

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 19, 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

COOK Having been appointed to read the minutes of the City Council proceedings of September 12, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION FAT PAT'S PIZZA & SUBS INC. DBA PATTY'S PUB EAST TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 12 FEET BY 30 FEET TO THE EAST AT 311 N. COTNER - Sharon Gillespie, no address given, took oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF CHRISTY MCMAHAN FOR JACK'S BAR & GRILL AT 100 N. 8TH STREET - Christy McMahan, 100 N. 8th St., took the oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF DANIEL HAUGLAND FOR BIG RED KENO SPORTS BAR & GRILL AT 955 WEST O STREET - Daniel Haugland, 955 West O Street, took oath and came forward to answer questions.

Dan Marvin, Council Member, asked how has business been?

Mr. Haugland stated it has been good for the month of September.

This matter was taken under advisement.

APPLICATION OF JOSE S. RUIZ DBA SLAPSHOTZ BAR & GRILL FOR A LIQUOR CATERING LICENSE AT 1245 LIBRA DRIVE, SUITE 110 - Jose Ruiz, 1245 Libra Dr., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF KATCH LLC DBA LUCKIE'S LOUNGE TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 130 FEET BY 150 FEET TO THE NORTH AT 1101 WEST BOND STREET - Kathy Hagge, 1101 W. Bond Street, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF U.N.C.-R, INC. DBA UNCLE RON'S FOR A CLASS C LIQUOR LICENSE AT 340 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF RONALD TEGTMEIER FOR U.N.C.-R, INC. DBA UNCLE RON'S AT 340 CORNHUSKER HIGHWAY - Ron Tegtmeier, 1800 Kennedy Dr., took the oath and came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 05049 - APPLICATION OF ASPEN FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT RED ROCK LANE AND S. 56TH STREET;

USE PERMIT 97A - APPLICATION OF ASPEN TO AMEND THE USE PERMIT TO CHANGE THE LAND USE TABLE AND REQUEST A WAIVER TO THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT RED ROCK LANE AND S. 56TH STREET - Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Aspen Partnership stating that a sit down restaurant and a bakery want to locate in this development.

This matter was taken under advisement.

REGULAR MEETING

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CHANGE OF ZONE 05056 - APPLICATION OF ROGER AND CAROL WILLIAMS, MARVIN WILLIAMS, VELDA WILLIAMS, AND VERNON WILLIAMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND W. DENTON ROAD Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Rob & Bill Watson the developer and stated the 62 single home lots are out of the flood plain and the rest of the property is being saved for future development. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05059 - APPLICATION OF MOLEX, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT AND I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND WEST BOND CIRCLE - Tom Huston, 233 S. 13th Street, Suite 1900, came forward representing Molex, Inc. to state the change of zone is to accommodate improvements to the dock. The neighbors have consented to this project.

This matter was taken under advisement.

SPECIAL PERMIT 1965 - APPLICATION OF HARTLAND HOMES, INC. TO DEVELOP HARTLAND HOMES N.W. 1ST COMMUNITY UNIT PLAN FOR 70 DWELLING UNITS, INCLUDING A REQUESTED VARIANCE TO ALLOW UNENCLOSED DECKS TO PROJECT 10' INTO THE REQUIRED REAR YARD AND A REDUCTION OF THE CUL-DE-SAC RADIUS REQUIREMENT FROM 60' TO 55', ON PROPERTY GENERALLY LOCATED WEST OF N.W. 48TH STREET AND NORTH OF WEST ST. PAUL AVENUE;

PRELIMINARY PLAT 02007 - APPLICATION HARTLAND HOMES, INC. TO DEVELOP HARTLAND HOMES N.W. 1ST ADDITION FOR 70 DWELLING UNITS ON APPROXIMATELY 12 ACRES, INCLUDING A REQUESTED VARIANCE TO ALLOW UNENCLOSED DECKS TO PROJECT 10' INTO THE REQUIRED REAR YARD AND A REDUCTION OF THE CUL-DE-SAC RADIUS REQUIREMENT FROM 60' TO 55', ON PROPERTY GENERALLY LOCATED WEST OF N.W. 48TH STREET AND NORTH OF WEST ST. PAUL AVENUE;

