

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 23, 2005 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair: Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, Newman; City Clerk, Joan E. Ross; Absent: McRoy.

Council Chair Svoboda asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of May 16, 2005, reported having done so, found same correct.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman; NAYS: None; ABSENT: McRoy.

**PUBLIC HEARING**

MANAGER APPLICATION OF TYLER VANDERZEE FOR MIP FIVE INC. DBA MICKEY'S IRISH PUB AND GRILL AT 1550 SOUTH CODDINGTON STREET - Tyler Vanderzee, 7037 Y Street, took the oath and came forward to answer any questions.

This matter was taken under advisement.

APPEAL OF NEAL GRUMMERT ON BEHALF OF LAZZARI'S FROM THE DENIAL OF A SIDEWALK CAFÉ PERMIT ADJACENT TO ITS PREMISES AT 1430-34 "O" STREET - Jeff Cole, Urban Development, came forward to state the applicant was denied because they would not agree to a removable fence for their sidewalk café as requested by the Police Department. Discussion followed.

Neal Grummert, 9350 O Street, owner of Lazzari's, came forward to explain their plans for the sidewalk café and the reason for not agreeing to removable fencing.

Jackie Pueppke, 1500 Woodmen Tower, Omaha, Nebraska, came forward as legal counsel for Lazzari's. Discussion followed.

Tom Casady, Chief of Police, came forward to explain the Police Departments reason for requesting removable fencing for the sidewalk café. Discussion followed.

Neal Grummert and Jackie Pueppke came forward for rebuttal. Discussion followed.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,950,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM SEWER BONDS OF THE CITY OF LINCOLN AND PROVIDING FOR THE EMERGENCY CLAUSE. (REQUEST FOR 2ND AND 3RD READINGS ON 5/23/05)- Don Herz, Finance Director, along with Scott Keene of Ameritas Insurance Corporation and Lauren Wismer of Gilmore & Bell came forward to request to waive the rules to have 2<sup>nd</sup> & 3<sup>rd</sup> readings this day because of the good rates right now.

Scott Keene, Ameritas Insurance Corp., came forward to state this is a good time to do financing. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward to express his concern as to how the money will be spent. He was against having 2<sup>nd</sup> and 3<sup>rd</sup> Reading tonight.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to state that a tremendous amount of information on future projects for which this money will go towards has been sent to Mr. Katt. Discussion followed.

Ed Patterson, 2108 Q Street, came forward to express his opinion. This matter was taken under advisement.

ANNEXATION NO. 01008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 5.0 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05R-99, 05-55, 05R-100, 05-26);

APPROVING THE WEST VAN DORN PLAZA ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND STOCKWELL PROPERTIES OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 5.0 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05-54, 05-55, 05R-100, 05-56) (ACTION DATE: 6/6/05)

CHANGE OF ZONE 3419 - APPLICATION STOCKWELL PROPERTIES LLC AND R.C. KRUEGER DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT,

AGR AGRICULTURAL RESIDENTIAL DISTRICT, R-3 RESIDENTIAL DISTRICT AND B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED NORTHEAST, SOUTHEAST AND SOUTHWEST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05-54, 05R-99, 05R-100, 05-56);

USE PERMIT 133 - APPLICATION OF STOCKWELL PROPERTIES AND R.C. KRUEGER DEVELOPMENT COMPANY TO DEVELOP APPROXIMATELY 40,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA, WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, PAVING WITH CURB AND GUTTER, SIDEWALKS, THE REQUIREMENT THAT ALL LOTS HAVE FRONTAGE AND ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, MINIMUM LOT FRONTAGE FOR A GROUND SIGN, SIGNS IN THE FRONT YARD, SIGNS MORE THAN 30 FEET FROM A BUILDING, STREET TREES, LANDSCAPING, AND PARKING IN THE FRONT YARDS, ON PROPERTY GENERALLY LOCATED NORTHEAST, SOUTHEAST, AND SOUTHWEST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVE. (IN CONNECTION W/05-54, 05R-99, 05-55, 05-56) (ACTION DATE: 6/6/05);

DECLARING A TRACT OF LAND CONSISTING OF .24 ACRES, MORE OR LESS, AS SURPLUS PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVE. (IN CONNECTION W/05-54, 05R-99, 05-55, 05R-100, 05-56) - DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Stockwell Properties, LLC concerning the southwest property of this development. Discussion followed.

