

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 18, 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 July 11, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF GEEMAX INC. DBA N ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 42' BY 50' AT 728½ Q STREET ON SEPTEMBER 3, 10, AND 17, OCTOBER 1, 8, AND 29, AND NOVEMBER 12, 2004 FROM 8:00 A.M. TO 1:00 A.M. - Mike McCarty, 6518 Baldwin Avenue, owner and manager of the N Zone, came forward for approval.

This matter was taken under advisement.

APPLICATION OF K-SARA ENTERPRISES FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 410' BY 460' AT ABBOTT SPORTS COMPLEX, 7600 N. 70TH STREET ON JULY 30, 2005 FROM 4:00 P.M. TO 1:00 A.M. WITH A RAIN DATE OF AUGUST 6, 2005 - Kevin Meier, 3540 Village Drive, Suite 200, owner, came forward for approval. Further discussion followed.

This matter was taken under advisement.

APPLICATION OF BJK INC. DBA OVERLAND STATION FOR AN ADDITION OF AN OUTSIDE BEER GARDEN MEASURING APPROXIMATELY 38' BY 7' ON THE NORTHWEST CORNER OF THE BUILDING AT 2805 N.W. 48TH STREET - Kathleen Bloom, 2805 NW 48th Street, owner, came forward for approval.

This matter was taken under advisement.

APPLICATION OF JSCK, INC. DBA TOP HAT FOR A CLASS C LIQUOR LICENSE AT 736 W. CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF JAMES H. SANBORN FOR JSCK, INC. DBA TOP HAT AT 736 W. CORNHUSKER HIGHWAY - James H. Sanborn, 736 W. Cornhusker Hwy, Manager, took oath and came forward for approval. Further discussion followed.

This matter was taken under advisement.

APPLICATION OF JADE RIVERS LLC DBA JADE RIVERS FOR A CLASS I LIQUOR LICENSE AT 3940 VILLAGE DRIVE;

MANAGER APPLICATION OF STANLEY JOU FOR JADE RIVERS LLC DBA JADE RIVERS AT 3940 VILLAGE DRIVE - Stanley Jou, Manager, took oath and came forward for approval.

Sidney Sweet, Attorney, took oath and came forward for approval on behalf of Mr. Jou.

This matter was taken under advisement.

MANAGER APPLICATION OF JARED POWELL FOR LINCOLN STEAK COMPANY LLC DBA WHISKEY CREEK STEAKHOUSE AT 3000 PINE LAKE ROAD - Jared Powell, 4600 Briar Park, #105A, Manager, took oath and came forward for approval. Further discussion followed.

This matter was taken under advisement.

APPLICATION OF FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP FOR A CLASS C AND CATERING LIQUOR LICENSE AT 803 Q STREET, SUITE 50;

MANAGER APPLICATION OF CONNIE M. MAHANEY FOR FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP AT 803 Q STREET, SUITE 50 - Connie M. Mahaney, manager, took oath and came forward for approval. Further discussion followed.

This matter was taken under advisement.

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DECLARING A TRACT OF LAND CONSISTING OF .54 ACRES, MORE OR LESS, AS SURPLUS PROPERTY GENERALLY LOCATED AT 601 N. 27TH STREET - Marc Wullschleger, Director of Urban Development Department, came forward for approval. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05039 - APPLICATION OF AUSTIN REALTY COMPANY FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET SOUTH OF FOLKWAYS BLVD - Mark Hunzeker, Attorney, came forward on behalf of his client Austin Realty for approval. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05043 - APPLICATION OF GREGG AND CINDY TRAUTMAN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF S. 37TH STREET AND "O" STREET - Brian Carstens, 601 Old Cheney Road, Suite C, came forward on behalf of his client for approval. Further discussion followed.

Fred Freytag, 530 S. 38th Street, President of the Whitherbee Neighborhood Association, came forward in support. Further discussion followed.

Brian Carstens, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

APPROVING THE ALLEY AT 1031 M STREET AS A KENO SATELLITE SITE - John Hewitt, came forward representing Big Red Keno for approval. Further discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE CITY AND MALCOLM SCHOOL DISTRICT TO ALLOW THE HEALTH DEPARTMENT TO PROVIDE NURSING CONSULTATION SERVICES FOR THE 2005 - 2006 SCHOOL YEAR - Andrea Mason, Health Department, came forward for approval and for approval of Bill No. 05R-148.

