

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 17, 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, Teresa Meier, Deputy 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**

CAMP Having been appointed to read the minutes of the City Council proceedings of March 10, 2003, reported having done so, found same correct.

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

**PUBLIC HEARING**

MANAGER APPLICATION OF MARK JOHNSON FOR VINCENZO'S INC. DBA "VINCENZO'S RISTORANTE" AT 808 P STREET, #100 - Mark Johnson, General Manager for Vincenzo's Ristorante, took oath, came forward to state he had completed the Hospitality Course and to answer any questions.

Terry Werner, Council Member, asked if he was aware that the employees could take the training on-line.

Mr. Johnson stated yes he did and told his employees about this.

This matter was taken under advisement.

SPECIAL PERMIT 1968 - APPLICATION OF THE CARROL C. KETELHUT IRREVOCABLE TRUST TO DEVELOP PIONEER RIDGE COMMUNITY UNIT PLAN CONSISTING OF 7 SINGLE FAMILY ACREAGES ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEER BLVD. (IN CONNECTION W/03R-52) (3/3/03- CON'T. PUBLIC HEARING & ACTION TO 3/10/03) (3/10/03 -CON'T. PUBLIC HEARING & ACTION TO 3/17/03); ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PIONEER RIDGE CONSISTING OF 7 LOTS AND 3 OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEERS BLVD. (IN CONNECTION W/03R-51) - Brian Carstens, 2935 Pine Lake Rd., Suite H, came forward on behalf of Ketelhut Trust to answer any questions.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR A LOCAL AIR POLLUTION CONTROL PROGRAM FOR ASSESSING FEES FOR CARBON MONOXIDE EMISSIONS TO CREATE FEES FOR THE ADMINISTRATION OF VARIANCES AND A FEE PAYMENT SCHEDULE; TO AMEND DEFINITIONS; AND TO CHANGE THE FEE STRUCTURE OF CONSTRUCTION PERMITS TO A PER-HOUR BASIS - Scott Holmes, Manager of Environmental Health Division, came forward to explain the resolution is to update & modify the Lincoln-Lancaster County Air Pollution Control Program regulations and standards.

Rick Thorson, Air Quality Program Supervisor, stated that Lincoln is one of top 10 cities in the nation for ozone air quality. They are proposing to charge a fee for carbon monoxide emissions to encourage further incentives to reduce this pollutant and to create fees for the administration of variances. It is proposed that a per hour fee be charged for the construction permits which are very complex and very detailed.

Ken Svoboda, Council Member, asked who makes up the Air Pollution Advisory Committee?

Mr. Thorson stated it is a committee made up of private citizens, representatives of the County Commissions, Larry Hudkins, and also some representatives from industry.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

Craig Groat, 4935 Huntington Street, came forward to address the repairing of sidewalks in Lincoln. He also discussed the bleachers that do not meet regulations. He expressed concern of the street lights and traffic signs at a location he did not mention.

This matter was taken under advisement.

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

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF MARK JOHNSON FOR VINCENZO'S INC DBA "VINCENZO'S RISTORANTE" AT 808 P STREET, #100 - CLERK read the following resolution, introduced Glenn Friendt, who moved its adoption for approval:

A-81987 WHEREAS, Vincenzo's Inc. dba "Vincenzo's Ristorante" located at 808 P Street, #100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Mark Johnson be named manager;

WHEREAS, Mark Johnson 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 Mark Johnson 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 Glenn Friendt

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

**ORDINANCES - 2ND READING**

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2002 AND DECEMBER 2002 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read the following ordinance, introduced by Coleen Seng, adopting the supplements to the Lincoln Municipal Code dated June 2002 and December 2002 as part of the Official Lincoln Municipal Code, the second time.

