

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 10, 2003 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

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

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of February 3, 2003, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Don Wesely came forward to present the Mayor's Award of Excellence for the month of January to Lorena Hernandez of the Parks & Recreation Dept. in the category of productivity.

**PUBLIC HEARING**

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 7.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-24, 03R-33, 03R-34);

CHANGE OF ZONE 3374 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03R-33, 03R-34);

SPECIAL PERMIT 1762A - APPLICATION OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP VINTAGE HEIGHTS 3RD COMMUNITY UNIT PLAN FOR 946 DWELLING UNITS, WITH VARIANCES TO THE FRONT YARD SETBACKS, LOT WIDTH, AND LOT AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03-24, 03R-33, 03R-34);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VINTAGE HEIGHTS 3RD ADDITION FOR APPROXIMATELY 182 LOTS, WITH WAIVERS TO THE REQUIRED LOT FRONTAGE, LOT DEPTH-TO-WIDTH RATIO, AND SIDEWALKS ON THE SOUTH SIDE OF VENICE COURT, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03-24, 03R-33, 03R-34) -Brian Carstens, 2935 Pine Lake Rd., Suite H, came forward representing Hampton Development Services to answer any questions.

This matter was taken under advisement.

APPROVING AN EXCHANGE OF APPROXIMATELY 3.63 ACRES OF LAND OWNED BY THE CITY OF LINCOLN FOR 3.94 ACRES OF LAND IN ORDER TO RELOCATE AN LES SUBSTATION ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND HIGHWAY 2. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 2/10/03)- Charlie Humble, Erickson, Sederstrom Law Firm, 301 S. 13th St., Ste. 400, came forward representing Lincoln Electric System and explained there will not be any dollars exchanged only an exchange of property to relocate a substation. He also requested to have 2nd & 3rd Readings on this date.

This matter was taken under advisement.

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245) (DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02)(12/02/02 - PLACED ON PENDING TO 1/13/03 W/ CONTINUED PUBLIC HEARING) (1/13/03 - CON'T. PUBLIC HEARING & ACTION TO 2/10/03);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET

LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) (10/28/02 - DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02) (12/2/03 - PLACED ON PENDING TO 1/13/03 W/CONTINUED PUBLIC HEARING) (1/13/03 - CON'T PUBLIC HEARING & ACTION TO 2/10/03) - Tom Huston, Cline-Williams Law Firm, 233 S. 13t St., Ste. 1900 appearing on behalf of Willard Giebenrath. He stated that the water issue in contention has been addressed. The road system has been modified and they have dealt with potential conflicts between existing rural uses and acreage development within the area. Testing to prove that the water will be sufficient for this area has been completed.

Dwight Hansen, 1285 C. Road H, Ithaca, NE, water consultant for this project, reported that three wells were tested for 24 hours simultaneously. There is a heavy withdrawal of water compared to the usage that will be used. Discussion followed.

John Camp, Council Member, asked if an adjacent property owner in this area decided to subdivide their property would their be a problem?

Mr. Hansen stated that as long as the density would be the same as Mr. Giebenrath's property there shouldn't be any problem.

Craig Groat, 4935 Huntington Avenue, stated he was against the waiver on storm water detention ponds. He stated that it was a federal law to convert these ponds into pollution control treatment ponds and that the State of Nebraska is behind on this.

Dr. Jeff Johnson, Olsson Associates, 1111 Lincoln Mall, came forward representing the people in opposition to this development. They opposed the type of water testing done by Mr. Giebenrath and have concerns of the quality of water.

Julie Burns, 12909 N. 70th Street, came forward on behalf of herself and neighbors Howard Wieggers, Wayne Nielsen, Debra Harris and Dan Bissell. They believe all of the information presented indicates that this specific site is not conducive to development. Discussion followed.

Mike DeKalb, Planning Dept., reported that the Health Department has reviewed this area twice and they said there is adequate quantity and quality of water, but there's some treatable concerns. He said this is not terribly atypical of acreages to the north and west. Further discussion followed.

Mr. Huston, came forward for rebuttal.

This matter was taken under advisement.

SPECIAL PERMIT 1990 - APPLICATION OF ANDERMATT, L.L.C. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 214 CHILDREN ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91<sup>ST</sup> STREET AND HERITAGE LAKES DRIVE. ( IN CONNECTION W/03R-17) (1/13/03 - CON'T. P.H. & ACTION TO 1/27/03) (1/27/03 - CON'T PUBLIC HEARING & ACTION TO 2/10/03);

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91<sup>ST</sup> STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-18) (1/13/03 - CON'T P.H. & ACTION TO 1/27/03) (1/27/03 - CON'T PUBLIC HEARING & ACTION TO 2/10/03)- CITY CLERK stated she received in writing a request to withdraw these two items.

Jon Camp made a motion to withdraw items 8 and 9.

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

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(IN CONNECTION W/03-22, 03R-25, 03R-26, 03R-27) (2/03/03 - P.H. CON'T. W/3RD READING ON 2/10/03).

