

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 6, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

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**

NEWMAN Having been appointed to read the minutes of the City Council proceedings of May 23, 2005, reported having done so, found same correct.

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

**PUBLIC HEARING**

MANAGER APPLICATION OF JEFFREY D. DODGE FOR RAMOS PIZZA INC. DBA RAMOS PIZZA PUB & BUSTER'S BBQ AT 2435 SOUTH 48TH STREET (5/23/05 - P.H. & ACTION CON'T. TO 6/6/05) - Jeff Dodge, Manager, 415 N. 44<sup>th</sup> Street, took oath and came forward for approval. He also gave his apologies for not showing at the City Council meeting last week for the public hearing of his application. He also stated that he has already completed the Responsible Hospitality Program.

This matter was taken under advisement.

APPLICATION OF THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD (5/23/05 - P.H. & ACTION CON'T. TO 6/6/05);

MANAGER APPLICATION OF CHRISTOPHER F. DAKIN FOR THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY AT 2801 PINE LAKE ROAD (5/23/05 - P.H. & ACTION CON'T. TO 6/6/05) - Christopher Dakin, Manager, 481 Capitol Avenue, took oath and came forward for approval. He also gave his apologies for not showing at the City Council meeting last week for the public hearing of his application.

This matter was taken under advisement.

APPLICATION OF JO MAR, INC. DBA THE STILL TO MOVE ITS PRESENTLY LICENSED PREMISES LOCATION FROM 5560 S. 48TH STREET TO 6820 S. 70TH STREET - John Barker, 7100 Old Post Road, Unit 3, took oath and came forward for approval. He stated that he and his wife own the establishment and would like to move the location.

This matter was taken under advisement.

APPLICATION OF THE GREEN HOUSE LLC DBA DISH TO EXPAND ITS CLASS I LIQUOR LICENSE BY AN ADDITION OF AN OUTSIDE CAFE AREA MEASURING APPROXIMATELY 61 FT. BY 53 FT. TO THE SOUTHWEST ON PROPERTY GENERALLY LOCATED AT 1100 "O" STREET - Travis Green, owner and chef, took oath and came forward for approval.

This matter was taken under advisement.

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 - Brian Carstens, 601 Old Cheney Road, Suite C, came forward on behalf of Christian Church for approval. He showed a map of the site plan on the overhead of the proposed area for the change of zone. Further discussion followed.

This matter was taken under advisement.

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);

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) - Tom Huston, Attorney, 233 S. 13<sup>th</sup> Street, Suite 1900, came forward representing Uno Properties and Apple's Way for approval. He further explained their need to amend the comprehensive plan and to change the zoning district. Further discussion followed.

Council Member Dan Marvin and Council Member Jonathan Cook asked questions regarding the current traffic issues in the proposed area.

Council Member Patte Newman asked if people were requesting this parcel more for residential use or for commercial use.

Tim Gergen, Olsson Associates, 1111 Lincoln Mall, Suite 350, came forward to address the traffic issues and he showed a site map on the overhead of the proposed area.

Mark Hunzeker, Attorney, 1045 Lincoln Mall, Suite 200, came forward representing Uno Properties and Apple's Way for approval. He also addressed the traffic issues and spoke of the traffic study that was completed by Olsson Associates. Further discussion followed.

Rob Otte, 201 N. 8<sup>th</sup> Street, came forward representing County Meadows. He stated that the neighbors do not have an agreement with the developer at this time. However, they would like it if the developer would work with their needs if this issue is passed. Further discussion followed.

Council Member Camp asked what the discomforts are of the neighborhood.

Mr. Otte stated that the neighborhood is nervous for commercial use in their area.

Don Kuhn, 6701 Almira Lane, came forward in opposition. He stated that he disagrees with the use of the street light in the middle of the section because of the traffic it will cause. He also stated that he is against the development of a big box. He said that the Edgewood Area has eight vacancies in that area and he hates to see that happen in their area. Further discussion followed.