J. D. Burt, Design Associates., 1609 N St., Suite 100, was available to answer any questions.

Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Krueger Development Company concerning the northeast property north of Lee's Chicken. Discussion followed.

Randy Hoskins, City Traffic Engineer, came forward to answer questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, stated that the lilacs & evergreens will be restored along Coddington after the road project is complete.

DaNay Kalkowski, 1111 Lincoln Mall, Suite 350, came forward to answer further questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO INCLUDE THREE CITY-OWNED LOTS IN THE PLAN IDENTIFIED AS "PROJECT NO. 7. 27TH AND APPLE: COMMERCIAL REDEVELOPMENT", AND THE DEMOLITION OF THE EXISTING STRUCTURES GENERALLY LOCATED AT NORTH 27TH AND P STREETS. (IN CONNECTION W/05-57, 05-58); CHANGE OF ZONE 05028 - APPLICATION OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 27TH AND APPLE STREETS. (IN CONNECTION W/05R-101, 05-58);

VACATION 05004 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO VACATE THE NORTH/SOUTH ALLEY EXTENDING SOUTH FROM APPLE STREET, BETWEEN 27TH AND 29TH STREETS.(IN CONNECTION W/05R-101, 05-57)- Wynn Hjerstad, Project Coordinator for Urban Development, came forward to explain an amendment to the plan which will not affect the MoPac Trail. She referred to an alley on North 27<sup>th</sup> Street that will need to be vacated for the redevelopment of North 27<sup>th</sup> Street. Discussion followed.

Steve Henrichsen, Planning Department, came forward to answer questions.

This matter was taken under advisement.

ACCEPTING THE DONATION OF A STEEL SCULPTURE, "BOUNTIFUL PRAIRIE" FROM WESTFIELD SHOPPING TOWN GATEWAY MALL FOR PLACEMENT AT THE EAST END OF THE ENTRANCE DRIVE TO MAHONEY PARK - Lynn Johnson, Director of Parks and Recreation, explained the reason for the donated steel sculpture from Westfield Shopping Town Gateway Mall.

This matter was taken under advisement.

**TOOK BREAK 6:58 P.M.**

**RECONVENED 7:16 PM.**

COMPREHENSIVE PLAN AMENDMENT NO. 05012 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL AND CHANGE THE COMMERCIAL CENTER DESIGNATION FROM NEIGHBORHOOD CENTER TO COMMUNITY CENTER ON PROPERTY GENERALLY LOCATED AT NORTH 84TH AND ADAMS STREETS, AND A CHANGE FROM COMMERCIAL TO URBAN RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF 84TH STREET AND LEIGHTON AVE.

Marvin Krout, Director of Planning Department, presented a historical perspective. Discussion followed.

Steve Henrichsen, Planning Department, came forward to answer questions. Discussion followed.

Jason Thiellen, Engineering Design Consultants, came forward on behalf of Prairie Homes to discuss the proposed project.

Justin Petersen, Traffic Engineer w/Olsson Associates, explained the traffic study of this area completed in April 2005. Discussion followed.

Rick Onnen, Engineering Design Consultants, came forward on behalf of Prairie Homes to talk about the engineering aspects of this project and to answer questions. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Prairie Homes to request approval of the amendment to the Comprehensive Plan. Discussion followed.

Tom Huston, 233 S. 13<sup>th</sup> Street, Suite 1900, came forward representing Wal-Mart to state a third store is needed due to the high volume at the North 27<sup>th</sup> store and it will provide 450 more jobs. Discussion followed.

Kathy Abbott, 1319 S. 6<sup>th</sup> Street, came forward in opposition.