STREET VACATION 02003 - APPLICATION OF HARTLAND HOMES INC. TO VACATE WEST MADISON AVENUE FROM A POINT 7.17 FEET WEST OF THE WEST LINE OF N.W. 49TH STREET TO N.W. 53RD STREET;

STREET VACATION 03006 - APPLICATION OF HARTLAND HOMES INC., THE KOREAN CHURCH OF LINCOLN, AND ROBERT & RAEANN LORENCE, TO VACATE WEST CLEVELAND AVENUE FROM THE WEST LINE OF N.W. 48TH STREET TO THE EAST LINE OF HARTLAND HOMES N.W. 2ND ADDITION, GENERALLY LOCATED WEST OF N.W. 48TH STREET AND ONE BLOCK SOUTH OF WEST ADAMS STREET - Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Hartland Homes requesting to build townhomes behind Michael Mart and to state the waivers have been worked out except for the decks. The trees on the northwest corner are being removed to correct the water flow. Discussion followed.

Lyle Loth, ESP, came forward to comment on the storm water detention.

Peter Katt, 1045 Lincoln Mall, Suite 200, representing his client, Hartland Homes stated they had met with the Arnold Heights Neighborhood Assn. and they are supportive of the project but have concerns about the paving of the roads because N.W. 56th and Adam Streets are still gravel after the City had agreed to pave these streets. Discussion followed.

This matter was taken under advisement.

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 Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Eiger Corporation to request a change in the theater policy.

Larry Douglas, 5608 Barrington Park Dr., came forward in support.

Richard Esquivel, 733 W. Cuming St., came forward in support, but against TIFF money for any project.

Maurice Baker, 3259 Starr Street, President of Clinton Neighborhood Assn., came forward in opposition.

Carol Brown, 2201 Elba Cr., came forward in opposition. She is in support of a theater in North Lincoln. Discussion followed

Marty Miller, 6740 Leesburg Ct., came forward in opposition.

Polly McMullen, Executive Director of Downtown Lincoln Assn., came forward in opposition. Discussion followed.

Don Wesely, no address given, came forward representing Douglas Theaters in opposition. Discussion followed.

Doug Lienemann, no address given, president of the Haymarket Development Corp., came forward in opposition.

Lisa Kelley, no address given, Downtown Neighborhood Assn., came forward in opposition.

Devon Seacrest, 2309 Lake Street, came forward in opposition. Discussion followed.

Travis Green, 4445 Hillside Street, owner/operator of DISH is in opposition.

William Carver, 2202 Washington Street, Near South Neighborhood Assn., came forward in opposition.

Deb Johnson, 7935 Amber Hill Road, President of Updowntowners and a business owner came forward in opposition,.

Richard Halvorsen, 6311 Inverness Rd., came forward in support.

Keith Thompson, private consultant from Knoxville, TN hired by the City Planning Dept., came forward to state the results of his assessment being a mega-theater complex outside of the downtown would be a detriment to the vitality of downtown. Discussion followed.

Marvin Krout, Director of Planning Dept., came forward to state the history of this development. Discussion followed.

Mr. Hunzeker came forward for rebuttal. Discussion followed.

TOOK BREAK 3:47 P.M.

RECONVENED 4:04 P.M.

APPROVING THE CREATION OF A JOINT PUBLIC AGENCY FOR THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE FOR THE DESIGN, ACQUISITION OF LAND, AND CONSTRUCTION OF IMPROVEMENTS FOR THE RURAL TO URBAN ROADWAY TRANSITION STREETS PROGRAM (RUTS) AND THE DESIGN AND ACQUISITION OF LAND FOR THE EAST BELTWAY - Joe Rupp, Assistant City Attorney, came forward to state the need to create this agency before funding can be requested. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY BY THE TOOL HOUSE FOR USE OF THE NORTH 10 FEET OF PUBLIC RIGHT-OF-WAY AT 800 Q STREET FOR DISPLAY PURPOSES - Paul Arndt, 940 Old Cheney Road, came forward to request approval. Discussion followed.