This matter was taken under advisement.

WAIVER 05006 - APPLICATION OF KENNETH BUNDY FOR A WAIVER OF THE REQUIRED SIDEWALKS IN THE OSIE SQUARE FINAL PLAT GENERALLY LOCATED AT N. 64TH STREET AND COTNER BLVD - Ken Bundy, 1220 N. 64th Street, came forward for approval. Further discussion followed.

Marvin Krout, Planning Department, came forward to help answer questions of the City Council. Further discussion followed.

This matter was taken under advisement.

APPROVING THE BUDGET AND PROGRAM OF WORK FOR DOWNTOWN LINCOLN ASSOCIATION'S FY 2005 - 2006 MANAGEMENT AND MAINTENANCE DISTRICT - Marc Wullschleger, Director of Urban Development Department, came forward for approval. Further discussion followed.

Michelle Waite, representing the Downtown Lincoln Association, came forward to give a presentation. Further discussion followed.

Gene Langdale, Maintenance Director with the Downtown Lincoln Association, came forward to help answer questions of the City Council. Further discussion followed.

Polly McMullen, Downtown Lincoln Association, came forward for approval and to help answer questions of the City Council. Further discussion followed.

Brenda Pool, Finance Director for the Downtown Lincoln Association, came forward to help answer questions of the City Council. Further discussion followed.

Richard Esquivel, 733 W. Cuming Street, came forward to express his concerns of opposition.

Glen Ceval, 1420 "C" Street, came forward to express his concerns. Polly McMullen, came forward for rebuttal.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR THE WIDENING AND RECONSTRUCTION OF THE LEIGHTON AVENUE PROJECT AND MAINTENANCE RESPONSIBILITIES IN LEIGHTON AVENUE FROM N. 84TH STREET TO A POINT 1592 FEET EAST OF N. 84TH STREET - Nicole Fleck-Tooze, Public Works & Utilities, came forward to help answer questions of the City Council. Further discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF GEEMAX INC. DBA N ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 42' BY 50' AT 728½ Q STREET ON SEPTEMBER 3, 10, AND 17, OCTOBER 1, 8, AND 29, AND NOVEMBER 12, 2004 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83412 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 Geemax, Inc. dba N Zone for a Special Designated License to cover an area measuring 42 feet by 50 feet at 728 1/2 Q Street, Lincoln, Nebraska, on September 3, 10, and 17, October 1, 8, and 29, and November 12, 2005, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification shall be checked on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. An additional second exit from the fenced in area shall be provided.
6. One portable toilet facility shall be provided.

BE IT FURTHER RESOLVED 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, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF K-SARA ENTERPRISES FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 410' BY 460' AT ABBOTT SPORTS COMPLEX, 7600 N. 70TH STREET ON JULY 30, 2005 FROM 4:00 P.M. TO 1:00 A.M. WITH A RAIN DATE OF AUGUST 6, 2005 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83413 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 K-Sara Enterprises for a Special Designated License to cover an area measuring approximately 410 feet by 460 feet at Abbott Sports Complex, 7600 N. 70th Street, Lincoln, Nebraska, on the 30th of July, 2005, between the hours of 4:00 p.m. and 1:00 a.m. (with a rain date of August 6, 2005), be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED 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, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF ALLEN ENTERPRISES INC. DBA EARLS TAVERN FOR AN ADDITION OF AN OUTSIDE BEER GARDEN MEASURING APPROXIMATELY 20' BY 24 ' ON THE SOUTH SIDE OF THE BUILDING AT 5555 SUPERIOR STREET - PRIOR to reading:

MARVIN Moved to delay the item with Pub. Hearing and Action for 1 week to 7/25/05.

