

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 22, 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

MCROY Having been appointed to read the minutes of the City Council proceedings of August 15, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF JOEL C. PRIEST FOR BRINKER RESTAURANT CORPORATION D/B/A "CHILI'S SOUTHWEST GRILL & BAR" AT 6730 SOUTH 27TH STREET - Joel Priest, 4401 S. 27th Street, #207, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF LINCOLN STEAK COMPANY, LLC D/B/A "WHISKEY CREEK STEAKHOUSE" FOR A LIQUOR CATERING LICENSE AT 3000 PINE LAKE ROAD - Jared Powell, 4600 Briarpark Park Dr., #108, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF CHRISTO'S PUB, INC. D/B/A "CHRISTO'S PUB" FOR A CLASS C LIQUOR LICENSE AT 1200 O STREET;

MANAGER APPLICATION OF KOLBY ALEXANDER WOOD FOR CHRISTO'S PUB, INC. D/B/A "CHRISTO'S PUB" AT 1200 O STREET - Randy Christo, 630 176th Street, Walton, NE and Kolby Alexander, 1223 N. 9th Street, #213 took the oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING A MANAGEMENT AGREEMENT BETWEEN THE CITY AND SMG TO PROVIDE FOR MANAGEMENT, MARKETING, ENTERTAINMENT, ADMINISTRATION, AND PROCUREMENT SERVICES FOR PERSHING MUNICIPAL AUDITORIUM FOR A FOUR-YEAR PERIOD BEGINNING SEPTEMBER 1, 2005 - Vince Mejer, City Purchasing Agent, came forward to state the contract is the same as it has been for the past four years except the numbers have been changed. SMG was the only bidder. Discussion followed.

Tom Lorenz, Executive Director of Pershing Auditorium, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04060 - APPLICATION OF LARRY COFFEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 48TH STREET AND HIGHWAY 34;

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND LARRY COFFEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT TO EXPAND AN EXISTING CONVENIENCE SHOP GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 48TH STREET AND HIGHWAY 34 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Larry Coffey to request approval to construct a new facility in the area of NW 48th Street and Highway 34. Discussion followed.

Marvin Krout, Planning Director, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05051 - 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 AT N. 14TH STREET AND PENNSYLVANIA AVENUE - Bob Lewis came forward representing Stone Bridge Creek LLC to explain this is more of a housekeeping item to correct the description of the property.

This matter was taken under advisement.

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AMENDING CHAPTER 9.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS TO ADD A REFERENCE TO SECTION 9.44.080, TO LIMIT THE HOURS OF SALE OF PERMISSIBLE FIREWORKS TO CORRESPOND WITH THE HOURS WHEN PERMISSIBLE FIREWORKS MAY BE USED, AND TO EXPRESSLY DEFINE THE HOURS AND DAYS WHEN PERMISSIBLE FIREWORKS MAY BE DISCHARGED, EXPLODED, OR USED - Dan Marvin, Council Member, asked the City Attorney to come forward to answer questions.

Dana Roper, City Attorney, stated the Law Dept. felt this law could be much better stated as to what is prohibited. Discussion followed.

This matter was taken under advisement.

APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR DUST CONTROL TREATMENT ON SOUTH 98TH STREET BETWEEN VAN DORN STREET AND YANKEE HILL ROAD DURING THE RECONSTRUCTION OF SOUTH 84TH STREET - Danny Walker, 427 "E" Street, came forward to hand out a letter he had sent to Bruce Dart concerning dust control in another location of the City.

Ken Svoboda, Council Chair, stated to Mr. Walker this letter does not pertain to the item on this agenda and that he could come back next week to address his concerns stated in his letter during the Miscellaneous Business at the August 29th City Council meeting.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY, EMS INC., ST. ELIZABETH MEDICAL CENTER, AND BYRAN LGH MEDICAL CENTER TO PROVIDE MEDICAL OVERSIGHT FOR AMBULANCE SERVICES - Joan Anderson, no address given, came forward representing the Lancaster County Medical Society to answer questions. Discussion followed.

This matter was taken under advisement.

ADOPTING THE CITY OF LINCOLN 2005-2006 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEAR 2005/06 - Steve Hubka, City Budget Officer, came forward to state a substitute resolution was prepared and to point out changes that have been made in paragraph 33 of the budget resolution relating to the tax levy and valuations. He was also available to answer questions. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE FORMATION OF THE LINCOLN REDEVELOPMENT AND INVESTMENT CORPORATION, A NEBRASKA NOT-FOR-PROFIT PUBLIC BENEFIT CORPORATION AND APPROVING THE RELATED ARTICLES OF INCORPORATION AND BYLAWS FOR THE SAME IN CONNECTION WITH AN APPLICATION FOR CERTIFICATION AS A COMMUNITY DEVELOPMENT ENTITY ELIGIBLE FOR ALLOCATION OF NEW MARKET TAX CREDITS AND OTHER COMMUNITY IMPROVEMENT PURPOSES - Joel Pedersen, Assistant City Attorney, came forward to submit a Substitute Resolution and to answer questions. Discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JOEL C. PRIEST FOR BRINKER RESTAURANT CORPORATION D/B/A "CHILI'S SOUTHWEST GRILL & BAR" AT 6730 SOUTH 27TH STREET- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83487 WHEREAS, Brinker Restaurant Corporation d/b/a "Chili's Southwest Grill & Bar" located at 6730 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Joel C. Priest be named manager;

WHEREAS, Joel C. Priest 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 Joel C. Priest 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 Jon Camp

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

APPLICATION OF LINCOLN STEAK COMPANY, LLC D/B/A "WHISKEY CREEK STEAKHOUSE" FOR A LIQUOR CATERING LICENSE AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83488 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 ordinance, the City Council recommends that the application of Lincoln Steak Company, LLC d/b/a "Whiskey Creek Steakhouse" for the issuance of a Catering Permit to the existing liquor license, located at 3000 Pine Lake Road, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CHRISTO'S PUB, INC. D/B/A "CHRISTO'S PUB" FOR A CLASS C LIQUOR LICENSE AT 1200 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83489 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 Christo's Pub, Inc. d/b/a "Christo's Pub" for a Class "C" liquor license at 1200 "O" Street, 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 Jon Camp

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

MANAGER APPLICATION OF KOLBY ALEXANDER WOOD FOR CHRISTO'S PUB, INC. D/B/A "CHRISTO'S PUB" AT 1200 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83490 WHEREAS, Christo's Pub, Inc. d/b/a "Christo's Pub" located at 1200 "O" Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kolby Alexander Wood be named manager;

WHEREAS, Kolby Alexander Wood 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 Kolby Alexander Wood 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 Jon Camp

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

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #1 FOR A CLASS C LIQUOR LICENSE AT 6919 "O" STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 8/29/05.