Charlie Humble, 301 S. 13<sup>th</sup> St., Ste 400, came forward representing Faith Lutheran Church and School who is not in favor of the development being on the southeast corner. They prefer Option A which is more in use with the Comp Plan. They would prefer that a "Big Box" such as Wal-Mart not be included in this development. Discussion followed.

Mark Hannemann, 327 Taylor Park Dr., Pastor of Faith Lutheran Church came forward in favor of Option A. Discussion followed.

Stu Tietz, 4827 Bunker Hill Rd., Principal of Faith Lutheran School, came forward in favor of Option A.

Todd Wicken, 2740 N. 89<sup>th</sup> Street, Came forward in support of Option A.

Michael Butcher, 4020 Frederick Cr., came forward in support of the amendment. He presented signed petitions to the City Clerk.

Jodi Fenner, 1847 Fairfield St., came forward in support of the amendment.

Ben Perkins, 1920 Independence Ct., member of Faith Lutheran Church and a Wal-Mart employee came forward in support of the amendment.

Doug Cunningham, Box 160, Wausa, Nebraska, came forward in opposition to the Supercenter. Discussion followed.

Jane Raybould, 3015 S. 20<sup>th</sup> Street, Director of Buildings & Equipment and spokesperson for 1005 employees of B & R Stores, came forward in opposition. Discussion followed.

Krista Barnhouse, 1809 SW 32<sup>nd</sup> Street, 5<sup>th</sup> grade teacher at Faith Lutheran School came forward in opposition. Discussion followed.

John Watson, 9140 Wildfire, came forward in favor of.

John Bell, 7210 Adams Street, came forward in opposition to a "Big Box" in this area.

Tammy Spence, owner of a small business in Havelock, came forward in opposition. Discussion followed.

Richard Esquivel, 733 W. Cuming, came forward in favor of.

Ed Patterson, 2108 Q Street, came forward to express an opinion on antitrust issues and land use planning in developments such as this.

Kathy Nuttelman, 3224 N. 75<sup>th</sup> Street, member of Faith Lutheran Church, is against a supercenter in this area. Discussion followed.

Peter Katt came forward for rebuttal.

This matter was taken under advisement.

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

#### MISCELLANEOUS BUSINESS

Ed Patterson, 2108 Q Street, came forward to show pictures of Trago Park which had not been mowed for a month.

Ken Svoboda, Chairperson, commented that the Parks and Recreation Department were short three employees therefore were behind schedule.

This matter was taken under advisement.

Richard Esquivel, 733 W. Cuming, expressed his concern with

property taxes.

This matter was taken under advisement.

Jan Karst, 1403 E Street, came forward in opposition to the smoking ban.

Jami Toman, 1633 West O Street, employee of West A Pub, requested the smoking ban issue be revisited due to a decrease in business.

Mickey D. Kasperek, 137 NW 17<sup>th</sup> Street, Apt. #4, requested an exemption of the smoking ban apply to businesses that are solely for smoking & smoking supplies.

This matter was taken under advisement.

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JEFFREY D. DODGE FOR RAMOS PIZZA INC. DBA RAMOS PIZZA PUB & BUSTER'S BBQ AT 2435 SOUTH 48TH STREET - PRIOR to reading:

CAMP Moved to delay action and continue public hearing for two weeks to 6/6/05.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

MANAGER APPLICATION OF TYLER VANDERZEE FOR MIP FIVE INC. DBA MICKEY'S IRISH PUB AND GRILL AT 1550 SOUTH CODDINGTON STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83333 WHEREAS, MIP Five Inc. dba Mickey's Irish Pub and Grill located at 1550 South Coddington Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Tyler Vanderzee be named manager;

WHEREAS, Tyler Vanderzee 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 Tyler Vanderzee 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

APPLICATION OF THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to delay action and continue public hearing for two weeks to 6/6/05.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

MANAGER APPLICATION OF CHRISTOPHER F. DAKIN FOR THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY AT 2801 PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to delay action and continue public hearing for two weeks to 6/6/05.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

### DENIAL OF SIDEWALK CAFÉ PERMIT

APPEAL OF NEAL GRUMMERT ON BEHALF OF LAZZARI'S FROM THE DENIAL OF A SIDEWALK CAFÉ PERMIT ADJACENT TO ITS PREMISES AT 1430-34 "O" STREET - PRIOR to reading:

NEWMAN Moved to delay action for two weeks to 6/6/05.