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

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APPLICATION OF BJK INC. DBA OVERLAND STATION FOR AN ADDITION OF AN OUTSIDE BEER GARDEN MEASURING APPROXIMATELY 38' BY 7' ON THE NORTHWEST CORNER OF THE BUILDING AT 2805 N.W. 48TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83414 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 BJK Inc. dba Overland Station to expand its licensed premises by the addition of an outside beer garden area measuring 38 feet by 7 feet to the northwest of the presently licensed premises located at 2805 N.W. 48th 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 & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF JSCK, INC. DBA TOP HAT FOR A CLASS C LIQUOR LICENSE AT 736 W. CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83415 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 JSCK, Inc. dba Top Hat for a Class "C" liquor license at 736 W. Cornhusker Highway, Lincoln, Nebraska, for the license period ending October 31, 2005, 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 & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF JAMES H. SANBORN FOR JSCK, INC. DBA TOP HAT AT 736 W. CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83416 WHEREAS, JSCK, Inc. dba Top Hat located at 736 W. Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that James H. Sanborn be named manager; WHEREAS, James H. Sanborn 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 James H. Sanborn 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, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF JADE RIVERS LLC DBA JADE RIVERS FOR A CLASS I LIQUOR LICENSE AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83417 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 Jade Rivers LLC dba Jade Rivers for a Class "I" liquor license at 3940 Village Drive, 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 & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF STANLEY JOU FOR JADE RIVERS LLC DBA JADE RIVERS AT 3940 VILLAGE DRIVE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83418 WHEREAS, Jade Rivers LLC dba Jade Rivers located at 3940 Village Drive, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Stanley Jou be named manager;

WHEREAS, Stanley Jou 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 Stanley Jou 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, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF JARED POWELL FOR LINCOLN STEAK COMPANY LLC DBA WHISKEY CREEK STEAKHOUSE AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83419 WHEREAS, Lincoln Steak Company LLC dba Whiskey Creek Steakhouse located at 3000 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jared Powell be named manager;

WHEREAS, Jared Powell 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 Jared Powell 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, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP FOR A CLASS C AND CATERING LIQUOR LICENSE AT 803 Q STREET, SUITE 50 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83420 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 From Nebraska, Inc. dba From Nebraska Gift Shop for a Class "C" liquor license at 803 Q Street, Suite 50, Lincoln, Nebraska, for the license period ending October 31, 2005, 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 & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF CONNIE M. MAHANEY FOR FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP AT 803 Q STREET, SUITE 50 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83421 WHEREAS, From Nebraska, Inc. dba From Nebraska Gift Shop located at 803 Q Street, Suite 50, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Connie M. Mahaney be named manager;

WHEREAS, Connie M. Mahaney 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

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pertinent City ordinances, the City Council recommends that Connie M. Mahaney 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, McRoy, Newman, Svoboda; NAYS: None.

ORDINANCES - 2ND READING

REPEALING ORDINANCE NO. 18399 CREATING ORNAMENTAL LIGHTING DISTRICT NO. 287 IN WEST CHARLESTON, N. 1ST STREET WEST APPROXIMATELY 1,100 FEET, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Patte Newman, re-pealing Ordinance No. 18399 which created Ornamental Lighting District No. 287, which Ornamental Lighting District included all that portion of West Charleston Avenue, North First Street west approximately 1,100 feet +/- describing the real estate benefitted, to-wit: Portions of Irregular Tracts, I.T. Lot 70, I.T. Lot 71, I.T. Lot 91, I.T. Lot 81 all in the Southeast Quarter of Section 15, Township 10, Range 6 East of the Sixth Principal Meridian in the City of Lincoln, Lancaster County, Nebraska and providing for the payment of the cost thereof, the second time.

DECLARING A TRACT OF LAND CONSISTING OF .54 ACRES, MORE OR LESS, AS SURPLUS PROPERTY GENERALLY LOCATED AT 601 N. 27TH STREET - CLERK read an ordinance, introduced by Patte Newman, declaring approximately .54 acres of City-owned property generally located at 601 N. 27th Street as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 05039 - APPLICATION OF AUSTIN REALTY COMPANY FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET SOUTH OF FOLKWAYS BLVD - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 05043 - APPLICATION OF GREGG AND CINDY TRAUTMAN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF S. 37TH STREET AND "O" STREET - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPROVING THE THIRD AMENDMENT TO FIRST AMENDED AND RESTATED LEASE AND OPERATING AGREEMENT - BURNHAM YATES CONFERENCE CENTER RELATING TO UPGRADING CONFERENCE CENTER FACILITIES AND PROVIDING FOR THE EXPENDITURE OF EXISTING TIF FUNDS AND PROVIDING FOR FUNDING BY THE REDEVELOPER - CLERK read an ordinance, introduced by Patte Newman, accepting and approving the Third Amendment to First Amended and Restated Lease and Operating Agreement - Burnham Yates Conference Center to amend paragraph 7 of the Lease relating to furnishings to facilitate upgrading conference center facilities and providing for the expenditure of existing T.I.F. funds for the same, the second time.

