help answer questions of the Council. Further discussion followed.

Dr. Prem Paul, with the University of Nebraska, came forward in support. Further discussion followed.

Danny Walker, 427 "E" Street, came forward in opposition. Further discussion followed.

Sheldon Kushner, 1632 Old Farm Road, came forward in support. Further discussion followed.

Barbara Bauer, 1224 S 8<sup>th</sup> Street, came forward in opposition. Further discussion followed.

Doug Lienemann, 3336 Crestridge Road, President of Lincoln Haymarket Development Corporation, came forward in support. Further discussion followed.

Jerry Kosch, David City, NE, came forward in opposition.

Polly McMullen, Downtown Lincoln Association, came forward in support. Further discussion followed.

Judith Andre, 124 S. 9<sup>th</sup> Street, Apt. A, Owner of Mission Arts Building, came forward in opposition.

Ed Swotek, 1235 "N" Street, Senior Vice Tech of TierOne Bank, came forward in support.

Richard Esquivel, 733 W. Cuming Street, came forward in opposition. Further discussion followed.

Joseth Moore, 1410 S. 26<sup>th</sup> Street, came forward in support.

Dean Hillhouse, 9111 Swing Circle, came forward in opposition. Further discussion followed.

Tom Lorenz, Manager of Pershing Center, came forward in support.

Bob Hall, 800 Lakewood Drive, came forward in opposition. Further discussion followed.

Kent Seacrest, 1111 Lincoln Mall, Attorney, came forward in support.

Charlie Swingle, 2800 Woods Blvd, #703, came forward in opposition.

Jane Stricker, 1219 "P" Street, Owner of Foot Loose Store, came forward in support.

Mike Morosin, 2055 "S" Street, came forward in opposition. Further discussion followed.

Joe Hampton, 1660 S. 70<sup>th</sup> Street, came forward in support.

Bob Pickering, 7711 S. Hazelwood Drive, with Pickering Automotive, came forward in opposition. Further discussion followed.

**TOOK BREAK 11:05 P.M.**

**RECONVENED 11:15 P.M.**

Delores Lintel, 5600 Cloudburst Lane, came forward in support.

Dale Radebaugh, 3730 "N" Street, came forward in opposition.

Kent Thompson, 2930 Ridgeline Road, came forward in support. Further discussion followed.

Travis Fentiman, 7245 Englewood Drive, came forward in opposition.

Wendy Birdsall, Lincoln Convention & Visitors Bureau, came forward in support.

Pat Henry, 1460 Buckingham Drive, came forward in opposition.

Bruce Bohrer, 1135 "M" Street, with Lincoln Chamber of Commerce, came forward in support.

Avery Pickering Jr., 1744 "P" Street, with Pickering Automotive, came forward in opposition.

Dale Nordyke, 960 S. Cotner Blvd, came forward in support.

Jodi Stark, 1201 Clearview Blvd, with Pickering Automotive, came forward in opposition.

Bob Hampton, 5515 S. 96<sup>th</sup> Street, came forward in support.

Walt Bleich, 1062 "Y" Street, came forward in opposition.

Terry Uland, 4210 S. 37<sup>th</sup> Street, Director of Neighborhoods Inc, came forward in support.

Ron Brown, 1217 Twin Ridge Road, came forward in opposition.  
Estel Schroeder, 3300 N. 176<sup>th</sup> Street, came forward in opposition.  
Teresa Pickering, 7711 S. Hazelwood Drive, with Pickering  
Automotive, came forward in opposition.

Sean Wieting, 230 N. 17<sup>th</sup> Street, Owner of Samurai Sam's, forward  
in opposition. Further discussion followed.

Arica Wieting, 230 N. 17<sup>th</sup> Street, Owner of Samurai Sam's, came  
forward in opposition.

Ed Patterson, 2703 "Q" Street, 2108 "Q" Street, came forward in  
opposition.

Richard Halvorsen, 6311 Inverness Road, came forward in  
opposition.

Laure Yoakum, 5540 Locust Street, came forward in opposition.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, Attorney, came  
forward representing Samurai Sam's, Miracle Mile Motors, and Whitehead  
Oil, in opposition. Further discussion followed.

Scott Crippen, 1249 Butler Avenue, came forward in opposition.

Dana Roper, City Attorney, came forward to answer questions of the  
Council. Further discussion followed.

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

This matter was taken under advisement.

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

TOOK BREAK 1:20 A.M.

RECONVENED 1:25 A.M.

#### MISCELLANEOUS BUSINESS

Jan Karst, 1403 E. Street, #302, came forward and stated her  
opinion regarding the smoking ban. She feels it should be a 40%/60%  
smoking ban.

This matter was taken under advisement.