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(IN CONNECTION W/03-21, 03R-25, 03R-26, 03R-27) (2/03/02 - P.H. CON'T W/3RD READING ON 2/10/03);

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF

APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (IN CONNECTION W/03-21, 03-22, 03R-26, 03R-27) (2/03/03 - P.H. CON'T W/ACTION TO 2/10/03);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-21, 03-22, 03R-26, 03R-27) (P.H. CON'T W/ACTION TO 2/10/03);

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-21, 03-22, 03R-25, 03R-26) (2/03/03 - P.H. CON'T W/ACTION TO 2/10/03) - Peter Katt, 1045 Lincoln Mall, Ste. 200, appearing on behalf of the developer group on Pine Lake Plaza requested to delay this for two weeks since there has not been an agreement reached on the annexation agreement of level of improvements. There's a meeting scheduled with City Staff next week.

Doug Curry, 8130 Pine Lake Rd., expressed that he felt the roads do not need to be urban, they can stay rural and would not have an objection to sidewalks into the development south of Pine Lake Road. Discussion followed.

John Bussey, 6940 Pine Lake Court, stated he would like the road to stay rural and is ok with the sidewalks going into the Pine Lake Shopping Center.

Glen Cekal, 1420 C St., stated that if Pine Lake wants to come into the city and be a part of the City then they should go along with the basic requirements. Those standards are there for a reason.

Craig Groat, 4935 Huntington Avenue, feels that sidewalk standards should be continued and obeyed and put into effect.

Bill Austin, 301 S. 13th St., Ste. 400, appearing on behalf of Sanitary & Improvement Dist. #2 of Lancaster County Nebraska who wish to be affected by the least degree possible in the course of the current process of annexation & surrounding urbanization. They support the original compromise that would allow Pine Lake Road between 84th and the vacated area to remain a rural cross-section not urbanized. Discussion followed.

Naedo Henry, 8230 Pine Lake Rd., requests that the road remain rural and not require the upgrades. She is concerned about being assessed for the roads.

Kevin Colleran, 6910 East Shore Dr., is in favor of leaving the road as rural as possible.

Bevan Alvey, 8000 Dougan, President of Pine Lake Association, is in favor of leaving the approximately 200 yards of road as rural. They cannot figure out what the benefit would be in changing this. Discussion followed.

Charlie Humble, 301 S. 13th St., Ste. 400, came forward representing Mid America Seventh Day Adventist. The vacation will be at their front door so they are concerned with the trees that line Pine Lake Road and the private lake which is maintained by the area residents.

Terry Werner, Council Member, asked Nicole who will pay the assessments. He also asked what effort would be made to preserve the trees and does the lake continue to be private ownership?

Nicole Fleck-Tooze stated that the cost to go from rural to an urban cross-section will be the responsibility of the developer. If it stays as rural and eventually down the road the City Council feels there's a need for it to be paved then the abutting property owners will be assessed. The grading could be minimized to preserve the majority if not all of the trees in this area. She thinks the lake was left to the responsibility & private ownership of the residents.

Chairman Cook stated there has been a request to delay items 12 through 16 with public hearing to February 24, 2003.

Mr. Friendt so moved.

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

TOOK BREAK 3:10 P.M.

RECONVENED 3:25 P.M.

#### MISCELLANEOUS BUSINESS

Ervin Benker, 5453 Lexington, came forward to express his concern with the limited parking around the F Street Recreation Center. He suggested there be angle parking from G Street to C Street from 13th Street.

This matter was taken under advisement.

Mike Morosin, 2055 "S" St., stated that Daywatch gets some tax money such as state, federal & local grants & JBC. He stated that the Daywatch Board Members do not actively participate.

Terry Werner, Council Member, stated that the money for the new construction & showers for Daywatch came from the Woods Foundation.

Mike Grieger, 2645 Van Dorn Street, came forward to request a letter from the City stating that they are not interested in doing any thing with his building, St. George & the Dragon, such as a skywalk.

Craig Groat, 4935 Huntington Street, came forward to request the resolution for the Westfield Shopping Center sign be reconsidered again. He also talked about the Council/Manager form of government which he is in favor of.

Bob Valentine, 2660 Park Avenue, came forward to express his ideas and concern of the City budget. There's a great need for more Police Officers. He does not understand why the City is giving \$3 million and tax increment financing to the Douglas Theaters for the new Entertainment Center. He doesn't believe the interior audit of the ambulance service. He looks forward to the KPMG audit.

Bob Van Valkenburg, 7921 Reno Road, mentioned that the minutes of the preceding meeting were not available on the Internet by Sunday night. He stated that this body is not following the law, the relevant ordinances, and the relevant rules. He feels that the Impact Fees will be made unlawful before they go into effect June 1st.

City Clerk explained the policy of the minutes. The City Council minutes are transcribed as quickly as we are able to given our other work assignments. There is no law, that I'm aware of, that they must be ready by the next meeting date. In addition, the Internet information as to the agenda, the action sheet and the minutes is a convenience to citizens so that you can view these from your businesses and your homes. But, the actual record that is the final, legal record is on file in the City Clerk's office for you to view as you need to.