RESOLUTIONS

APPROVING THE ALLEY AT 1031 M STREET AS A KENO SATELLITE SITE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83422 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of The Alley, 1031 M Street, Lincoln, NE 68508.

The City Clerk is directed to return an executed copy of this Resolution to Legends, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Patte Newman

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

APPROVING CONTRACTS WITH THE SUCCESSFUL CONSTRUCTION CONTRACT BIDDER AND THE ENGINEERING CONSULTING FIRM CAROLLO ENGINEERS INVOLVING THE EXPENDITURES OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR CONSTRUCTION OF THE NEW STEVENS CREEK BASIN SANITARY TRUNK SEWER - PHASE I PROJECT FOR THE LINCOLN WASTEWATER SYSTEM - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83423 WHEREAS, The City of Lincoln desires to enter into contracts that provide for construction of the Stevens Creek Basin Sanitary Trunk Sewer - Phase I project for the Lincoln Wastewater System:

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the City Council.

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

That the Mayor is authorized to execute a contract between the City and the recommended, lowest bid contractor for construction of the Stevens Creek Basin Sanitary Trunk Sewer Phase I project and improvements for the Lincoln Wastewater System.

AND FURTHER, BE IT RESOLVED by the City Council that the Mayor is authorized to execute a contract between the City and the engineering consultant, Carollo Engineers, to provide construction phase services for the Stevens Creek Basin Sanitary Trunk Sewer - Phase I construction project.

The City Clerk is directed to return one fully executed copy of this Resolution to Steve Masters, Public Works Administrator, for Department records.

Introduced by Patte Newman

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

APPROVING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE CITY AND MALCOLM SCHOOL DISTRICT TO ALLOW THE HEALTH DEPARTMENT TO PROVIDE NURSING CONSULTATION SERVICES FOR THE 2005 - 2006 SCHOOL YEAR - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83424 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract for Interlocal Services and Cooperation between the City of Lincoln and the Malcolm School District which will allow Lincoln - Lancaster County Health Department staff to provide nursing consultation services to these schools during the 2005-2006 school year, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreements to the Health Department, for transmittal to Malcolm Public Schools.

Introduced by Patte Newman

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

APPROVING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE CITY AND WAVERLY SCHOOL DISTRICT TO ALLOW THE HEALTH DEPARTMENT TO PROVIDE NURSING CONSULTATION SERVICES FOR THE 2005 - 2006 SCHOOL YEAR - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83425 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Contract for Interlocal Services and Cooperation between the City of Lincoln and the Waverly School District which will allow Lincoln - Lancaster County Health Department staff to provide nursing consultation services to these schools during the 2005-2006 school year, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreements to the Health Department, for transmittal to Waverly Public Schools.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO ESTABLISH A POLICY FOR THE DISTRIBUTION OF KENO FUNDS IN THE KENO HUMAN SERVICES PREVENTION FUND - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83426 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and the County of Lancaster relating to the Keno Human Services Prevention Fund, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to transmit a copy of the executed Interlocal Agreement to Trish Owen, Lancaster County Clerk's Office, for their record.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 16 - 30, 2005 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83427 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 July 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>
Heritage Builders, Inc.	\$1,814.87	Awards Unlimited	\$18,000.00
Roger Crews	NAS*	Margy Dawson	7.00
Nancy Westcott	275.15	Grant Richards	157.98
		David McCune	1,154.80

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

REAPPOINTING HERBERT FRIEDMAN AND DONNA BEHLEN TO THE CABLE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2008 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83428 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Herbert Friedman and Donna Behlen to the Cable Advisory Board for three-year terms expiring July 1, 2008 is hereby approved.