Kathy Batterman, 6901 Almira Lane, came forward in opposition. She stated that she and her husband are against this because they really appreciate their green space in their neighborhood. She also doesn't like the idea of another light being put up in their area because she feels that the traffic is already an issue now. Further discussion followed.

Council Member Eschlman asked if she would prefer urban development or commercial development in her area.

Mrs. Batterman said that she would prefer urban development with only homes being built in their area.

Christine Kiewra, 6400 S. 66<sup>th</sup> Street, came forward in opposition. She stated that she feels that keeping the neighborhood all residential is the only appropriate thing to do. She also clarified that Rob Otte was hired by County Meadows and has never met with their Neighborhood Association. She also stated that she is against a big box being developed in their area. Further discussion followed.

Jeannie Collura, 6500 S. 66<sup>th</sup> Street, came forward in opposition. She stated that County Meadows has not had any meetings since the Planning Commission meeting. She also stated that Rob Otte is not speaking on behalf of their Neighborhood Association. She feels that they have a lot of traffic issues now and would like to keep their area all residential.

Carol Leonhardt, 6530 S. 66<sup>th</sup> Street, came forward in opposition. She stated that she loves their green space that their neighborhood currently has and she is opposed to commercial use in their area.

Art Zygielbaum, 6601 Pinecrest, came forward in opposition. He stated that he does not want a big box being developed in their area. He also feels that another light being put in would further their traffic problems. Further discussion followed.

Gene Schwenke, 6061 Frontier Road, came forward in opposition. He said that he would prefer to have the area be used only for residential use.

Vil Rizijis, 6801 Almira Lane, came forward in opposition. He stated that he is against any commercial use in their area.

Colby Collura, 6500 S. 66<sup>th</sup> Street, came forward in opposition. He came forward and stated that putting in an additional light would further the traffic problems. He also stated that he had a classmate that died in a traffic accident at the corner of 52<sup>nd</sup> and Highway 2.

Randy Hoskins, City Traffic Engineer, came forward to help answer questions regarding the traffic issues in that area. He also showed an overhead of some traffic facts which included the number of accidents that have taken place in that area. Further discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to help answer questions regarding drainage in that area. Further discussion followed.

Marvin Krout, Director of the Planning Department, came forward to help answer questions regarding the vacancies in the Edgewood area and accessibility to the area. He also addressed the questions regarding the costs of adding traffic lanes to the area and the costs for adding turning lights. Further discussion followed.

Mark Hunzeker, Attorney, came forward for rebuttal. He stated that they have been working hard with County Meadows and the residents of the area on trying to make this work. He also stated that they are working with Olsson Associates whom have come up with 24 different traffic plans to choose from. Further discussion followed.

This matter was taken under advisement.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY, COUNTY, AND LOWER PLATTE SOUTH NRD TO MAINTAIN AND ENHANCE THE WETLANDS IN WILDERNESS PARK - Terry Gunrich, Parks and Recreation Department, came forward for approval.

This matter was taken under advisement.

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

TOOK BREAK 3:35 P.M.

RECONVENED 3:45 P.M.

MISCELLANEOUS BUSINESS - NONE

## 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 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83339 WHEREAS, Ramos Pizza Inc. dba Ramos Pizza Pub & Buster's BBQ located at 2435 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeffrey D. Dodge be named manager;

WHEREAS, Jeffrey D. Dodge 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 Jeffrey D. Dodge 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 and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83340 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 The Noodle Shop, Co. - Colorado, Inc. dba Noodles & Company for a Class "I" liquor license at 2801 Pine Lake Road, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. 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 and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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MANAGER APPLICATION OF CHRISTOPHER F. DAKIN FOR THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83341 WHEREAS, The Noodle Shop, Co. - Colorado, Inc. dba Noodles & Company located at 2801 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Christopher F. Dakin be named manager;

WHEREAS, Christopher F. Dakin 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 Christopher F. Dakin 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 and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF RYAN K. HAUNSCHILD FOR CEC ENTERTAINMENT, INC. DBA CHUCK E. CHEESE'S AT 221 N. 66TH STREET - PRIOR to reading:

MARVIN Moved to delay the item for 1 week to 6/13/05.

