

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 9, 2004 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of August 2, 2004, reported having done so, found same correct.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.

PUBLIC HEARING

APPLICATION OF PENALTY BOX PUB, LLC DBA PENALTY BOX PUB FOR A CLASS I LIQUOR LICENSE AT 5551 SOUTH 48TH STREET;
MANAGER APPLICATION OF RONALD D. BARTHOLOMEW FOR PENALTY BOX PUB, LLC DBA PENALTY BOX PUB AT 5551 SOUTH 48TH STREET - Ronald Bartholomew, 8008 Lowell Avenue, came forward to answer questions.

Jon Camp, Council Member, stated he noticed a few fines on this application and asked if he thought that might jeopardize the application process.

Mr. Bartholomew answered no.

This matter was taken under advisement.

CHANGE OF ZONE 04035 - APPLICATION OF MADONNA REHABILITATION HOSPITAL FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD;
SPECIAL PERMIT 1713C - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO AMEND THE ASPEN 3RD ADDITION COMMUNITY UNIT PLAN TO PERMIT 67 DWELLING UNITS, WITH A REQUESTED WAIVER OF THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD;
USE PERMIT 04001 - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO PERMIT A 110,000 SQ. FT. MEDICAL/OFFICE BUILDING, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD;
VACATION 04005 - VACATING ALLEN ROAD FROM THE WEST LINE OF STEPHANIE LANE WEST TO A POINT APPROXIMATELY 565 L.F. ALONG THE CENTERLINE OF ALLEN ROAD, GENERALLY LOCATED AT PINE LAKE ROAD AND STEPHANIE LANE - Tom Huston, 233 S. 13th Street, came forward representing Madonna Rehabilitation Hospital to answer any questions and comment on the pro-active health and fitness facility.

Mike Fenello, Vice President of Business Development for Madonna Rehabilitation Hospital, to comment on the goal of the fitness center is to address physical, occupational and emotional rehabilitation.

This matter was taken under advisement.

APPROVING LEGENDS AT 8300 NORTHWOODS DRIVE AS A KENO SATELLITE SITE - John Hewitt, representing Legends and Keno came forward to answer questions.

This matter was taken under advisement.

ADOPTING THE REPORT OF THE CABLE TELEVISION ADVISORY BOARD RELATED TO THE CABLE TELEVISION FRANCHISE RENEWAL PROCEEDINGS AND THE REQUEST FOR RENEWAL PROPOSAL - Beth Scarborough, 5400 South 16th Street, came forward representing Time Warner Cable to relate to the Council that they are not in total agreement with this report and asked that they be given an extension of time to respond to this report. Discussion followed.

Steve Huggenberger, Assistant City Attorney, came forward to answer questions on this issue. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS - NONE

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF PENALTY BOX PUB, LLC DBA PENALTY BOX PUB FOR A CLASS I LIQUOR LICENSE AT 5551 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82898 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 Penalty Box Pub, LLC dba Penalty Box Pub for a Class "I" liquor license at 5551 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF RONALD D. BARTHOLOMEW FOR PENALTY BOX PUB, LLC DBA PENALTY BOX PUB AT 5551 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-82899 WHEREAS, Penalty Box Pub, LLC dba Penalty Box Pub located at 5551 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Ronald D. Bartholomew be named manager;

WHEREAS, Ronald D. Bartholomew 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 D. Bartholomew 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

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

SVOBODA Moved to waive the rules to have 2nd and 3rd readings on Bill No. 04-145 this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, adopted pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A," and "C,," and repealing Ordinance No. 18220, passed by the City Council on August 11, 2003, the second time. (See Council Action under "ORDINANCES - 3RD READING".)

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER B TO ADJUST THE

SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE
EQUIVALENTS - Prior to reading.

SVOBODA Moved to waive the rules to have 2nd and 3rd readings on Bill No. 04-146 this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "B"; and repealing Ordinance No. 18219, passed by the City Council on August 11, 2003, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

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

SVOBODA Moved to waive the rules to have 2nd and 3rd readings on Bill No. 04-147 this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "N"; and repealing Ordinance No. 18217, passed by the City Council on August 11, 2003, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

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

SVOBODA Moved to waive the rules to have 2nd and 3rd readings on Bill No. 04-148 this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, adopted pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P"; and repealing Ordinance No. 18224, passed by the City Council on August 11, 2003, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

STREET & ALLEY VACATION NO. 04004 - VACATING SOUTH 6TH STREET BETWEEN THE
SOUTH LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AND
THE NORTH LINE OF THE EAST/WEST ALLEY BETWEEN M AND L STREET, GENERALLY
LOCATED AT 6TH AND M STREETS - PRIOR to reading:

FRIENDT Moved to continue the Public Hearing on Bill No. 04-149 for one week w/action to 8/16/04.

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

CLERK Read an ordinance, introduced by Jonathan Cook, vacating South 6th Street between the south line of the Burlington Northern Santa Fe Railroad right-of-way and the north line of the east/west alley between M and L Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

MISCELLANEOUS NO. 04006 - VACATING A PORTION OF THE PLAT OF
RIVERSIDE ADDITION, A PORTION OF THE PLAT OF HALTERS SUBDIVISION, LOT 60
I.T., AND ALL OF THE PREVIOUSLY VACATED STREET AND ALLEY RIGHTS-OF-WAY
ADJACENT THERETO, LOCATED ALONG SALT CREEK, NORTH OF MILITARY
ROAD - CLERK read an ordinance, introduced by Jonathan Cook, vacating a
portion of the plat of Halters Subdivision, Lot 60 I. T., and all the
previously vacated street and alley rights-of-way adjacent thereto,
located along Salt Creek, north of Military Road, Lincoln, Lancaster
County, Nebraska, the second time.

CHANGE OF ZONE 04035 - APPLICATION OF MADONNA REHABILITATION HOSPITAL FOR A
CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT
ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE

ROAD - PRIOR to reading:
CAMP Moved to delay action for one week to 8/16/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
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 1713C - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO AMEND
THE ASPEN 3RD ADDITION COMMUNITY UNIT PLAN TO PERMIT 67 DWELLING UNITS,
WITH A REQUESTED WAIVER OF THE PRELIMINARY PLAT PROCESS, ON PROPERTY
GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - PRIOR to
reading:

CAMP Moved to delay action for one week to 8/16/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 04001 - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO PERMIT A
110,000 SQ. FT. MEDICAL/OFFICE BUILDING, ON PROPERTY GENERALLY LOCATED
AT S. 56TH STREET AND PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to delay action for one week to 8/16/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

VACATION 04005 - VACATING ALLEN ROAD FROM THE WESTLINE OF STEPHANIE LANE WEST
TO A POINT APPROXIMATELY 565 L.F. ALONG THE CENTERLINE OF ALLEN ROAD,
GENERALLY LOCATED AT PINE LAKE ROAD AND STEPHANIE LANE - CLERK read an
ordinance, introduced by Jonathan Cook, vacating Allen Road from the
west line of Stephanie Lane west to a point approximately 565 I.f. along
the centerline of Allen Road, generally located at Pine Lake Road and
Stephanie Lane, and retaining title thereto in the City of Lincoln,
Lancaster County, Nebraska, the second time.

RESOLUTIONS

AUTHORIZING VINCENZO'S INC. TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT
808 P STREET TO PROVIDE OUTDOOR SEATING FOR VINCENZO'S RESTAURANT -
PRIOR to reading:

COOK Moved to Withdraw Bill No. 04R-187.
Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, having **LOST**, was assigned File **#38-4481** & was placed on file in
the Office of the City Clerk.