Glen Cekal, 1420 C St., stated he was in favor of the City Manager/Council form of government and thinks it should be put on the ballot. He also feels that weeds should have to be cut at 6 inches and not 12 inches.

These matters were taken under advisement.

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

#### COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

#### ORDINANCES - 2ND READING

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 7.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-24, 03R-33, 03R-34) - CLERK read the following ordinance, introduced by Ken Svoboda, amending the corporate limits of the City by annexing approximately 7.1 acres of property generally located at South 91st Street and Pine Lake Road, the second time.

CHANGE OF ZONE 3374 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03R-33, 03R-34) - CLERK read the following ordinance, introduced by Ken Svoboda, for a change of zone 3374 - application of Hampton Development Services for a change of zone from AG Agricultural to R-3 Residential on property generally located at South 91st Street and Pine Lake Road, the second time.

APPROVING AN EXCHANGE OF APPROXIMATELY 3.63 ACRES OF LAND OWNED BY THE CITY OF LINCOLN FOR 3.94 ACRES OF LAND IN ORDER TO RELOCATE AN LES SUBSTATION ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND HIGHWAY 2. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 2/10/03) - PRIOR to reading:

SENG Moved to suspend the rules to have 2nd & 3rd Reading this date.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK read the following ordinance, introduced by Ken Svoboda, approving an exchange of approximately 3.63 acres of land owned by the City of Lincoln for 3.94 acres of land in order to relocate an LES substation on property generally located at 91st Street and Highway 2, the second time. (**See Council Action under "ORDINANCES - 3RD READING"**)

APPROVING A FIVE-YEAR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES CORP. FOR A 140-H SERIES II CATERPILLAR MOTOR GRADER - CLERK read an ordinance, introduced by Ken Svoboda, approving a five-year lease-purchase agreement between the City and Caterpillar Financial Services Corp. for a 140-H Series II Caterpillar motor grader, the second time.

#### RESOLUTIONS

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245) (DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02)(12/02/02 - PLACED ON PENDING TO 1/13/03 W/ CONTINUED PUBLIC HEARING) (1/13/03 - CON'T. PUBLIC HEARING & ACTION TO 2/10/03)- CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81928 WHEREAS, Willard Giebenrath has submitted an application designated as Special Permit No. 1976 for authority to develop View Pointe North Community Unit Plan consisting of 14 single family lots on property located at North 70th Street and Waverly Road, and legally described to wit:

All of Lots 5, 7, and 35, plus that portion of Lot 33 described as follows:  
Beginning at the southwest corner of said Lot 33, and extending thence north 00 degrees 00 minutes 13 seconds east on the west line of Lot 33, 1266.85 feet to the northwest corner of said Lot 33; thence south 89 degrees 14 minutes 59 seconds east on the north line of said Lot 33, 950.82 feet; thence south 00 degrees 14 minutes 45 seconds east on a line parallel with the east line of the South Half of the Southeast Quarter of Section 9, 1267.26 feet to a point on the south line of said Lot 33; and the north right of way of Waverly Road; thence south 89 degrees 40 minutes 37 seconds west on said south line, 956.34 feet to the point of beginning; all located in Section 9, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan 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 Willard Giebenrath, hereinafter referred to as "Permittee", to develop View Pointe North Community Unit Plan consisting of 14 single family lots, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:  
Site Specific:

1. Willard Giebenrath shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval:

1.1 Make the following corrections to the preliminary plat and community unit plan as requested by the County Engineer in his letter of June 24, 2002.

1) The typical section is incomplete and needs to be corrected. Specifically, no detail on fill sections is shown and no slope for shoulder is shown.

2) General Note 1 incorrectly refers to Lovegrove Lane which has been renamed Emmawalter Road. Existing asphalt drive on Outlot "E" should be removed to agree with access relinquishment described in General Note 1.

3) Temporary dead end requires a 22' Type III barricade.

4) The radius of the returns of Emmawalter Road at Waverly Road should be 50 feet.

5) The culvert at Sta. 15 + 30 shall be designed for a 25 year storm and shall be designed for the entire drainage area upstream from Emmawalter Road. The pond is not a "designed" dam and has no permanent protection to keep it in place.

1.2 Make the following corrections to the preliminary plat and community unit plan as requested by the Public Works Department letter of June 28, 2002.

1) Show a roadway cross section that meets design standards.

2) Descriptions of the outlet and drainage culverts from the existing pond in Outlot "B" are illegible. Those descriptions need to be made legible.

3) The use of the existing asphalt driveway in Outlot "E" as a secondary/emergency access should be removed as such use is in conflict with item #1 in the General Notes.

4) The areas designated as Outlot "A" and Outlot "B" are not consistent between the Preliminary Plat site plan and the Grading and Drainage Plan. Those designations need to be made consistent.

5) Define the boundary and purpose of Outlot "D".