**RESOLUTIONS**

SPECIAL PERMIT 1968 - APPLICATION OF THE CAROL C. KETELHUT IRREVOCABLE TRUST TO DEVELOP PIONEER RIDGE COMMUNITY UNIT PLAN CONSISTING OF 7 SINGLE FAMILY ACREAGES ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEER BLVD. (In connection w/03R-52) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81988 WHEREAS, the Carrol C. Ketelhut Irrevocable Trust has submitted an application designated as Special Permit No. 1968 for authority to develop Pioneer Ridge Community Unit Plan, consisting of seven single-family acreage lots, on property located at South 112th Street and Pioneers Blvd. , and legally described to wit:

All of the Northeast Quarter of Section 12, Township 9 North, Range 7 East of the 6th P.M., except the south half of the Southeast Quarter of the Northeast Quarter, the south right-of-way of Pioneers Boulevard, and the east right-of-way of South 112th Street; more particularly described by metes and bounds as follows:

Commencing at the east one-sixteenth corner of the Northeast Quarter of Section 12, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and the point of beginning; thence south 00 degrees 00 minutes 51 seconds west (an assumed bearing) on the east line of the Northeast Quarter of said Section 12, a distance of 659.93 feet to the northeast corner of the South Half of the Southeast

Quarter of the Northeast Quarter; thence north 89 degrees 53 minutes 24 seconds west on the north line of the South Half of the Northeast Quarter of the Northeast Quarter, a distance of 1326.43 feet to the northwest corner of the South Half of the Southeast Quarter of the Northeast Quarter; thence south 00 degrees 02 minutes 20 seconds east on the east line of the West Half of the Northeast Quarter of Section 12, a distance of 660.06 feet to the south one-sixteenth corner of the Northeast Quarter; thence north 89 degrees 53 minutes 43 seconds west on the south line of the Northeast Quarter, a distance of 1325.81 feet to the center of Section 12; thence north 00 degrees 05 minutes 32 seconds west on the west line of the Northeast Quarter, a distance of 2590.76 feet to a point 50.00 feet south of the northwest corner of the Northeast Quarter; thence south 89 degrees 52 minutes 26 seconds east, 50 feet south of and parallel to the north line of the Northeast Quarter, a distance of 2606.49 feet to a point on the easterly right-of-way of South 112th Street; thence south 00 degrees 00 minutes 51 seconds west and parallel to and 50 feet west of the east line of the Northeast Quarter, a distance of 250.00 feet; thence south 89 degrees 52 minutes 26 seconds east and parallel to the north line of the Northeast Quarter, a distance of 50.00 feet to a point on the east line of the Northeast Quarter; thence south 00 degrees 00 minutes 51 seconds west on the east line of the Northeast Quarter, a distance of 1019.87 feet to the point of beginning and containing a calculated area of 5,986,869.97 square feet or 137.440 acres, more or less;

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 the Carol C. Ketelhut Irrevocable Trust, hereinafter referred to as "Permittee", to develop Pioneer Ridge Community Unit Plan, consisting of seven single-family acreage 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:

1. This permit approves seven single-family lots.

2. A waiver of the Lincoln Municipal Code requirements for sidewalks, street lights, landscape screens, and street trees are hereby approved since the area is of a rural nature, larger lots, and the subdivision will not be annexed.

3. A modification of the land subdivision ordinance which prohibits a block length in excess of 1320' is hereby approved to along the north, east and south perimeter of this subdivision until such time as Outlot "C" is subdivided.

4. Before receiving building permits:

a. The Permittee must submit a revised and acceptable site plan.

b. The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council.

c. The construction plans must conform to the approved plans.

d. Final plats within the area of this community unit plan must be approved by the City.

e. The required easements as shown on the site plan must be filed with the Register of Deeds.

f. The City Council must approve Pioneer Ridge

Preliminary Plat.

- g. The Permittee must enter into an agreement with the County for street maintenance.
5. Before occupying any new dwelling in this community unit plan, all development and construction must conform to the approved plans.
6. Before occupying dwellings in this community unit plan, the City/County Health Department must approve the water and wastewater systems.
7. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
8. 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.
9. 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.
10. 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 Annette McRoy

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 PIONEER RIDGE CONSISTING OF 7 LOTS AND 3 OUTLOTS, WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT S. 112TH STREET AND PIONEERS BLVD. (In connection w/03R-51) -CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81989 WHEREAS, the Carol C. Ketelhut Irrevocable Trust has submitted the preliminary plat of **PIONEER RIDGE** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated January 9, 2003, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **PIONEER RIDGE**, located generally located at south 112th Street and Pioneers Blvd. as submitted by the Carol C. Ketelhut Irrevocable Trust is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

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 Sections 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code, relating to the installation of sidewalks, ornamental street lights, landscape screens, and street trees, respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits.