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

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MANAGER APPLICATION OF DARREN J. BATY FOR HY-VEE, INC. D/B/A HY-VEE #1 AT 6919 "O" STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 8/29/05.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #2 FOR A CLASS C LIQUOR LICENSE AT 2343 NORTH 48TH STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 8/29/05.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY-VEE, INC. D/B/A HY-VEE #2 AT 2343 NORTH 48TH STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 8/29/05.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #3 FOR A CLASS C LIQUOR LICENSE AT 5020 NORTH 27TH STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 8/29/05.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF GREGORY D. DILLAVOU FOR HY-VEE, INC. D/B/A HY-VEE #3 AT 5020 NORTH 27TH STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 8/29/05.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS

APPROVING A MANAGEMENT AGREEMENT BETWEEN THE CITY AND SMG TO PROVIDE FOR MANAGEMENT, MARKETING, ENTERTAINMENT, ADMINISTRATION, AND PROCUREMENT SERVICES FOR PERSHING MUNICIPAL AUDITORIUM FOR A FOUR-YEAR PERIOD BEGINNING SEPTEMBER 1, 2005 - CLERK read an ordinance, introduced by Annette McRoy, WHEREAS, the City owns and holds Pershing Municipal Auditorium for the benefit of the citizens of the City of Lincoln, the second time.

CHANGE OF ZONE 04060 - APPLICATION OF LARRY COFFEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 48TH STREET AND HIGHWAY 34 - CLERK read an ordinance, introduced by Annette McRoy, mending 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 DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND LARRY COFFEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT TO EXPAND AN EXISTING CONVENIENCE SHOP GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 48TH STREET AND HIGHWAY 34.

CHANGE OF ZONE 05051 - 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 AT N. 14TH STREET AND PENNSYLVANIA AVENUE - 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 second time.

AMENDING CHAPTER 1.28 OF THE LINCOLN MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION TO MORE ACCURATELY STATE THE REQUIREMENTS OF THE ACTS, TO PROVIDE ADDITIONAL APPLICATION REQUIREMENTS, TO MODIFY THE REFERENCE TO SECTION 1.28.050, AND TO REVISE AND SUPPLEMENT THE FACTORS TO BE CONSIDERED IN MAKING A DETERMINATION - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 1.28 of the Lincoln Municipal Code relating to reasonable accommodation by amending Section 1.28.020 to more accurately state the requirements of the Acts regarding reasonable accommodation; amending Section 1.28.030 to provide additional application requirements; amending Section 1.28.040 to modify the reference to Section 1.28.050; amending Section 1.28.050 to revise

and supplement the factors to be considered in making a determination regarding the request for reasonable accommodation; and repealing Sections 1.28.020, 1.28.030, 1.28.040, and 1.28.050 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 9.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS TO ADD A REFERENCE TO SECTION 9.44.080, TO LIMIT THE HOURS OF SALE OF PERMISSIBLE FIREWORKS TO CORRESPOND WITH THE HOURS WHEN PERMISSIBLE FIREWORKS MAY BE USED, AND TO EXPRESSLY DEFINE THE HOURS AND DAYS WHEN PERMISSIBLE FIREWORKS MAY BE DISCHARGED, EXPLODED, OR USED - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 9.44 of the Lincoln Municipal Code relating to Fireworks by amending Section 9.44.030 to add a reference to Section 9.44.080; and amending Section 9.44.080 to limit the hours of sale of permissible fireworks to correspond with the hours when permissible fireworks may be used, and to expressly define the hours and days when permissible fireworks may be discharged, exploded, or used; and repealing Sections 9.44.030 and 9.44.080 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPROVING THE ACQUISITION OF TWO PARCELS OF LAND TOTALING 13,900 SQ. FT. FOR PARK LAND GENERALLY LOCATED AT WEST LEIGHTON AVENUE, WEST THATCHER LANE AND N.W. 46TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83491 A RESOLUTION authorizing the City of Lincoln Parks and Recreation Department to purchase two parcels of property totaling 13,900 sq. ft., generally located at West Leighton Ave., West Thatcher Lane and N.W. 46th Street and legally described as Lot 7, Block 4, Ashley Heights 4th Addition, and Lot 5, Block 1, Ashley Heights 5th Addition, Lincoln, Lancaster County, Nebraska, for future public park use.

WHEREAS, the acquisition of the proposed parcels would (1) increase the size of Ashley Heights Park to over two acres; (2) support the Comprehensive Plan goal of locating parks within walking distance of neighborhoods; (3) increase the number of direct access points to the park and public street frontage of the park; (4) increase visibility of the park from the street which enhances safety and security for park users; and (5) allow a wider park entrance; and

WHEREAS, on July 20, 2005 the Planning Commission found the proposed acquisition of park land to be in conformance with the Comprehensive Plan.

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

That the purchase two parcels of property totaling 13,900 sq. ft., generally located at West Leighton Ave., West Thatcher Lane and N.W. 46th Street and legally described above, for future public park use is hereby approved.

Introduced by Annette McRoy

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$36,275 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83492 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$36,275 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 23) attached hereto and incorporated herein by reference.

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

The designation of the \$36,275 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Annette McRoy

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

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APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR DUST CONTROL TREATMENT ON SOUTH 98TH STREET BETWEEN VAN DORN STREET AND YANKEE HILL ROAD DURING THE RECONSTRUCTION OF SOUTH 84TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83493 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of April Stevenson to the Lincoln Library Board of Trustees for a seven-year term expiring September 1, 2005, is hereby approved.