1.3 Make the corrections to the preliminary plat as requested by the Lancaster County Board of Commissioners at the public hearing held on October 8, 2002:

1) The temporary turn should have a 30 foot radius as recommended by County Engineering on Emmawalter Road.

2) The asphalt driveway which is listed as secondary/emergency access should be closed as recommended by County Engineering.

3) Add a note advising future lot owners that this subdivision is in a rural area surrounded by farm activities and that normal and customary farming operations, which include the use of sludge and kennels are not a nuisance.

4) Use the new road design plan as provided in Attachment "A", which is attached hereto and incorporated by reference.

1.4 Note the purpose of Outlot "E" and "D".

1.5 Show the easement for the power transmission line on the western portion of the property.

1.6 Show the "sheet of" numbers on sheet 1.

1.7 Label sheet one as the Site Plan.

1.8 Correct "contoured row crop" on sheet 2 of 4.

1.9 Add to note #12 that front yard setbacks apply to the south lot line of Lot 11 and the north lot line of

Lot 12 for future street purposes.

General:

2. This permit approves 14 single family lots.
3. Before receiving building permits:
  - 3.1 The Permittee must submit a revised site plan and the plan is found to be acceptable.
  - 3.2 The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council.
  - 3.3 The construction plans must conform to the approved plans.
  - 3.4 The final plat must be approved by the City.
  - 3.5 The required easements as shown on the site plan must be recorded with the Register of Deeds.
  - 3.6 The County Engineer must approve an agreement for street maintenance.
4. Before occupying this Community Unit Plan all development and construction is to comply with the approved plans.
5. Before occupying this Community Unit Plan, City/County Health Department must approve the water and waste water systems.
6. All privately-owned improvements are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
7. 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.
8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his 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.
9. 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 Terry Werner

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) (10/28/02 - DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02) (12/2/03 - PLACED ON PENDING TO 1/13/03 W/CONTINUED PUBLIC HEARING) (1/13/03 - CON'T PUBLIC HEARING & ACTION TO 2/10/03)- CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81929 WHEREAS, Willard Giebenrath has submitted the preliminary plat of View Pointe North for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made a recommendation of denial of this preliminary plat; and

WHEREAS, the Board of County Commissions of Lancaster County, Nebraska has reviewed said preliminary plat and voted to conditionally approve said preliminary plat.

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

That the preliminary plat of View Pointe North, generally located at North 70th Street and Waverly Road as submitted by Willard Giebenrath is hereby accepted and approved, subject to the following terms and conditions:

Site Specific:

1. Willard Giebenrath shall complete the following instructions

and submit the documents and plans to the Planning Department office for review and approval:

- 1.1 Make the following corrections to the preliminary plat as requested by the County Engineer in his letter of June 24, 2002.
  - 1) The typical section is incomplete and needs to be corrected. Specifically, no detail on fill sections is shown and no slope for shoulder is shown.
  - 2) General Note 1 incorrectly refers to Lovegrove Lane which has been renamed Emmawalter Road. Existing asphalt drive on Outlot "E" should be removed to agree with access relinquishment described in General Note 1.
  - 3) Temporary dead end requires a 22' Type III barricade.
  - 4) The radius of the returns of Emmawalter Road at Waverly Road should be 50 feet.
  - 5) The culvert at Sta. 15 + 30 shall be designed for a 25 year storm and shall be designed for the entire drainage area upstream from Emmawalter Road. The pond is not a "designed" dam and has no permanent protection to keep it in place.
- 1.2 Make the following corrections to the preliminary plat as requested by the Public Works Department letter of June 28, 2002.
  - 1) Show a roadway cross section that meets design standards.
  - 2) Descriptions of the outlet and drainage culverts from the existing pond in Outlot "B" are illegible. Those descriptions need to be made legible.
  - 3) The use of the existing asphalt driveway in Outlot "E" as a secondary/emergency access should be removed as such use is in conflict with item #1 in the General Notes.
  - 4) The areas designated as Outlot "A" and Outlot "B" are not consistent between the Preliminary Plat site plan and the Grading and Drainage Plan. Those designations need to be made consistent.
  - 5) Define the boundary and purpose of Outlot "D".
- 1.3 Make the corrections to the preliminary plat as requested by the Lancaster County Board of Commissioners at the public hearing held on October 8, 2002:
  - 1) The temporary turn should have a 30 foot radius as recommended by County Engineering on Emmawalter Road.
  - 2) The asphalt driveway which is listed as secondary/emergency access should be closed as recommended by County Engineering.
  - 3) Add a note advising future lot owners that this subdivision is in a rural area surrounded by farm activities and that normal and customary farming operations, which include the use of sludge and kennels are not a nuisance.
  - 4) Use the new road design plan as provided in Attachment "A", which is attached hereto and incorporated by reference.
- 1.4 Note the purpose of Outlot "E" and "D".
- 1.5 Show the easement for the power transmission line on the western portion of the property.
- 1.6 Show the "sheet of" numbers on sheet 1.
- 1.7 Label sheet one as the Site Plan.
- 1.8 Correct "contoured row crop" on sheet 2 of 4.
- 1.9 Add to note #12 that front yard setbacks apply to the south lot line of Lot 11 and the north lot line of Lot 12 for future street purposes.