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

APPLICATION OF JO MAR, INC. DBA THE STILL TO MOVE ITS PRESENTLY LICENSED PREMISES LOCATION FROM 5560 S. 48TH STREET TO 6820 S. 70TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83342 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, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Jo Mar, Inc. d/b/a "The Still," to change the presently licensed premise of its existing Class "D" liquor license from 5560 South 48th Street, Lincoln, Nebraska, to 6820 South 70th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Patte Newman

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

APPLICATION OF THE GREEN HOUSE LLC DBA DISH TO EXPAND ITS CLASS I LIQUOR LICENSE BY AN ADDITION OF AN OUTSIDE CAFE AREA MEASURING APPROXIMATELY 61 FT. BY 53 FT. TO THE SOUTHWEST ON PROPERTY GENERALLY LOCATED AT 1100 "O" STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83343 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 The Green House, L.L.C. d/b/a "Dish" to expand its licensed premises by the addition of an outside area measuring approximately 61' x 53' to the south and west of the presently licensed premises located at 1100 "O" Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Patte Newman

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

ORDINANCES - 2<sup>ND</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 second 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)

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 second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1-15, 2005 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83344 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 May 16, 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>	
David A. Fricke	\$ 56.23	Michelle Stiles & Justin Sitzmann	\$2,200.00
Farmers Insurance Group		State Farm Insurance	
(Claim No. 100632390)	3,209.99	(Maria Ning, Insured)	298.53
Beri Hershberger	7,175.35	Gaylen Bartling	713.00
Teresa Cowles	488.99	Lorenzo Ybarra Jr. & Diosdada Ybarra	9,837.33
		Molly Malmgren	200.00
		Teresa Baregi	200.05
		Kory Jon McCracken	187.50

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

AMENDING RESOLUTION NO. A-82743 WHICH APPROVED NORTHERN LIGHTS COMMERCIAL CENTER TO WAIVE THE REQUIRED SETBACKS FOR ALL INTERNAL YARDS RATHER THAN JUST FRONT YARD SETBACKS FROM THE INTERIOR PRIVATE ROADWAYS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83345 WHEREAS, the City of Lincoln previously adopted Resolution No. A-82743 approving the application of Yeutter Family LLC and Northern Lights LLC to develop Northern Lights Commercial Center consisting of 103,400 sq. ft. of floor area of planned service commercial; and  
WHEREAS, said approval also approved a waiver of the required front yard setbacks from interior private roadways; and  
WHEREAS, the approved waiver was incorrectly drafted as the requested waiver was to waive all internal yard setbacks, not just front yard setbacks from interior private roadways.  
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that condition 2 of Resolution No. A-82743, adopted by the City Council on May 10, 2004, be revised to read as follows:  
2. The required 50' front yard setback along Northern Lights Drive is waived to allow a 20' setback and all required interior yard setbacks are waived to allow a 0' setback.

Introduced by Patte Newman

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

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE CITY, COUNTY, AND LOWER PLATTE SOUTH NRD TO MAINTAIN AND ENHANCE THE WETLANDS IN WILDERNESS PARK - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83346 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and  
WHEREAS, the City of Lincoln, Nebraska (City), Lancaster County (County) and the Lower Platte South Natural Resources District (District) desire to cooperate in the maintenance and enhancement of wetlands in Wilderness Park; and  
WHEREAS, the District is willing to provide up to \$35,000 in matching funds for wetland restoration work in Wilderness Park; and  
WHEREAS, the Friends of Wilderness Park will contribute up to \$2,500 and the City is willing to share in the cost with \$25,000 of CIP funds as expenditures are incurred by the City for such work.