Roger Figard, City Engineer, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPEAL OF PRAIRIE HOMES FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF PRELIMINARY PLAT NO. 05003, HIGHLAND VIEW ADDITION, CONDITION NO. 1.1.9 OF THE STAFF REPORT REQUIRING A FULL MEDIAN ON HIGHWAY 34 AT THE TEMPORARY ACCESS AND TO LABEL THE INTERSECTION AS RIGHT-IN, RIGHT-OUT ONLY, ON PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HWY. 34 AND W. ALVO ROAD Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Prairie Homes to request an approval of the appeal. Discussion followed.

Roger Figard, City Engineer, came forward to answer questions. Discussion followed.

Mr. Katt came forward for rebuttal.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2005 - Glenna Jacobs, 1501 N. 22nd Street, came forward to explain the reason for her claim and to request her denied claim be approved. Discussion followed.

Kent Imig, Risk Management Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION FAT PAT'S PIZZA & SUBS INC. DBA PATTY'S PUB EAST TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 12 FEET BY 30 FEET TO THE EAST AT 311 N. COTNER. (9/12/05 - PUBLIC HEARING CON'T. TO 9/19/05) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83534 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 Fat Pat's Pizza & Subs Inc. dba Patty's Pub East to expand its licensed premises by the addition of an outside area measuring approximately 12 feet by 30 feet to the east of the presently licensed premises located at 311 N. Cotner Blvd., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF CHRISTY MCMAHAN FOR JACK'S BAR & GRILL AT 100 N. 8TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83535 WHEREAS, Ogalala Enterprises d/b/a "Jack's Bar & Grill" located at 100 N. 8th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Christy McMahan be named manager;

WHEREAS, Christy McMahan 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 Christy McMahan 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 McRoy & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; CONFLICT OF INTEREST: Camp.

MANAGER APPLICATION OF DANIEL HAUGLAND FOR BIG RED KENO SPORTS BAR & GRILL AT 955 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83536 WHEREAS, Pickfair Entertainment Corp. d/b/a "Big Red Keno Sports Bar & Grill" located at 955 West O Street, Lincoln, Nebraska, has been approved for a Retail Class "CK" liquor license, and now requests that Daniel Haugland be named manager;

WHEREAS, Daniel Haugland 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 Daniel Haugland 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 JOSE S. RUIZ DBA SLAPSHOTZ BAR & GRILL FOR A LIQUOR CATERING LICENSE AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83537 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 Jose S. Ruiz dba "Slapshotz Bar & Grill for the issuance of a Catering Permit to the existing liquor license, located at 1245 Libra Drive, Suite 110, 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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF KATCH LLC DBA LUCKIE'S LOUNGE TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 130 FEET BY 150 FEET TO THE NORTH AT 1101 WEST BOND STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83538 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 Katch LLC dba Luckie's Lounge to expand its licensed premises by the addition of an outside area measuring approximately 130 feet by 150 feet to the north of the presently licensed premises located at 1101 West Bond 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 Jon Camp

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

APPLICATION OF U.N.C.-R, INC. DBA UNCLE RON'S FOR A CLASS C LIQUOR LICENSE AT 340 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83539 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 U.N.C.-R, Inc. dba Uncle Ron's for a Class "C" liquor license at 340 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 Jon Camp

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

MANAGER APPLICATION OF RONALD TEGTMEIER FOR U.N.C.-R, INC. DBA UNCLE RON'S AT 340 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83540 WHEREAS, U.N.C.-R. Inc. DbA Uncle Ron's located at 340 Cornhusker Highway, Lincoln, Nebraska, has been approved for a Retail Class "C" liquor license, and now requests that Ronald Tegtmeier be named manager;

WHEREAS, Ronald Tegtmeier 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 Ronald Tegtmeier 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.