Seconded by Cook & **Lost** by the following vote: AYES: Cook, Newman; NAYS: Camp, Eschliman, Marvin, Svoboda; ABSENT: McRoy.

CAMP Moved approval.

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

Eschliman, Marvin, Svoboda; NAYS: Cook, Newman; ABSENT: McRoy.

**ORDINANCES - 2<sup>ND</sup> READING**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,950,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM SEWER BONDS OF THE CITY OF LINCOLN AND PROVIDING FOR THE EMERGENCY CLAUSE. (REQUEST FOR 2ND AND 3RD READINGS ON 5/23/05) - PRIOR to reading:

CAMP Moved to waive the rules to have 3<sup>rd</sup> Reading and action this date.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

CLERK Read the following ordinance, Patte Newman introduced for Annette McRoy who was absent, authorizing and providing for the issuance of not to exceed \$9,950,000 aggregate principal amount of general obligation storm sewer bonds of the city of Lincoln and providing for the emergency clause, the second time. (**See Council Action under "Ordinances - 3<sup>rd</sup> Reading".**)

ANNEXATION NO. 01008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 5.0 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05R-99, 05-55, 05R-100, 05-26) - CLERK read the following 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 corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

APPROVING THE WEST VAN DORN PLAZA ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND STOCKWELL PROPERTIES OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 5.0 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05-54, 05-55, 05R-100, 05-56) (ACTION DATE: 6/6/05)

CHANGE OF ZONE 3419 - APPLICATION STOCKWELL PROPERTIES LLC AND R.C. KRUEGER DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT, AGR AGRICULTURAL RESIDENTIAL DISTRICT, R-3 RESIDENTIAL DISTRICT AND B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED NORTHEAST, SOUTHEAST AND SOUTHWEST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVENUE. (IN CONNECTION W/05-54, 05R-99, 05R-100, 05-56) - CLERK read the following ordinance, introduced by Annette McRoy, 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 second time.

USE PERMIT 133 - APPLICATION OF STOCKWELL PROPERTIES AND R.C. KRUEGER DEVELOPMENT COMPANY TO DEVELOP APPROXIMATELY 40,000 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR AREA, WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, PAVING WITH CURB AND GUTTER, SIDEWALKS, THE REQUIREMENT THAT ALL LOTS HAVE FRONTAGE AND ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, MINIMUM LOT FRONTAGE FOR A GROUND SIGN, SIGNS IN THE FRONT YARD, SIGNS MORE THAN 30 FEET FROM A BUILDING, STREET TREES, LANDSCAPING, AND PARKING IN THE FRONT YARDS, ON PROPERTY GENERALLY LOCATED NORTHEAST, SOUTHEAST, AND SOUTHWEST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVE. (IN CONNECTION W/05-54, 05R-99, 05-55, 05-56) (ACTION DATE: 6/6/05)

DECLARING A TRACT OF LAND CONSISTING OF .24 ACRES, MORE OR LESS, AS SURPLUS PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF WEST VAN DORN STREET AND SOUTH CODDINGTON AVE. (IN CONNECTION W/05-54, 05R-99, 05-55, 05R-100, 05-56) - CLERK read the following ordinance, introduced by Annette McRoy, declaring approximately .24 acres of City-owned property generally located southeast of the intersection of West Van Dorn Street and South Coddington Avenue as surplus and authorizing the sale thereof, the second time.