Introduced by Annette McRoy

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

APPOINTING APRIL STEVENSON TO THE LINCOLN LIBRARY BOARD OF TRUSTEES FOR A SEVEN-YEAR TERM EXPIRING AUGUST 31, 2012 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83494 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Roger Larson and Tommy Taylor to the Lincoln Lancaster County Planning Commission for a six-year terms expiring August 24, 2011, is hereby approved.

Introduced by Annette McRoy

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

REAPPOINTING ROGER LARSON AND TOMMY TAYLOR TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR SIX-YEAR TERMS EXPIRING AUGUST 24, 2011 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83495 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City, Emergency Medical Services, Inc., St. Elizabeth Regional Medical Center, BryanLGH Medical Center, and Lancaster County Medical Society, to provide medical oversight for ambulance services for a period of four years, 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 one executed copy of said Agreement to Emergency Medical Services, Inc., 4600 Valley Road, Suite 321, Lincoln, NE 68510; St. Elizabeth Regional Medical Center, 555 S. 70th Street, Lincoln, NE 68510; Bryan LGH Medical Center, 1600 S. 48th Street, Lincoln, NE 68506; and Lancaster County Medical Society, 2966 O Street, Lincoln, NE 68510.

Introduced by Annette McRoy

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

APPROVING AN AGREEMENT BETWEEN THE CITY, EMS INC., ST. ELIZABETH MEDICAL CENTER, AND BYRAN LGH MEDICAL CENTER TO PROVIDE MEDICAL OVERSIGHT FOR AMBULANCE SERVICES - PRIOR to reading:

MCROY Moved to amend Bill No. 05R-202 by substituting the agreement for the one previously distributed.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83496 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City, Emergency Medical Services, Inc., St. Elizabeth Regional Medical Center, BryanLGH Medical Center, and Lancaster County Medical Society, to provide medical oversight for ambulance services for a period of four years, 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 one executed copy of said Agreement to Emergency Medical Services, Inc., 4600 Valley Road, Suite 321, Lincoln, NE 68510; St. Elizabeth Regional Medical Center, 555 S. 70th Street, Lincoln, NE 68510; Bryan LGH Medical Center, 1600 S. 48th Street, Lincoln, NE 68506; and Lancaster County Medical Society, 2966 O Street, Lincoln, NE 68510.

Introduced by Annette McRoy

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

ADOPTING THE CITY OF LINCOLN 2005-2006 ANNUAL OPERATING AND CAPITAL
IMPROVEMENT BUDGET FOR FISCAL YEAR 2005/06 - PRIOR To reading:

CAMP Moved to split equally \$147,500 of extra funds due to the County Assessor certifying the final value of real property in the City between sidewalks and additional contribution to Police and Firefighters Pension Funds.

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

ESCHLIMAN Moved a friendly amendment to restore the Healthy Home Specialist position to a part-time position and use the remaining balance to be distributed between sidewalks and the Police and Firefighters Pension Funds.

No Second.

NEWMAN Moved to restore to the Health Dept. budget the Community Promotion Outreach Division the amount of \$47,500 for the Specialist position and move the additional \$100,000 be added to Project #10 in the Streets and Highways CIP for sidewalk maintenance and repair. The source of funding for both of these items is the additional property tax revenue generated by the final valuations from the County Assessor being greater than originally estimated and utilizing the tentatively approved tax rate of .30091 per \$100 of assessed evaluation.

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption as amended:

A-83497 WHEREAS, under the provisions of Section 25 and 25a of Article IX of the Charter of the City of Lincoln, the proposed annual budget for the City of Lincoln was submitted on June 27, 2005; and

WHEREAS, under the provisions of Section 26 of Article IX of the City Charter, a public hearing on the proposed budget was held on August 8, 2005 notice thereof having been published in one issue of the Lincoln Journal Star, a newspaper of general circulation in the City, more than five days before such hearing; and

WHEREAS, all necessary changes have been made as to revenue estimates and appropriation items.

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

1. That pursuant to the provisions of Article IX of the Charter of the City of Lincoln, the budget for the fiscal year beginning September 1, 2005, a copy of which is hereto attached and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and the several sums therein set forth to be raised by the levy of a tax upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, the estimated balances on hand, the miscellaneous receipts and all other funds and receipts are hereby appropriated for the several purposes therein stated. That all money received in any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

2. The City Council, by adoption of the Capital Improvement Program on Schedule 5 of this resolution, hereby authorizes the acquisition of all necessary right-of-way, easements, or other interest in land, by purchase if possible, by condemnation if necessary, for those projects included within the first year of said Capital Improvement Program.

3. Pursuant to Section 2 of L.B. 989 passed by the Second Session of the Ninety-Fifth Legislature, the City is authorized to increase budgeted restricted funds by the basic allowable growth percentage of the base (2.5%) and allowable growth due to improvements to real property as a result of new construction, additions to existing buildings, any improvements to real property which increase the value of such property, and any increase in valuation due to annexation and any personal property valuation over the prior year above 2.5% expressed in dollars and to utilize other lid exemptions authorized in L.B. 989. Such increase is hereby authorized to the extent necessary to generate the revenues to fund the budget, and any unused restricted funds authority is hereby authorized to be carried forward to future budget years.

4. Pursuant to the agreement for the provision of services related to the emergency medical care system in Lincoln, Nebraska, the annual budget for Emergency Medical Services, Inc. a copy of which is attached hereto, labeled Schedule 6, is hereby approved.

5. There is hereby appropriated all money now credited or which will be credited to any Internal Service Fund, Trust Fund, Agency Fund, and Enterprise Fund, now or heretofore created, notwithstanding any sum limitations set forth in the budget attached hereto.

6. There is hereby appropriated all money now credited or which will be credited to the Building and Safety Fund notwithstanding any sum limitation set forth in the budget attached hereto.

7. There is hereby appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest earned thereon, notwithstanding any sum limitations set forth in the budget attached hereto.

