

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

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of August 27, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE VILLAGE OF MALCOLM FOR THE OPERATION OF A KENO LOTTERY IN MALCOLM - John Hewitt, 8111 SW 98, Denton, NE, came forward representing Big Red Keno to answer any questions.

This matter was taken under advisement.

REAPPOINTING ANNETTE MCROY TO THE JOINT BUDGET COMMITTEE FOR A TWO-YEAR TERM EXPIRING AUGUST 31, 2006 - Mike Morosin, 2055 S St., came forward to ask questions regarding the Joint Budget Committee.

This matter was taken under advisement.

APPROVING A SCHEDULE OF MAXIMUM FEES THE CITY MAY CHARGE FOR AMBULANCE service - Mike Spadt, Fire Chief, came forward to state the adjustments to emergency service fees falls within the Consumer Report. The EMS Committee is in support of an increase in fees and a letter from Dr. Michels in support of the increase was submitted to be placed on file. Discussion followed.

Sherrie Meints, EMS Business Manager, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 S St., came forward to say thank you to those who mowed the Park.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS - NONE

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 1 - 15, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

COOK Moved to amend Bill No. 04R-216 on line 16, the claim of Laura Karl should be removed from the list of DENIED claims and moved to the list of ALLOWED claims to the amount of \$212.93.

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

A-82942 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 August 16, 2004, 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>	
Mary Ann Moore	\$ 402.90	David L. Bulin	\$ 444.05
William Spielman	275.20	Roger & Joni Day	2,980.49
Judy Guilliat	359.29	John & Jolene Walker	23,000.00
Dirk & Lori Maley	1,408.12	Farm Bureau Financial Services	
Jack R. Matthews	58.85	(Claim No. 01-04-2280)	4,100.55
Dawn Tucker Moore	NAS*	<u>Laura Karl</u>	<u>212.90</u>
Laura Karl	212.93		
Anthony J. Rimmer	63.00		

* No Amount Specified.

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

Introduced by Patte Newman

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

REAPPOINTING D. BERT HARRIS, GERALD SCHLEICH, HELEN G. MEEKS, MARILYN MCNABB, AND JOSE J. SOTO TO THE CHARTER REVISION COMMISSION FOR FOUR-YEAR TERMS EXPIRING JULY 15, 2007 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82943 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of D. Bert Harris, Gerald Schleich, Helen G. Meeks, Marilyn McNabb, and Jose J. Soto to the Charter Revision Commission for four-year terms expiring July 15, 2007 is hereby approved.

Introduced by Patte Newman

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

REAPPOINTING JOEL GAJARDO AND CARLOS SERVAN TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2007 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82944 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Joel Gajardo and Carlos Servan to the Multicultural Advisory Committee for three-year terms expiring September 18, 2007 is hereby approved.

Introduced by Patte Newman

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

APPOINTING COLETTE M. MAST TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A THREE-YEAR TERM TO EXPIRE SEPTEMBER 18, 2007 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82945 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Colette M. Mast to the Multicultural Advisory Committee for a three-year term expiring September 18, 2007 is hereby approved.

Introduced by Patte Newman

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

APPOINTING DANIEL L. ANDERSON AND DR. CHUCK ERICKSON TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2007 - CLERK read the following resolution, introduced by Patte Newman,

who moved its adoption:

A-82946 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Daniel L. Anderson and Dr. Chuck Erickson to the Community Health Endowment Board of Trustees for three-year terms expiring September 1, 2007 is hereby approved.

Introduced by Patte Newman

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE VILLAGE OF MALCOLM FOR THE OPERATION OF A KENO LOTTERY IN MALCOLM - PRIOR to reading:

COOK Moved to approve the substitute agreement.

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

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

A-82947 WHEREAS, the parties hereto are governmental subdivisions of the State of Nebraska and are public agencies for the purposes of the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Cum. Supp. 2002); and

WHEREAS, the Interlocal Cooperation Act permits any two or more public agencies to enter into agreements with one another for joint or cooperative action; and

WHEREAS, the City of Lincoln and Malcolm are agreeable to allow the establishment and operation of Keno satellite facilities in the Village of Malcolm under the Lincoln Keno lottery; and

WHEREAS, the City of Lincoln and Malcolm have set out their agreement in what is marked as Attachment "A" and made a part hereof as if set out fully.

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

That the attached Interlocal Agreement between the City of Lincoln and the Village of Malcolm to provide for the establishment and operation of Keno satellite locations in the Village of Malcolm, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the Mark Leikam in the Finance Department for transmittal to the Village of Malcolm.