Katie Kohls, 2535 R Street, a waitress at Critters came forward to  
state that her income from tips has been less than usual. She feels this  
is due to the public smoking ban.

This matter was taken under advisement.

Linda Mueller, 3921 Village Court, came forward and stated her  
opinion regarding the smoking ban. She feels that revenues has went down  
due to the smoking ban.

This matter was taken under advisement.

Judith Kurr, 2916 S. 12<sup>th</sup> Street, came forward and stated her  
opinion regarding the smoking ban.

This matter was taken under advisement.

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APPLICATION OF D.O & J. O INC. DBA O'ROURKE'S TAVERN TO EXPAND ITS CLASS C  
LIQUOR LICENSE BY AN ADDITION OF A BEER GARDEN AREA MEASURING 20 FT. BY  
23 FT. TO THE NORTH ON PROPERTY GENERALLY LOCATED AT 1329 O STREET -  
CLERK read the following resolution, introduced by Jon Camp, who moved  
its adoption for approval:

A-83212 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 D.O. & J.O Inc. dba O'Rourke's Tavern to expand its  
licensed premises by the addition of an outside beer garden area  
measuring 20' by 23' t the north of the presently licensed premises  
located at 1329 "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 Jon Camp

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

APPLICATION OF RISKY INC. DBA RISKY'S SPORTS BAR & GRILL TO EXPAND ITS PRESENTLY LICENSED PREMISE BY THE ADDITION OF AN AREA MEASURING 19 FT. BY 20 FT. TO THE WEST AT 4680 LEIGHTON AVE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83213 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 Risky Inc. dba Risky's Sports Bar & Grill to expand its licensed premises by the addition of an outdoor area measuring 19 ft. by 20 ft. to the west of the presently licensed premises located at 4680 Leighton Avenue, 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: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF JOLENE BARTLING FOR WAL-MART STORES, INC. DBA WAL-MART SUPERCENTER #1943 AT 4700 N. 27TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83214 WHEREAS, Wal-Mart Stores, Inc. dba Wal-Mart Supercenter #1943 located at 4700 N. 27<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jolene Bartling be named manager;

WHEREAS, Jolene Bartling appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jolene Bartling 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 Patte Newman

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

#### ORDINANCES - 2<sup>ND</sup> READING & ASSOCIATED RESOLUTIONS

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION STORM SEWER REFUNDING BONDS IN AN AMOUNT NOT EXCEEDING \$7,000,000.00 - CLERK read an ordinance, introduced by Glenn Friendt, authorizing and providing for the issuance of General Obligation Storm Sewer Refunding Bonds in an amount not exceeding \$7,000,000.00, the second time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2004 AND DECEMBER 2004 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Glenn Friendt, adopting the supplements to the Lincoln Municipal Code dated June, 2004; and December 2004 as part of the official Lincoln Municipal Code, the second time.

AMENDING CHAPTER 2.24 OF THE LINCOLN MUNICIPAL CODE TO ADD A NEW SECTION NUMBERED 2.24.090 AUTHORIZING THE LAW DEPARTMENT AND RISK MANAGEMENT TO INVESTIGATE ALL CLAIMS FILED AGAINST THE CITY AND TO ADJUST, COMPROMISE AND SETTLE ALL CLAIMS WHEREIN THE PAYMENT TO ANY INDIVIDUAL IS NOT IN EXCESS OF \$25,000.00 - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 2.24 of the Lincoln Municipal Code relating to the Law Department to add a new section numbered 2.24.090 authorizing the Law Department and Risk Management to investigate all claims filed against the City and to adjust, compromise and settle all claims wherein the payment to any individual is not in excess of \$25,000.00, the second time.

CHANGE OF ZONE 05001 - APPLICATION OF GUY LAMMLE FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT LAMMLE CIRCLE AND GLENEAGLE COURT - 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 second time.

**RESOLUTIONS**

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED \$9,950,000.00 FOR CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM AT THE GENERAL ELECTION TO BE HELD MAY 3, 2005 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83215 WHEREAS, in order to fund necessary improvements to and extensions of the City of Lincoln's existing storm sewer and drainage system, it is necessary to issue general obligation bonds and to levy a tax for the payment thereof; and

WHEREAS, it is in the best interests of the City to present the question of the issuance of such bonds and the levying of a tax to pay the same to the electors of the City at the city general election to be held by the City on Tuesday, May 3, 2005.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City as follows:

Section 1. The Council hereby finds and determines that:

- a. It is necessary, desirable, advisable and in the best interests of the City to design, engineer, acquire, construct, install, equip and furnish improvements to and extensions of its existing storm sewer and drainage system, which improvements and extensions (collectively, the "Improvements") shall include, but shall not necessarily be limited to, some or all of the improvements and extensions generally described in Attachment 1 appended hereto and made a part hereof by reference.
- b. The estimated cost to the City of completing the Improvements will be not less than \$9,750,000, and in order to finance the cost thereof, it will be necessary for the City to issue its general obligation bonds in the principal amount of not to exceed \$9,950,000, such bonds to be dated at the time of their issuance, and to become due and payable on such dates, bear interest at such rates, and to have such other terms as may be fixed by the City at the time of their issuance.
- c. It will be necessary to cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal and interest accruing on such general obligation bonds as the same become due.
- d. It is in the best interests of the citizens of the City to present the question of the issuance of such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City at the city general election to be held on Tuesday, May 3, 2005.