8. There is hereby appropriated all money received from the interest income on the investments of all authorized bond issue proceeds including bond anticipation notes for the purposes for which said bonds and notes have been authorized to be issued, notwithstanding any sum limitations set forth in the budget attached hereto.

9. There is hereby appropriated in the Worker's Compensation Loss Revolving Fund all amounts included in the budget for Worker's Compensation benefits, together with any recoveries on account of subrogation interests, from which fund all losses and costs incidental to the administration of such losses shall be paid, notwithstanding any sum limitations set forth in the budget attached hereto.

10. There is hereby appropriated to the credit of the Social Security Fund and Payroll Liability Account, in addition to the tax levied therefor, any money deducted from employees' salaries and wages together with any departmental contributions in non-tax supported funds, notwithstanding any sum limitations set forth in the budget attached hereto.

11. There is hereby appropriated all money now credited or which will be credited to the Self-Insured Health Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

12. There is hereby appropriated cash balances credited to the Health Care Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for payment as needed to provide health care benefits to City employees.

13. There is hereby appropriated all money now credited or which will be credited to the Snow Removal Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

14. There is hereby appropriated all money now credited or which will be credited to the Vehicle Tax Construction Fund created by Section 3.20.220 of the L.M.C. (Vehicle Tax for street improvements) notwithstanding any sum limitation set forth in the budget attached hereto.

15. There is hereby appropriated all money now credited or which will be credited to the Unemployment Insurance Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

16. All receipts for on street parking meter collections are pledged toward the payment of bonds assigned for payment from the Parking Revenue Fund. Parking meter receipts in excess of those required to meet provisions of the bond covenants shall be credited to the General Fund up to the amounts budgeted.

17. There is hereby appropriated all money now credited or which will be credited to the Parking Lot Revolving Fund to be used for designing, acquiring, constructing, maintaining, repairing, regulating, supervising and policing of City owned parking lots and facilities in accordance with L.M.C. Chapter 10.34 and Chapter 10.36, notwithstanding any sum limitations set forth in the budget attached hereto.

18. There is hereby appropriated to the Street Construction Fund all monies received as the City's share of the Highway Allocation Fund and the Grade Crossing Protection Fund, together with any other Federal, State, and County funds, received for street construction purposes, any reimbursements and matching funds, including Federal Road Funds, all of which monies are hereby appropriated and reappropriated for all purposes as authorized by State laws pertaining to such funds, notwithstanding any sum limitations set forth in the budget attached hereto.

19. There is hereby appropriated in the Special Assessment Revolving Fund all monies in said fund for expenditures as authorized by Article VIII of the City Charter, Section 10a and all money received to the credit of the Special Assessment Revolving Fund including bond proceeds, grants, donations, special assessment collections, and City participation deemed necessary by the City Council, notwithstanding any sum limitations set forth in the budget attached hereto.

20. There is hereby appropriated all money now credited or which will be credited in the Advance Acquisition Fund as provided in Article IX B, Section 12 of the City Charter, notwithstanding any sum limitation set forth in the budget attached hereto.

21. There is hereby appropriated all money now credited or which will be credited to the 911 Communication Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

22. There is hereby appropriated all money now credited or which will be credited to the Auditorium Promotion Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

23. There is hereby appropriated all money now credited or which will be credited to the Arbitrage Rebate Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

24. There is hereby appropriated all money now credited or which will be credited to the Tax Sale Revolving Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

25. There is hereby appropriated all money now credited or to be credited in the City Aviation Promotion Fund as provided in Neb. Rev. Stat. Section 3-504.02 (1991), notwithstanding any sum limitation set forth in the budget attached hereto.

26. There is hereby appropriated KENO proceeds for mandated payments, and 1% for administrative fees.

27. There is hereby appropriated all money in the Cable Access Television Fund, notwithstanding any sum limitations set forth in the budget attached hereto.

28. There is hereby appropriated all monies now credited or which will be credited to the Community Improvement Financing Fund and all Tax Allocation Bond Debt Service funds, notwithstanding any sum limitations set forth in the budget attached hereto.

29. There is hereby appropriated all money now credited or which will be credited to the Disaster Recovery Fund, notwithstanding any sum limitation set forth in the budget attached hereto, for paying disaster related expenditures or for reimbursement to other City funds which have made disaster related expenditures for which reimbursement from outside sources has been received or as otherwise appropriated.

30. There is hereby appropriated all money now credited or which will be credited to the Property Tax Refund Fund, notwithstanding any sum limitation set forth in the budget attached hereto.

31. There is hereby appropriated all money now credited or which will be credited to the Title V Clean Air fund notwithstanding any sum limitation set forth in the budget attached hereto.

32. There is hereby appropriated all money now credited or which will be credited to the Impact Fees Fund notwithstanding any sum limitation set forth in the budget attached hereto.

33. There is hereby levied upon all taxable property within the corporate limits of the City of Lincoln, Nebraska, upon each one hundred dollars of approximate market value thereof, taxes in an amount sufficient to generate funds for the purposes and in the amounts hereinafter named, to-wit:

	Appropriated <u>Amount-90%</u>	Total Tax As <u>Levied-100%</u>	Per \$100 <u>Market Value</u>
General	\$23,897,283	\$26,552,537	0.19548
Library	\$5,964,541	\$6,627,268	0.04879
Social Security	\$1,706,599	\$1,896,221	0.01396
Police & Fire Pension	\$2,676,036	\$2,973,373	0.02189
Bond and Interest Redemption	\$2,541,561	\$2,823,957	0.02079

34. There is hereby authorized the transfer to the appropriate reserve accounts of all encumbrances, including accrued payroll, for the fiscal year ending August 31, 2005, together with any monies previously so reserved.

35. Any unexpended balance remaining in the Police and Fire Pension Fund is reappropriated pursuant to Lincoln Municipal Code, Chapters 2.62, 2.65 and 2.66, notwithstanding any sum limitation set forth in the budget attached hereto.

36. All previous capital appropriations are hereby continued and reappropriated pursuant to Section 27 of Article IX of the Charter of the City of Lincoln, except the unexpended balance remaining in any fully completed project shall be credited to the unappropriated surplus in the fund from which such project was funded.