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

That the Cooperative Agreement between the City of Lincoln, Lancaster County, and the Lower Platte South Natural Resources District attached hereto as Exhibit "A" in connection with the restoration and enhancement of wetlands in Wilderness Park in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

Introduced by Patte Newman

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

APPOINTING DICK ESSEKS TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR THE REMAINDER OF A SIX YEAR TERM TO EXPIRE ON AUGUST 24, 2005, AND FOR A NEW SIX YEAR TERM TO EXPIRE ON AUGUST 24, 2011 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83347 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dick Esseks to the Lincoln-Lancaster County Planning Commission to fill an unexpired term expiring August 24, 2005, and to fill a new six-year term from August 25, 2005 to August 24, 2011, is hereby approved.

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2005 AT 10:00 A.M. ON THE PUBLIC WORKS BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II - CITY CLERK requested approval of this setting the hearing date.

CAMP So moved.

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

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2005 AT 1:30 PM FOR AN APPLICATION OF SHANGHAI PALACE INC DBA SHANGHAI PALACE FOR A CLASS I LIQUOR LICENSE LOCATED AT 3239 S. 13<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83349 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 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 Shanghai Palace Inc dba Shanghai Palace for a Class I Liquor License located at 3239 S. 13<sup>th</sup> Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2005 AT 1:30 PM FOR AN APPLICATION OF GAS 'N SHOP INC DBA TOBACCO SHACK #67 FOR A CLASS D LIQUOR LICENSE LOCATED AT 6240 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83350 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 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 Gas 'N Shop Inc da Tobacco Shack #67 for a Class D Liquor license located at 6240 Havelock Avenue.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2005 AT 1:30 PM FOR AN APPLICATION OF GAS 'N SHOP INC DBA TOBACCO SHACK #68 FOR A CLASS D LIQUOR LICENSE LOCATED AT 4741 HOLDREGE STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83351 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 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 Gas 'N Shop Inc dba Tobacco Shack #68 for a Class D Liquor License located at 4741 Holdrege Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, JUNE 20, 2005 AT 1:30 PM FOR AN APPLICATION OF NHA TRANG RESTAURANT INC DBA NHA TRANG RESTAURANT FOR A CLASS I LIQUOR LICENSE LOCATED AT 1309 L STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83352 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 20, 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 Nha Trang Restaurant Inc dba Nha Trang Restaurant for a Class I Liquor License located at 1309 L Street.

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

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 05038 - Application submitted by Pine Lake Heights Congregation of Jehovah's Witnesses Inc, from AGR Agricultural Residential District to R-1 Residential District, on property generally located at S. 68<sup>th</sup> Street and Pine Lake Road.

Change of Zone 05039 - Application submitted by Olsson Associates, from B-2 Planned Neighborhood Business District to H-3 Highway Commercial District, on property generally located at N. 27<sup>th</sup> Street and Fletcher Avenue.

Change of Zone 05040 - Application submitted by Olsson Associates, from O-3 Office Park District to B-2 Planned Neighborhood Business District, on property generally located at S. 14<sup>th</sup> Street and Yankee Hill Road.

Use Permit 05004 - Application submitted by Olsson Associates, to allow approximately 33,500 square feet of office and commercial floor area, with waiver request to adjust the internal yard setbacks in the B-2 area, on property generally located at S. 14<sup>th</sup> Street and Yankee Hill Road.

Change of Zone 05041 - Application submitted by Olsson Associates, from O-3 Office Park District to B-2 Planned Neighborhood Business District, on property generally located at S. 70<sup>th</sup> Street and Pioneers Boulevard.

Use Permit 130A - Application submitted by Olsson Associates, for an 85 room, four story hotel, with requests to waive rear yard setback and height restriction, on property generally located at S. 70<sup>th</sup> Street and Pioneers Boulevard.

Change of Zone 05042 - Application submitted by Olsson Associates, from O-3 Office Park District to B-2 Planned Neighborhood Business District, on property generally located at S. 14<sup>th</sup> Street and Pine Lake Road.

Use Permit 89C - Application submitted by Olsson Associates, for retail office development, on property generally located at S. 14<sup>th</sup> Street and Pine Lake Road.

Use Permit 123D - Application submitted by Olsson Associates, an amendment to waive lot arrangement and setbacks, on property generally located at N. 33<sup>rd</sup> Street and Folkways Boulevard.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON MAY 23, 2005 - CLERK presented the said report which was placed on file in the Office of the City Clerk.