ORDINANCES - 2ND READING & RESOLUTIONS

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE 3 AMIGOS PROPERTIES FOR A LEASE OF SPACE FOR A THREE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between The 3 Amigos Properties, LLC and the City of Lincoln for a lease of space for a term of November 1, 2005 through October 31, 2008, for use by the Lincoln Police Department, the second time.

CHANGE OF ZONE 05049 - APPLICATION OF ASPEN FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT RED ROCK LANE AND S. 56TH STREET. (RELATED ITEMS: 05-137, 05-138) (ACTION DATE: 9/26/05) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

USE PERMIT 97A - APPLICATION OF ASPEN TO AMEND THE USE PERMIT TO CHANGE THE LAND USE TABLE AND REQUEST A WAIVER TO THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT RED ROCK LANE AND S. 56TH STREET. (RELATED ITEMS: 05-137, 05-138) (ACTION DATE: 9/26/05).

CHANGE OF ZONE 05056 - APPLICATION OF ROGER AND CAROL WILLIAMS, MARVIN WILLIAMS, VELDA WILLIAMS, AND VERNON WILLIAMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND W. DENTON ROAD - CLERK read an ordinance, introduced by Jonathan Cook, 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 05059 - APPLICATION OF MOLEX, INC. FOR A CHANGE OF ZONE FROM H-HIGHWAY COMMERCIAL DISTRICT AND I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND WEST BOND CIRCLE - CLERK read an ordinance, introduced by Jonathan Cook, 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.

SPECIAL PERMIT 1965 - APPLICATION OF HARTLAND HOMES, INC. TO DEVELOP HARTLAND HOMES N.W. 1ST COMMUNITY UNIT PLAN FOR 70 DWELLING UNITS, INCLUDING A REQUESTED VARIANCE TO ALLOW UNENCLOSED DECKS TO PROJECT 10' INTO THE REQUIRED REAR YARD AND A REDUCTION OF THE CUL-DE-SAC RADIUS REQUIREMENT FROM 60' TO 55', ON PROPERTY GENERALLY LOCATED WEST OF N.W. 48TH STREET AND NORTH OF WEST ST. PAUL AVENUE. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05).

PRELIMINARY PLAT 02007 - APPLICATION HARTLAND HOMES, INC. TO DEVELOP HARTLAND HOMES N.W. 1ST ADDITION FOR 70 DWELLING UNITS ON APPROXIMATELY 12 ACRES, INCLUDING A REQUESTED VARIANCE TO ALLOW UNENCLOSED DECKS TO PROJECT 10' INTO THE REQUIRED REAR YARD AND A REDUCTION OF THE CUL-DE-SAC RADIUS REQUIREMENT FROM 60' TO 55', ON PROPERTY GENERALLY LOCATED WEST OF N.W. 48TH STREET AND NORTH OF WEST ST. PAUL AVENUE. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05).

STREET VACATION 02003 - APPLICATION OF HARTLAND HOMES INC. TO VACATE WEST MADISON AVENUE FROM A POINT 7.17 FEET WEST OF THE WEST LINE OF N.W. 49TH STREET TO N.W. 53RD STREET. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05) - CLERK read an ordinance, introduced by Jon Camp, vacating W. Madison Avenue from a point 7.17 feet west of the west line of N.W. 49th Street to the east line of N.W. 53rd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

STREET VACATION 03006 - APPLICATION OF HARTLAND HOMES INC., THE KOREAN CHURCH OF LINCOLN, AND ROBERT & RAEANN LORENCE, TO VACATE WEST CLEVELAND AVENUE FROM THE WEST LINE OF N.W. 48TH STREET TO THE EAST LINE OF HARTLAND HOMES N.W. 2ND ADDITION, GENERALLY LOCATED WEST OF N.W. 48TH STREET AND ONE BLOCK SOUTH OF WEST ADAMS STREET. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05) - CLERK read an ordinance, introduced by Jon Camp, vacating West Cleveland Avenue from the west line of Lot 2, Block 5, Airport Heights to the east line of Hartland Homes N.W. 3rd Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