Section 2. The following proposition shall be submitted to the qualified electors of the City at the city general election to be held on Tuesday, May 3, 2005.

(FORM OF BALLOT)

STORM SEWER IMPROVEMENT BOND ISSUE

STATE OF NEBRASKA

CITY OF LINCOLN

OFFICIAL BALLOT

CITY GENERAL ELECTION - TUESDAY, MAY 3, 2005.

GENERAL OBLIGATION BONDS

"SHALL THE CITY OF LINCOLN, NEBRASKA, ISSUE ITS GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$9,950,000 FOR THE PURPOSE OF PAYING COSTS INCIDENT TO DESIGNING, ENGINEERING, ACQUIRING, CONSTRUCTING, INSTALLING, EQUIPPING, AND FURNISHING

IMPROVEMENTS AND EXTENSIONS TO THE CITY'S STORM SEWER AND DRAINAGE SYSTEM; SUCH BONDS TO BE DATED AT THE TIME OF THEIR ISSUANCE AND TO BECOME DUE AND PAYABLE ON SUCH DATES, BEAR INTEREST AT SUCH RATES, AND HAVE SUCH OTHER TERMS AS MAY BE FIXED BY THE CITY AT THE TIME OF THEIR ISSUANCE; AND

"SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?"

VOTE FOR or AGAINST

FOR said General Obligation Bonds and Tax Levy.

AGAINST said General Obligation Bonds and Tax Levy.

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said General Obligation Bonds and Tax Levy." Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST said General Obligation Bonds and Tax Levy."

Section 3. The City Clerk shall cause a notice of said election to be given as provided by Article III, Section 1 of the Charter of the City; and the Mayor shall be and hereby is directed to proclaim and give notice that at the general election to be held by and in the City on Tuesday, May 3, 2005, there will be submitted to the qualified electors of the City, for adoption or rejection, the general obligation bond authorization question set forth in paragraph 2 hereof; and the City Clerk is further directed to publish said proclamation as provided by law.

Section 4. Such city general election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska (the "Election Commissioner").

Section 5. The City Clerk is further directed to notify the Election Commissioner of such city general election and the general obligation bond authorization question set forth in Section 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

Section 6. The polling places for such city general election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, May 3, 2005, and a copy of the general obligation bond authorization question to be submitted shall be posted at each place of voting during the hours said polls are open.

Section 7. Such city general election shall be conducted in accordance with the Charter of the City and the laws of the State of Nebraska applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Glenn Friendt

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

REAPPOINTING PATRICIA A. OWEN TO THE GOVERNMENT ACCESS AND INFORMATION

COMMITTEE FOR A ONE-YEAR TERM EXPIRING JANUARY 1, 2006 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83216 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Patricia A. Owen to the Government Access and Information Committee for a one-year term expiring January 1, 2006 is hereby approved.

Introduced by Glenn Friendt

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

APPOINTING MICHELLE ZULHKE AND RITA DEY TO THE GOVERNMENT ACCESS AND

INFORMATION COMMITTEE FOR ONE-YEAR TERMS EXPIRING JANUARY 1, 2006 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83217 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Michelle Zulhke (Public Works & Utilities Dept.) and Rita Dey (Building & Safety Dept.) to the Government Access and Information Committee for one-year terms expiring January 1, 2006 is hereby approved.

Introduced by Glenn Friendt

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$58,600 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83218 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$58,600 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 22) attached hereto and incorporated herein by reference.