APPROVING LEGENDS AT 8300 NORTHWOODS DRIVE AS A KENO SATELLITE SITE - CLERK
read the following resolution, introduced by Jonathan Cook, who moved
its adoption:

A-82900 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska
have entered into an Interlocal Agreement for the purposes of providing
for joint City-County keno lottery; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska that a keno satellite site is hereby authorized at the
location of Legends, 8300 Northwoods Drive, Lincoln, NE 68505.

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

Introduced by Jonathan Cook
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AUTHORIZING THE ACCEPTANCE OF THE DONATION OF ONE PIECE OF ARTWORK FOR
INCLUSION IN THE CITY'S PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC
PROPERTY - PRIOR to reading:

FRIENDT Moved to delay action on Bill No. 04R-192 one week to 8/16/04.
Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADOPTING THE REPORT OF THE CABLE TELEVISION ADVISORY BOARD RELATED TO THE
CABLE TELEVISION FRANCHISE RENEWAL PROCEEDINGS AND THE REQUEST FOR
RENEWAL PROPOSAL - PRIOR to reading:

CAMP Moved to amend Bill No. 04R-195 to delay the response time from
10/1/04 to 11/1/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

A-82901 WHEREAS, the City Council, by Resolution No. A-78607, formally
commenced the City's cable television franchise renewal proceedings and
requested the Cable Television Advisory Board to establish the details
of that proceeding, and also to issue a report of its findings and
conclusions for the consideration of the City Council; and

WHEREAS, the Cable Television Advisory Board, with the assistance
of City staff and a number of consultants commissioned by the City, have
conducted surveys, hearings, interviews, and discussions with multitudes
of interests groups, constituents and cable television customers about
the future cable related needs of the Lincoln community; and

WHEREAS, the Cable Television Advisory Board has completed it's
report and has requested the City Council to adopt its report and the
attached Request for Renewal Proposal (RFRP) and associated documents
and attachments and to issue and forward the report and RFRP to Time
Warner Cable for response by the prescribed deadline.

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

1. That the City Council concludes that the cable-related needs
and interests of the community and Time Warner Cable's past performance
are accurately identified in the Staff Report.

2. That the City Council concludes that Time Warner Cable's failure to
perform under its franchise agreement and/or applicable local law, as
identified in the Cable Television Advisory Board Report on Cable-
Related Needs and Interests and the Past Performance of Time Warner
Cable, is a substantial breach of the materials terms of the franchise
agreement and/or applicable law.

3. That the Cable Television Advisory Board Report on the Cable-
Related Needs and Interests and the Past Performance of Time Warner
Cable and its associated attachments and documents, (the "Staff
Report"), the Request For Renewal Proposal, the model cable ordinance
and the model franchise agreement are hereby approved and adopted. The
City Council further adopts the requirements and models as set forth in
the Staff Report, the RFRP, the model franchise agreement and the model
cable ordinance as the models and requirements that will help meet the
community's cable-related needs and interests.

4. That the City Council hereby closes the ascertainment of cable-
related needs and interests and the review of the past performance of
Time Warner Cable contemplated by 47 U.S.C. § 546(a).

5. The City Clerk is directed to forward the Staff Report and RFRP and
their associated attachments, including the model ordinance and model
franchise agreement, to Time Warner Cable for its review and response.
The City Council hereby establishes that the deadline for submission of
a complete and final response to the RFRP shall be 4:00 p.

Introduced by Jonathan Cook
Seconded by McRoy & carried by the following vote: AYES: Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp.

SETTING THE HEARING DATE OF MONDAY, AUGUST 23, 2004 AT 1:30 P.M. FOR THE APP.
OF REMLO ENTERPRISES, LLC DBA HEPBURN'S VILLE GRILLE & PUB FOR A CLASS J
LIQUOR LICENSE AT 2701 N. 48TH STREET, #4 - CLERK read the following
resolution, introduced by Glenn Friendt, who moved its adoption:

A-82902 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Mon., August 23, 2004, at 1:30 p.m. or as
soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10th St., Lincoln, NE, for App. of Remlo Enterprises, LLC dba Hepburn's Ville Grille & Pub for a Class "J" liquor license at 2701 N. 48th Street, #4.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 23, 2004 AT 1:30 P.M. FOR THE APP. OF ARTURO'S INC DBA ARTURO'S RESTAURANTE & CANTINA FOR A CLASS "I" LIQUOR LICENSE AT 803 Q STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82903 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 23, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Arturo's Restaurante & Cantina for a Catering liquor license at 803 Q Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 23, 2004 AT 1:30 P.M. FOR THE APP. OF GATEAU ENTERPRISES, LLC DBA WINDSOR STABLES RECEPTION CENTRE FOR A CLASS I LIQUOR LICENSE AT 1024 L STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82904 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 23, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Gateau Enterprises, LLC dba Windsor Stables Reception Centre for a Class "I" liquor license at 1024 L Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 23, 2004 AT 1:30 P.M. FOR THE APP. OF GATEAU ENTERPRISES, LLC DBA THE GREEN GATEAU CAFÉ AND PATISSERIE FOR A CLASS J LIQUOR LICENSE AT 330 SOUTH 10TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82905 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., August 23, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Gateau Enterprises, LLC dba The Green Gateau Café & Patisserie for a Class "J" liquor license at 330 South 10th Street.

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO PLANNING DEPT.:

Change of Zone 3312 - App. of Ridge Development Co. from R-3 to B-2 at North 14th Street and Fletcher Avenue.

Change of Zone 04032 - App. of Director of Planning to amend Chapter 27.60 of the Lincoln Municipal Code to simplify and streamline the Planned Unit Development process.

Change of Zone 04042 - App. of Anderson Ford to amend Sections

- 27.69.049(d) and 27.69.270 of the LMC to allow larger message center/electronic chargeable signs in the H-3 district within 660 feet of the interstate.
- Change of Zone 04043 - App. of Director of Planning to amend Sec. 27.47.020, 27.47.035, 27.47.040, 27.49.020, 27.49.030, 27.49.050, 27.51.040 and 27.51.060 of the LMC to allow churches as a conditional use in the I-1 Industrial, I-2 Industrial Park and I-3 Employment Center Districts.
- Change of Zone 04045 - App. of Director of Planning to amend Chapters 27.27, 27.28, 27.31, 27.37, 27.63, 27.65, 27.69, 27.70 of the LMC to streamline the development process.
- Change of Zone 04047 - App. of Jack G. Wolfe from AG & R-3 to 0-2 at South 84th Street and Old Cheney Road.
- Change of Zone 04048 - App. Seacrest & Kalkowski from 0-3 to R-3 at South 14th Street and Yankee Hill Road.
- Change of Zone 04049 - App. of Callaway Development Corp. from I-1 to R-5 at North 25th Street and Fairfield Street.
- Use Permit 117A - App. of Security First Federal for an amendment to allow a ground sign outside the pad site at South 14th Street and Pine Lake Road.
- Use Permit 123C - App. of Seacrest and Kalkowski for an amendment to waive the rear and side yard setbacks at North 33rd Street and Folkways Boulevard.
- Use Permit 126B - App. of Seacrest and Kalkowski to change boundaries of the use permit at South 14th Street and Yankee Hill Road.
- Use Permit 135 - App. of Ridge Development Company for 163,000 sq. ft. commercial, retail, and fast food on property at Fletcher Avenue and Interstate 80.
- Special Permit 1692C - App. of Wilderness Ridge Community Unit Plan to change boundaries to allow for additional parking on property at South 14th Street and Yankee Hill Road.
- Special Permit 04004A - App. of Meyer Homes Inc to allow a deck higher than 31 ft. to project into the rear yard setback up to 8 ft. on property at 7310 Whitewater Lane.
- Special Permit 04034 - App. of BryanLGH Medical Center for a health care facility on property at South 27th Street and Tamarin Ridge Road.
- Special Permit 04037 - App. of Joe Hakenkamp for Tabitha Inc. for a health care facility on property at South 47th Street and Randolph Street.
- Special Permit No. 04040 - App. of Callaway Development Corp. amendment to The Legends Community Unit Plan for approximately 168 dwelling units w/requests to waive front yard setback, rear yard setback, reduction in separation between 3 story buildings, storm water detention, perimeter landscape screening, and increase in building height on property at North 25th Street and Fairfield Street.