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

REAPPOINTING VICTOR COVALT TO THE CHARTER REVISION COMMISSION FOR A FOUR-YEAR TERM EXPIRING JULY 15, 2009 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83429 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Victor Covalt to the Charter Revision Commission for a four-year term expiring July 15, 2009 is hereby approved.

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

REAPPOINTING ANNETTE DURHAM TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2010 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83430 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Annette Durham to the Lincoln Housing Authority Board for a five-year term expiring July 1, 2010 is hereby approved.

Introduced by Patte Newman

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

WAIVER 05006 - APPLICATION OF KENNETH BUNDY FOR A WAIVER OF THE REQUIRED SIDEWALKS IN THE OSIE SQUARE FINAL PLAT GENERALLY LOCATED AT N. 64TH STREET AND COTNER BLVD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for **denial**:

A-83431 WHEREAS, Osie Square Addition, generally located at N. 64th Street and Cotner Blvd., was previously approved by the City of Lincoln; and

WHEREAS, the conditions of approval of said Final Plat were the Subdivision Ordinance requirements that a sidewalk be constructed along N. 64th Street within four years of final plat approval; and

WHEREAS, Applicant has failed to timely construct said improvement and is requesting a waiver of the requirement for the installation of a sidewalk on N. 64th Street, pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has recommended that the waiver of the sidewalk installation be denied.

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

That the Applicant's request to waive the condition of approval of the Osie Square Addition requiring the installation of a sidewalk on N. 64th Street, abutting Lot 2, is hereby denied.

Introduced by Dan Marvin

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

APPROVING THE BUDGET AND PROGRAM OF WORK FOR DOWNTOWN LINCOLN ASSOCIATION'S FY 2005 - 2006 MANAGEMENT AND MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83432 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2005-2005 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2005 to August 31, 2006 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced by Patte Newman

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

APPROVING THE WET AND DRY WEATHER STORM DRAIN DISCHARGE CHARACTERIZATION STUDIES BY UNL/UNO TO MONITOR URBAN WATER QUALITY FOR FLOWS DURING RAIN EVENTS AND DURING DRY WEATHER - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83433 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Proposal for "Wet and Dry Weather Storm Drain Discharge Characterization Studies" for monitoring stormwater drainage during rain events and dry weather, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved, upon the terms and conditions as set forth in said proposal, and the Mayor is authorized to execute said Proposal on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Proposal to the University of Nebraska-Lincoln, 312 N. 14th Street, ALEX West, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Patte Newman

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY FOR THE WIDENING AND RECONSTRUCTION OF THE LEIGHTON AVENUE PROJECT AND MAINTENANCE RESPONSIBILITIES IN LEIGHTON AVENUE FROM N. 84TH STREET TO A POINT 1592 FEET EAST OF N. 84TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83434 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for the widening, reconstruction and maintenance of the paving project in Leighton Avenue from North 84th Street to a point 1592 feet east of North 84th Street, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Patte Newman

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

PETITIONS AND COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON JULY 11, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

ORDINANCES - 1ST READING

ANNEXATION 04001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 77 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF HUMPHREY AVENUE AND EAST OF NORTH 14TH STREET (IN CONNECTION W/05R-157, 05-92) - 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 fo the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING THE STONE BRIDGE CREEK 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND STONE BRIDGE CREEK, LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 77 ACRES, GENERALLY LOCATED SOUTH OF HUMPHREY AVENUE AND EAST OF NORTH 14TH STREET. (IN CONNECTION W/ 05-91, 05-92) (ACTION DATE: 8/1/05)