General:

2. Final plats will be scheduled on the Planning Commission agenda after the above site specific conditions are satisfied and:
  - 2.1 Streets, water facilities, drainage facilities, temporary turnarounds and barricades, and street name signs have been completed.
  - 2.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:

- 1) To submit to the County Engineer an erosion control plan.
- 2) To protect the remaining trees on the site during construction and development.
- 3) To submit to lot buyers and home builders a copy of the soil analysis.
- 4) To complete the private improvements shown on the preliminary plat.
- 5) To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the County/City Attorney and filed of record with the Register of Deeds.
- 6) To relinquish the right of direct vehicular access to Waverly Road except for Emmawalter Road, to North 70th except for Lot 5, the new east-west road and to Mill Road.
- 7) To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 8) To advise future lot owners that this subdivision is in a rural area surrounded by farm activities and that normal and customary farming operations, which include the use of sludge and kennels, are not a nuisance

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirements of §§ 26.23.105, 26.27.020, 26.27.010, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code that requires the installation of storm water detention, sidewalks, street paving, street lights, landscape screen, and street trees is hereby waived since the area is of larger lots, a rural nature and the subdivision will not be annexed.
2. The requirement of Section 26.23.130 of the Lincoln Municipal Code that requires that block lengths shall not exceed 1320 feet is hereby waived to permit a block length in excess of 1320' along the north, south, east and west perimeter of this subdivision.
3. The requirement of Section 26.23.080 that dead end streets shall not have a length in excess of 1000 feet is hereby waived.

Introduced by Terry Werner

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

APPROVING THE TERMINATION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY WHICH CREATED THE CHILDCARE ADVISORY COMMITTEE. (12/16/02 - PLACED ON PENDING, NO DATE CERTAIN) (1/27/03 - TO HAVE PUBLIC HEARING & ACTION 2/10/03) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81930 WHEREAS, the City of Lincoln and Lancaster County entered into an Interlocal Agreement to create and provide for a Child Care Advisory Committee which agreement was approved by City Council Resolution No. A-68980 on August 29, 1983; and

WHEREAS, the Lincoln-Lancaster County Women's Commission is involved in child care issues through their work with the Community Services Implementation Project (C-SIP) Early Childhood and Youth Development Coalition and said services duplicate the services of the Child Care Advisory Committee; and

WHEREAS, the City and County are desirous of terminating the Interlocal Agreement and dissolving the Committee created by said Agreement.

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

That the Interlocal Agreement entered into between the City of Lincoln and Lancaster County by Resolution No. A-68980 on August 29, 1983 is hereby terminated.

Introduced by Ken Svoboda

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

SPECIAL PERMIT 1990 - APPLICATION OF ANDERMATT, L.L.C. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 214 CHILDREN ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91<sup>ST</sup> STREET AND HERITAGE LAKES DRIVE. ( IN CONNECTION W/03R-17) (1/13/03 - CON'T. P.H. & ACTION TO 1/27/03) (1/27/03 - CON'T PUBLIC HEARING & ACTION TO 2/10/03) - PRIOR to reading:

CAMP Moved to Withdraw Bill NO. 03R-17.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4433, & placed on file in the Office of the City Clerk.

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91<sup>ST</sup> STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-18) (1/13/03 - CON'T P.H. & ACTION TO 1/27/03) (1/27/03 - CON'T PUBLIC HEARING & ACTION TO 2/10/03)- PRIOR to hearing:

CAMP Moved to Withdraw Bill No. 03R-18.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4434, & placed on file in the Office of the City Clerk.

SPECIAL PERMIT 1762A - APPLICATION OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP VINTAGE HEIGHTS 3RD COMMUNITY UNIT PLAN FOR 946 DWELLING UNITS, WITH VARIANCES TO THE FRONT YARD SETBACKS, LOT WIDTH, AND LOT AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03-24, 03R-33, 03R-34) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 03R-33 to 2/24/03.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VINTAGE HEIGHTS 3RD ADDITION FOR APPROXIMATELY 182 LOTS, WITH WAIVERS TO THE REQUIRED LOT FRONTAGE, LOT DEPTH-TO-WIDTH RATIO, AND SIDEWALKS ON THE SOUTH SIDE OF VENICE COURT, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (IN CONNECTION W/03-23, 03-24, 03R-33, 03R-34) - PRIOR to reading:

CAMP Moved to delay action on Bill No. 03R-34 to 2/24/03.

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

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2.(In connection w/03-21, 03-22, 03R-26, 03R-27)- PRIOR to reading:

FRIENDT Moved to delay action & continue Public Hearing on Bill No. 03R-25 for two weeks to 2/24/03.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2.(In connection w/03-21, 03-22, 03R-26, 03R-27) - PRIOR to reading:

FRIENDT Moved to delay action & continue public hearing on Bill No. 03R-26 for two weeks to 2/24/03.