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

The designation of the \$58,600 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Glenn Friendt

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

APPROVING AN UPDATED MASTER PLAN FOR WOODS PARK - PRIOR to reading:

WERNER Moved to amend Bill No. 05R-43 in the following manner: amend Attachment A of Bill No. 05R-43, the Woods Park Master Plan Revised October 2004, Recommended by Parks & Recreation Advisory Board, February 3, 2005, as follows:

A. Delete the designation of Area 1 in lower left portion of the Woods Park Master Plan plat:

~~1. Open lawn area reserved for three outdoor tennis courts~~

B. Delete Note 1 in its entirety:

~~1. This area reserved for three additional outdoor tennis courts. At such time need is determined and as funding is available for this project a public meeting should be convened to provide an opportunity for review and comment on the placement of the courts, landscape screening, and lighting, if any.~~

C. Renumber the remaining Notes accordingly.

D. From the bulleted items under the heading "The following projects are secondary in priority and should be funded through donations and/or public-private partnership efforts:" delete the sixth bulleted item:

~~Three additional outdoor tennis courts~~

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

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

A-83219 WHEREAS, an updated Master Plan for Woods Park has been developed through a community involvement process, and the same has been submitted to the Park and Recreation Advisory Board for its recommendation; and

WHEREAS, the Park and Recreation Advisory Board, after review of said plan and after a public hearing held on February 3, 2005, has recommended adoption of said updated Master Plan for Woods Park; and

WHEREAS, pursuant to § 12.04.020 of the Lincoln Municipal Code, the recommendations of the Park and Recreation Advisory Board on such matters must be submitted to the Park Director for presentation to the City Council for final approval.

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

That the "Woods Park Master Plan" dated March 1991 and Revised October 2004, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and adopted as the development plan to be followed in further developing the park known as Woods Park and the facilities located thereon and therein. The City Clerk is directed to forward a copy of this resolution to the Director of Parks and Recreation.

Introduced by Glenn Friendt

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



AUTHORIZING THE FILING OF APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE DURING FISCAL YEAR 2005 - 2006  
- CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83220 A resolution authorizing the filing of applications with the United States Department of Transportation for financial assistance during Fiscal Year 2005-2006 (September 1, 2005 - August 31, 2006) under the Urban Mass Transportation Act of 1964, as amended.

RECITALS

I

The Secretary of Transportation is authorized to make grants for mass transportation projects.

II

A contract between the City of Lincoln and the United States Department of Transportation for financial assistance will impose certain obligations upon the City of Lincoln as an applicant for funding, including the provision by it of the local share of project costs.

III

It is required by the United States Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder.

IV

It is the goal of the City of Lincoln, Nebraska, as an applicant, that minority business enterprises be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

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

1. That the Mayor is authorized to execute and file applications on behalf of the City of Lincoln with the United States Department of Transportation for financial assistance to aid in the financing of planning and technical studies, research, or capital assistance projects, or both, pursuant to Sections 3, 3(a) (1) (c), 4(1), 6, 8 and 9 of the Urban Mass Transportation Act of 1964, as amended.

2. That the Mayor is authorized to execute and file with such applications an assurance or any other document required by the United States Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Mayor is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

4. That the City's Director of Public Works & Utilities is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the financial assistance.

5. That the Mayor is authorized to execute grant agreements, and amendments and addendums thereto, on behalf of the City of Lincoln with the United States Department of Transportation, and such other documents as may be necessary, for aid in the financing of the planning and capital assistance program of projects.

Introduced by Glenn Friendt

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR FEDERAL FUNDING FOR THE CENTRAL BUSINESS DISTRICT SAFETY IMPROVEMENT PROJECT, COUNT DOWN PEDESTRIAN HEAD PROJECT IN THE CENTRAL BUSINESS DISTRICT (STATE PROJECT NO. STPP-5234(2) CONTROL #12768, CITY NO. 546012  
- CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83221 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPP-5234(2), CN-12768, City Project No. 546012 for Federal funding for the Central Business District Safety Improvement project, Count Down Pedestrian Head project in the Central Business District, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 04073 - APPLICATION OF ST. MONICA'S HOME FOR AUTHORITY TO OPERATE A 14,000 SQ. FT. HEALTH CARE FACILITY FOR UP TO 24 RESIDENTS, CONSISTING OF INPATIENT AND OUTPATIENT THERAPY, COUNSELING AND REHABILITATION SERVICES, ON PROPERTY GENERALLY LOCATED AT WEDGEWOOD DRIVE AND LAKEWOOD DRIVE, WITH REQUESTED WAIVERS TO THE REQUIRED LANDSCAPING IN THE FRONT AND SIDE YARDS AND TO ALLOW PARKING IN THE FRONT YARD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83222 WHEREAS, St. Monica's Home has submitted an application designated as Special Permit No. 04073 for authority to operate a 14,000 sq. ft. health care facility for up to 24 residents and requested waivers to the required landscaping and to allow parking in the front yard along Lakewood Drive on property located at Wedgewood Drive and Lakewood Drive, and legally described to wit:

Lots 13 - 16, Block 2, Wedgewood Manor, in the Northwest Quarter of Section 27, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this health care facility 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 St. Monica's Home, hereinafter referred to as "Permittee", to operate a 14,000 sq. ft. health care facility for up to 24 residents, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of said health care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a 14,000 square foot health care facility for up to 24 residents. Lot coverage for the building shall not exceed 35%. The requirement that side and front yards be landscaped is hereby waived for the side yard and the front yard along Lakewood Drive. The requirement prohibiting parking in the front yard is hereby waived for the front yard along Lakewood Drive.
2. Before receiving building permits:
  - a. The Permittee must submit 8 copies of the approved and revised final plan.
  - b. The construction plans must conform to the approved plans.
  - c. The operation and the premises must comply with local, state, and federal requirements.
3. Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the Permittee.
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 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 Glenn Friendt

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

APPROVING AN AMENDMENT TO THE ANTELOPE VALLEY REDEVELOPMENT PLAN FOR THE EAST DOWNTOWN HOTEL REDEVELOPMENT AREA INCLUDING THE ACQUISITION, DEMOLITION AND REDEVELOPMENT OF PROPERTY BOUNDED ON THE WEST BY N. 17TH STREET, ON THE NORTH BY Q STREET, ON THE EAST BY N. 18TH STREET, AND ON THE SOUTH BY P STREET - PRIOR to reading:

CAMP Moved to amend Bill No. 05R-40 in the following manner:

1. On page 6, lines 11 and 12, delete the phrase "or by condemnation if necessary".
2. Amend Exhibit "A" attached to Bill No. 05R-40 in the following manner:

(a) On Page 1 of Exhibit A, under subparagraph I.A. in the list of bulleted "Project elements may include" delete the following language at the end of the first bulleted item:

, if possible, or by condemnation if necessary.

(B) On Page 2 of Exhibit A, under subparagraph B(1), Property Acquisition Relocation Demolition and Disposal, delete the second sentence from subparagraph B(1) which reads as follows:

Specifically, the City may consider using its eminent domain authority to assemble the properties on this block if necessary.

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 Glenn Friendt, who moved its adoption:

A-83223 WHEREAS, the City Council on July 21, 2003, adopted Resolution No. A-82222 finding an area generally bounded by 17th Street on the west to 22nd Street on the east, and from "K" Street on the south to "S" Street on the north, sometimes referred to in the plan as the East Downtown and "O" Street Corridor area, which also includes the east entryway into Downtown Lincoln along the "O" Street Corridor from 17th Street to 27th Street; and Second, the balance of the area depicted in the map generally bounded in the segment north of the BNSF Railroad corridor by Interstate I-180 on the west and the new waterway on the east, and the BNSF Railroad on the south to Salt Creek on the north; generally bounded in the segment south of the BNSF Railroad corridor by 17th Street and the University of Nebraska in Lincoln on the west to 26th Street from the BNSF Railroad to N Street and then to 28th Street from N Street to Capitol Parkway on the east, and the BNSF Railroad on the north to E Street from 17th Street to 23rd Street and then to D Street between 23rd Street to Capitol Parkway on the south. This balance of the area depicted in the map is sometimes referred to in the plan as the "Neighborhoods" and includes all or parts of seven residential neighborhoods: North Bottoms, Clinton, Malone/Hawley, Woods Park, Near South and Downtown finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council on November 29, 2004, adopted Resolution No. A-83093, the Antelope Valley Redevelopment Plan (hereinafter the "Plan") including plans, projects, and concepts for various redevelopment activities within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to establish a new Project Area for the one block area bounded by P, Q, 17th, and 18th Streets to provide for the development of the East Downtown Hotel Redevelopment Project (hereinafter the Project) including public streetscape, utility, and other improvements throughout the project area, and to provide details on how said development will be implemented in accordance with the Plan; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk an Amendment to the Plan to provide for the Project within said blighted and substandard area, which Amendment is attached hereto, marked as Exhibit "A", and made a part hereof by reference, and has reviewed said Amendment and has found that the Amendment meets the conditions set forth in Neb. Rev. Stat. § 18-2113; and

WHEREAS, on January 7, 2005 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 19, 2005 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Exhibit "B" and "C" respectively; and

WHEREAS, said proposed Amendment to the Plan has been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation, and said Planning Commission on February 7, 2005 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on February 11, 2005 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 28, 2005 regarding the proposed Amendment, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on February 11, 2005 and February 18, 2005, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 28, 2005 regarding the proposed Amendment for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Exhibit "E"; and

WHEREAS, on February 28, 2005 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendment and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendment; and

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

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Amendment to provide for the Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Project is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the Director of the Urban Development Department has submitted with said Redevelopment Plan a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the Project area and the estimated proceeds or revenue from disposal thereof to redevelopers; a statement of the proposed method of financing the Redevelopment Project; and a statement of the method proposed for the relocation of persons and businesses to be displaced from the Redevelopment Project area, attached hereto as Exhibit "F".