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

A-83348 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended April 30, 2005, \$696,440.50 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 Jon Camp

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

LINCOLN WATER AND WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY, 2005 - CLERK presented the said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JANUARY THROUGH MARCH, 2005: VOICESTREAM, NETIFICE COMM, OPEX COMM, PNG TELECOMM, FAST PHONES OF NEBRASKA, ACCESSLINE COMM, TELENATIONAL COMM, GE BUSINESS PROD. SOLUTIONS, AMERICAN FARM BUREAU INC; MARCH, 2005: ONE CALL COMM, TRACFONE WIRELESS INC, XO COMM SERVICES, COMTECH 21 LLC, VOICECOM TELECOMM, WINSTAR COMM, 360NETWORKS USA INC, QWEST COMM, GUARANTEED PHONE SERVICE, VERIZON SELECT SERVICES, IDT CORP, CINCINNATI BELL ANY DISTANCE, VERIZON BELL ATLANTIC COMM, CIII COMM OPERATIONS, BUSINESS TELECOM, TRANS NATIONAL COMM INTERNATIONAL, ON-STAR CORPORATION, NETWORK BILLING SYSTEMS, ENHANCED COMM, TELECORP COMM, GLOBAL CROSSING TELECOMM, VIRGIN MOBILE USA, INTELLICALL OPERATOR SERVICES, ACN COMM SERVICES, WORKING ASSETS FUNDING SERVICE, UNC INC, PRIMUS TELECOMM, NEXTEL WEST CORP, MCLEODUSA TELECOMM, IBM GLOBAL SERVICES, T-NETIX TELECOM, QUANTUM SHIFT COMM, KDDI AMERICA INC, STAR NUMBER INC, SHAFFER COMM, USCOC OF GREATER IOWA, AT&T COMMUNICATIONS OF



MIDWEST, NE TECHNOLOGY & TELECOMM, NEW CINGULAR WIRELESS, CRICKET COMM, ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL NEBRASKA INC, ALLTEL COMM OF NEBRASKA; APRIL, 2005: ATS MOBILE TELEPHONE CO, NETWORK BILLING SYSTEMS, VARTEC, NOSVA LIMITED PARTNERSHIP, EXCEL, SOUTHWESTERN BELL COMM SERVICES, AFFINITY NETWORK INC, GTC TELECOM CORP, LDMI TELECOMM, ACCERIS COMM CORP, NOS COMM INC, GLOBALCOM INC, ZONE TELECOM INC, LIGHTYEAR NETWORK SOLUTIONS, TRI-M COMM, ASSOCIATION ADMINISTRATORS INC, NEXTEL WEST CORP, ONE CALL COMM, GUARANTEED PHONE SERVICE, 360NETWORKS USA INC, SPRINT COMM, MCI WORLDCOM NETWORK SERVICES, CELLULAR ONE, NEXTEL PARTNERS, AND SPRINT SPECTRUM - CLERK presented the said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER FOR FRANCHISE FEES FROM THE TIME WERNER CABLE FOR THE QUARTER ENDING MARCH 31, 2005 - CLERK presented the said report which was placed on file in the Office of the City Clerk.

**WITHDRAW FROM PENDING**

CHANGE OF ZONE 3196 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE FROM B-1 LOCAL BUSINESS & R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & FROM R-3 RESIDENTIAL TO AGR AGRICULTURAL RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. VAN DORN ST. (IN CONNECTION W/00-67) (4/17/00 - PLACED ON PENDING) (3/5/01 - PLACED ON PENDING) (REQUEST TO WITHDRAW) - PRIOR to reading:

CAMP Moved to withdraw item from pending.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4500 & was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3247 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL & R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS, ON PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF S. CODDINGTON AVE. & W. VAN DORN ST. (IN CONNECTION W/00-65) (4/17/00 - PLACED ON PENDING) (3/5/01 - PLACED ON PENDING) (REQUEST TO WITHDRAW) - PRIOR to reading:

CAMP Moved to withdraw item from pending.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4501 & was placed on file in the Office of the City Clerk.

