

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 14, 2005 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 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

NEWMAN Having been appointed to read the minutes of the City Council proceedings of March 7, 2005, 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.

PUBLIC HEARING

APPLICATION OF LINCOLN STEAK COMPANY, LLC DBA WHISKEY CREEK LINCOLN TO EXPAND ITS PRESENTLY LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING 24 FT. BY 14 FT. TO THE SOUTHWEST OF THE BUILDING AT 3000 PINE LAKE ROAD - Christopher Downs, 4600 Briarpark Drive, took oath and came forward for approval.

This matter was taken under advisement.

AMENDING SECTION 19.04.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN FIRE CODE PERMITS AND PERMIT FEES TO REQUIRE PERMITS FOR THE INSTALLATION OF FIRE ALARMS AND DETECTION SYSTEMS AND ESTABLISHING PERMIT FEES FOR SUCH PERMITS - Ron Peery, Manager of Inspections and Enforcement, came forward to help answer questions of the Council. Further discussion followed.

Bill Moody, Chief Fire Inspector, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPROVING SERVICE AGREEMENTS BETWEEN THE CITY AND AETNA LIFE INSURANCE COMPANY AND THE CITY AND UNION AGENCY FOR GROUP LONG-TERM CARE INSURANCE PROVIDED TO CITY AND COUNTY EMPLOYEES FOR A FIVE-YEAR TERM - Don Taute, Personnel Director, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS

Danny Walker, 427 "E" Street, President of South Salt Creek Community Organization, came forward to express his concerns regarding the Hobbyist Permit and people who abuse this permit. Further discussion followed.

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

This matter was taken under advisement.

Patrick Jones, 311 N. 8th Street, #520, Professor at the University of Nebraska, spoke in favor of the "Ride for Five" City Bus Program.

This matter was taken under advisement.

Suzanne Blue, with Matt Talbot Kitchen, spoke in favor of the "Ride for Five" City Bus Program. Further discussion followed.

This matter was taken under advisement.

Mark Willis, no address given, spoke in favor of the "Ride for Five" City Bus Program. He also stated that he is against the smoking ban and against eminent domain for the hotel development in downtown Lincoln.

This matter was taken under advisement.

Rick Carter, 3220 S. 28th Street, Executive Director of the Human Services Federation, spoke in favor of the "Ride for Five" City Bus Program.

This matter was taken under advisement.

Mike Morosin, 2055 "S" Street, came forward and expressed his concerns of having open mike sessions at the Council Meetings. He also expressed his concerns regarding maintenance costs of Antelope Valley.

This matter was taken under advisement.

Laurie Anderson, 2424 NW 51st Street, Manager of Big John's Billiards, came forward and stated that she feels that the smoking ban has had a negative effect on their business, which she feels is going to force them to close.

This matter was taken under advisement.

Earl Allen, 5555 Superior Street, owner of Earl's Tavern, came forward and stated that he feels that the smoking ban has had a negative effect on his business. Further discussion followed.

This matter was taken under advisement.

Dean Borgmann, 505 S. 50th Street, Owner of Cheerleaders, came forward and stated that he feels his business is down financially due to the smoking ban.

This matter was taken under advisement.

Sharon Buss, 7320 Seward Avenue, owner of Tuxedo Rose, came forward and stated that she feels her flower shop is down financially due to the smoking ban.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN STEAK COMPANY, LLC DBA WHISKEY CREEK LINCOLN TO EXPAND ITS PRESENTLY LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING 24 FT. BY 14 FT. TO THE SOUTHWEST OF THE BUILDING AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83238 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 Lincoln Steak Company, LLC dba Whiskey Creek to expand its licensed premises by the addition of an outside area measuring 24 feet by 14 feet to the southwest of the presently licensed premises located at 3000 Pine Lake Road, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

AMENDING SECTION 19.04.100 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN FIRE CODE PERMITS AND PERMIT FEES TO REQUIRE PERMITS FOR THE INSTALLATION OF FIRE ALARMS AND DETECTION SYSTEMS AND ESTABLISHING PERMIT FEES FOR SUCH PERMITS - CLERK read an ordinance, introduced by Patte Newman, amending Section 19.03.100 of the Lincoln Municipal Code relating to the Lincoln Fire Code permits and Permit Fees to require permits for the installation of fire alarms systems and establishing permit fees; and repealing Section 19.03.100 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPROVING SERVICE AGREEMENTS BETWEEN THE CITY AND AETNA LIFE INSURANCE COMPANY AND THE CITY AND UNION AGENCY FOR GROUP LONG-TERM CARE INSURANCE PROVIDED TO CITY AND COUNTY EMPLOYEES FOR A FIVE-YEAR TERM - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83239 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Aetna-Lancaster County/City of Lincoln, Nebraska Service Agreement and the Union Agency, Inc., representing Aetna - City of Lincoln/Lancaster County Service Agreement for Group Long Term Care Insurance with Aetna being the insurance provider and Union Agency as an independent broker representing Aetna, copies of which are attached hereto marked as Attachments "A" and "B" and made a part hereof by reference, are hereby approved and the Mayor is authorized to execute said Service Agreements on behalf of the City.