APPROVING AN AMENDMENT TO THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN TO INCLUDE THREE CITY-OWNED LOTS IN THE PLAN IDENTIFIED AS "PROJECT NO. 7. 27TH AND APPLE: COMMERCIAL REDEVELOPMENT", AND THE DEMOLITION OF THE EXISTING STRUCTURES GENERALLY LOCATED AT NORTH 27TH AND P STREETS. (IN CONNECTION W/05-57, 05-58) (ACTION DATE: 6/6/05)

CHANGE OF ZONE 05028 - APPLICATION OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 27TH AND APPLE STREETS. (IN CONNECTION W/05R-101, 05-58) - CLERK read the following 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 27.50.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

VACATION 05004 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO VACATE THE NORTH/SOUTH ALLEY EXTENDING SOUTH FROM APPLE STREET, BETWEEN 27TH AND 29TH STREETS. (IN CONNECTION W/05R-101, 05-57) - CLERK read the following ordinance, introduced by Annette McRoy, vacating the north/south alley extending south from Apple Street, between 27<sup>th</sup> and 29<sup>th</sup> Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

#### RESOLUTIONS

ACCEPTING THE DONATION OF A STEEL SCULPTURE, "BOUNTIFUL PRAIRIE" FROM WESTFIELD SHOPPING TOWN GATEWAY MALL FOR PLACEMENT AT THE EAST END OF THE ENTRANCE DRIVE TO MAHONEY PARK - CLERK read the following resolution, introduced by Patte Newman for Annette McRoy who was absent, who moved its adoption:

A-83334 WHEREAS, the artwork entitled "Bountiful Prairie" by Rex Applebee and Kenneth Hall has been offered to the City by Westfield Shopping Town Gateway Mall for display at the entrance drive to Mahoney Park; and

WHEREAS, the City through its Parks and Recreation Department, desires to accept the donation of the art work and to install it at said Park entrance.

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

That the donation of one piece of artwork entitled "Bountiful Prairie" for display on public property is hereby accepted.

Introduced by Patte Newman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

COMPREHENSIVE PLAN AMENDMENT NO. 05012 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM RESIDENTIAL TO COMMERCIAL AND CHANGE THE COMMERCIAL CENTER DESIGNATION FROM NEIGHBORHOOD CENTER TO COMMUNITY CENTER ON PROPERTY GENERALLY LOCATED AT NORTH 84TH AND ADAMS STREETS, AND A CHANGE FROM COMMERCIAL TO URBAN RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF 84TH STREET AND LEIGHTON AVE. - PRIOR to reading:

ESCHLIMAN Moved to delay action without public hearing for two weeks to 6/6/05.

Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 13, 2005 AT 1:30PM FOR THE MANAGER APPLICATION OF GEOFFREY W. LEMON FOR B & R STORES INC DBA RB'S LIQUOR STORE LOCATED AT 1709 WASHINGTON STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83335 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 13, 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> St., Lincoln, NE, for the Manager Application of Geoffrey W. Lemon for B & R Stores, Inc. dba RB's Liquor Store located at 1709 Washington Street.

If the Police Dept. is unable to complete the investigation by

said time, a new hearing date will be set.

Introduced by Patte Newman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

RE-SETTING THE HEARING DATE OF MONDAY, JUNE 6, 2005 AT 1:30PM FOR THE MANAGER APPLICATION OF RYAN K. HAUNSCHILD FOR CEC ENTERTAINMENT INC DBA CHUCK E. CHEESE'S LOCATED AT 221 N. 66<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83336 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 6, 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> St., Lincoln, NE, for the Manager Application of Ryan K. Haunschild for CEC Entertainment, Inc. dba Chuck E. Cheese's located at 221 N. 66<sup>th</sup> Street.

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

Introduced by Patte Newman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

SETTING THE HEARING DATE OF MONDAY, JUNE 13, 2005 AT 1:30 P.M. FOR APP. OF 1339 O STREET, INC. DBA BROTHERS EST. 1967 FOR AN ADDITION TO LICENSED PREMISE AT 1339 O STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83337 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 13, 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> St., Lincoln, NE, for the Application of 1339 O Street, Inc. dba Brothers Est. 1967 for an outside addition to licensed premise at 1339 O Street.