37. There is hereby designated and appropriated General Fund cash balances in an amount equal to the debt service falling due during the fiscal year for the Golf Course Revenue Bonds issued in 2001 for the purpose of providing for the payment of the principal and interest on such bonds, as they become due, if and to the extent that amounts credited to the Golf Revenue Fund are insufficient and to the extent that such General Fund cash balances are available.

38. Per resolution A-82134 passed by the City Council on June 9, 2003 establishing an unreserved fund balance policy for the City, the General Fund unreserved fund balance as of the last audited financial

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statements as of August 31, 2004 was \$32,552,543. This August 31, 2004 unreserved balance is 29.0% of the General Fund budget for 2005-06 of \$112,255,852 included in this resolution. The August 31, 2004 unreserved balance was 8.9% greater than the 20% goal for such balance set by Resolution A-82134.

39. That the appropriations for the following items be transferred effective August 31, 2005:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5655	General Expense/Work Study	\$9,635
To: 09042.5022	Parks/Natural Resource	\$5,580
79115.5022	Watershed Mgmt. Pgm.	\$4,055
From: 18002.5856	General Expense/City Share of Downtown Maint.	\$54,367.72
To: 413536.6137	Urb. Dev. Street Tree Replacement CIP Proj. (also increases 13001.9234 U.D. CIP Transf.)	\$54,367.72
From: 18001.5989	Contingency	\$2,000
To: 10001.5021	Personnel/Regular Salaries	\$2,000
From: 18001.5989	Contingency	\$85,000
To: 06014.5021	Finance/911 Communications/Salaries (also increases 19001.9226)	\$85,000
From: 409347.6138	Parks/Trail Major Maint.	\$15,000
To: 409409.6138	Parks/Rock Island/Hwy. 2 Bridge	\$15,000

40. That the cash for the following items be transferred effective August 31, 2005:

From: 10005.5959	Personnel/Risk Mgmt./Workers Comp. Fund	\$50,000
To: 10011.4533	Personnel/Risk Mgmt./Excess Self Ins. Fund	\$50,000
From: 409379	Parks/Tierra/Williamsburg Trail	\$13.19
To: 409347	Parks/Trail Major Maintenance	\$13.19
From: 240801	P.W. & U./Watershed/FEMA Mitigation Grant Prog.	\$159,400
To: 702212	P.W. & U./Watershed/Floodplain/Floodprone Proj.	\$159,400

41. That cash and appropriations up to the following amounts for the following items be transferred effective August 31, 2005:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 79110.5621	P.W. & U/St. Maint./Drainage	\$130,000
To: 700797	Clean-up Southeast Maint. Facility	\$130,000
From: 18002.5655	General Expense/Work Study	\$8,362
To: 14011.5021	Library/Public Service/Regular Salaries	\$3,360
14011.5086	Library/Public Service/FICA	\$196
02007.5022	Mayor/Lincoln Area Agency on Aging/Sr. Ctrs. (cash to 02002.9120)	\$4,471
02007.5086	Mayor/Lincoln Area Agency on Aging/Sr. Ctrs. (cash to 02002.9120)	\$335
From: 18002.5251	General Expense/Fuel & Oil	\$100,000
To: 79500.5253	StarTran Fleet/Fuel Oper. Vehicles (also increases 19001.9225)	\$33,333
04025.5251	Police/Police Garage/Fuel & Oil	\$33,333
79160.5251	P.W. & U/Fleet Services/Fuel & Oil	\$33,334

42. That the following unexpended appropriations are reappropriated effective August 31, 2005 up to the following amounts:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
01001.5989	City Council/Misc. Other Serv. & Charges	\$39,439
02011.6062	Mayor/C.I.C./Audio-visual Equipment	\$3,784
18002.5631	General Expense/Data Processing Service (Lifeview HR Self-Help)	\$46,690
18002.5856	General Expense/City Share of Downtown Maintenance	\$98,659.02
18002.5659	General Expense/Peoplesoft Financial System	\$99,170
18002.6024	General Expense/City Share-Impact Fees (Low Income)	\$32,690
18002.5998	General Expense/Witness Fees	\$10,450
18002.5970	General Expense/Court & Litigation	\$6,949
06006.5761	Finance/City Clerk/Microfilming	\$2,918
06009.6069	Finance/City Treasurer/Data Processing Equipment	\$7,823
06065.6093	Finance/Radio Shop/Replacement Equipment	\$78,931
09250.9246	Parks/Unprogrammed KENO Appropriations	\$26.10
79160.6064	P.W. & U./Fleet Services (Anim. Cont. #37040)	\$12,000

43. That unencumbered appropriations from the budget for the fiscal year beginning September 1, 2004 be reappropriate up to the following amounts effective August 31, 2005:

ACCOUNT NUMBER	DESCRIPTION	AMOUNT
From: 18002.5632	Gen. Exp./Sys. Dev. - I.S.	\$30,000
To: 06009.6069	Finance/City Treasurer/D.P. Equip. (Park. Ticket Sys.)	\$30,000
From: 18002.5647	General Expense/Shared Services-Corrections	\$220,000
To: 18002.5621	General Expense/Misc. Contractual Services	\$220,000
From: 18001.5989	Contingency	\$7,694.16

To: 18002.5980 General Expense/Reimbursements (WIA sales tax) \$7,694.16

44. There is hereby appropriated to each departmental operating budget 100% of the unencumbered operating appropriations as shown in the final Appropriation Status Report as of August 31, 2005 up to the amount shown below:

<u>FUND</u>	<u>AMOUNT</u>
General	\$1,918,732
Health	\$200,000
Animal Control	\$100,000
StarTran	\$47,849
Library	\$42,500
Aging	\$229,426

In addition, any reimbursements received from FEMA related to expenses incurred for the Hallam tornado clean up are hereby reappropriated to the respective department budgets.

45. There is hereby authorized the transfer of the cash balance of the 2005-06 Debt Service Fund to the Bond Interest and Redemption Fund as of September 1, 2005.