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

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND THE CLYDE MALONE COMMUNITY CENTER FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2032 U STREET - CLERK read the following ordinance , introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln an Clyde Malone Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2032 U Street for a one-year term beginning September 1, 2004, the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE JOB CLASSIFICATION OF "ECONOMIC DEVELOPMENT SPECIALIST" - CLERK read the following ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18412 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of Economic Development Specialist, the first time.

APPROVING A THREE-YEAR LEASE AGREEMENT WITH AN OPTION TO PURCHASE BETWEEN THE CITY AND KANSAS STATE BANK OF MANHATTAN FOR A 2005 ELGIN "F" DUAL SWEEPER FOR USE BY THE DEPARTMENT OF PUBLIC WORKS & UTILITIES - CLERK read the following ordinance, introduced by Jon Camp, accepting and approving a three-year lease agreement with option to purchase between the City of Lincoln, Nebraska and Kansas State Bank of Manhattan for a 2005 Elgin Eagle "F" Dual Sweeper for use by the Department of Public Works & Utilities, the first time.

ANNEXATION 05006- AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 90 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF FLETCHER AVENUE AND WEST OF NORTH 14TH STREET (IN CONNECTION W/05R-113, 05-65, 05R-109, 05-66) - CLERK read the following ordinance, introduced by Jon Camp, 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 first time.

APPROVING THE HARTLAND'S GARDEN VALLEY ADDITION CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 90.05 ACRES, GENERALLY LOCATED ON THE WEST SIDE OF N. 14TH STREET FROM FLETCHER AVE. TO HUMPHREY AVE. (IN CONNECTION W/05-64, 05-65, 05R-109, 05-66) (ACTION DATE: 6/20/05)

CHANGE OF ZONE 05024 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTH OF FLETCHER AVENUE AND WEST OF NORTH 14TH STREET (IN CONNECTION W/05-64, 05R-113, 05R-109, 05-66) - CLERK read the following ordinance, introduced by Jon Camp, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPEAL OF KEITH SPILKER, DONALD W. SPILKER, LARRY OGDEN, BRUCE A. SPILKER, ANNABELLE NEEMANN, MELINDA KRAMER, BETTY KING, KAHLEEN ZIMMER AND CHARLEY VOGEL FROM THE PLANNING COMMISSIN APPROVAL OF SPECIAL PERMIT 05015 TO DEVELOP HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN FOR 326 DWELLING UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW BLOCKS TO EXCEED MAXIMUM BLOCK LENGTHS, TO REDUCE AVERAGE LOT WIDTH, TO REDUCE LOT AREA, TO ALLOW DOUBLE FRONTAGE LOTS, TO ELIMINATE PEDESTRIAN EASEMENTS, TO ALLOW STREETS TO BE PAVED WITHOUT CURB AND GUTTER AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED WEST OF N. 14TH STREET AND NORTH OF FLETCHER AVE. (IN CONNECTION W/05-64, 05R-113, 05-65, 05-66) (ACTION DATE: 6/20/05)

VACATION 05002 - VACATING NORTH 11TH STREET FROM THE NORTH LINE OF FLETCHER AVENUE TO THE SOUTH LINE OF HUMPHREY AVENUE - CLERK read the following ordinance, introduced by Jon Camp, vacating North 11<sup>th</sup> Street from the north line of Fletcher Avenue to the south line of Humphrey Avenue, the first time.

CHANGE OF ZONE 2382B - APPLICATION OF BJ MCLAND, INC. TO AMEND STONY RIDGE PLANNED UNIT DEVELOPMENT TO ALLOW AN EXPANSION OF THE AREA FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, ON PROPERTY GENERALLY LOCATED AT SPORTSCASTERS BAR AND GRILL, 3048 N. 70TH STREET - CLERK read the following ordinance, introduced by Jon Camp, amending the previously approved Stony Ridge Planned Unit Development to expand the area for the sale of alcoholic beverages for consumption on the premises, the first time.