Introduced by Patte Newman

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

APPROVING THE CITY OF LINCOLN RULES AND REGULATIONS FOR LIVING WAGE ORDINANCE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82948 WHEREAS, the Lincoln City Council amended the Lincoln Municipal Code by creating a new Chapter 2.81 entitled as the "Lincoln Living Wage Ordinance" which was adopted by the City Council on March 1, 2004; and

WHEREAS, the Living Wage Ordinance provides for a wage of at least 110% of the federal poverty guideline for a family of four or 100% of the federal poverty guideline if the employer provides certain health insurance benefits; and

WHEREAS, the ordinance in Section 2.81.060 requires the Finance Department to promulgate rules and regulations for the preparation of bid specifications, contracts, and preparations for contract negotiations as well as an administrative procedure and appeal process; and

WHEREAS, the Finance Department has developed such rules and regulations pursuant to the Living Wage Ordinance.

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

That Attachment "A" entitled City of Lincoln Rules and Regulations for Living Wage Ordinance which is made a part hereof as if set out fully is hereby adopted.

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

REAPPOINTING TERRY WERNER TO THE UTILITY BILLING CHECK-OFF PROGRAM BOARD FOR A
ONE-YEAR TERM EXPIRING AUGUST 31, 2005 - CLERK read the following
resolution, introduced by Patte Newman, who moved its adoption:

A-82949 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the reappointment of Terry Werner to the Utility Billing
Check-Off Program Board for a one-year term expiring August 31, 2005 is
hereby approved.

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

REAPPOINTING GLENN FRIENDT, JONATHAN COOK, AND KEN SVOBODA TO THE RAILROAD
TRANSPORTATION SAFETY DISTRICT FOR ONE-YEAR TERMS EXPIRING AUGUST 31,
2004 - CLERK read the following resolution, introduced by Patte Newman,
who moved its adoption:

A-82950 BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska:

That the reappointment of Glenn Friendt, Jonathan Cook and Ken
Svoboda to the Railroad Transportation Safety District for one-year
terms expiring August 31, 2005 is hereby approved.

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

REAPPOINTING ANNETTE MCROY TO THE JOINT BUDGET COMMITTEE FOR A
TWO-YEAR TERM EXPIRING AUGUST 31, 2006 - CLERK read the following
resolution, introduced by Patte Newman, who moved its adoption:

A-82951 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the reappointment of Annette McRoy to the Joint Budget
Committee for a two-year term expiring August 31, 2006 is hereby
approved.

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

APPROVING A SCHEDULE OF MAXIMUM FEES THE CITY MAY CHARGE FOR AMBULANCE SERVICE
- CLERK read the following resolution, introduced by Patte Newman, who
moved its adoption:

A-82952 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code,
the City Council has authority to approve a schedule of maximum fees
which the City may charge for ambulance service rendered by the City of
Lincoln; and

WHEREAS, the City Fire Department has proposed such a schedule of
maximum fees for comment and review by EMS, Inc., the City's emergency
medical services oversight agency; and

WHEREAS, EMS, Inc. has concluded the proposed maximum fees are
reasonable; and

WHEREAS, the proposed rate schedule is before the City Council for
its consideration and approval; and

WHEREAS, the City Council finds that the proposed rate schedule,
based on the reasonable costs of providing ambulance service, represents
reasonable maximum user fees to be charged for the provision of
ambulance service by the City of Lincoln

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed
rate schedule attached hereto, marked as Attachment "A", and made a part
hereof by reference, is hereby approved and shall take effect September
1, 2004.

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2004 AT 1:30 P.M. FOR THE
APP. OF VAN EISER, LLC DBA VENUE FOR A CLASS "I" LIQUOR LICENSE AT 4111
PIONEER WOODS DRIVE - CLERK read the following resolution, introduced
by Jonathan Cook, who moved its adoption:

A-82953 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Application of Van Eiser, LLC dba Venue for a Class "I" liquor license located at 4111 Pioneer Wood Drive.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 20, 2004 AT 1:30 P.M. FOR THE APP. OF VAN EISER, LLC DBA VENUE FOR A CLASS "K" LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82954 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 20, 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 the Application of Van Eiser, LLC dba Venue for a Class "K" liquor license located at 4111 Pioneer Wood Drive.