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. (IN CONNECTION W/05-85, 05-86, 05R-135, 05R-136) (ACTION DATE: 7/11/05) (6/20/05 - PLACED ON PENDING TO 7/25/05 WITH P.H.) (7/11/05 - PENDING TO 8/29/05 W/P.H.) (8/15/05 - PUBLIC HEARING CON'T TO 9/12/05) (8/22/05 - PLACED ON PENDING TO 9/19/05 W/PUBLIC HEARING).

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. (IN CONNECTION W/05-86, 05R-134, 05R-135, 05R-136) (6/20/05 - PLACED ON PENDING TO 7/25/05 WITH P.H.) (7/11/05 - PENDING TO 8/29/05 W/P.H.) (8/15/05 - PUBLIC HEARING CON'T. TO 9/12/05) (8/22/05 - PLACED ON PENDING TO 9/19/05 W/PUBLIC HEARING) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.63.630 of the Lincoln Municipal Code relating to theaters as a special permitted use 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; and repealing Section 27.63.630 of the Lincoln Municipal Code as hitherto existing, the second time.

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. (IN CONNECTION W/05R-134, 05-85, 05-86, 05R-135, 05R-136) (6/20/05 - PLACED ON PENDING TO 7/25/05 WITH P.H.) (7/11/05 - PENDING TO 8/29/05 W/P.H.) (8/15/05 - PUBLIC HEARING CON'T . TO 9/12/05) (8/22/05 - PLACED ON PENDING TO 9/19/05 W/PUBLIC HEARING) - 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 thereon, the second time.

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. (IN CONNECTION W/05R-134, 05-85, 05-86, 05R-136) (ACTION DATE: 7/11/05) (6/20/05 - PLACED ON PENDING TO 7/25/05 WITH P.H.) (7/11/05 - PENDING TO 8/29/05 W/P.H.) (8/15/05 - PUBLIC HEARING CON'T . TO 9/12/05) (8/22/05 - PLACED ON PENDING TO 9/19/05 W/PUBLIC HEARING)

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. (IN CONNECTION W/05R-134, 05R-135, 05-85, 05-86) (ACTION DATE: 7/11/05) (6/20/05 - PLACED ON PENDING TO 7/25/05 WITH P.H.) (7/11/05 - PENDING TO 8/29/05 W/P.H.) 8/15/05 - PUBLIC HEARING CON'T. TO 9/12/05) (8/22/05 - PLACED ON PENDING TO 9/19/05 W/PUBLIC HEARING)

RESOLUTIONS

APPROVING THE CREATION OF A JOINT PUBLIC AGENCY FOR THE CITY OF LINCOLN AND LANCASTER COUNTY TO PROVIDE FOR THE DESIGN, ACQUISITION OF LAND, AND CONSTRUCTION OF IMPROVEMENTS FOR THE RURAL TO URBAN ROADWAY TRANSITION STREETS PROGRAM (RUTS) AND THE DESIGN AND ACQUISITION OF LAND FOR THE EAST BELTWAY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83541 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That there exists a need for the creation of a Joint Public Agency as provided for in the Joint Public Agency Act, *Neb. Rev. Stat. §§13-2501 through 13-2550 (2004 Cum. Supp.)*. The public agencies initially participating in the Joint Public Agency shall be the County of Lancaster, Nebraska and the City of Lincoln, Nebraska. The Joint Public Agency is being created to provide for the design, acquisition of land, and construction of improvements for the Rural to Urban Roadway Transition Streets Program (RUTS) and the design and acquisition of land for the East Beltway.