4. That the acquisitions by the City of real property as set forth in the Amendment are necessary for implementation of said Project and are consistent with the Plan and the public purposes under the provisions of the Community Development Law; specifically including the following real property:

In the City of Lincoln, Lancaster County Nebraska:

1700 P St. - Kinneys O Street Addition, Block 11 Lots 7,8,9, and 10; 1744 P St. - Kinneys O Street Addition, Block 11 Lots 11 & 12; 240 N 17th St. - Hancock Addition, Lot 2; 1725 Q St. - Hancock Addition, Lot 1; Kinneys O Street Addition, Block 11 Lots 1 & 2; and the remainder of the alley and other areas, if any, comprising the entire block.

5. That the Redevelopment Project in the Amendment would not be economically feasible without the use of tax-increment financing.

6. That said Redevelopment Projects would not occur in the Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council and have been found to be in the long-term best interest of the community impacted by the redevelopment project according to the cost benefit model (a) summarized in Exhibit "G" hereto, which model analyzes the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project

area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project.

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

That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendment attached hereto as Exhibit "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or the Director's authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Amendments.

BE IT STILL FURTHER RESOLVED that the Urban Development Director, or the Director's authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed herein for the purpose of negotiation of contracts or options for the acquisition of all interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and to take all steps necessary for the acquisition of said property by purchase, if possible, ~~or by condemnation if necessary.~~

BE IT STILL FURTHER RESOLVED that the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds, including Community Improvement Financing in accordance with the provisions of the Community Development Law, to finance the related necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendment and Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental to the findings, approvals, and authorizations as set forth in Resolution No. A-82222 and Resolution No. A-83093.

Introduced by Glenn Friendt

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

SETTING THE INTEREST RATE OF 6.25% AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP OF THE BOARD OF EQUALIZATION HELD FEBRUARY 14, 2005, AND ACCEPTING THE REPORT ON BOARD OF EQUALIZATION TO CITY COUNCIL ON SPECIAL ASSESSMENTS GROUP (ORNAMENTAL LIGHTING DISTRICT 286) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83224 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

That special taxes assessed *February 7, 2005*, to pay the costs of the improvements in *Ornamental Lighting District 286* are hereby levied and shall bear interest at 6.25% per annum and that the period of time in which the assessments are to be paid shall be as follows:

5 years - Ornamental Lighting District 286

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MARCH 14, 2005 AT 1:30 PM FOR APPLICATION OF WHISKEY CREEK FOR AN ADDITION TO THEIR LICENSED PREMISE FOR AN OUTSIDE AREA APPROXIMATELY 24 FEET BY 14 FEET IN THE SOUTHWEST CORNER OF THE BUILDING LOCATED AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83225 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 14, 2005, 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 Whiskey Creek for an addition to their licensed premise for an outside area approximately 24 feet by 14 feet in the southwest corner of the building located at 3000 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 Annette McRoy

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

PETITIONS & COMMUNICATIONS

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JANUARY, 2005  
- CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

THE FOLLOWING WERE REFERRED TO PLANNING DEPARTMENT:

Change of Zone 04019 - Application submitted by Seacrest and Kalkowski, from AG Agricultural District to R-3 Residential District, on property located at N. 98<sup>th</sup> Street and Holdrege Street.

Change of Zone 04085 - Application submitted by Brian Carstens and Associates, from R-2 Residential District to R-T Residential Transition District, on property located at SW 17<sup>th</sup> Street and West A Street.

Change of Zone 05005 - Application submitted by Wal-Mart Stores Inc, from AG Agricultural District to B-2 Planned Neighborhood Business District, on property located at N. 84<sup>th</sup> Street and Adams Street.

Change of Zone 05006 - Application submitted by Olsson Associates, from AG Agricultural District to AGR Agricultural Residential District, on property located at SW 84<sup>th</sup> Street and W Pioneers Boulevard.

Change of Zone 05010 - Application submitted by Thompson Creek LLC, from R-3 Residential District to O-3 Office Park District, on property located at S. 56<sup>th</sup> Street and Thompson Creek Boulevard.

Special Permit 05003 - (Meadow View 2<sup>nd</sup> Addition Community Unit Plan) Application submitted by Olsson Associates, for approximately 57 residential acreage lots with requests to waive block length, sidewalks, street trees, street lights, landscape screening, non-perpendicular lot lines, preliminary plat for area within City jurisdiction, minimum width to depth ratio, and sanitary sewer to flow opposite street grades, on property located at SW 84<sup>th</sup> Street and W Pioneers Boulevard.

Special Permit 05005 - Application submitted by Robert Hall, for the authority to sell alcoholic beverages for consumption off the premises, on property located at 2700 "O" Street.