REPORTS OF CITY OFFICERS

- REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF APRIL - JUNE, 2004: VOICESTREAM, BUSINESS TELECOM., WINSTAR COMM., TELENATIONAL COMM., COMTECH 21, PNG TELCOMM., OPEX COMM., NETIFICE COMM., IDT CORP., FAST PHONES OF NEBRASKA; JUNE, 2004: ALLTEL COMM. OF NE, ALLTEL NEBRASKA INC., ALLTEL SYSTEMS OF THE MIDWEST, AT&T, INTELLICAL, WORKING ASSETS, BOYERS UNITED, BELL ATLANTIC, CIII, XO LONG DISTANCE, CRICKET, VERIZON SELECT, ACN, CINCINNATI BELL, VIRGIN MOBILE USA, GLOBAL CROSSING, QWEST, USCOC OF GREATER IOWA, ON STAR, WHO'S CALLING, TRANS NATIONAL, MCLEODUSA, NEXTEL, ECI, TRACFONE, VOICE COM, ENHANCED COMM., GUARANTEED PHONE SERVICE, MATRIX TELECOM, MCI, PRIMUS. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)
- REPORT FROM CITY TREASURER OF FRANCHISE FEES FOR TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)
- REPORT FROM LINCOLN WATER & WASTEWATER SYSTEM FOR THE RECAPITULATION OF DAILY CASH RECEIPTS FOR JULY, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS
(Resolutions listed hereunder advance to Public Hearing on 8/9/04)

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER REVENUE FUND, SANITARY SEWER CONSTRUCTION FUND, STORM SEWER BOND FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION, AND PARKING FUND - CLERK read an ordinance, introduced by Glenn Friendt, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, Landfill Revenue Fund, Storm Sewer Bond Issue Fund, Street Construction Fund, Vehicle Tax Fund, and Parking Lot Revolving Fund within the Public Works & Utilities Department, the first time.

AMENDING SECTION 8.20.230 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE PERMIT FEE FOR LEVEL II FOOD HANDLER AND LEVEL II APPROVED INSERVICE FOOD HANDLER AND TO ESTABLISH A PERMIT FEE FOR LEVEL III APPROVED INSERVICE FOOD HANDLER - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 8.20.230 of the Lincoln Municipal Code to increase the permit fees for Level II Food Handler and Level II Approved Inservice Food Handler and to establish a permit fee for Level III Approved Inservice Food Handler; and repealing Section 8.20.230 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 24.01 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE DEFINITION OF DIRECTOR TO REFER TO THE DIRECTOR OF BUILDING AND SAFETY, TO INCREASE THE SCHEDULE OF FEES, AND TO IMPOSE A MINIMUM FINE FOR VIOLATING THE PROVISIONS OF THIS CHAPTER - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 24.01 of the Lincoln Municipal Code relating to Lincoln Fire Suppression Systems by amending Section 24.01.010 to change the definition of Director to refer to the Director of Building and Safety; by amending Section 24.01.200 to increase the schedule of fees; by amending Section 24.01.380 to impose a minimum fine for violating the provisions of this Chapter; and repealing Sections 24.01.010, 24.01.200, and 24.01.380 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER A AND C TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, adopted pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A," and "C,,"; and repealing Ordinance No. 18220, passed by the City Council on August 11, 2003, the first time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18412**, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER B TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "B"; and repealing Ordinance No. 18219, passed by the City Council on August 11, 2003, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18413**, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER N TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "N"; and repealing Ordinance No. 18217, passed by the City Council on August 11, 2003, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18414**, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER P TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jonathan Cook, adopted pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P"; and repealing Ordinance No. 18224, passed by the City Council on August 11, 2003, the third time.

COOK Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18415**, is recorded in Ordinance Book , Page

AMENDING SECTION 5.04.210 OF THE LINCOLN MUNICIPAL CODE TO ADJUST OCCUPATION TAX ON LIQUOR LICENSES TO SET THEM AT THE MAXIMUM RATE ALLOWED BY RECENTLY PASSED LB 485 - PRIOR to reading:

FRIENDT Moved to amend Bill No. 04-136 on page 2, line 7, strike "\$25" and insert in lieu thereof "\$80" and on page 2, line 8, strike "\$150.00" and insert in lieu thereof "200.00".

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

CLERK Read an ordinance, introduced by Jon Camp, amending Section 5.04.210 to adjust occupation tax on liquor licenses to set them at the maximum rate allowed by recently passed LC 485; repealing Section 5.04.210 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of May 1, 2005, the third time.

CAMP Moved to pass the ordinance as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18416**, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04039 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#18417**, is recorded in Ordinance Book , Page

SPECIAL PERMIT 2046A - APPLICATION OF EIGER CORPORATION TO DEVELOP 32,500 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, TO ALLOW A Cul-de-sac IN EXCESS OF 1,000 FEET, TO REDUCE SETBACKS FROM 20 FEET TO 0 FEET ADJACENT TO OUTLETS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND S. 87TH STREET, TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, AND TO ALLOW LOT LINES NOT AT RIGHT ANGLES TO STREET, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 84TH STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82906 WHEREAS, Eiger Corporation has submitted an application designated as Special Permit No. 2046A for authority to develop 32,500 sq. ft. of commercial and retail floor area with requested waivers to the Land Subdivision Ordinance and Zoning Code to waive the preliminary plat

process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to 0 feet adjacent to outlets, to not require a sidewalk along Highway 2 and S. 87th Street, to allow the transfer of sewage from one drainage basin to another, and to allow lot lines not at right angles to street, on property located southeast of the intersection of S. 84th Street and Highway 2, and legally described to wit:

A part of Outlot A, Appian Way Regional Center Phase 2 Addition, a part of Outlot C, Appian Way Regional Center Phase 2 Addition, all of Outlot D, Appian Way Regional Center Phase 2 Addition, and all of Lots 1 and 2, Appian Way Regional Center Phase 2 Addition, located in the Southwest Quarter of Section 23, all in Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, described as follows:

Beginning at a point on the easterly line of said Lot 1 located on the northerly line of the Southeast Quarter of the Southwest Quarter of said Section 23, said point also being on the existing westerly South 91st Street 33.00 foot right-of-way line; thence S 00 12'37" W along said westerly right-of-way line, a distance of 4.62 feet to the northerly Yankee Hill Road right-of-way line; thence S 44 20'31" W along said northerly right of way line, a distance of 285.77 feet to the point of curvature of a 1935.00 foot radius curve concave to the northwest; thence southwesterly along said northerly right-of-way line and said curve, through a central angle of 10 58 31" an arc distance of 370.66 feet, the chord of said curve bears S 49 49'48" W, a distance of 370.09 feet; thence S 55 18'59" W along said northerly right-of-way line, a distance of 31.13 feet to the southeast corner of Lot 105, Irregular Tract; thence N 24 41 05" W along the easterly line of said Lot 105, a distance of 76.15 feet to the point of curvature of a 283.00 foot radius curve concave to the east; thence northerly along the easterly line of said Lot 105 and the easterly line of Lot 106, Irregular Tract, and said curve, through a central angle of 24 39'05" an arc distance of 121.76 feet, the chord of said curve bears N 12 21'32" W, a distance of 120.82 feet; thence N 00 02 00" W along the easterly line of said Lot 106, a distance of 109.79 feet to the point of curvature of a 331.00 foot radius curve concave to the west; thence northerly along the easterly line of said Lot 106 and said curve, through a central angle of 34 18'58" an arc distance of 198.25 feet, the chord of said curve bears N 17 11 29" W, a distance of 195.30 feet to the southerly line of an existing Lincoln Electric System transmission line easement recorded as Instrument Number 95-12607 at the Lancaster County Register of Deeds; thence S 89 01 14" W along said easement line, a distance of 421.42 feet to the point of curvature of a 1544.43 foot radius curve, concave to the south; thence northwesterly along said curve, through a central angle of 08 29'28" an arc distance of 228.88 feet, the chord of said curve bears N 49 41 49" W, a distance of 228.67 feet; thence N 54 44 21" E, a distance of 284.85 feet; thence S 57 04 22" E, a distance of 349.77 feet to the point of curvature of a 369.50 foot radius curve, concave to the southwest; thence southeasterly along said curve, through a central angle of 21 15 29" an arc distance of 137.09 feet, the chord of said curve bears S 46 26 38" E, a distance of 136.31 feet; thence N 56 35 33" E, a distance of 36.02 feet; thence N 35 32 47" E, a distance of 346.74 feet to a point on the existing southerly right-of-way line of Nebraska Highway No. 2; thence S 51 36 51" E along said southerly right-of-way line, a distance of 463.01 feet to the westerly South 91st Street right-of-way line, said line being located

33.00 feet westerly of, perpendicular measurement, and parallel with the east line of said Southwest Quarter Section; thence S 00 12 24" W along said westerly right of way line, a distance of 53.68 feet to the point of beginning, containing an area of 377,507.26 square feet (8.67 acres) more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial and retail development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Eiger Corporation, hereinafter referred to as "Permittee", to develop 32,500 sq. ft. of commercial and retail floor area, on the property legally described above, be and the same is hereby granted under the provisions of Section 26.31.015 and Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said commercial and retail floor area be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 32,500 square feet of commercial and retail floor area with waivers of the following Land Subdivision Ordinance and Zoning Code requirements:
 - a. The provision of Section 26.11.020 of the Lincoln Municipal Code that a preliminary plat is required for all subdivisions is waived.
 - b. The requirement of Section 26.23.080 of the Lincoln Municipal Code that dead end streets shall not exceed 1,000 feet is waived to allow a cul-de-sac in excess of 1,000 feet.
 - c. The requirement of Section 27.45.070 of the Lincoln Municipal Code that a side yard and rear yard have a 20 foot setback is waived to allow zero foot setbacks adjacent to outlets.
 - d. The requirement of Section 26.23.095 of the Lincoln Municipal Code that sidewalks be constructed on both sides of all streets within the Subdivision and on the side of the street abutting the Subdivision is waived along Highway 2 and South 87th Street.
 - e. The requirement of Section 26.27.040 of the Lincoln Municipal Code that a wastewater collection system be constructed in accordance with the sanitary sewer design standards is waived to allow the transfer of sewage from one drainage basin to another.
 - f. The requirement of Section 26.23.140 of the Lincoln Municipal Code that lot lines be at a right angle to the street is waived to allow lot lines not at right angles to the street.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan with six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this development must be approved by the Planning Director consistent with the approved use permit.
3. Before occupying the buildings all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of

acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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

USE PERMIT 150A - APPLICATION OF EIGER CORPORATION TO DEVELOP 325,000 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, TO ALLOW A Cul-de-sac IN EXCESS OF 1,000 FEET, TO REDUCE SETBACKS FROM 20 FEET TO 0 FEET ADJACENT TO OUTLETS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND S. 87TH STREET, TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, AND TO ALLOW LOT LINES NOT AT RIGHT ANGLES TO STREET, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 84TH STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82907 WHEREAS, Eiger Corp. has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 150A for authority to construct 325,000 square feet of commercial and retail floor area, with requested waivers to the Land Subdivision Ordinance and Zoning Code to waive the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to , to not require a sidewalk along Highway 2 and South 87th Street, to allow the transfer of sewage from one drainage basin to another, and to allow lot lines not at right angles to streets, on property generally located southeast of the intersection of South 84th Street and Highway 2, and legally described to wit:

A tract of land composed of all of Lots 83, 114 and 115, Irregular Tracts, located in the Southwest Quarter of Section 23, a part of Outlot A, Appian Way Regional Center Phase 2 Addition, all of Outlot B, Appian Way Regional Center Phase 2 Addition, a part of Outlot C, Appian Way Regional Center Phase 2 Addition, all of OUTLETS E, F, G and H, Appian Way Regional Center Phase 2 Addition, located in the Southwest Quarter of Section 23, all of Lot 81, Irregular Tract, located in the Northwest Quarter of Section 23, a part of the Southwest Quarter of the Northwest Quarter of Section 23, a part of the Northwest Quarter of the Southwest Quarter of Section 23 and a part of the Southeast Quarter of the Northeast Quarter of Section 22, all in Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, described as follows:

Referring to the southwest corner of said Northwest Quarter Section 23; thence S 89 52'54" E, assumed bearing, along the south line of said Northwest Quarter Section a distance of 8.32 feet to the future easterly right-of-way line of South 84th Street and the point of beginning, said point also being the point of curvature of a 585.00 foot radius curve, concave to the west; thence northwesterly along said future easterly right-of-way line and said curve, through a central angle of 5 19'51" an arc distance of 54.43 feet, the chord of said curve bears N 29 31 49" W, a distance of 54.41 feet; thence N 32 11'45" W along said future easterly right-of-way line, a distance of 136.19 feet to the point of curvature of a 465.00 foot radius curve, concave to the east; thence northerly along said future easterly right-of-way line and said curve, through a central angle of 04 50'15" an arc distance of 39.26 feet, the chord of said curve bears N 29 46 38" W, a distance of 39.25 feet; thence N 62 38'30" E along said future easterly right-of-way line, a distance of 5.00 feet to a point on a 460.00 foot radius curve, concave to the east; thence northerly along said future easterly right-of-way line and said curve, through a central angle of 56 22'59"