CHANGE OF ZONE 05019 - AMENDING SECTION 27.83.010 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH THAT THE REQUIREMENTS OF THE BUILD-THROUGH ACREAGE (BTA) OVERLAY DISTRICT ONLY APPLY TO APPLICATION FOR DEVELOPMENT SUBMITTED AFTER OCTOBER 25, 2004 (IN CONNECTION W/05-71) - CLERK read the following ordinance, introduced by Jon Camp, amending Chapter 27.83 of the Lincoln Municipal Code relating to the Build Through Acreage Overlay District by amending Section 27.83.010 to provide that the regulations shall only apply to applications for development within the BTA District submitted after October 25, 2004; and repealing Section 27.83.010 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. 05006 - AMENDING THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION 26.15.070 TO ESTABLISH THAT BUILD-THROUGH STANDARDS APPLY TO ALL DEVELOPMENTS REQUIRING A SUBDIVISION WITHIN THE BUILD-THROUGH ACREAGE (BTA) OVERLAY DISTRICT (IN CONNECTION W/05-68) - CLERK read the following ordinance, introduced by Jon Camp, amending Chapter 26.15 of the Lincoln Municipal Code relating to Preliminary Plats by adding a new section numbered 26.15.070 to require submittal of a transitional preliminary plat for specified developments requiring a subdivision within the BTA Build Through Acreage Overlay District and to specify the information to be shown on the transitional preliminary plat buildable lots, the first time.

ANNEXATION 05007 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 26.1 ACRES OF PROPERTY GENERALLY LOCATED AT S. 93RD STREET AND OLD CHENEY ROAD (IN CONNECTION W/05R-112, 05-70) - CLERK read the following ordinance, introduced by Jon Camp, 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 first time.

APPROVING THE RAVENWOOD CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND IRONWOOD ESTATES, LLC, ALAN FLUCKEY, AND SUSAN CHADWICK RELATING TO THE ANNEXATION OF APPROXIMATELY 26.1 ACRES, GENERALLY LOCATED AT 93RD STREET AND OLD CHENEY ROAD. (IN CONNECTION W/05-69, 05-70) (ACTION DATE: 6/20/05)

CHANGE OF ZONE 05025 - APPLICATION OF IRONWOOD ESTATES, LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 93RD STREET AND OLD CHENEY ROAD (IN CONNECTION W/05R-112, 05-69) - CLERK read the following ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 05037 - AMENDING SECTION 27.35.070(E) OF THE LINCOLN MUNICIPAL CODE TO ADJUST THE YARD REQUIREMENTS FOR BUILDINGS ADJACENT TO WALLS WITH WINDOWS FOR RESIDENTIAL USES IN THE B-4 LINCOLN CENTER BUSINESS DISTRICT - CLERK read the following ordinance, introduced by Jon Camp, amending Section 27.35.070 of the Lincoln Municipal Code relating to the Height and Area Regulations within the B-4 Lincoln Center Business District to adjust the yard requirements for buildings adjacent to walls with windows for residential uses; and repealing Section 27.35.070 of the Lincoln Municipal Code as hitherto existing, the first time.

STREET NAME CHANGE 05003 - RENAMING THE STREET RUNNING NORTHWEST OFF OF FRANKLIN STREET TO KAJAN DRIVE AS "ANAHEIM DRIVE" - CLERK read the following ordinance, introduced by Jon Camp, naming the unnamed street running northwest off of Franklin Street to Kajan Drive as "Anaheim Drive," as recommended by the Street Name Committee, the first time.

STREET NAME CHANGE 05004 - NAMING THE ROAD PLANNED TO CONNECT ASHBROOK DRIVE TO HIGHWAY 2, EAST OF 70TH STREET & HIGHWAY 2, AS "ASHBROOK DRIVE" - CLERK read the following ordinance, introduced by Jon Camp, naming the road planned to connect Ashbrook Drive to Highway 2, generally located east of 70<sup>th</sup> and Highway 2, as "Ashbrook Drive", as recommended by the Street Name Committee, the first time.