2. The requirement of § 26.23.130 of the Lincoln Municipal Code that block length not exceed 1320 feet between cross streets is waived along the north, east, and south perimeter of this subdivision since the area is of larger lots, a rural nature and the subdivision will not be annexed.

Introduced by Annette McRoy

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

APPROVING THE APPOINTMENT OF DR. CHRISTOPHER KENT TO THE EMERGENCY MEDICAL SERVICES BOARD FOR A THREE-YEAR TERM TO EXPIRE MARCH 28, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81990 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Christopher Kent to the Emergency Medical Services Board for a three-year term expiring March 28, 2006 is hereby approved.

Introduced by Ken Svoboda

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 16 - 28, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81991 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 March 3, 2003, 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</u>	
Jon & Julie Grubb	\$911.64	Shelter Insurance Co.	
Susan Ridgeway	NAS*	(Jay & Jennifer Eilts, Insureds)	\$2,533.38
Renee Peters	297.00	Gary Schleppenbach	4,854.97
Miguel Jimenez	211.94	Teri L. Bullock	435.66
Wendi K. Coffman	68.15	Dave Bliss	102.58
		Steve Loftis	1,375.43
		Shirley Gilde	3,728.89

\* 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 Ken Svoboda

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

AUTHORIZING THE FILING OF APPLICATIONS WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR FINANCIAL ASSISTANCE DURING FISCAL YEAR 2003-2004 (SEPTEMBER 1, 2003 - AUGUST 31, 2004) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81992 A resolution authorizing the filing of applications with the United States Department of Transportation for financial assistance during Fiscal Year 2003-2004 (September 1, 2003 - August 31, 2004) under the Urban Mass Transportation Act of 1964, as amended.

RECITALS

I

The Secretary of Transportation is authorized to make grants for mass transportation projects.

II

A contract between the City of Lincoln and the United States Department of Transportation for financial assistance will impose certain obligations upon the City of Lincoln as an applicant for funding, including the provision by it of the local share of project costs.

III

It is required by the United States Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder.

IV

It is the goal of the City of Lincoln, Nebraska, as an applicant,

that minority business enterprises be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

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

1. That the Mayor is authorized to execute and file applications on behalf of the City of Lincoln with the United States Department of Transportation for financial assistance to aid in the financing of planning and technical studies, research, capital or operating assistance projects, or both, pursuant to Sections 3, 3(a) (1) (c), 4(1), 6, 8 and 9 of the Urban Mass Transportation Act of 1964, as amended.

2. That the Mayor is authorized to execute and file with such applications an assurance or any other document required by the United States Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Mayor is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

4. That the City's Director of Public Works & Utilities is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the financial assistance.

5. That the Mayor is authorized to execute grant agreements, and amendments and addendums thereto, on behalf of the City of Lincoln with the United States Department of Transportation, and such other documents as may be necessary, for aid in the financing of the planning, capital, and operating assistance program of projects.

Introduced by Ken Svoboda

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

ORDERING PAVING DISTRICT NO. 2624 CONSTRUCTED IN THE FRONTAGE ROAD WHICH PARALLELS HIGHWAY 77 NORTH FROM HOLLAND ROAD SOUTH APPROXIMATELY 1,375 FEET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81993 WHEREAS a majority petition has been submitted by the owners of record title of property located within Paving District No. 2624, being frontage road which parallels Highway 77 North from Holland Road South approximately 1,375 feet, and said petitions have been approved and accepted by previous action of this City Council;

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

That streets in said district are hereby ordered paved, and the paving material in said paving district is hereby designated as asphaltic concrete or Portland cement concrete; and,

BE IT FURTHER RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Ken Svoboda

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

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR A LOCAL AIR POLLUTION CONTROL PROGRAM FOR ASSESSING FEES FOR CARBON MONOXIDE EMISSIONS TO CREATE FEES FOR THE ADMINISTRATION OF VARIANCES AND A FEE PAYMENT SCHEDULE; TO AMEND DEFINITIONS; AND TO CHANGE THE FEE STRUCTURE OF CONSTRUCTION PERMITS TO A PER-HOUR BASIS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81994 A RESOLUTION amending the Lincoln-Lancaster County Air Pollution Control Program.