an arc distance of 452.67 feet, the chord of said curve bears N 00 49 59" E, a distance of 434.63 feet; thence N 29 01'29" E along said future easterly right-of-way line, a distance of 39.29 feet to the intersection with the future southerly Nebraska Highway No. 2 right-of-way line; thence S 58 04 03" E along said future southerly right-of-way line, a distance of 125.63 feet to an intersection of the existing southerly right-of-way line of Nebraska Highway No. 2 and the easterly existing South 84th Street right-of-way line; thence S 74 45'16" E along said southerly right-of-way line, a distance of 74.68 feet; thence S 48 10'50" E along said southerly right-of-way line, a distance of 301.81 feet; thence S 54 27'15" E along said southerly right-of-way line, a distance of 400.00 feet; thence S 58 59 08" E along said southerly right-of-way line, a distance of 290.85 feet to the north line of the Southwest Quarter of said Section; thence S 54 27'18" E along said southerly right-of-way line, a distance of 1615.21 feet; thence S 51 36'51" E along said southerly right-of-way line, a distance of 43.11 feet; thence S 35 32'47" W, a distance of 346.74 feet; thence S 56 35'33" W, a distance of 36.02 feet to the point of curvature of a 369.50 foot radius curve, concave to the southwest; thence northwesterly along said curve, through a central angle of 21 15'29" an arc distance of 137.09 feet, the chord of said curve bears N 46 26'38" W, a distance of 136.31 feet; thence N 57 04'22" W, a distance of 349.77 feet; thence S 54 44 21" W, a distance of 284.85 feet to the point of curvature of a 1544.43 foot radius curve, concave to the south; thence southeasterly along said curve, through a central angle of 08 29'28" an arc distance of 228.88 feet, the chord of said curve bears S 49 41'49" E, a distance of 228.67 feet to a point on the southerly line of an existing Lincoln Electric System transmission line easement recorded as Instrument Number 95-12607 at the Lancaster County Register of Deeds; thence S 89 01 14" W along said easement line, a distance of 10.53 feet; thence S 59 00'27" E a distance of 22.10 feet to a point on the south line of the north half of the Southwest Quarter Section 23; thence N 89 58'00" E along said Quarter Section line, a distance of 67.89 feet; thence S 00 02'00" E a distance of 146.74 feet to the northerly right-of-way line of the Omaha Public Power District s railroad line and the point of curvature of a 1494.43 foot radius curve, concave to the south; thence northwesterly along said northerly right-of-way line and said curve, through a central angle of 55 34'19" an arc distance of 1449.47 feet, the chord of said curve bears N 66 52 50" W, a distance of 1393.32 feet; thence S 85 20'00" W along said northerly right-of-way line, a distance of 303.52 feet to the existing easterly right-of-way line of 84th Street, said point located 70.00 feet easterly of, perpendicular measurement, the west line of said Southwest Quarter Section 23; thence N 00 52'06" E along said existing easterly right-of-way line, a distance of 167.34 feet to a corner of said easterly right-of-way line; thence N 02 10 26" E along said easterly right-of-way line, a distance of 60.05 feet; thence N 01 25 12" E along said easterly right-of-way line, a distance of 427.70 feet to the point of curvature of a 585.00 foot radius curve concave to the west; thence northerly along said easterly right-of-way line and said curve, through a central angle of 08 25'33" an arc distance of 86.03 feet, the chord of said curve bears N 02 47'39" W, a distance of 85.95 feet to a corner of said Lot 115; thence continuing northerly along the future easterly right-of-way line and said curve, through a central angle of 19 51'29" an arc distance of 202.75 feet, the

chord of said curve bears N 16 56'10" W, a distance of 201.74 feet to the south line of said Northwest Quarter Section and the point of beginning, containing an area of 1,953,951.67 square feet (44.86 acres) more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this use permit for the development of commercial and retail area will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Eiger Corp., hereinafter referred to as "Permittee", to construct 325,000 square feet of commercial and retail floor area, with requested waivers to the Land Subdivision Ordinance and Zoning Code to waive the required preliminary plat process, to allow a cul-de-sac in excess of 1,000 feet, to reduce setbacks from 20 feet to zero feet adjacent to outlets, to not require a sidewalk along Highway 2 and South 87th Street, to allow the transfer of sewage from one drainage basin to another, and to allow lot lines not at a right angle to the street, on the property legally described above be and the same is hereby granted under the provisions of Section 26.31.015 and Section 27.37.070 of the Lincoln Municipal Code upon condition that construction and operation of said commercial and retail space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 325,000 square feet of commercial and retail floor area with waiver of the following requirements:
 - a. The provision of Section 26.11.020 of the Lincoln Municipal Code that a preliminary plat is required for all subdivisions is waived.
 - b. The requirement of Section 26.23.080 of the Lincoln Municipal Code that dead end streets shall not exceed 1,000 feet is waived to allow a cul-de-sac in excess of 1,000 feet.
 - c. The requirement of Section 27.45.070 of the Lincoln Municipal Code that a side yard and rear yard have a 20 foot setback is waived to allow zero foot setbacks adjacent to OUTLETS.
 - d. The requirement of Section 26.23.095 of the Lincoln Municipal Code that sidewalks be constructed on both sides of all streets within the Subdivision and on the side of the street abutting the Subdivision is waived along Highway 2 and South 87th Street.
 - e. The requirement of Section 26.27.040 of the Lincoln Municipal Code that a wastewater collection system be constructed in accordance with the sanitary sewer design standards is waived to allow the transfer of sewage from one drainage basin to another.
 - f. The requirement of Section 26.23.140 of the Lincoln Municipal Code that lot lines be at a right angle to the street is waived to allow lot lines not at right angles to the street.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised and reproducible final plan with six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this use permit must be approved by the Planning Director consistent with the approved use permit.
3. Before occupying the buildings, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and

assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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

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 - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18223, passed by the City Council on August 11, 2003, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18418**, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER E TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18221, passed by the City Council on August 11, 2003, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18419**, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A AND THE LETTER C BY CREATING THE JOB CLASSIFICATIONS OF EMS MANAGEMENT SUPPORT SPECIALIST AND URBAN SEARCH AND RESCUE SPECIALIST - CLERK read an ordinance, introduced by Jon Camp, amending Sections 1 and 3 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" and "C", respectively, by creating the job classifications of EMS Management Support Specialist and Urban Search and Rescue Specialist, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18420**, is recorded in Ordinance Book , Page

AMENDING SECTION 2.76.200 OF THE LINCOLN MUNICIPAL CODE, COMPENSATION PLAN, TO CLARIFY THE PROCEDURE FOR TEMPORARY ASSIGNMENT IN A HIGHER CLASSIFICATION AS IT RELATES TO EMPLOYEES WITH A PAY RANGE PREFIXED BY THE LETTER N - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.76.200 of the Lincoln Municipal Code relating to the Compensation Plan to clarify the procedure for temporary assignment to a higher classification as it relates to employees with a pay range prefixed by the letter "N"; and repealing Section 2.76.200 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.

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

Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18421, is recorded in Ordinance Book , Page

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER X TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - CLERK read an ordinance, introduced by Jon Camp, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18218, passed by the City Council on August 11, 2003, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18422, is recorded in Ordinance Book , Page

AMENDING CHAPTER 5.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOWLING ALLEYS TO DEFINE "PUBLIC BOWLING CENTERS" AND TO REQUIRE A PERMIT FOR A TEEN NIGHT EVENT AT A PUBLIC BOWLING CENTER, TO CHANGE THE REFERENCE FROM PUBLIC BOWLING ALLEY TO PUBLIC BOWLING CENTER, TO PROVIDE THE PERMIT PROCEDURE AND FEE FOR TEEN NIGHT EVENTS, TO REVISE CONDITIONS FOR ISSUANCE OF PERMITS, TO PROVIDE THAT PERMITS FOR BOWLING CENTERS SHALL EXPIRE ONE YEAR AFTER DATE OF ISSUANCE, TO CHANGE REFERENCES TO BOWLING "ALLEYS" TO "LANES", TO CHANGE REFERENCES TO BOWLING ALLEY TO PUBLIC BOWLING CENTER, TO CLARIFY GROUNDS FOR REVOCATION OF PERMITS, TO CHANGE A REFERENCE TO "LICENSE" TO "PERMIT", TO ADD NEW SECTIONS TO PROVIDE PERMIT REQUIREMENTS FOR TEEN NIGHT EVENTS, TO PROHIBIT THE USE OF TOBACCO AND ALCOHOLIC LIQUOR AT ALL TEEN NIGHT EVENTS, TO ESTABLISH CLOSING HOURS FOR TEEN NIGHT EVENTS, TO ESTABLISH A MINIMUM AGE OF TEEN NIGHT EVENT PARTICIPANTS, TO MAKE IT UNLAWFUL TO FALSELY PRESENT AGE AT A TEEN NIGHT EVENT, TO LIMIT THE USE OF FACILITIES, TO REQUIRE MAINTENANCE AND ONE YEAR RETENTION OF A ROSTER OF PARTICIPANTS AT EACH TEEN NIGHT EVENT, TO REQUIRE A CERTIFICATE OF INSURANCE COVERAGE, TO PROVIDE AN EXCEPTION REGARDING VIOLATIONS, AND TO PROVIDE PENALTIES - PRIOR to reading.