The City Clerk is directed to forward the fully executed originals of each Agreement to Trish Owen for placement on the County Board agenda.

Introduced by Patte Newman

Seconded by Friendt & 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 FEBRUARY 16 - 28, 2005 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83240 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 March 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>
Rick Melichar	\$1,400.30	John Long \$362.73
Alan & Georgia Schulte	1,256.67	
Dorothy E. Gruenemeyer	NAS*	
Cindy Pieschke	NAS*	
Shad & Christina Peniska	38.92	
LaVern Verkamp	NAS*	
Glenva Bahr	59.58	
Larry Morris	NAS*	
Ray Kastl	NAS*	
Roland & June Schessler	75.00	
Jason Schwinck	NAS*	
Brian & Darlene Kastl	NAS*	

*No Amount Specified

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY SOUTH 43RD STREET BETWEEN THE SOUTH LINE OF THE NORTH HALF OF LOT 4, BLOCK 2 WOOD BROTHERS BRYAN SUMNER ACRES AND THE NORTH LINE OF FRANKLIN STREET AND A PLAT CONSISTING OF LOTS 1 THROUGH 3, THE NORTH HALF OF LOT 4, AND LOTS 5 THROUGH 12, BLOCK 1, AND LOTS 1 THROUGH 6, BLOCK 2, WOODS BROTHERS BRYAN SUMNER ACRES SUBMITTED BY CHRIST LUTHERAN CHURCH AT 4325 SUMNER STREET - CLERK presented said petition which was referred to the Law Department.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 7, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

INVESTMENT OF FUNDS FROM FEBRUARY 22 THRU MARCH 4, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-83241 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Ken Svoboda

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

ORDINANCES - 1ST READING

STREET NAME CHANGE 05001 - RENAMING EXBURY ROAD AS EXBURY COURT LOCATED SOUTH FROM MONARCH CIRCLE AND GENERALLY LOCATED AT EXBURY ROAD AND THOMPSON CREEK BOULEVARD - CLERK read an ordinance, introduced by Ken Svoboda, changing the name of Exbury Road south from Monarch Circle to Exbury Court generally located at Exbury Road and Thompson Creek Boulevard, as recommended by the Street Name Committee, the first time.

ORDINANCE APPROVING (1) FIRST AMENDMENT TO SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) FIRST AMENDMENT TO LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$27,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE REFUNDING BONDS, ALL WITH RESPECT TO THE COUNTY-CITY BUILDING AND HALL OF JUSTICE - CLERK read an ordinance, introduced by Ken Svoboda, approving (A) a first amendment to site lease among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska, jointly, as lessor, (B) a first amendment to lease agreement among the City and the County, jointly, as lessee, and the commission, as lessor, and (C) the issuance of not to exceed \$27,000,000 in aggregate principal amount of the commission's tax supported lease rental revenue refunding bonds; and related matters, the first time.

ORDINANCES - 3RD READING & ASSOCIATED RESOLUTIONS

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 third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18512, is recorded in Ordinance Book #25.

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

A-83242 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Woodland View Conditional Annexation Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Janet H. Broer and Erich H. Broer ("Owner"), outlining certain conditions and understandings relating to the annexation of approximately 24.33 acres of property generally located southeast of S.W. 40th Street and West A 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 Annette McRoy

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

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 third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18513**, is recorded in Ordinance Book #25.

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 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 **#18514**, is recorded in Ordinance Book #25.

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

A-83243 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary under Title 3, Design Standards for Zoning Regulations, to add a new Chapter 3.100 entitled "Outdoor Lighting" to provide standards relating to light trespass from non-residential uses upon residential uses.

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

That Title 3, Design Standards for Zoning Regulations, of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended by adding a new Chapter 3.100 entitled "Outdoor Lighting" to read as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by Annette McRoy

Seconded by Friendt & 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 21, 2005.
Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

WERNER Council Chair Werner announced that he is passing the gavel over to
Vice Chair Svoboda. Next he made a motion to waive Council rules to allow
a resolution relating to the "Ride for Five" Program to have Public
Hearing and Action on 3/21/05 and to transfer \$25,000 from the contingency
fund for said program to provide for funding until 8/31/05.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
March 21, 2005.
Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 2:35 P.M.

CAMP Moved to adjourn the City Council meeting of March 14, 2005.
Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Phillips, Senior Office Assistant