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

Introduced by Jonathan Cook

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 23, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION PASSED BY THE CITY COUNCIL ON AUGUST 27, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JULY, 2004: D & D, TELECORP., TT WIRELESS PCS, NEXTEL WEST, ZONE, ACCERIS, TRI-M, ASSOCIATION ADM., CELLULAR ONE, NORTON NETWORK SERVICES, NOS, LIGHTYEAR, GLOBALCOM, GTC TELECOM, LDMI, AFFINITY NETWORK - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk.

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, SEPTEMBER 27, 2004, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

04-158 To provide authority to create a paving district being West Benton Street, west of North First Street approximately 600 feet +/- and assess the costs thereof against the benefitted properties.

COOK Moved to approve the Public Hearing date of Monday, September 27, 2004 at 5:30 p.m. and to place on the formal City Council agenda.

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82955 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2004, \$349,561.36 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to

the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 8/9/04)

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER F TO ADJUST THE HOURLY PAY RANGE - 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 "F"; repealing Ordinance No. 18222, passed by the City Council on August 11, 2003, the first time.

STREET AND ALLEY VACATION 04008 - VACATING 21ST STREET BETWEEN Y STREET AND THE ABANDONED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY - CLERK read an ordinance, introduced by Jonathan Cook, vacating 21st Street between Y Street and the abandoned Missouri Pacific Railroad right-of-way, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 04040 - APPLICATION OF JOYCE HINKLEY LIMITED PARTNERSHIP FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 58TH STREET AND COLFAX AVENUE - 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 first time.

STREET AND ALLEY VACATION 04009 - VACATING THE SECTION OF NORTH 58TH STREET RIGHT-OF-WAY BETWEEN COLFAX AVENUE AND THE MURDOCK TRAIL - CLERK read an ordinance, introduced by Jonathan Cook, vacating the portion of North 58th Street right-of-way between Colfax Avenue and the Murdock Trail, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 04032 - AMENDING CHAPTER 27.60 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT BY REVISING THE STATEMENT OF INTENT OF THE PLANNED UNIT DEVELOPMENT DISTRICT; BY AMENDING SECTION 27.60.010 TO REVISE THE GENERAL PURPOSE; BY AMENDING SECTION 27.60.020 TO DELETE EXISTING USE REGULATIONS AND TO ADD GENERAL REQUIREMENTS AND DEVELOPMENT PLAN REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS; BY RENUMBERING SECTION 27.60.035 AS 27.60.030 AND AMENDING THE SAME TO DELETE EXISTING REQUIREMENTS REGARDING THE FORM OF A PRELIMINARY PLAN AND TO ADD REQUIREMENTS FOR THE FORM OF A FINAL PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.60.040 TO DELETE EXISTING REQUIREMENTS REGARDING PRELIMINARY PLAN PROCEDURES AND TO ADD A PROCESS FOR REVIEWING APPLICATIONS FOR A PLANNED UNIT DEVELOPMENT; BY ADDING A NEW SECTION NUMBERED 27.60.050 TO PROVIDE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT FOLLOWING APPROVAL; BY REPEALING SECTION 27.60.055 REGARDING FINAL PLAN FORM; BY REPEALING SECTION 27.60.056 REGARDING FINAL PLAN PROCEDURE; BY AMENDING SECTION 27.60.060 TO DELETE THE EXISTING LANGUAGE REGARDING AMENDMENT TO PLANNED UNIT DEVELOPMENTS AND TO ADD NEW REQUIREMENTS; BY REPEALING SECTION 27.60.070 REGARDING ABANDONMENT OR FAILURE TO PROCEED WITH DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.60.080 TO PROVIDE PROVISIONS REGARDING PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS - CLERK read an ordinance, introduced by Jonathan Cook, Change of Zone 04032 - Amending Chapter 27.60 of the Lincoln Municipal Code relating to the Planned Unit Development District by revising the statement of intent of the Planned Unit Development District; by amending Section 27.60.010 to revise the general purpose; by amending Section 27.60.020 to delete existing use regulations and to add general requirements and development plan requirements for planned unit developments; by renumbering Section 27.60.035 as 27.60.030 and amending the same to delete existing requirements regarding the form of a preliminary plan and to add requirements for the form of a final planned unit

development; by amending Section 27.60.040 to delete existing requirements regarding preliminary plan procedures and to add a process for reviewing applications for a planned unit development; by adding a new section numbered 27.60.050 to provide requirements for a planned unit development following approval; by repealing Section 27.60.055 regarding final plan form; by repealing Section 27.60.056 regarding final plan procedure; by amending Section 27.60.060 to delete the existing language regarding amendment to planned unit developments and to add new requirements; by repealing Section 27.60.070 regarding abandonment or failure to proceed with development of a planned unit development; and adding a new section numbered 27.60.080 to provide provisions regarding previously approved planned unit developments, the first time.