46. There is hereby attached and made a part hereof a listing of all funds of the City of Lincoln which are hereby confirmed and approved.

Introduced by Patty Newman

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

AUTHORIZING THE FORMATION OF THE LINCOLN REDEVELOPMENT AND INVESTMENT CORPORATION, A NEBRASKA NOT-FOR-PROFIT PUBLIC BENEFIT CORPORATION AND APPROVING THE RELATED ARTICLES OF INCORPORATION AND BYLAWS FOR THE SAME IN CONNECTION WITH AN APPLICATION FOR CERTIFICATION AS A COMMUNITY DEVELOPMENT ENTITY ELIGIBLE FOR ALLOCATION OF NEW MARKET TAX CREDITS AND OTHER COMMUNITY IMPROVEMENT PURPOSES - PRIOR to reading:

COOK Moved to accept a substitute resolution.

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83498 Whereas, The New Markets Tax Credit (NMTC) Program permits taxpayers to receive a credit against Federal income taxes for making qualified equity investments in designated Community Development Entities (CDEs).

Whereas, substantially all of the qualified equity investment must in turn be used by the CDE to provide investments in low-income communities or for the benefit of low income persons.

Whereas, The credit provided to the investor totals 39% of the cost of the investment and is claimed over a seven-year credit allowance period. In each of the first three years, the investor receives a credit equal to five percent of the total amount paid for the stock or capital interest at the time of purchase. For the final four years, the value of the credit is six percent annually. Investors may not redeem their investments in CDEs prior to the conclusion of the seven-year period.

Whereas, the City of Phoenix, Arizona and other municipalities in the United States have formed non-profit corporations to serve as local Community Development Entities to facilitate the local allocation and use of NMTC.

Whereas, the City Council has, in forming the membership of the board, considered that the CDE shall be accountable to the low income community and low income persons in the City of Lincoln by providing in the bylaws of the CDE that one of the three directors be a representative of the low income community as a resident, small business owner or community volunteer and further directs that at all times at least 20% of the Board of Directors of the CDE be a resident, small business owner or community volunteer of the low income community within the City of Lincoln.

Whereas, the City Council has directed and hereby finds that the CDE has a primary mission of servicing or providing investment capital for the low income persons and that the Bylaws of the CDE provide that at least 60 percent of its activities are targeted to the low income community or low income persons in the City of Lincoln.

Whereas, assuming the application for NMTC allocation is successful, the CDE will function through the use and formation of a "project specific" limited liability subsidiary company and the Articles of Incorporation and Bylaws permit the CDE to form one or more project specific subsidiaries and enter into allocation sharing or other legal agreements to facilitate the use and application of the NMTC all without further action required by the City.

Whereas, the City has determined that a qualified not-for-profit corporation acting on behalf of and in connection with the NMTC program will facilitate the application and use of NMTC in the City of Lincoln.

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

1. The Mayor is hereby authorized to create the Lincoln Redevelopment and Investment Corporation, a Nebraska not-for-profit public benefit corporation in connection with the NMTC program, and to take all steps necessary to implement the same.

2. The attached Articles of Incorporation and Bylaws for the same in connection with an application for certification as a Community Development Entity eligible for allocation of New Market Tax Credits and other Community improvement purposes are hereby approved.

3. The Mayor is authorized to execute the same on behalf of the City and to assist in the creation and certification of the CDE, application for an allocation of New Market Tax Credits, and administration of the Lincoln Redevelopment and Investment Corporation.

Introduced by Annette McRoy

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

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 05054 - App. of Prairie Home Builders, Inc. from an AG to R-3 and R-5 on property located at N. 84th Street and Adams Street.

Change of Zone 05056 - App. of Reserve Development, LLC from AG to AGR on property located at SW 12th Street and W. Denton Road.

Special Permit 05041 - App. Reserve Development, LLC for 63 residential dwelling units, with requests to waive the preliminary plat, sidewalks, street lighting, street trees, landscape screening, block length, storm water detention, sewer opposite street grades, and allow reduced setbacks on property located at SW 12th Street and W. Denton Road.

Change of Zone 05059 - App. of Molex, Inc., Yasufuku USA, Inc., and LLL Investments from I-2 to I-1 on property located at NW 12th Street and W. Bond Circle.

Pre-Existing Special Permit 23F - App. of Nebraska Wesleyan University for an amendment to expand the boundaries of the Special Permit on property located at N. 56th Street and Madison Avenue.

Pre-Existing Special Permit 30A - App. of Katch, LLC for an amendment to expand the boundaries for sale of alcoholic beverages for consumption on the premises on property located at NW 12th Street and W. Bond Street.

Special Permit 1629F - App. of Duteau Investment Company for an amendment to reduce the building setback on property located at S. 27th Street and Porter Ridge Road.

Special Permit 05042 - App. of James M. Young for the expansion of a non-standard home into the required front yard on property located at N. 67th Street and Morrill Avenue.

Special Permit 05043 - App. Shady Creek, LLC for an early childhood care facility with requests to waive building plans and elevations at the same time of submittal for the facility to be located on an arterial street and take access to the arterial street on property located at S. 55th Street and Shady Creek Court.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON AUGUST 15, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

COZ 05004 - APPLICATION OF REALTY TRUST GROUP, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND OLD CHENEY ROAD; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT; AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR 28 MULTI-FAMILY UNITS AND 22,000 SQUARE FEET OF COMMERCIAL/RETAIL FLOOR AREA IN THE UNDERLYING R-3 RESIDENTIAL DISTRICT WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS AND MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE -
- CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the first time.

AMENDING ORDINANCE NO. 17381 TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS FOR A MEDIAN ALONG SOUTH 56TH STREET BETWEEN MADALYN ROAD AND OLD CHENEY ROAD AS WELL AS TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS AND CONSTRUCTION OF A WEST LEG TO THE SOUTH 56TH AND SHADOW PINES DRIVE INTERSECTION WHICH WILL CONNECT SOUTH 56TH STREET TO STEPHANIE LANE - CLERK read an ordinance, introduced by Patte Newman, amending Ordinance No. 17381 which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of South 14th Street from Old Cheney to 1/4 mile south of Pine Lake Road; South 40th Street from Pine Lake Road south to a point approximately 500 feet south of San Mateo Lane; South 56th Street from Old Cheney Road to 1/4 mile south of Pine Lake Road; South 70th Street from Highway 2 to 1/4 mile south of Pine Lake Road; and Pine Lake Road from South 14th Street to Highway 2 (excluding 19th to 32nd Streets); and to acquire necessary rights-of-way and easements relating thereto and to proceed with construction thereof in conformance with the Capital Improvement Program, the first time.