Introduced by Jonathan Cook

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

APPOINTING LETICIA MEZA-CASARIN TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING MARCH 1, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83542 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Leticia Meza-Casarin to the Lincoln-Lancaster Women's Commission for a two-year term expiring March 1, 2007 is hereby approved.

Introduced by Jonathan Cook

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

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY BY THE TOOL HOUSE FOR USE OF THE NORTH 10 FEET OF PUBLIC RIGHT-OF-WAY AT 800 Q STREET FOR DISPLAY PURPOSES - PRIOR to reading:

CAMP Moved to amend Bill No. 05R-217 by deleting paragraph 3 on page 1. Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83543 WHEREAS, The Tool House has submitted an application for a permit to use the north 10 feet of the public right-of-way on property generally located at 800 Q Street for display purposes; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

~~WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.~~

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

That the application aforesaid of The Tool House to use the north 10 feet of the public right-of-way at 800 Q Street for display of products for sale only, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the revised site plan approved by the Director of Public Works & Utilities, and with all applicable City ordinances and regulations.

3. The permission granted under this resolution shall not extend to the following time period: Beginning at 1:00 a.m. the day of any University of Nebraska football game and continuing through 6:30 a.m. the following day, and beginning at 1:00 a.m. the day of any

special event in the Haymarket Area as determined by the Public Works & Utilities Director and continuing through 6:30 a.m. the day after such special event terminates. In such case the applicant shall remove all items, objects or displays from the area of the application and return the space to its original condition.

4. That the applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

5. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works and Utilities of the City of Lincoln.

6. That the use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, and its heirs, successors and assigns.

7. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Jon Camp

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

APPEAL OF PRAIRIE HOMES FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF PRELIMINARY PLAT NO. 05003, HIGHLAND VIEW ADDITION, CONDITION NO. 1.1.9 OF THE STAFF REPORT REQUIRING A FULL MEDIAN ON HIGHWAY 34 AT THE TEMPORARY ACCESS AND TO LABEL THE INTERSECTION AS RIGHT-IN, RIGHT-OUT ONLY, ON PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HWY. 34 AND W. ALVO ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83544 WHEREAS, Prairie Homes has submitted for approval by the Lincoln City - Lancaster County Planning Commission, the preliminary plat of Highland View Addition, generally located west of N.W. 12th Street between Highway 34 and W. Alvo Road; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on August 17, 2005 and adopted Resolution No. PC-00945 which conditionally approved Preliminary Plat No. 05003; and

WHEREAS, applicant has appealed the action of the Lincoln City-Lancaster County Planning Commission and is requesting the elimination of condition 1.i. (condition 1.1.9 in the staff report) to the preliminary plat which requires revisions to the preliminary plat to show a full median on Highway 34 at the temporary access and to label the access as right-in-out only; and

WHEREAS, inclusion of condition 1.i. in the conditional approval of the Highland View Preliminary Plat by the Lincoln City - Lancaster County Planning Commission should be reversed.

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

The preliminary plat of Highland View Addition as approved, subject to the terms and conditions of Resolution No. PC-00945 which is attached hereto marked as Exhibit A and made a part of this resolution as though fully set forth verbatim, is hereby modified by deleting condition 1.i.

Introduced by Jon Camp

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83545 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 September 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> | |
|---|-----------|---------------------------|-------------------|
| Prairie Homebuilders, Inc. | \$ 105.00 | Robin Synhorst | Property Returned |
| Patricia Giese | 668.74 | Colin Schumacher | \$ 811.28 |
| Timothy Meints | NAS* | Joe Wilcox | 1,101.19 |
| State Farm Insurance Co. (Claim No. 27-7708-188) | 3,575.73 | Stacey Ault | 476.10 |
| Glena Jacobs | 984.88 | Jennifer Hurley | 500.00 |
| John Lowe | NAS* | | |

* No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

PETITIONS AND COMMUNICATIONS

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 05065 - Requested by City Law Dept. at the request of Jonathan Cook to amend Title 27 of the LMC relating to the Zoning Ordinance by amending Sec. 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025 & 27.82.110 to modify the City Council's action on a matter appealed to the City Council

Change of Zone 05070 - App. of Public Works Director to amend Chapter 27.52 of the LMC relating to Flood Regulations for the Existing Urban area and to amend Sections 27.52.010, 27.52.020, 27.52.030, 27.52.040, & 27.52.050. Also, Amending Chapter 27.53 relating to Flood Regulations for New Growth areas and Sections 27.53.030.