Use Permit 141A - Application submitted by Thompson Creek LLC, an amendment to add commercial area to lots being added to the Use Permit, on property located at S. 56<sup>th</sup> Street and Thompson Creek Boulevard.

Use Permit 04003 - Application submitted by Olsson Associates, to waive the sign ordinance requiring on-premise ground signs for each free standing pad site, internal side yard setbacks, the preliminary plat process and front yard setback, on property located at NW 48<sup>th</sup> Street and West Huntington Avenue.

Use Permit 04008 - Application submitted by Brian Carstens and Associates, for two office/medical buildings, with waiver requests to allow lots without frontage and access to a public street, on property located at SW 17<sup>th</sup> Street and West A Street.

Use Permit 05001 - (Prairie Village Commercial Center) Application submitted by Wal-Mart Stores Inc, for square foot commercial center, with requests to waive the preliminary plat process and street trees, on property located at N. 84<sup>th</sup> Street and Adams Street.

Use Permit 05002 - (Northwoods Office Park) Application submitted by Olsson Associates, for a 10,000 square foot office building on property located at N. 84<sup>th</sup> Street and Northwoods Drive.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 14, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY, 2005 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83226 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended January 31, 2005, \$413,746.16 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Annette McRoy

Seconded by Svoboda & 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 JANUARY 31, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1<sup>ST</sup> READING

ANNEXATION 04010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 24.33 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF S.W. 40TH STREET AND WEST A STREET (IN CONNECTION W/ 05R-50, 05-25) - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporation limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND JANET H. BROER AND ERICH H. BROER OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 24.33 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF S.W. 40TH STREET AND WEST A STREET. (IN CONNECTION W/05-24, 05-25)

CHANGE OF ZONE 04070 - APPLICATION OF JOEY HAUSMANN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S.W. 40TH STREET AND WEST A STREET (IN CONNECTION W/ 05-24, 05R-50) - 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 fo the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 05003 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING A SECTION TO CHAPTER 27.71, ADDITIONAL HEIGHT AND AREA REGULATIONS, TO REQUIRE THAT ALL OUTDOOR LIGHTING BE DESIGNED, INSTALLED AND MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE LIGHTING DESIGN STANDARDS ADOPTED BY THE CITY COUNCIL (IN CONNECTION W/05R-51) - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.71 of the Lincoln 27.71.165 to require that all outdoor lighting be designed, installed and maintained in accordance with all applicable lighting design standards adopted by the City Council, the first time.

MISCELLANEOUS 05001 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS BY ADDING A NEW CHAPTER UNDER TITLE 3 ENTITLED OUTDOOR LIGHTING RELATING TO LIGHT TRESPASS FROM NON-RESIDENTIAL USES UPON RESIDENTIAL USES. (IN CONNECTION W/05-26)

ORDINANCES - 3<sup>RD</sup> READING & ASSOCIATED RESOLUTIONS

AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE REGARDING MANAGEMENT COMPENSATION PLAN, ANNUAL LEAVE, TO CLARIFY THE USE OF VACATION LEAVE DURING PROBATION BY EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGE PREFIXED BY THE LETTER "M" (2/14/05 - ACTION DELAYED TO 2/28/05) - CLERK read the ordinance, introduced by Jon Camp, amending Section 2.78.020 of the Lincoln Municipal Code relating to Management Compensation Plan, Annual Leave, to clarify the use of vacation leave during probation by employees whose classifications are assigned to pay ranged prefixed by "M"; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing.

CAMP 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 **#18505**, is recorded in Ordinance Book #25.

ANNEXATION 04002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF LEIGHTON AVENUE AND EAST OF N. 84TH STREET (IN CONNECTION W/05R-30, 05-17, 05R-31) - CLERK read the following ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

COOK 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 **#18506**, is recorded in Ordinance Book #25.

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND SCOTT C. ANDERSON OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 19.41 ACRES ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND LEIGHTON AVENUE (IN CONNECTION WITH 05-16, 05-17, 05R-31) (ACTION DATE: 2/28/05) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83227 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Anderson's Place Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Scott C. Anderson ("Owner"), outlining certain conditions and understandings relating to the annexation of approximately 19.41 acres of property generally located south of Leighton Avenue and east of North 84th Street, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jonathan Cook

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

CHANGE OF ZONE 04011 - APPLICATION OF SCOTT ANDERSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF LEIGHTON AVENUE AND EAST OF N. 84TH STREET (IN CONNECTION W/05R-30, 05-16, 05R-31) - CLERK read the following ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District maps attached to and made a part of Title 27 fo 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 read.

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

The ordinance, being numbered **#18507**, is recorded in Ordinance Book #25.