WHEREAS, the City of Lincoln and County of Lancaster entered into an Interlocal Agreement by Resolution No. A-75819 dated November 15, 1993, which adopted the Lincoln-Lancaster County Air Pollution Program; and

WHEREAS, the Lincoln-Lancaster County Health Department has proposed changes to the Air Pollution Program to amend Article 1, Section 5, to create fees for the administration of variances and a fee payment schedule; to amend Article 2, Section 1, to amend definitions of "region" and "regulated air pollution for fee purposes"; and to amend Article 2, Section 30, to change the fee structure of construction permits from a set fee to a fee per hour.

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

1. That the Amendments to the Lincoln-Lancaster County Air Control Program Regulations and Standards as set out above which are attached hereto marked as Attachment "A" are hereby approved.

2. The City Clerk is directed to send a copy of this Resolution along with the attached Amendments (Attachment "A") to Susan Starcher of the Lancaster County Clerk's Office, for filing with the County.

Introduced by Ken Svoboda

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) (2/03/03 - P.H. CON'T W/ACTION TO 2/10/03) (2/10/03 - PUBLIC HEARING & ACTION DELAYED 2 WKS. TO 2/24/03) (2/24/03 - DELAY ACTION 2 WEEKS TO 3/10/03) (3/10/03 - ACTION DELAYED TO 3/17/03) - PRIOR to reading:

SVOBODA Moved to accept Hunzeker's Substitute Annexation Agreement.

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

CLERK Read the resolution, introduced by Ken Svoboda, who moved its adoption.

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

The resolution, having **LOST**, was assigned File #38-4439, & was placed on file in the Office of the City Clerk.

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:

SENG Moved to place Bill No. 03R-26 on Pending with no date certain.

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

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:

SENG Moved to place Bill No. 03R-27 on Pending with no date certain.

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

AMENDING RESOLUTION NO. A-79667 TO REDUCE THE LANDFILL TIPPING FEE FOR REFUSE AND SPECIAL WASTES CHARGED AT THE BLUFF ROAD LANDFILL FROM \$17.00 PER TON TO \$10.00 PER TON; TO REDUCE THE CUBIC YARD FEES IN THE SAME PROPORTION AND TO CHANGE MINIMUM FEES CHARGED AT THE BLUFF ROAD LANDFILL, AS A RESULT OF IMPLEMENTING AN OCCUPATION TAX TO FUND THE CITY'S VARIOUS INTEGRATED SOLID WASTE PROGRAMS - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-82000 WHEREAS, the City Council is authorized, pursuant to Section 8.32.100 of the Lincoln Municipal Code, to establish or revise, by resolution, fees to be charged to any person for the privilege of using any public landfill or other waste disposal facility owned by the City, and;

WHEREAS, the City Council deems it necessary to revise the fees

for use of the City's sanitary landfill as last revised by Resolution No. A-79667 passed by the City Council on August 23, 1999;

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

That effective June 1, 2003, the following schedules of landfill use charges are hereby established and adopted:

SCHEDULE A - Small Vehicles

The following rates shall be applied to all private and public vehicles including pickup trucks or trailers having nominal box dimensions (carrying capacity) of 6' x 8' (width or length) x 5' height (9 cubic yards) or smaller; using the small vehicle transfer station, or yard waste composting site and shall apply to all waste types:

Cars per vehicle trip . . . . . \$2.50  
Cars with trailers, pickups, vans, or trailers only per vehicle trip \$10.00  
Pickups with trailers per vehicle trip . . . . . \$16.00

The following rate shall be applied to all small vehicles including cars, pickups, vans, and trailers using the construction and demolition debris landfill . . . . . \$4.00

Any uncovered load will be assessed an additional fee of \$3.00 per uncovered vehicle.