CHANGE OF ZONE 04007 - APPLICATION OF STONE BRIDGE CREEK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF HUMPHREY AVENUE AND EAST OF NORTH 14TH STREET (IN CONNECTION W/05-91, 05R-157) - 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 05044 - APPLICATION OF URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON PROPERTY APPROXIMATELY TWO BLOCKS WITHIN THE UNIVERSITY PLACE NEIGHBORHOOD GENERALLY LOCATED BETWEEN CLEVELAND AND BALDWIN AVENUES, ON THE WEST SIDE OF 47TH STREET - 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 05046 - APPLICATION OF PIERSON, FITCHETT, HUNZEKER, BLAKE AND KATT TO AMEND LINCOLN MUNICIPAL CODE 27.71.080 TO ALLOW FENCES TO A MAXIMUM HEIGHT OF 102 INCHES UNDER CERTAIN CONDITIONS - amending Section 27.71.080 of the Lincoln Municipal Code relating to fences to provide additional circumstances under which fences may be erected to a height in excess of seventy-six inches; and repealing Section 27.71.080 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANG OF ZONE 05047 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND LINCOLN MUNICIPAL CODE SECTION 27.45.070 TO CHANGE THE MAXIMUM HEIGHT IN THE H-4 GENERAL COMMERCIAL DISTRICT FROM 35 FEET TO 45 FEET - amending Section 27.45.070 of the Lincoln Municipal Code relating to the height and area regulations in the H-4 Highway General Commercial District by amending Table 27.45.070(a) to increase the maximum building height from 35 feet to 45 feet; and repealing Section 27.45.070 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$18,000,000 AGGREGATE PRINCIPAL AMOUNT OF SANITARY SEWER REVENUE BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Annette McRoy, authorizing and providing for the issuance of not to exceed \$18,000,000 aggregate principal amount of sanitary sewer revenue bonds of the city of Lincoln, Nebraska, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18572**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05041 - APPLICATION OF PIONEER WOODS LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND PIONEERS BLVD (IN CONNECTION W/05R-139)- CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18573**, is recorded in Ordinance Book #25, Page

USE PERMIT 130A - APPLICATION OF PIONEER WOODS LLC TO DEVELOP AN 85-ROOM, FOUR-STORY HOTEL, WITH REQUESTED WAIVERS OF THE REQUIREMENT REAR YARD SETBACKS AND MAXIMUM ALLOWED HEIGHT, ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND PIONEERS BLVD (IN CONNECTION W/05-88) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83435 AN ORDINANCE 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.

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

Section 1. That the "Lincoln Zoning District Maps" attached to and made a part of Title 27 of the Lincoln Municipal Code be and they are hereby amended by changing the boundaries of the districts established and shown on said Maps as follows:

A tract of land composed of Lot 7 and a portion of Outlot A, Pioneer Woods 4th Addition located in the Southwest Quarter of Section 3, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northwest corner of said Outlot A; thence east along a north line of said Outlot A on an assumed bearing of north 90 degrees 00 minutes 00 seconds east, a distance of 188.32 feet to a north corner of said Outlot A; thence north 00 degrees 00 minutes 00 seconds east along a west line of said Outlot A, a distance of 3.95 feet to a north corner of said Outlot A; thence north 81 degrees 09 minutes 18 seconds east, a distance of 183.52 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 67 degrees 47 minutes 43 seconds, a radius of 154.60 feet, an arc length of 182.93 feet, a chord bearing of south 64 degrees 56 minutes 51 seconds east along a north line of said Outlot A, and a chord distance of 172.44 feet to a north corner of said Outlot A; thence south 50 degrees 53 minutes 25 seconds east along a northeast