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

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-25, 03R-26)- PRIOR to reading:

FRIENDT Moved to delay action & continue public hearing on Bill No. 03R-27 for two weeks to 2/24/03.

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 24, 2003 AT 5:30 P.M. FOR MAN. APP. OF CHRISTOPHER S. KOVACH FOR GARDEN ENTERPRISES II, LLC DBA GARDEN CAFÉ & BAKERY LOCATED AT 6891 A STREET - CLERK read the following resolution, signed by Terry Werner and introduced by Ken Svoboda, who moved its adoption:

A-81931 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 24, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Christopher S. Kovach for Garden Enterprises II, LLC dba "Garden Cafe & Bakery" located at 6891 A Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 24, 2003 AT 5:30 P.M. FOR MAN. APP. OF CHRISTOPHER S. KOVACH FOR GARDEN ENTERPRISES II, LLC DBA GARDEN CAFÉ & BAKERY LOCATED AT 5100 N. 27<sup>TH</sup> STREET - CLERK read the following resolution, signed by Terry Werner and introduced by Ken Svoboda, who moved its adoption:

A-81932 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 24, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Christopher S. Kovach for Garden Enterprises II, LLC dba "Garden Cafe & Bakery" located at 5100 N. 27th Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 24, 2003 AT 5:30 P.M. FOR APP. OF WAL-MART SUPERCENTER #3278 FOR A CLASS "D" LIQUOR LICENSE AT 8700 ANDERMATT DRIVE - CLERK read the following resolution, signed by Terry Werner and introduced by Ken Svoboda, who moved its adoption:

A-81933 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 24, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Wal-Mart Supercenter #3278 for a Class "D" Liquor License at 8700 Andermatt Drive.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 24, 2003 AT 5:30 P.M. FOR APP. OF CHAD & KIRA GOERTZEN DBA "ZEN'S" FOR A CLASS "C" LIQUOR LICENSE AT 122 N. 11<sup>TH</sup> STREET - CLERK read the following resolution, signed by Terry Werner and introduced by Ken Svoboda, who moved its adoption:

A-81934 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 24, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10th St., Lincoln, NE, for the App. of Chad and Kira Goertzen dba "Zen's" for a Class "C" Liquor License at 122 N. 11th Street.

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

Introduced by Ken Svoboda

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone 3393 - App. of B & J Partnership, Ltd. from I-1 to B-3 at 1017 North 27<sup>th</sup> Street.

Change of Zone 3394 - App. of Fast Break, Inc. for a text change of 27.63.685(c) to clarify mitigation standards for property at 4801 Randolph Street.

Special Permit 1423F - App. of HiMark Development, Inc. to amend the HiMark Estates Preliminary Plat & C.U.P. at the northeast corner of 84<sup>th</sup> & Old Cheney.

Special Permit 2001 - App. of F.B. Northstar, L.L.C. to apply for a Class "D" Liquor License at 5700 N. 33<sup>rd</sup> Street.

Special Permit 2002 - App. of Fast Break, Inc. to obtain an off-sale beer license at 4801 Randolph Street.

INFORMAL PETITION FOR THE CREATION OF A WATER DISTRICT FOR THE CONSTRUCTION OF A WATER MAIN IN 34<sup>TH</sup> STREET FROM VAN DORN STREET TO SMITH STREET SUBMITTED BY THOMAS HILL - CLERK presented said petition which was referred to the Public Works Dept.

FORMAL PETITION FOR ORNAMENTAL LIGHTING DISTRICT 286 AT 27<sup>TH</sup> STREET TO 20<sup>TH</sup> STREET, VAN DORN STREET TO HIGH STREET SUBMITTED BY TODD & CONNIE DUNCAN, WENDY L. BLOCK, ANDREW & GINA GLEN PETERSON, ROBERT H. & SHANNON LAU, RON KONTOS, AND JULIE SCHLUETER - CLERK presented said petition which was referred to the Law Dept.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON FEBRUARY 3, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR JANUARY 27 THROUGH JANUARY 31, 2003 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81935 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

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

REPORT OF CITY TREASURER OF FRANCHISE FEES FROM TIME WARNER CABLE FOR THE QUARTER ENDING DECEMBER 31, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JANUARY 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

ANNUAL REPORT FOR THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THE YEAR 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAXES FOR THE MONTH OF JAN - DEC., 2002: TALK.COM; JULY - SEPT., 2002: FAST PHONES OF NEBRASKA; OCT. - DEC., 2002: PNG, FAST PHONES OF NEBRASKA, OPEX, IDT, WINSTAR, ONESTAR LONG DISTANCE; DECEMBER, 2002: ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL COMMUNICATIONS OF NEBRASKA, UNITED SYSTEMS ACCESS, XO LONG DISTANCE, NETIFICE, TELIGENT SERVICES, AMERICAN FARM BUREAU, BELL ATLANTIC, QUANTUM SHIFT, IBM GLOBAL, ACCESSLINE, VERIZON SELECT, ALYON TECHNOLOGIES, GE BUSINESS PROD. SOLUTIONS, AMERICAN COMM. NET, NEBRASKA TECHNOLOGY & TELECOMM., QWEST, TOUCH AMERICA, VIRGIN MOBILE, ONSTAR, INTELLICALL OPERATOR, AIRNEX, GLOBAL CROSSING, ENHANCED, BROADWING, SHAFFER, AT&T, CRICKET, PRIMUS, TRACFONE, TRANS NATIONAL, ACN, CAPSULE, MCLEOD USA, MCI WORLDCOM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**ORDINANCES - 1ST READING**