AMENDING ORDINANCE NO. 18214 TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS FOR A MEDIAN ALONG PIONEERS BOULEVARD FROM THE EAST LEG OF THE SOUTH 70TH STREET INTERSECTION EASTERLY TO THE INTERSECTION OF PAGODA LANE - CLERK read an ordinance, introduced by Patte Newman, amending Ordinance No. 18214 which amended Ordinance No. 17366 which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of South 70th Street from LaSalle Street to Nebraska Highway 2; South 84th Street from Oakdale Ave. to Nebraska Highway 2; Pioneers Blvd. from South 70th Street to South 84th Street; Old Cheney Road from Nebraska Highway 2 to South 84th Street; and Pine Lake Road from South 84th Street to South 98th Street; to acquire necessary rights-of-way and easements relating thereto; and to proceed with construction thereof, the first time.

APPROVING AN AGREEMENT BETWEEN SPIRITS BY BECKMAN AND THE LINCOLN AREA AGENCY ON AGING/LIFE FOR THE LEASE OF OFFICE SPACE FOR A ONE-YEAR TERM IN SAUNDERS COUNTY, NEBRASKA, FOR THE OUTPOSTED COUNSELOR FOR THE LIFE OFFICE PROGRAM - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging/LIFE at 708 N. Chestnut, Wahoo, NE 68066 for the period of September 1, 2005 through August 31, 2006, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS

REPEALING SECTION 10.48.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ABANDONED OR SEIZED BICYCLES - CLERK read an ordinance, introduced by Dan Marvin, repealing Section 10.48.090 of the Lincoln Municipal Code relating to the sale of abandoned or seized bicycles, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18597, is recorded in Ordinance Book #25, Page

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AMENDING CHAPTER 8.06 AIR POLLUTION, 8.20 FOOD CODE, 8.24 NOISE CONTROL, 8.38 PUBLIC SWIMMING POOLS, 8.40 SPA FACILITIES, 8.44 WATER WELLS, AND 24.38 ON-SITE WASTEWATER TREATMENT, TO INCREASE FEES FOR VARIOUS PERMITS AND TO CREATE FEES FOR NOISE VARIANCES - PRIOR to reading:

COOK Moved to amend Bill No. 05-112 on page 1, lines 10 & 11, delete the following language: 1. "amending Section 8.44.060 to provide water well permits shall be valid for one year rather than two years"; 2. On page 1, line 11, after the word "well" insert the words construction and repair"; 3. On page 1, line 14, delete "8.44.060"; 4. On page 2, line 26, delete the increased fee amount of 395.00 and insert in lieu thereof 385.00; 5. On page 2, line 27, delete the increased fee amount of 275.00 and insert in lieu thereof 255.00; 6. On page 2, line 29, delete the increased fee amount of 125.00 and insert in lieu thereof 115.00; 7. On page 2, line 31, delete the increased fee amount of 125.00 and insert in lieu thereof 115.00; 8. On page 3, line 4, delete the increased fee amount of 125.00 and insert in lieu thereof 115.00; 9. On page 3, line 14, delete the increased fee amount of 350.00 and insert in lieu thereof 325.00; 10. On page 3, line 15, delete the increased fee amount of 175.00 and insert in lieu thereof 165.00; 11. On page 3, line 19, delete the increased fee amount of 125.00 and insert in lieu thereof 115.00; 12. On page 3, line 39, delete the increased fee amount of \$65.00 and insert in lieu thereof \$60.00; 13. On page 4, line 3, delete the increased fee amount of \$180.00 and insert in lieu thereof \$170.00; 14. On page 7, delete lines 11 through 20, thereby deleting Section 9 of Bill No. 05-117 in its entirety; 15. Renumber Section 10 as Section 9; Section 11 as Section 10; and Section 12 as Section 11; 16. On page 8, lines 3, 4, and 5, delete all the underlined language, and remove all overstrikes thereby leaving original subsection (b) unamended; 17. On page 9, line 12, delete "8.44.060".

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

CLERK Read an ordinance as, introduced by Dan Marvin, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation to increase various permit fees and to create fees for noise variances by amending Section 8.06.145 to increase the open burning permit fee; amending Section 8.20.150 to increase food establishment permit fees; amending Section 8.20.160 to increase fees for late renewal of food establishment permits; amending Section 8.20.170 to increase reinstatement fees for permits issued under the Lincoln Food Code; amending Section 8.20.230 to increase restricted food manager permit fee and the food manager permit fee; amending Section 8.24.150 to provide a permit fee for noise control ordinance variances; amending Section 8.38.090 to increase the permit fee for a public swimming pool; amending Section 8.40.070 to increase spa facility permit fees; amending Section 8.44.060 to provide water well permits shall be valid for one year rather than two years; amending Section 8.44.070 to increase water well permit fees; and amending Section 24.38.070 to increase permit fees for wastewater treatment systems and related permits; and repealing Sections 8.06.145, 8.20.150, 8.20.160, 8.20.170, 8.20.230, 8.24.150, 8.38.090, 8.40.070, 8.44.060, 8.44.070, 24.38.070 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to Pass the ordinance as amended.