#### 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) - PRIOR to reading:

COOK Moved to delay the item for 1 week to 6/13/05.  
Seconded by McRoy and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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) - PRIOR to reading:

COOK Moved to delay the item for 1 week to 6/13/05.  
Seconded by McRoy and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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)- PRIOR to reading:

COOK Moved to delay the item for 1 week to 6/13/05.  
Seconded by McRoy and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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)

COOK Moved to delay the item for 1 week to 6/13/05.  
Seconded by McRoy and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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) - PRIOR to reading:

COOK Moved to delay the item for 1 week to 6/13/05.  
Seconded by McRoy and carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

A-83353 WHEREAS, the City Council, on June 19, 2000, adopted Resolution No. A-80238 finding an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way, parallel to Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east 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 has previously adopted the North 27th Street Corridor and Environs Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to amend provisions of the Plan related to the 27th and Apple Street Commercial Redevelopment Project to add acquisition of additional property to facilitate commercial redevelopment in conformance with the Plan; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk the Amendments to the Plan, which amendments are attached hereto, marked as Exhibit "A", and made a part hereof by reference, and has reviewed said Amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on April 15, 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 April 27, 2005 before the Lincoln City - Lancaster County Planning Commission regarding the Amendments to North 27th Street Redevelopment Plan, 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 Amendments to North 27th Street Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on April 27, 2005 found the proposed Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on April 12, 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 May 23, 2005 regarding the proposed Amendments to North 27th Street Redevelopment Plan, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on May 6, 2005 and May 13, 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 May 23, 2005 regarding the proposed Amendments to the North 27th Street Redevelopment Plan; and

WHEREAS, on May 23, 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 Amendments to the North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council after the hearing on May 23, 2005 duly considered all statements made and materials submitted relating to said Amendments and specifically found among other things that the costs and benefits of the proposed Redevelopment Projects, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services were in the long-term best interest of the community impacted by the same.

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 Amendments are described in sufficient detail and are 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 recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the proposed 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 areas and the estimated proceeds or revenue from the partial disposal thereof to redevelopers, if any; a statement of the proposed method of financing the Redevelopment Projects; and a statement of the method proposed for the relocation of families and businesses to be displaced from the Redevelopment Project areas.

4. That the acquisitions by the City of real property, if any, as set forth in the Amendments are necessary for implementation of said Projects and their purposes under the provisions of the Community Development Law.

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

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

7. That the costs and benefits of the Redevelopment Projects, 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 projects according to the (a) the community's public service needs impacts and local tax impacts arising from the approval of the project; (b) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (c) impacts on other employers and employees in the City and immediate area outside the project area; and (d) 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 Amendments 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 his 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 her authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed in said Amendments 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 necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the North 27th Street Redevelopment Plan.

Introduced by Annette McRoy

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

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 third time.

MCROY Moved to pass the ordinance as read.

Seconded by Newman and carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: None; ABSTAINING: Marvin. The ordinance, being numbered **#18542**, is recorded in Ordinance Book #

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 third time.

MCROY Moved to pass the ordinance as read.

Seconded by Newman and carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: None; ABSTAINING: Marvin. The ordinance, being numbered **#18543**, is recorded in Ordinance Book #

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 (5/23/04 - ACTION DELAYED 2 WKS. TO 6/6/05)

MCROY Moved to adopt the resolution as read.

Seconded by Newman and **LOST** by the following vote: AYES: Camp, Eschliman, Svoboda; NAYS: Cook, McRoy, Newman; ABSTAINING: Marvin. The ordinance, having been **LOST**, was assigned the File **#38-4499** & was placed on file in the Office of the City Clerk.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 13, 2005.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on  
June 13, 2005.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 4:05 P.M.

CAMP Moved to adjourn the City Council meeting of June 6, 2005.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, CMC, City Clerk

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Jamie Phillips, Senior Office Assistant

REGULAR MEETING  
MAY 23, 2005  
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