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

Introduced by Patte Newman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

SETTING THE HEARING DATE OF MONDAY, JUNE 13, 2005 AT 1:30 PM FOR THE MANAGER APPLICATION OF ROGER WILLIAM HETHAN FOR BENCHMARK REDEVELOPMENT INC DBA BUZZARD BILLY'S ARMADILLO BAR/GRILL LOCATED AT 247 N. 8<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83338 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 13, 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> St., Lincoln, NE, for the Manager Application of Roger William Hethan for Benchmark Redevelopment, Inc. dba Buzzard Billy's Armadillo Bar/Grill located at 247 N. 8<sup>th</sup> Street.

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

Introduced by Patte Newman

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON MAY 16, 2005 - CLERK presented the said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

CHANGE OF ZONE 05012 - APPLICATION OF THE CHRISTIAN CHURCH IN NEBRASKA FOR A

CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-4 RESIDENTIAL PUD, WOOD BRIDGE PLANNED UNIT DEVELOPMENT, TO DEVELOP A CHURCH, APPROXIMATELY 12,000 SQ. FT. OF OFFICE/MEDICAL OFFICE FLOOR AREA, AND APPROXIMATELY 58,200 SQ. FT. OF MINI-STORAGE FLOOR AREA, WITH A WAIVER OF THE REQUIRED PRELIMINARY PLAT PROCESS AND TO ALLOW LOTS WITHOUT FRONTAGE ONTO A PUBLIC STREET OR PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT PINE LAKE ROAD AND HELEN WITT DRIVE - CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the first time.

COMP. PLAN AMENDMENT NO. 04010 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM URBAN RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 39.13 ACRES GENERALLY LOCATED AT S. 60TH STREET AND HIGHWAY 2. (IN CONNECTION W/05-60) (ACTION DATE: 6/13/05), the first time.

CHANGE OF ZONE 05026 - APPLICATION OF APPLE'S WAY AND UNO PROPERTIES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-1 RESIDENTIAL AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, WITH A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION, FOR DEVELOPMENT OF APPROXIMATELY 32 DWELLING UNITS AND 235,000 SQ. FT. OF COMMERCIAL FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT S. 66TH STREET AND HIGHWAY 2. (IN CONNECTION W/05R-110), - CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the first time.

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$9,950,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION STORM SEWER BONDS OF THE CITY OF LINCOLN AND PROVIDING FOR THE EMERGENCY CLAUSE. (REQUEST FOR 2ND AND 3RD READINGS ON 5/23/05) - PRIOR to reading:

CAMP Moved to waive the rules to have 2<sup>nd</sup> and 3<sup>rd</sup> Reading this date.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
CLERK Read the following ordinance, Patte Newman introduced for Annette McRoy who was absent, authorizing and providing for the issuance of not to exceed \$9,950,000 aggregate principal amount of general obligation storm sewer bonds of the city of Lincoln and providing for the emergency clause, the second time.

NEWMAN Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18540**, is recorded in Ordinance Book #25, Page

APPROVING A ONE YEAR/200 HOUR LEASE WITH OPTION TO RENEW FOR THREE ONE-YEAR PERIODS BETWEEN THE CITY AND PLATTE VALLEY EQUIPMENT COMPANY TO PROVIDE A MECHANICAL FRONT WHEEL DRIVE TRACTOR TO MOW LARGE OPEN AREAS AND DISK NON-VEGETATED AREA AT BLUFF ROAD AND N. 48TH STREET LANDFILLS - CLERK read the ordinance, introduced by Jonathan Cook, accepting and approving a one-year/200 hour lease agreement between the City of Lincoln, Nebraska and Platte Valley Equipment Company for a 115 PTO Horsepower Class, Mechanical Front-wheel Tractor for use by the Department of Public Works & Utilities, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18541**, is recorded in Ordinance Book #25, Page

#### MISCELLANEOUS BUSINESS

#### PENDING -

CAMP Moved to extend the Pending List to June 6, 2005.  
Seconded by Newman & carried by the following vote: AYES: Camp,



Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on  
June 6, 2005.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

**ADJOURNMENT 10:36 P.M.**

CAMP Moved to adjourn the City Council meeting of May 23, 2005.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
So ordered.

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Joan E. Ross, CMC, City Clerk

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Judy Roscoe, Senior Office Assistant

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