Special Permit 2022A - App. of J & D Leasing, Inc. and Jim Williamson for an amendment to allow an additional ground sign on property located at the NE corner of S. 27th St. & Yankee Hill Rd.

Special Permit 05045 - App of Jason Robinson for the expansion of a non-standard dwelling unit into the front yard setback on property located at 1404 N. 67th Street.

Special Permit 05046 - App. of Lighthouse for a nonprofit educational philanthropic institution on property located at 2601 N St., 2615 N St., 220 S. 26th St., all connected.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON SEPTEMBER 12, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & RESOLUTIONS - NONE

ORDINANCES - 3RD READING & RESOLUTIONS

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 - PRIOR to reading:

CAMP Moved to amend Bill No. 05-128 on page 19, #18 to state Lot 21 shall have permitted uses of office, medical office, commercial/retail and less than 1500 square feet for restaurant. Drive thru restaurants shall be prohibited". The second paragraph shall state that "the following uses are not permitted: Convenience stores, automobile/car washes, gasoline stations, self storage and industrial uses".

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

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 third time.

NEWMAN Moved to pass the ordinance as amended.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: None; ABSTAINED: Marvin.
The ordinance, being numbered **#18611**, is recorded in Ordinance Book #25, Page

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 (Related Items: 05-129, 05R-178) - PRIOR to reading:

COOK Moved to delay action for one week to 9/26/05.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 third time.

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2ND ADDITION AND JERROLD HEIGHTS 2ND ADDITION (Related Items: 05-129, 05R-178)- PRIOR to reading:

COOK Moved to delay action for one week to 9/26/05.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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 third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Marvin & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda.
The ordinance, having **LOST**, was assigned the File **#38-4506** & was placed on file in the Office of the City Clerk.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA BUILDING DIVISION ON BEHALF OF VOCATIONAL REHABILITATION, DEPARTMENT OF EDUCATION, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and the State of Nebraska DAS/State Building Division on behalf of Vocational Rehabilitation Services, Department of Education for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of August 1, 2005 through December 31, 2006 whereby the City of Lincoln is subleasing space to Vocational Rehabilitation Services, Department of Education, agt the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Eschliman & carried by the following vote: AYES: Camp,

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Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18612**, is recorded in Ordinance Book #25, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA BUILDING DIVISION ON BEHALF OF NEBRASKA WORKFORCE DEVELOPMENT, DEPARTMENT OF LABOR, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2005 through December 31, 2006 whereby the City of Lincoln is subleasing space to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

CAMP 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 **#18613**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05053 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 7TH STREET AND N.W. FAIRWAY DRIVE - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP 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 **#18614**, is recorded in Ordinance Book #25, Page

MISCELLANEOUS BUSINESS

APPROVING THE APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR A RECREATION TRAIL PROGRAM GRANT FOR PROVIDING FINANCIAL ASSISTANCE FOR THE .5 MILE CAVETT CONNECTOR TRAIL CONNECTING THE TIERRA/WILLIAMSBURG TRAIL TO THE YANKEE HILL ROAD TRAIL - CLERK stated Parks & Recreation Department requested to Withdraw Bill No. 05R-227.

CAMP Moved to Withdraw Bill No. 05R-227.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4507** & was placed on file in the Office of the City Clerk.

PENDING -

CAMP Moved to extend the Pending List to September 26, 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 September 26, 2005.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 5:40 P.M.

CAMP Moved to adjourn the City Council meeting of September 19, 2005.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Judy Roscoe, Senior Office Assistant