SCHEDULE B - Refuse Trucks and Trailers

Refuse trucks and trailers shall be defined as all trucks one-ton rated and larger and all multiple-axle trailers, hauling solid refuse, building rubbish or demolition debris containing 50% or more of combustible material to the sanitary landfill. The following rate shall be applied to all refuse trucks and trailers rate on a load weight basis as follows:

~~\$17.00~~ \$10.00 Per Ton

For periods that the scale is inoperative, the rate charged for refuse trucks and trailers shall be ~~\$6.00~~ \$3.25 per cubic yard for compacted and non-compacted refuse. ~~The Director of Public Works & Utilities may establish a volume and weight relationship based fee for non-compacted waste when the scale is inoperative. The charge for refuse trucks and trailers weighting up to one ton (net weight) shall be a flat fee of \$12.75. The minimum charge for refuse trucks and trailers shall be \$8.00.~~ Any uncovered load will be assessed an additional amount equal to 50% of the computed charge for such load. The minimum fee for uncovered loads shall be \$50.00.

SCHEDULE C - Yard Waste Trucks

Yard waste trucks and trailers shall be defined as all vehicles hauling yard waste (including all commercial lawn haulers regardless of vehicle type) to the City-owned composting site. The following rate shall be applied to all yard waste trucks and trailers on a load weight basis as follows:

\$15.75 Per Ton

For periods that the scale is inoperative, the rate charged for yard waste trucks and trailers shall be \$8.00 per cubic yard. ~~The charge for yard waste trucks and trailers weighing up to one ton (net weight) shall be a flat fee of \$12.75. The minimum charge for yard waste trucks and trailers shall be \$11.00.~~ Any uncovered load will be assessed an additional amount equal to 50% of the computed charge for such load. The minimum fee for uncovered loads shall be \$50.00.

SCHEDULE D - Demolition Debris

Demolition debris, which shall be accepted at the City's separate designated disposal site, shall be limited to demolition debris as defined by Municipal Code 8.32.010 which has less than 50% combustible demolition debris material in each load. The following rate shall be applied to all vehicles disposing of demolition debris at the City designated construction and demolition debris disposal site on a load weight basis:

\$4.00 Per Ton

For periods that the scale is inoperative, the rate charged for disposal of demolition debris shall be \$4.00 per cubic yard as determined through visual observation by City staff. The charge for disposal of demolition debris for loads weighing up to one ton (net weight) shall be a flat fee of \$4.00 per vehicle.

SCHEDULE E - Special Fees

The following special fee rate schedule shall apply to Special Wastes, tires, appliances, or unacceptable wastes which are rejected from landfill disposal. The special fee schedule shall be as follows:

Special Wastes as defined by Municipal Code 8.32.080

1. Special Wastes defined by Municipal Code 8.32.080.
  - 1a. Special Wastes landfilled directly with other refuse at time of disposal . . . . . ~~\$17.00~~ \$10.00 per ton plus \$5.00 per load (permit) fee  
Minimum Charge . . . . . ~~\$22.00~~ \$15.00
  - 1b. Special Wastes requiring segregation from other refuse at time of disposal (including, but not limited to, asbestos containing materials) ~~\$17.00~~ \$10.00 per ton plus \$25.00 per load special handling fee  
Minimum Charge . . . . . ~~\$42.00~~ \$35.00  
Small vehicles with Special Wastes... Applicable fees in Schedule A Plus \$5.00 per load (permit)
2. All whole and processed tires (portions of tires)
  - 2a. Individual loads of 10 or more whole or processed tires shall not be accepted at the City's disposal site(s).
  - 2b. Individual loads of less than 10 whole or processed tires shall be accepted at the City's disposal site(s) and shall be placed in appropriate areas for recycling as directed. All whole or processed tires shall be prohibited from landfill disposal. The following special fees shall apply to whole or processed tires when accepted at the City's disposal site(s).
    - i. Car passenger tire or light truck tire \$3.00 each plus applicable Schedule A fees
    - ii. Heavy (over-the-road) truck tire . . . \$6.50 each plus applicable Schedule A fees
    - iii. Farm or industrial (off-road) tire... \$11.50 each plus applicable Schedule A fees
3. Appliances, including but not limited to, water softeners, heaters, dishwashers, refrigerators, freezers, washing machines, clothes dryers, air conditioners, etc.; shall be accepted at the City's disposal site(s) and shall be placed in appropriate areas for recycling as directed. All appliances shall be prohibited from landfill disposal. The following special fee shall apply to all appliances.  
Appliances . . . . . \$5.00 each plus applicable Schedule A fees
4. Wastes which are unacceptable or prohibited from landfill disposal, including but not limited to out-of-county wastes, hazardous wastes, non-permitted special wastes, yard wastes, tires, appliances, waste oil and lead acid batteries, and are found to exist in a waste load and are subsequently rejected from landfill disposal and the hauler fails to remove the waste or place the waste in the designated areas the following special fee will be assessed. This will in no way relieve the hauler from any other liability or responsibilities for unacceptable or prohibited waste left at the City's facilities:

Unacceptable waste loads rejected from landfill disposal . . . . . \$50.00 per occurrence  
Any uncovered load will be assessed an additional amount equal to 50% of the computed charge for such load. The minimum for uncovered loads shall be \$50.00.