CREATING PAVING DISTRICT NO. 2625 IN NORTH 57TH STREET BETWEEN FREMONT STREET AND HARTLEY STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Terry Werner, creating Paving District No. 2625, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING WATER DISTRICT NO. 1190 IN N.W. 6TH STREET FROM WEST DAWES TO WEST SAUNDERS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Terry Werner, creating Water District No. 1190, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE CUTTING HEIGHT FOR VEGETATION FROM SIX INCHES TO TWELVE INCHES - CLERK read an ordinance, introduced by Terry Werner, amending Sections 8.46.010 and 8.46.020 of the Lincoln Municipal Code relating to weed abatement to increase the height from six inches to twelve inches as the required height for imposing upon the property owner the duty to mow weeds or worthless vegetation; and repealing Sections 8.46.010 and 8.46.020 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND WORKNET/CAREER DESIGN, INC. FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 2/24/03)- CLERK read an ordinance, introduced by Terry Werner, accepting and approving a Sublease Agreement between the City of Lincoln and WORKNET/Career Design, Inc. for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of February 1, 2003 through September 30, 2003 whereby the City of Lincoln is subleasing space to WORKFORCE/Career Design at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

CHANGE OF ZONE 3381 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, R-4 RESIDENTIAL, P PUBLIC USE, H-4 GENERAL COMMERCIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF S. 27TH STREET AND PORTER RIDGE ROAD. (IN CONNECTION W/03R-38, 03R-39, 03R-40, 03R-41) -

CLERK read an ordinance, introduced by Terry Werner, 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.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO AUTHORIZE THE LINCOLN ELECTRIC SYSTEM TO PROVIDE TELECOMMUNICATIONS SERVICES - CLERK read an ordinance, introduced by Terry Werner, amending Section 4.24.070 of the Lincoln Municipal Code relating to the powers and duties of the Lincoln Electric System Administrative Board to authorize the Lincoln Electric System to provide Telecommunications Service; and repealing Section 4.24.070 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 5.04.066(C) OF THE LINCOLN MUNICIPAL CODE TO ALLOW SPECIAL DESIGNATED LICENSES (SDLs) FOR GOLF-RELATED EVENTS AT THE FOUR 18-HOLE CITY GOLF COURSES AND AUTHORIZING THE CITY CLERK TO APPROVE SUCH SPECIAL DESIGNATED LICENSES - CLERK read an ordinance, introduced by Terry Werner, amending Section 5.04.066 of the Lincoln Municipal Code to allow the Lincoln City Clerk to approve special designated licenses at golf-related events at the City's 18-hole golf courses; and repealing Section 5.04.066 of the Lincoln Municipal Code as hitherto existing, the first time.

#### ORDINANCES - 3RD READING

APPROVING AN EXCHANGE OF APPROXIMATELY 3.63 ACRES OF LAND OWNED BY THE CITY OF LINCOLN FOR 3.94 ACRES OF LAND IN ORDER TO RELOCATE AN LES SUBSTATION ON PROPERTY GENERALLY LOCATED AT 91ST STREET AND HIGHWAY 2. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 2/10/03) - PRIOR to reading:

SENG Moved to suspend the rules to have 2nd & 3rd Reading this date.

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

CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving an exchange of Lot 83 I.T. located in the Southwest Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and owned by the City of Lincoln for 3 tracts of land consisting of portions of Lot 73 I.T. and Lot 78 I.T., located in the Southwest Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska. Tracts 1, 2, and 3 are more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference. Said tracts are owned by Allen Baade and Laurel Baade, husband and wife, Jody L. Sims and Loren Sims, wife and husband, Douglas J. Blanc and Kathleen Blanc, husband and wife, and Margene Zachek, a single person, (Tract 1 and Tract 2) and Eiger Corp., a Nebraska corporation, (Tract 3). Lot 83 containing approximately 3.63 acres and Tracts 1, 2, and 3 containing in total approximately 3.94 acres are being exchanged in order to relocate an LES substation site from said Lot 83 to Tracts 1, 2, and 3, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18130, is recorded in Ordinance Book 25, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-22, 03R-25, 03R-26, 03R-27) - PRIOR to reading:

FRIENDT Moved to delay action & continue public hearing to 2/24/02.

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

CLERK Read an ordinance, introduced by Coleen Seng, amending Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1, Ordinance No. 18032, passed July 6, 2002, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 10 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 18032 passed July 6, 2002, as hitherto existing, the third time.