NEWMAN Moved to amend Bill No. 04-143 on page 7, at the end of line 3, insert a comma after the word "center" and insert the following new language: "except games or amusement devices properly permitted under this code or Nebraska Law". And, on page 8, line 17, following "8:00 a.m." insert the following new language: ";provided, however, that the City Council may waive this requirement upon the written request of the applicant for good cause shown in support of the request as determined by the City Council."

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

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 5.14 of the Lincoln Municipal Code to relating to Bowling Alleys by amending the chapter title to Bowling Centers, amending Section 5.14.010 to provide a definition of "public bowling center" and to require a permit for a teen night event at a public bowling center; amending Section 5.14.020 to change a reference from public bowling alley to public bowling center; adding a new section numbered 5.14.022 to provide the permit procedure and fee for teen night events; amending Section 5.14.030 to revise conditions for issuance of permits; amending Section 5.14.040 to provide that permits for bowling centers shall expire one year after date of issuance and permits for teen nights as stated on the permit; amending Section 5.14.050 to change references to bowling "alleys" to "lanes"; amending Section 5.14.060 to changes references to bowling alley to public bowling center and to change a reference from alley to lane; amending Section 5.14.070 to clarify grounds for revocation of permits; amending Section 5.14.080 to change a reference to "license" to "permit" and to change a reference to bowling alley to public bowling center; adding a new section numbered 5.14.100 to provide permit requirements for teen night events; adding a new section numbered 5.14.110 to prohibit the use of tobacco and alcoholic liquor at all teen night events; adding a new section numbered 5.14.120 to prohibit the participation of adults at teen night events; adding a new section numbered 5.14.130 to establish closing hours for teen night events; adding a new section numbered 5.14.140 to establish the minimum age of teen night event participants; adding a new section numbered 5.14.150 to make it unlawful to falsely present age at a teen night event; adding a new section numbered 5.14.160 to limit the use of facilities; adding a

new section numbered 5.14.170 to require the maintenance and one-year retention of a roster of participants at each teen night event; adding a new section numbered 5.14.180 to require a certificate of insurance coverage be submitted with each teen night event permit application; adding a new section numbered 5.14.190 to provide an exception regarding violations; adding a new section numbered 5.14.200 to provide penalties for violations of this chapter; and repealing Sections 5.14.010, 5.14.020, 5.14.030, 5.14.040, 5.14.050, 5.14.060, 5.14.070, and 5.14.080 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18423, is recorded in Ordinance Book , Page

AMENDING SECTION 5.04.120 OF THE LINCOLN MUNICIPAL CODE TO ALLOW MINORS TO BE ON PREMISES LICENSED TO SELL ALCOHOL AFTER 9:00 P.M. ONLY DURING TIMES AND PLACES PROPERLY PERMITTED FOR A PARTICULAR TEEN NIGHT EVENT - CLERK read an ordinance, introduced by Jon Camp, amending Section 5.04.120 of the Lincoln Municipal Code to allow minors to be on premises licensed to sell alcohol after 9:00 p.m. only during times and places properly permitted for a particular teen night event; and repealing Section 5.04.120 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18424, is recorded in Ordinance Book , Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 16, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

NEWMAN Moved to delay Public Hearing of Bill No. 04R-204 for two weeks to 08/23/04.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on August 16, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 6:20 P.M.

RECONVENED 6:23 P.M.

ONE AND SIX YEAR STREETS & HIGHWAY PUBLIC HEARING

Chairperson Werner: This evening the Lincoln City Council is holding a public hearing on the One and Six Year Streets and Highway Program. For the record we are assembled in the City Council Chambers, Lincoln, Nebraska, the date is August 9, 2004, and the time is 6:23 p.m. A recording of the hearing and proceedings is being made. Present and conducting this hearing are City Council Members Patte Newman, Jonathan Cook, Annette McRoy, Ken Svoboda, Glenn Friendt, Jon Camp, and myself Terry Werner, Chairperson. This public hearing is held each year to fulfill state statutory requirements and also serves as the public hearing for the City's Capital Improvements Program. It should be noted that the C.I.P. is a "funding" document only. The One Year Program lists

projects proposed for final design, right-of-way acquisition, construction or study during Fiscal Year 2005. The second through sixth year (FY 2006-2010) program lists those projects which are in some phase of development or will enter the street planning process. All projects were identified on the public hearing notice, advertised in the Lincoln Journal Star on Sunday, July 25, 2004. Also, this notice was placed on the city's website on July 13, 2004, as well as on Channel 5. This public hearing is being held so citizens will have an opportunity to express their views on this proposed program. In addition, citizens have 10 days after the hearing to submit any statements or exhibits to the Public Works Department. Therefore, all statements and exhibits received on or before, August 19th, 2004 will become a part of the public hearing record. These statements should be forwarded to Karl Fredrickson, City Public Works Department, Engineering Services, 531 Westgate Boulevard, Suite 100, Lincoln, Nebraska 68528. This public hearing is divided into three parts. First, City Staff will present information related to the program. The second part of the hearing is for your participation. We are here to receive input from you. Part three of the hearing will be my closing statement. At this time I would like to call upon Public Works & Utilities staff to present information relating to this program.

Allan Abbott, Director of Public Works and Utilities: With me tonight is Roger Figard with Public Works & Utilities Department for any detailed questions. As stated by Councilman Werner this Public Hearing is held each year to fulfill state statutory requirement, which ensures that an integrated system of public roads is provided for the general welfare of the state, counties and municipalities. The program is administered by the State Board of Public Roads Classifications and Standards.

The proposed One and Six Year Streets and Highways Program and the Capital Improvements program for fiscal years 2005 through 2010 reflects an average annual expenditure of nearly 51.5 million dollars of city revenues, \$6.9 million in federal aid and \$20.6 million in other funds. This includes State & Federal demonstration money, Train Mile Tax, Railroad Transportation Safety District and other funds as they may become available. The program, in reality, is also the C.I.P. for the City of Lincoln over the next six year period. The C.I.P. is on the City's website for those in the audience that would need to review it in more detail as there will be a comment time for 10 days after this hearing to comment on the proposed projects. Very briefly projects 1 through 11 in our C.I.P. continue the Intelligent Transportation Infrastructure Improvement started by the City in the recent past, traffic optimization and management; miscellaneous emergency and safety projects and operation improvements; modify, replace or install traffic signal equipment and communication links; preliminary engineering and right-of-way acquisition; bikeway trails in connection with the street improvement projects; upgrade built environmental and traffic calming; paving districts for federal aid projects; landscaping in connection with street improvements; miscellaneous engineering construction and computer records; sidewalk maintenance and repair; arterial street rehabilitation and intersection projects which is about a \$7 million program this year and will continue to about \$7 million throughout the six year program and the State share of county projects to be built to city standards. This is in conjunction with and relates to the SRT Committee's proposal that we work closely with the County in the planning process in order to acquire right-of-way and provide a typical section for the streets in a matter in which they will not have to be removed when it is finally widened to an urban standard. Project 12 is the reconstruction of 14th Street from Old Cheney to 1/4 mile north of Pine Lake Road; Item 14 is Sun Valley Boulevard, West O to Cornhusker - that's a study; Item 15 is Vine Street, 21st to 27th;. Item 16 through 28 deal with the Antelope Valley Project; Item 29 is the South Beltway Project; Item 30 is the Harris Overpass replacement between 3rd and 9th Street; Item 31 is 84th Street from Montello Road to Kathy Lane; Item 32 is 84th Street from Kathy Lane to Cheney Ridge Road. These projects are already under construction, but the funding for the completion for these projects is scheduled over the next three years and the City Council has endorsed this project by passing a multi-year funding resolution; Yankee Hill Road from 27th Street to 40th Street is Item 33; Item 34 is Pine Lake Road from 40th Street to 56th Street; Item 35 is 70th Street to 84th Street; Item 36 is 14th Street/Old Cheney/Warwick Boulevard Intersection. This is one of the major intersections within