The Director of Public Works & Utilities shall have the authority to negotiate for and collect fees on any wastes that may require unusual or special handling considerations other than those wastes addressed herein. The Director of Public Works & Utilities shall have the authority to issue rules and regulations which further define vehicle types, uncovered loads, and other policies for the City's solid waste disposal facilities and operations.

The Mayor shall have the authority to waive all or any portion of the scheduled fees in the event of severe weather, emergency, or disaster which creates the need for immediate disposal of debris, refuse, rubble, etc. resulting from such emergency.  
That Resolution No. A-79667 as hitherto existing is hereby repealed.

Introduced by Coleen Seng

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

PETITIONS & COMMUNICATIONS

SETTING HEARING DATE OF MARCH 31, 2003 AT 5:30 P.M. FOR THE APPLICATION OF DLH, INC. DBA "COACHES SPORTS BAR & GRILL" FOR A CLASS D1 LIQUOR LICENSE LOCATED AT 640 WEST PROSPECTOR COURT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81995 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 31, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the App. of DLH, Inc. dba "Coaches Sports Bar & Grill" for a Class "D1" liquor license located at 640 West Prospector Court.

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 HEARING DATE OF MARCH 31, 2003 AT 5:30 P.M. FOR THE APPLICATION OF LINCOLN HOLDINGS LTD DBA "OSO BURRITO" FOR A CLASS "C" LIQUOR LICENSE LOCATED AT 1451 "O" STREET, STE. 103 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81996 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 31, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the App. of Lincoln Holdings LTD dba "Oso Burrito" for a Class "C" liquor license located at 1451 "O" Street, Ste. 103.

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 HEARING DATE OF MARCH 31, 2003 AT 5:30 P.M FOR THE MANAGER APPLICATION OF JARED J. BECKMANN FOR GMRI, INC. DBA "OLIVE GARDEN RESTAURANT #1432" LOCATED AT 6100 "O" STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81997 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 31, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the Man. App. of Jared J. Beckmann for GMRI, Inc. dba "Olive Garden Italian Restaurant #1432" located at 6100 "O" 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.

PETITION TO VACATE PUBLIC WAY THE WEST CLEVELAND AVENUE FROM THE WEST LINE OF N.W. 48<sup>TH</sup> STREET TO THE EAST LINE OF HARTLAND HOMES NORTHWEST SECOND ADDITION SUBMITTED BY DUANE HARTMAN INVESTMENTS, THE KOREAN CHURCH OF LINCOLN AND ROBERT W. & RAEANN D. LORENCE - CLERK presented said petition which was referred to the Law Dept.

APPLICATION OF SESOSTRIS SHRINE, 1717 YOLANDE AVENUE, TO CONDUCT A RAFFLE WITHIN THE CITY - CLERK requested a motion to have a hearing date of Monday, March 24, 2003 at 1:30 p.m..

CAMP So moved.

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

SETTING THE HEARING DATE OF MONDAY, MARCH 31, 2003 AT 5:30 P.M., FOR APP. OF WILDERNESS RIDGE, LLC DBA WILDERNESS RIDGE GOLF COURSE FOR AN ADDITION TO LICENSED PREMISE FOR THE C/K LIQUOR LICENSE AT 1800 WILDERNESS WOODS PLACE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81998 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 31, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the App. of Wilderness Ridge, LLC dba "Wilderness Ridge Golf Course" for an addition to licensed premise of C/K liquor license located at 1800 Wilderness Woods Place.