line of said Outlot A, a distance of 232.75 feet to a northeast corner of said Outlot A, said point being a point of curvature of a non-tangent curve; thence along a curve in a counter-clockwise direction, having a delta angle of 99 degrees 30 minutes 41 seconds, a radius of 137.62 feet, an arc length of 239.02 feet, a chord bearing of south 41 degrees 28 minutes 53 seconds east along a northeast line of said Outlot A, and a chord distance of 210.09 feet to the true point of beginning; thence continuing easterly along said curve in a counter-clockwise direction, having a radius of 137.62 feet, arc length of 46.12 feet, delta angle of 19 degrees 11 minutes 59 seconds, a chord bearing of north 79 degrees 09 minutes 47 seconds east along a north line of said Outlot A, and a chord length of 45.90 feet to a north corner of said Outlot A, said point being a point of curvature of a non-tangent curve; thence along a curve in a clockwise direction, having a delta angle of 45 degrees 08 minutes 38 seconds, a radius of 184.20 feet, an arc length of 145.13 feet, a chord bearing of south 41 degrees 11 minutes 09 seconds east along a northeast line of said Outlot A, and a chord distance of 141.41 feet to a point of tangency; thence south 18 degrees 36 minutes 50 seconds east along an east line of said Outlot A, a distance of 70.92 feet to a north corner of said Outlot A; thence north 67 degrees 20 minutes 06 seconds east along a northwest line of said Outlot A, a distance of 36.72 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 124 degrees 20 minutes 45 seconds, a radius of 45.13 feet, an arc length of 97.95 feet, a chord bearing of south 50 degrees 29 minutes 31 seconds east along a northeast line of said Outlot A, and a chord distance of 79.83 feet to a point; thence south 72 degrees 38 minutes 07 seconds west, a distance of 345.92 feet to a point of curvature of a non-tangent curve; thence along a curve in a counter-clockwise direction, having a delta angle of 23 degrees 21 minutes 46 seconds, a radius of 432.00 feet, an arc length of 176.15 feet, a chord bearing of north 29 degrees 02 minutes 47 seconds west, and a chord distance of 174.93 feet to a point of reverse curvature; thence along a curve in a clockwise direction having a delta angle of 08 degrees 53 minutes 25 seconds, a radius of 343.00 feet, an arc length of 53.22 feet, a chord bearing of north 36 degrees 16 minutes 57 seconds west, and a chord distance of 53.17 feet to a point; thence north 60 degrees 10 minutes 03 seconds east, a distance of 219.29 feet to the point of beginning; said tract contains a calculated area of 75,248.54 square feet or 1.7275 acres, more or less;

be and it hereby is transferred from the O-3 Office Park District to the B-2 Planned Neighborhood Business District and is hereby made a part of the B-2 Planned Neighborhood Business District and governed by all the provisions and regulations pertaining to the B-2 Planned Neighborhood District.

Section 2. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by Annette McRoy

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

ADOPTING THE LES RATE SCHEDULES, SERVICE REGULATIONS AND COST ANALYSIS SUMMARY FOR RATES, PROVIDING FOR A SYSTEM AVERAGE RATE INCREASE OF 9 PERCENT, EFFECTIVE AUGUST 1, 2005 (7/11/05 - ACTION DELAYED 1 WK TO 7/18/05) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83436 WHEREAS, rate schedules and service regulations for the use and services of Lincoln Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one being Resolution No. A-83026, adopted by the City Council on October 4, 2004; and

WHEREAS, the Administrative Board of the Lincoln Electric System has recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled, "Rate Schedules, Service Regulations and 2005 Cost Analysis Summary" which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and

WHEREAS, the rate recommendation demonstrating the justification for a system average increase of 9.0% to be effective August 1, 2005 has been approved by the Lincoln Electric Administrative Board at its regular Board meeting of June 17, 2005, and is consistent with the City of Lincoln's Bond Ordinance for Lincoln Electric System regarding rates; and

WHEREAS, it is evident to the City Council of the City of Lincoln, Nebraska, that the justification for said rates and charges has been demonstrated and therefore said rates should be adopted.

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

That effective August 1, 2005, the attached "Rate Schedules, Service Regulations and 2005 Cost Analysis Summary" for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System is hereby established and adopted; and

BE IT FURTHER RESOLVED that Resolution No. A-83026, adopted on October 4, 2004, is hereby superseded by this Resolution effective August 1, 2005.

Introduced by Annette McRoy

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 25, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

APPROVING A REVISED SCHEDULE FOR WATER FEES AND SERVICE CHARGES FOR THE LINCOLN WATER SYSTEM - PRIOR to reading:

CAMP Moved to have Pub. Hearing on 7/25/05 and action on 8/1/05.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING A REVISED SCHEDULE FOR WASTEWATER FEES AND SERVICE CHARGES FOR THE LINCOLN WASTEWATER SYSTEM - PRIOR to reading:

CAMP Moved to have Pub. Hearing on 7/25/05 and action on 8/1/05.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on July 25, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 3:08 P.M.

CAMP Moved to adjourn the City Council meeting of July 18, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Phillips, Senior Office Assistant

REGULAR MEETING
July 18, 2005
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