CHANGE OF ZONE 04043 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1, I-2 AND THE I-3 ZONING DISTRICTS BY AMENDING SECTION 27.47.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.47.035 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1 INDUSTRIAL DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.47.040 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.49.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.49.030 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-2 INDUSTRIAL PARK DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.49.050 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.51.040 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-3 EMPLOYMENT CENTER DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.51.060 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-3 EMPLOYMENT CENTER DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, Change of Zone 04043 - Amending Title 27 of the Lincoln Municipal Code to allow churches as a permitted conditional use in the I-1, I-2 and the I-3 zoning districts by amending Section 27.47.020 to delete churches from the general use regulations of the I-1 Industrial District; amending Section 27.47.035 to add churches as a permitted conditional use in the I-1 Industrial District and specifying conditions therefor; amending Section 27.47.040 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-1 Industrial District; amending Section 27.49.020 to delete churches from the general use regulations of the I-2 Industrial Park District; amending Section 27.49.030 to add churches as a permitted conditional use in the I-2 Industrial Park District and specifying conditions therefor; amending Section 27.49.050 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-2 Industrial Park District; amending Section 27.51.040 to add churches as a permitted conditional use in the I-3 Employment Center District and specifying conditions therefor; amending Section 27.51.060 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-3 Employment Center District, the first time.

CHANGE OF ZONE 04047 - APPLICATION OF JEROME HITTNER, MICHAEL MCKEEMAN, AND MANETTE KIDNEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND OLD CHENEY 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, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 04048 - APPLICATION OF WILDERNESS RIDGE, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE

HILL 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, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 1692C - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS RIDGE COMMUNITY UNIT PLAN TO EXPAND THE WILDERNESS RIDGE GOLF COURSE TO INCLUDE A PARKING LOT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD.

USE PERMIT 126B - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS WOODS OFFICE PARK TO REVISE THE BOUNDARIES BY REMOVING THE AREA OF THE PARKING LOT FROM THE USE PERMIT, WITH A WAIVER TO REDUCE THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD.

ORDINANCES - 3RD READING

CHANGE OF ZONE 04017 - APPLICATION OF GLEN HERBERT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - PRIOR to reading:

FRIENDT Moved to delay action on Bill No. 04-157 for two weeks to 9/13/04.
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.

CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made apart 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.

SPECIAL PERMIT 04011 - APPLICATION OF GLEN HERBERT TO DEVELOP BOULDER RIDGE COMMUNITY UNIT PLAN FOR 189 SINGLE FAMILY UNITS, 48 SINGLE FAMILY ATTACHED UNITS, 224 MULTIPLE FAMILY UNITS, AND AN ADDITIONAL 240 UNASSIGNED UNITS ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - PRIOR to reading:

FRIENDT Moved to delay action on Bill No. 04R-212 for two weeks to 9/13/04.
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.

APPEAL OF GLEN HERBERT FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF BOULDER RIDGE PRELIMINARY PLAT, CONDITION 1.1.14 REQUIRING CORRECTIONS TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PUBLIC WORKS AND UTILITIES DEPARTMENT MEMO, ON PROPERTY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - PRIOR to reading:

FRIENDT Moved to delay action on Bill No. 04R-213 for two weeks to 9/13/04.
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY THE APPROVAL OR REJECTION OF ORDINANCE NO. 18396 ADOPTING THE LINCOLN SMOKING REGULATION ACT TO PROHIBIT SMOKING IN INDOOR PUBLIC PLACES AND PLACES OF EMPLOYMENT - CLERK read the following resolution, introduced by Annette McRoy, who moved its Withdrawal.

Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4483 & was placed on file in the Office of the City Clerk.

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to extend the Pending List to September 13, 2004.
 Seconded by McRoy & carried by the following vote: AYES: Cook,
 Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on
 September 13, 2004.
 Seconded by McRoy & carried by the following vote: AYES: Cook,
 Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.

ADJOURNMENT 5:56 P.M.

COOK Moved to adjourn the City Council meeting of August 30, 2004.
 Seconded by Friendt & carried by the following vote: AYES: Cook,
 Friendt, McRoy, Newman, Werner; NAYS: None; ABSENT: Camp, Svoboda.
 So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
AUGUST 30, 2004
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