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.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF FEBRUARY, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

#### REPORTS OF CITY OFFICERS

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

INVESTMENT OF FUNDS FOR MARCH 3 THROUGH MARCH 7, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81999 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 Ken Svoboda

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MARCH 10, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### ORDINANCES - 1<sup>ST</sup> READING

CHANGE OF ZONE 3395 - APPLICATION OF MARTIN LUTHER HOMES NEBRASKA HOUSING FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS TO R-5 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT NORTH 63RD STREET AND Y STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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.

#### ORDINANCES - 3RD READING

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) - PRIOR to reading:

SENG Moved to place Bill No. 03-21 on Pending with no date certain.

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

CLERK Read the following ordinance, introduced by Coleen Seng, 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, 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:

SENG Moved to place Bill No. 03-22 on Pending with no date certain.

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

CLERK Read the following ordinance, introduced by Coleen Seng, for Change of Zone 3373, the 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, the third time.

APPROVING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER CONSTRUCTION FUND AND STREET CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - PRIOR to reading:

SENG Moved to amend Bill No. 03-37 on page 1, after line 13, insert the following language: From: Project No. 700068 - Well Field Modifications - Ashland \$50,000. TO: Project No. 506010 - Water Supply.

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

CLERK Read an ordinance, introduced by Annette McRoy, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain improvement projects within the Water Construction Fund and Street Construction Fund, the third time.

MCROY Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18148**, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO ESTABLISH AN OCCUPATION TAX OF \$7.00 PER TON ON REFUSE AND SPECIAL WASTE COLLECTED WITHIN THE CITY AND \$7.00 PER TON OCCUPATION TAX ON REFUSE AND SPECIAL WASTE COLLECTED OUTSIDE THE CORPORATE LIMITS OF THE CITY AND WITHIN LANCASTER COUNTY THAT IS DEPOSITED IN THE CITY'S SANITARY LANDFILL - PRIOR to reading:

SENG Moved to amend Bill no. 03-38 on page 8, beginning on line 16, delete the comma and the phrase "not later than 30 days from the last day of each calendar quarter." 2. On page 8, beginning on line 17 delete the words "City Treasurer" and insert in lieu the following: Public Works and Utilities Department. 3. On page 8, line 18, strike the word "quarter" and insert the word month.

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

CLERK Read an ordinance, introduced by Annette McRoy, amending Chapter 8.32 of the Lincoln Municipal Code relating to solid wastes by amending Section 8.32.010 to amend the definition of "refuse" to include building rubbish and demolition debris and to add a definition of "refuse hauler"; amending Section 8.32.060 to delete the reference to "construction rubble" and to insert in lieu thereof references to "building rubbish" and "demolition debris"; amending Section 8.32.100 to limit the use to which landfill fees may be devoted; amending Section 8.32.110 relating to refuse haulers to provide exceptions to the licensing requirement; amending Section 8.32.150 relating to occupation taxes by eliminating the annual occupation tax of \$100 and providing for an occupation tax of \$7.00 per ton on all refuse collected within the corporate limits of the city or any other refuse deposited at the public sanitary landfills, requiring quarterly reports on tonnage collected, directing that all refuse vehicles be weighed at the public sanitary landfill at 56th Street and Bluff Road or at such other scales approved by the Director of Public Works and Utilities; repealing Section 8.32.170 regarding revocation of and suspension of licenses; amending Section 8.32.330 to eliminate appeal provisions and provide for immediate suspension of limited landfill permits when health hazards exist; amending Section 8.32.340 to revise the appeal procedure for persons aggrieved by the suspension, revocation, or denial of a license or permit under Chapter 8.32; repealing Section 8.32.350 regarding the appeal procedure; and repealing Sections 8.32.010, 8.32.060, 8.32.100, 8.32.110, 8.32.150, 8.3.330, and 8.32.340 of the Lincoln Municipal Code as hitherto existing; and providing an operative date of June 1, 2003, the third time.

MCROY Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18149**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3393 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM

I-1 INDUSTRIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 1019 NORTH 27TH STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the City Council of the City of Lincoln, Nebraska, the third time.

MCROY 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 #18150, is recorded in Ordinance Book 25, Page

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to March 24, 2003.  
Seconded by Werner & 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 March 24, 2003.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

**2:54 P.M.**

CAMP Moved to adjourn the City Council meeting of March 17, 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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Teresa Meier, Deputy City Clerk

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Judy Roscoe, Senior Office Assistant

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