SPECIAL PERMIT 04009 - APPLICATION OF SCOTT ANDERSON TO DEVELOP ANDERSON'S PLACE PLANNED SERVICE COMMERCIAL CENTER FOR APPROXIMATELY 86,120 SQ. FT. OF FLOOR AREA, WITH REQUESTED WAIVERS OF THE REQUIRED FRONT YARD SETBACK ALONG N. 84TH STREET, TO ELIMINATE INTERNAL SETBACKS, AND TO REDUCE THE SIDE YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTH OF LEIGHTON AVENUE AND EAST OF N. 84TH STREET (IN CONNECTION W/05-16, 05R-30, 05-17) (ACTION DATE: 2/28/05) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83228 WHEREAS, Scott Anderson has submitted an application designated as Special Permit No. 04009 for authority to develop Anderson's Place Planned Service Commercial Center consisting of 86,120 square feet of floor area, with requested waivers to reduce the front yard setback along N. 84th Street, eliminate internal setbacks, and to reduce the side yard setback, on property located south of Leighton Avenue and east of N. 84th Street, and legally described to wit:

A portion of Lot 100 I.T., located in the Southwest Quarter of Section 14, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described by metes and bounds as follows: Commencing at the west quarter corner of Section 14, Township 10 North, Range 7 East of the 6th P.M.; thence south 89 degrees 24 minutes 54 seconds east (an assumed bearing) on the north line of the Southwest Quarter, a distance of 1326.42 feet to a found 5/8" rebar for the north 1/16 corner of the Southwest Quarter; thence south 00 degrees 02 minutes 38 seconds west, on the west line of Lot 10 I.T. extended, a distance of 33.00 feet, to the northwest corner of Lot 10 I.T.; thence along the north line of said Lot 10 I.T. north 89 degrees 24 minutes 55 seconds west, for a distance of 560.58 feet and the point of beginning; thence south 00 degrees 35 minutes 05 seconds



west, a distance of 234.50 feet; thence south 89 degrees 24 minutes 55 seconds east, a distance of 110.00 feet; thence south 00 degrees 35 minutes 05 seconds west, a distance of 49.00 feet; thence north 89 degrees 24 minutes 55 seconds west, a distance of 110.00 feet; thence south 00 degrees 35 minutes 05 seconds west, a distance of 398.61 feet; thence south 89 degrees 57 minutes 47 seconds west, on the north line of said Addition, a distance of 668.35 feet to the northwest corner of Morning Glory Estates Addition, said point being on the east right-of-way of North 84th Street; thence north 00 degrees 02 minutes 13 seconds west on the east right-of-way of North 84th Street, a distance of 105.38 feet; thence north 00 degrees 59 minutes 41 seconds west, on said right-of-way, a distance of 299.12 feet; thence north 00 degrees 02 minutes 13 seconds west, on the east right-of-way of North 84th Street, a distance of 245.00 feet; thence north 26 degrees 39 minutes 06 seconds east, on the southeasterly right-of-way of North 84th Street, a distance of 44.53 feet to a point on the south right-of-way of Leighton Avenue; thence south 89 degrees 24 minutes 55 seconds east, on said south right-of-way, a distance of 660.79 feet to the point of beginning, and containing a calculated area of 468,020.91 square feet or 10.74 acres, more or less; WHEREAS, the real property adjacent to the area included within the site plan for this commercial center 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 Scott Anderson, hereinafter referred to as "Permittee", to develop Anderson's Place Planned Service Commercial Center consisting of 86,120 square feet of floor area, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 86,120 square feet of floor area and reduction of the front yard setback along N. 84th Street to 40 feet, elimination of internal setbacks to 0 feet, and reduction of the side yard setback to 20 feet as shown on the site plan.
2. Before receiving building permits:
  - a. The Permittee must submit an acceptable, revised final plan including 7 copies.
  - b. The construction plans must conform to the approved plans.
  - c. Final Plats must be approved by the City.
2. Before occupying the buildings all development and construction must be completed in conformance with the approved plans.
3. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.
4. 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.
5. 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.
6. 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, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

RECONSIDERATION OF RESOLUTION NO. A-83206

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 16 - 31, 2005 (SPECIFICALLY, THE CLAIM OF JOHN BEECHAM) - PRIOR to reading:

WERNER Moved motion to reconsider the claim of John Beechman.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

WERNER Moved to re-adopt the claim as amended from a denied claim to an allowed claim of \$100.

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

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-83206 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 February 1, 2005, 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>
John Beecham	<del>100.00</del>	100.00

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 Terry Werner

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 7, 2005.  
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 March 7, 2005.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 2:07 A.M.

CAMP Moved to adjourn the City Council meeting of February 28, 2005.  
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