the City of Lincoln. There has been a lot of concern about the safety and operation of that intersection and this project will be started in this upcoming fiscal year and completed over the next two. Item 38 is 56th Street, Old Cheney Road to Pine Lake Road; Item 39 is Pine Lake Road from 84th Street to east of 98th Street, north of Pine Lake Road to Highway 2; Item 40 is North 14th Street, Superior Street to 1/4 mile north of Alvo Road; Item 41 is South 56th Street, 1/4 mile south of Pine Lake Road to 1/4 mile south of Yankee Hill Road; Item 42 is Fletcher Avenue to Highway 6 to 1/4 mile east of 84th Street; Item 43 is Pine Lake Road, 56th to Highway 2; Item 45 is South 27th Street to Yankee Hill Road to Beltway; Item 46 is Old Cheney Road, 70th Street to 84th Street; Item 48 SW 40th Street, O Street to A Street and that's a study coordinated with the proposed overpass of Southwest 40th at the Burlington Northern tracks; Item 49 is Fletcher Avenue, 14th Street to Telluride Street; Item 50 is O Street, 42nd to 52nd Street; Item 51 West Adams Street, NW 63rd Street to NW 48th Street, NW 56th Street from Adam Street south; Item 52 is Adams Street, 75th Street to 84th Street; Item 53 Van Dorn Street, Normal Boulevard to 1/4 Mile east of 84th Street; Item 55 is Coddington Street, A Street to Van Dorn Street; Item 56 is West A Street 1/4 mile west of SW 40th Street to Coddington Street. The One Year Program also includes projects as I mentioned earlier that will cover the Intelligent Transportation System. The Second through the Six Year Program identifies projects that are in some phase of development will enter the street planning process, these projects include Capitol Parkway West of Homestead Expressway. That's an interchange that we are working with the State of Nebraska on; Sun Valley, West O to Cornhusker; again Antelope Valley Projects will continue over the next six years; the Harris Overpass replacement between 3rd and 9th will be a multi-year program; I mentioned earlier, also, 84th St. will continue to be constructed and there are other projects that will be, as I mentioned previously, that will be continuing through years two through six. These items are listed and are Items 42 through 66 in the C.I.P. I can read those if the Council desires or we can refer to them as the numbers and people can look at them on the website.

Chairperson Werner: Well, I believe we all have those. Would anyone on the Council like Mr. Abbott to read those? I don't think it's necessary.

Mr. Abbott: I will attempt to answer any questions you have on this. This has been approved by the Planning Commission; the CIP, the TIP, and the One and Six Year Program has been approved by the Planning Commission on May 19, 2004 and was found compatible with the Comprehensive Plan. Again if there are any questions.

Chairman Werner: Are there any questions of Mr. Abbott?

Jon Camp, Council Member: Mr. Abbott as we go through regular budget deliberations there have been some proposals to move certain costs in the Street Construction Fund such as electricity for street lights, traffic lights and so forth, what impact would that have on the CIP?

Mr. Abbott: Well, the CIP has been developed utilizing all the available funds so if there are projects or other additions to this that are not currently planned there could be or would have to be a reduction in a project within the CIP. That of course could be developed and determined at a later date. We also realize that working together we can in fact minimize the impact of that depending upon the budget hearing that's coming up and I do know that there have been some tentative agreements reached between the Mayor's Office and talking to the City Council about the reduction of impact of some of the proposed adjustments at this point and time. But, in answer to your question, Jon, unless we're able to find additional dollars or phasing out there could be a reduction in the ability to do some of these projects.

Chairman Werner: Any other questions for Mr. Abbott? OK if not we will go on an take public testimony. Madame Clerk you have a sign up sheet?

City Clerk: I do and these are listed as One and Six Year Street and Highway Program and then the Budget on the same sign-up so if they were not separated out I will call the first three to four names and anyone that wants to speak on the One and Six Year Street can just come forward. Terry Schowalter.

Chairman Werner: I tell you what, why don't we do it differently, those who are interested in testifying on the One and Six Year Street Program if you just come forward and we'll take your testimony and then we'll go to the Budget. Is there anyone here who would like to testify on the One and Six Year Street Program?

Chairperson Werner: Do any of the Council Members wish to comment? Let me remind you that statements or exhibits received on or before August 19, 2004 will become part of this hearing record. The information received in this hearing and during the comment period will be evaluated by the Public Works Department and subsequently by the City Council. Final action will be taken by City Council Resolution adopting the CIP budget. It is now 6:39 p.m. and the Public Hearing is closed. If not, we have reached the second part of this public hearing.

**2004-2005 MAYOR'S RECOMMENDED ANNUAL OPERATING BUDGET
& CAPITAL IMPROVEMENT PROGRAM FY 2004-2005 - 2006-2010**

City Clerk: As part of the Mayor's proposed budget, the budget also proposes to take the following action allowed by LB 989 as passed by the 1998 Nebraska State Legislature.

1. The Mayor's recommended Budget anticipates the use of allowable growth and the tax base above the 2.5% already provided by LB 989 for 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. This increase is estimated at 2.5% pending certification of final valuations from the County Assessor's office. It is the City's intention to utilize the final percentage increase in growth, as provided by the certified final valuations, to increase the restricted funds base and to utilize various other lid exemptions provided in LB 989.

2. The City intends to carryover all unused restricted fund authority from prior and current fiscal years as well as any unused restricted fund authority from the 2003-2004 budget to future fiscal years. This unused restricted fund authority is estimated at up to \$16,000,000, but depends on final completion of lid documents to be filed with the State Auditor's office. It is the City's intention to carryover all unused restricted funds authority as determined by final completion of the forms.

Chairperson Werner: As a reminder, each person will have 5 minutes to speak on any budget item. We will enforce the 5 minute limit very strictly so I request you help us out and not go beyond that. I also request that people not give redundant testimony. You can re-enforce what somebody ahead of you said, perhaps, but it could be a long night. A lot of people want to testify. We're going to start out this evening by having the Budget Director, Steve Hubka, give a short presentation and then we will go on the list on a first come first serve basis, so if anyone has not signed up please sign up in the back of the room.