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A

CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-21, 03R-25, 03R-26, 03R-27) - - PRIOR to reading:

FRIENDT Moved to delay action & continue public hearing to 2/24/03.  
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.  
CLERK Read an ordinance, introduced by Coleen Seng, 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.

VACATING THE NORTH-SOUTH ALLEY FROM THE NORTH LINE OF L STREET TO THE VACATED EAST-WEST ALLEY IN BLOCK 84, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND L STREETS - CLERK read an ordinance, introduced by Coleen Seng, vacating the north-south alley from the north line of L Street to the vacated east-west alley in Block 84, Original Plat of Lincoln, generally located at 8th and L Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SENG Moved to pass the ordinance as read.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18131, is recorded in Ordinance Book 25, Page

DECLARING APPROXIMATELY 3,225 SQUARE FEET OF THE HAYMARKET PARKING GARAGE PROPERTY LOCATED AT 9TH AND Q STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 3,225 square feet of City-owned property generally located at 9th and R Streets as surplus and authorizing the sale thereof to B & J Partnership, the third time.

SENG Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18132, is recorded in Ordinance Book 25, Page

DECLARING APPROXIMATELY 18,150 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 6TH AND PEACH STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 18,150 square feet of City-owned property generally located at South 6th & Peach Streets as surplus and authorizing the sale thereof, the third time.

SENG Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18133, is recorded in Ordinance Book 25, Page

DECLARING APPROXIMATELY 9,456 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH AND RANDOLPH STREETS AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 9,456 square feet of City-owned property generally located at South 40th and Randolph Streets as surplus and authorizing the sale thereof, the third time.

SENG Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18134, is recorded in Ordinance Book 25, Page

DECLARING APPROXIMATELY 6.84 ACRES OF PROPERTY GENERALLY LOCATED AT 6400 WEST BENNET ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 6.84 acres of City-owned property generally located at 6400 West Bennet Road as surplus and authorizing the sale thereof, the third time.

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

The ordinance, being numbered #18135, is recorded in Ordinance Book 25, Page

**MISCELLANEOUS BUSINESS**

**PENDING -**

CHANGE OF ZONE 3315 - APP. OF PHIL AND MARY DURST FOR A CHANGE FROM R-4 RESIDENTIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 1ST AND L STREETS. (4/23/01 - PLACED ON PENDING; PUBLIC HEARING CONT'D.) - CLERK requested to withdraw Bill No. 01-66.

FRIENDT So moved.

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

The ordinance, having been **WITHDRAWN**, was assigned File #38-4435, & placed on file in the Office of the City Clerk.

ESTABLISHING A RETIREMENT INCENTIVE PROGRAM FOR CITY EMPLOYEES WHO MEET CERTAIN AGE & SERVICE CRITERIA. (IN CONNECTION W/02R-63 )(3/25/02 - PUB. HEARING DELAYED TO 4/15/02) (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READING W/EMERGENCY CLAUSE) (4/15/02-PENDING INDEFINITELY, W/P.H. & 2<sup>ND</sup> READING WHEN BILL IS BROUGHT FORWARD) - CLERK requested to withdraw Bill No. 02-39.

CAMP So moved.

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

The ordinance, having been **WITHDRAWN**, was assigned File #38-4436, & placed on file in the Office of the City Clerk.

APPROVING A TRANSFER OF APPROPRIATIONS FROM EXISTING RE-APPROPRIATIONS FOR BUDGETS IN VARIOUS DEPARTMENTS FOR THE FUNDING OF THE RETIREMENT INCENTIVE PROGRAM AS SET FORTH IN BILL NO. 02-39. (IN CONNECTION W/02-39)(3/25/02 - PUB. HEARING DELAYED TO 4/15/02) (4/15/02 - PLACED ON PENDING INDEFINITELY W/PUBLIC HEARING WHEN BILL BROUGHT FORWARD) - CLERK requested to withdraw Bill No. 02R-63.

CAMP So moved.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4437, & placed on file in the Office of the City Clerk.

SPECIAL PERMIT 1610C - APPLICATION OF JOYCE-HINKLEY LIMITED PARTNERSHIP TO ADJUST THE FRONT YARD FROM 20 FEET TO 19.5 FEET FOR THE SOUTHERNMOST GARAGE ALONG NORTH 58TH STREET, AND TO REVISE THE REAR YARD SETBACK TO 4.5 FEET FOR THE WESTERNMOST GARAGE ALONG THE NORTH LOT LINE, ON PROPERTY GENERALLY LOCATED AT 57TH AND FREMONT STREETS. (2/3/03 - PLACED ON PENDING.) - CLERK requested to remove Bill No. 03R-30 from Pending for action on 3/3/03.

SENG So moved.

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

CAMP Moved to extend the Pending List to February 24, 2003.

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

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on February 24, 2003.

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

**ADJOURNMENT**

**4:00 P.M.**

CAMP Moved to adjourn the City Council meeting of February 10, 2003.  
Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
So ordered.

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Joan Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