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

The ordinance, being numbered **#18598**, is recorded in Ordinance Book #25, Page

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE WATER CONSTRUCTION FUND, STREET CONSTRUCTION/VEHICLE TAX FUND, PARKING REVENUE FUND, AND SANITARY SEWER CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Dan Marvin, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Street Construction/Vehicle Tax Fund, Parking Revenue Fund, and Sanitary Sewer Construction Fund within the Public Works & Utilities Department, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18599**, is recorded in Ordinance Book #25, Page

COMP. PLAN AMENDMENT 05013 - AMENDING THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE THE LAND USE DESIGNATION FROM COMMERCIAL AND INDUSTRIAL TO URBAN RESIDENTIAL ON PROPERTY GENERALLY LOCATED ALONG HUMPHREY AVENUE BETWEEN N. 14TH AND N. 27TH STREETS. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120)- CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83499 WHEREAS, the Planning Director on behalf of Stone Bridge Creek, LLC has made application to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to change the land use designation from Commercial and Industrial to Urban Residential on approximately 22.77 acres generally located at along Humphrey Avenue between N. 14th and N. 27th Street; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval thereof.

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

That the 2025 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Amend the "Lincoln/Lancaster County Land Use Plan" and the Lincoln Area Detail from the Lincoln-Lancaster County Land Use Plan, figures on pages F23 and F25, respectively, to change the land use designation from Commercial and Industrial to Urban Residential as shown on Attachment "A".

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Dan Marvin

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

ANNEXATION 05009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF I-80 AND N. 27TH STREET. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120) - CLERK read an ordinance, introduced by Dan Marvin, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

MARVIN 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 **#18600**, is recorded in Ordinance Book #25, Page

APPROVING THE STONE BRIDGE CREEK - THE VILLAS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND STONEBRIDGE CREEK, LLC RELATING TO THE ANNEXATION OF APPROXIMATELY 22 ACRES, GENERALLY LOCATED NORTHWEST OF THE I-80 AND NORTH 27TH STREET INTERCHANGE. (RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120)- CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83500 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Stone Bridge Creek - The Villas Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Stonebridge Creek, LLC, outlining certain conditions and understandings relating to the annexation of approximately 22 acres of property generally located northwest of the I-80 and North 27th Street interchange, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the

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Annexation Agreement on behalf of the City.

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

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

Introduced by Dan Marvin

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

CHANGE OF ZONE 04081 - APPLICATION OF STONE BRIDGE CREEK LLC FOR A CHANGE OF ZONE FROM I-3 EMPLOYMENT CENTER DISTRICT TO R-3 RESIDENTIAL DISTRICT AND FROM AG AGRICULTURAL DISTRICT TO I-3 EMPLOYMENT DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF I-80 AND N. 27TH STREET.(RELATED ITEMS: 05R-190, 05-119, 05R-191, 05R-120) - CLERK read an ordinance, introduced by Dan Marvin, 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 hereon, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18601**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 04063 - AMENDING CHAPTER 27.68 OF THE LINCOLN MUNICIPAL CODE, PERSONAL WIRELESS FACILITIES, TO DELETE THE REQUIREMENT FOR AN ADMINISTRATIVE PERMIT TO COLLOCATE ON EXISTING FACILITIES, TO CLARIFY HOW THE FALL ZONE IS MEASURED, AND TO DELETE THE DEFINITION OF "MODIFICATION" - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 27.68 of the Lincoln Municipal Code relating to Personal Wireless Facilities to by amending Section 27.68.020 to delete the definition of "modification"; amending Section 27.68.030 to delete the requirement for an administrative permit to co-locate on existing facilities; amending Section 27.68.110 to clarify how the fall zone is measured; and repealing Sections 27.68.020, 27.68.030, and 27.68.110 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN 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 **#18602**, is recorded in Ordinance Book #25, Page

STREET NAME CHANGE 05006 - RENAMING BLAINE COURT AS BLAINE DRIVE GENERALLY LOCATED ON THE EAST SIDE OF ENTERPRISE DRIVE, 1/4 MILE NORTH OF FOLKWAYS BLVD. IN TABITHA NEW COMMUNITY - CLERK read an ordinance, introduced by Dan Marvin, changing the name of Blaine Court to Blaine Drive located on the east side of Enterprise Drive, 1/4 mile north of Folkways Boulevard in Tabitha New Community, as recommended by the Street Name Committee, the third time.

MARVIN 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 **#18603**, is recorded in Ordinance Book #25, Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER M TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - PRIOR to reading:

COOK Moved to place Bill No. 05-107 on Pending with no date certain.

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

MISCELLANEOUS BUSINESS

PENDING -

COMP. PLAN AMENDMENT NO. 05014 - AMENDING THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN BY DELETING REFERENCES TO THE THEATER POLICY AND ENTERTAINMENT IN THE DOWNTOWN, AND BY DELETING ONE STATEMENT REQUIRING MARKET STUDIES FOR PROPOSED NEW THEATERS OUTSIDE OF THE DOWNTOWN AREA; AMENDING SECTION 27.63.630(C) OF THE LINCOLN MUNICIPAL CODE ZONING ORDINANCE FOR THEATERS IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT, TO ALLOW THEATERS WITH MORE THAN SIX SCREENS, PROVIDED THEY ARE LOCATED OUTSIDE A

6.5 MILE RADIUS MEASURED FROM THE CENTER OF THE INTERSECTION OF 13TH AND O STREETS;

CHANGE OF ZONE 05036 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD;
APPEAL OF EIGER CORPORATION FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 05023 TO CONSTRUCT AN 80,000 SQ. FT. THEATER COMPLEX WITH 18 SCREENS IN THE B-5 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT S. 91ST STREET AND PINE LAKE ROAD;

APPEAL OF EIGER CORPORATION FROM THE PLANNING COMMISSION DENIAL OF USE PERMIT 140B TO ALLOW 950,983 SQ. FT. OF COMMERCIAL AND OFFICE FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT S. 91ST STREET AND PINE LAKE ROAD - CLERK requested a motion to continue public hearing to 9/19/05.

COOK So moved.

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

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2ND ADDITION AND JERROLD HEIGHTS 2ND ADDITION - CLERK requested a motion to remove Bill No. 05R-178 from Pending to have public hearing on 8/29/05.

MARVIN So moved.

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

CAMP Moved to extend the Pending List to August 29, 2005.

Seconded by McRoy & 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 August 29, 2005.

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

ADJOURNMENT 3:25 P.M.

CAMP Moved to adjourn the City Council meeting of August 222005.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

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