Steve Hubka, Budget Officer for City of Lincoln, during the last week the Mayor, her Staff and I have met with the Chair and Vice Chair of the City Council to discuss alternatives to the City Council's budget changes that were tentatively adopted on July 19, 2004. Administration supports not increasing the City property tax rate to fund the City general operating budget. The Mayor tonight is proposing an alternative to the City Council budget cuts that balances the City budget without increasing the city property tax rate. The Mayor's alternative budget plan would balance the budget and avoid the property tax increase by: 1. Eliminating most of the new spending proposed by the City Council adopted amendments. 2. Matching the same amount by dollars cut as identified in the July 19th City Council changes. In some cases we're recommending alternative spending cuts and deferring the purchase of replacement equipment. 3. Minimizing, but eliminating the shifting of traditional General Fund expenses to other funds such as street construction fund. Two areas of particular concern in the Council budget cuts were in the area of the Parks and Recreation Dept. and the Public Works and Utilities Dept. In the Parks and Recreation Dept. budget the Council had proposed significant reduction in the Parks maintenance budget. The Mayor's alternative restores the cuts in the Parks maintenance. We believe that a majority of the Council are in support of this. The Council also proposed reducing the Parks Capital Improvement Program. We have both learned of an alternative to the replacement of the Star City Shore slide that generates \$224,000 savings. The Mayor's alternative budget proposal incorporates that savings as one of the methods to restore those cuts. In the Public Works and Utilities Dept. there was a shifting of street construction

funds to pay for some items that have traditionally been paid with General Fund tax dollars. The Mayor's alternative proposal would minimize the shifting of funds as much as possible while still balancing the budget and avoiding property tax increase. These changes will balance the 2004-2005 city budget without increasing the property tax rate. It should be mentioned, however, that achieving the goal of not having a property tax increase for 2004-2005 will make it more difficult to balance future city budgets. We would ask that the City Council please review the Mayor's budget proposal and work together toward a final agreement on Wednesday to balance the budget without increasing the property tax rate. That is the proposal that I passed out earlier to you. I would like to mention for the sake of you and the public that City Department Directors are in the building and available to answer any questions you might have this evening. Discussion followed.

Lynn Johnson, Parks and Recreation came forward to explain the Star City Shores slide will be resurfaced in place of purchasing a new slide for a \$224,000 savings. Replacement for some maintenance equipment will be delayed.

Terry Showalter, 1820 SW 23rd St., Director of Literacy Council came forward in favor of the \$20,000 for the Employment Skills Building.

Kevin Oliver, 3037 Randolph, Literacy Council volunteer, came forward in favor of the \$20,000 for the Employment Skills Building.

Jeff Altman, 5120 Pawnee Street, came forward representing the National Community of the Blind, came forward in support of the multi-modal transportation system recommended. Discussion followed.

Linda Thompsen, 1916 Pepper Avenue, Director of Employment Services of Goodwill, came forward in favor of the proposed low income bus fare.

Ginny Wright, 814 Lyncrest, representing Lincoln Neighborhood Alliance, came forward to address sidewalk repair and residential street repair.

Ed Sessions, 2720 S. 35th Street, deferred his time to speak to Toni Cox-Burress.

Toni Cox-Burress, 807 W. Beal, StarTran bus driver, read a statement from Les Helm, StarTran Union President, to thank the Council for the addition of StarTran services. Toni expressed her disapproval of shutting down the Play Center. Discussion followed.

Brian Mathers, 1969 Park Avenue, Director of Lincoln Action Program, came forward in support of adding a bus line and the low income bus passes. Discussion followed.

Dean Settle, 128 N. 13th St., #404, Executive Director of Community Mental Health Center, came forward in favor of the low income bus passes.

Beatty Brasch, 3303 S. 31st St., Executive Director of the Center for People in Need, came forward in favor of the low income bus passes.

Mike Morosin, 2055 S St., came forward to state the need to have money in the budget to pay homeowners & business owners for property for the Antelope Valley Project.

Patricia Stear, 2812 T Street, came forward in support of the Multi-Modal Transportation and the Income Skills Building.

David Hunt, 3755 Everett, came forward in favor of expanding the bus system.

Tad McDowell, 6601 S. 30th Street, Chairman of StarTran Advisory Board, came forward to remind the Council of their decision to make the Lux route permanent and the \$50,000 from Kit Boesch of the Human Services Dept. to StarTran for the low income passes. He is in support of the HandyVan service and the expansion of the StarTran Marketing Promotional Program. Discussion followed.

Beth Kagan, 7421 Union Hill Cr. came forward to ask that the City Council not cut the budget for the planned park near Countryview Estates and the Indoor Playground.

Karin Fuog, 9200 Foxen Cr., came forward in favor of reinstating the Lux bus route.

Coby Mach, 4725 Fir Hollow, Director of LIBA, came forward in support of a City Auditor to oversee city funds, to support exploring other options for health insurance, the need for an independent study of the Fire Department for various needs, expressed the concern of the underfunded Police and Fire Pensions, and the support of the Mayor's original proposed budget for Parks and Recreation Department. Discussion followed.

Bruce Bohrer, 1135 M Street, Ste 200, came forward representing

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the Lincoln Chamber of Commerce, in support of having a zero levy increase budget. Discussion followed.

BREAK 8:00 P.M.

RECONVENED 8:16 P.M.

Todd Blome, 5540 S. 74th Street, came forward as a member of the Lincoln Independent Business Association Monitoring Committee, to express concern for shifting of funds from the street fund and using for other operations, of the City's health insurance costs, Fire & Police Pension funds, the value of having a City Auditor and a Fire Department comprehensive study. Discussion followed.

Susan Scott, 5343 Cooper Street, came forward as YWCA Executive Director in support of the low income bus passes.

Laura Moore, 3900 Prescott Avenue, came forward in support of the low income bus fares.

Janet Doulas, 210 Bruce Dr., came forward to discuss the poor condition of sidewalks & curb cuts and to say thank you for expanding the bus routes to later in the evenings and on weekends and for the new Street lights at 27th & O Street. She presented Mr. Doulas' statement to be placed on file.

Beth Thacker, 5300 Lowell Avenue, came forward representing the Great Plains Trail Network, to request restoring the general operating budget to the Parks and Recreation Dept.

Danny Walker, 427 E St., came forward to ask that the 3rd and S Street underpass be maintained as well as under the A Street overpass, and the east and west side of the 3rd Street Rail Corridor. He didn't feel a need for the new bike trail under the Salt Creek Bridge on A Street because it is less than a mile from the 4th Street bike trail. He is against the request for six additional firemen.

Karma Newman, 2541 N 9th Street, Apt. 122, came forward to report the curbcut by Belmont Shopping Center has a bump which causes her to go into the street with her wheelchair.

Bob Ripley, 3022 William Street, came forward as Chair of Parks and Recreation Advisory Board against cutting maintenance costs in the Parks and Recreation Dept.

Carol Brown, 2201 Elba Circle, came forward to say thank you to the Council for making public safety a number one priority. She feels the building industry should be paying for new streets and feels that sidewalk replacement has been inadequate. Discussion followed.

Curt Donaldson 2860 R Street, came forward to state that he is for extreme moderation in the city budget this year. Discussion followed.

Rick Rodenburg, 3155 Tihen Circle, came forward to ask that the parks and trails continue to be maintained. Discussion followed.

Dick Esseks, 7911 Colby Street, came forward against cutting back on maintenance funding for parks and trails.

Mary Roseberry-Brown, 1421 F Street, came forward against the Parks and Recreation Departments budget cuts.

Joe Hampton, 1660 S. 70th Street, came forward in support of an internal independent auditor and for a comprehensive study of the Fire Department. He would like to see the transportation department do more for the low income and the handicapped and is against using street funds for other funding.

Steve Woltemath, 2910 S 27th Street, came forward in support of the internal independent auditor. He is against city employees receiving health and dental insurance within six months of being hired.

ADJOURNMENT 9:30 P.M.

CAMP Moved to adjourn the City Council meeting of August 9, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

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