

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JULY 14, 2003 AT 1:30 P.M.**

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

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**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of July 7, 2003, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Coleen J. Seng came forward to present the Mayor's Award of Excellence for May, 2003 and June, 2003. The May, 2003 recipient was Julia (J.J.) Mayer of the Police Department in the category of Customer Relations and Valor. The June, 2003 recipient was Theresa (Terri) Krejdl of the Parks and Recreation Department in the category of Productivity.

**PUBLIC HEARING**

APPLICATION OF GREEK ORTHODOX CHURCH OF THE ANNUNCIATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN THE PARKING LOT IMMEDIATELY SOUTH AND ADJACENT TO THE CHURCH ON SEPTEMBER 19, 2003 FROM 5:00 P.M. TO 10:00 P.M., SEPTEMBER 20, 2003 FROM 10:00 A.M. TO 10:00 P.M., AND SEPTEMBER 21, FROM 12:00 NOON TO 5:00 P.M. AT 950 NORTH 63RD STREET - Efthagea X Hnelon, P.O. 5534, Lincoln, Nebraska 68505 and Marcia Hartz, 2601 Stallion Cr., 68523 came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF LEVY PREMIUM FOOD SERVICE LTD. DBA LEVY RESTAURANT AT HAYMARKET PARK FOR A LIQUOR CATERING LICENSE AT 403 LINE DRIVE CIRCLE - Steve Seglin 134 S. 13<sup>th</sup> Street, Ste.400, attorney for Levy Premium Foods, came forward to request liquor catering outside of the Haymarket Park.

This matter was taken under advisement.

APPLICATION OF RED ROBIN INTERNATIONAL INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS FOR A CLASS I LIQUOR LICENSE AT 2707 PINE LAKE ROAD; MANAGER APPLICATION OF MARK ALAN WARREN FOR RED ROBIN INTERNATIONAL INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - John Boehm, 811 S. 13<sup>th</sup> St., attorney, took oath and came forward representing Red Robin International Inc. Mr. Boehm stated that Red Robin International Inc. owns some 90 restaurants nationwide and this is the third restaurant in Nebraska with two being in Omaha. They offer gourmet hamburgers, chicken sandwiches and other sandwiches along with their bottomless basket of fries, ice cream treats and adult beverages. It will be open from 11:00 a.m. to 11:00 p.m. seven days a week.

Mark Warren, 4841 S. 48<sup>th</sup> Street, Manager for Red Robin America's Gourmet Burgers & Spirit took oath and came forward to answer any questions.

Terry Werner, Council Member, asked if Mr. Warren would actually be working at this location?

Mr. Warren answered yes.

This matter was taken under advisement.

APPLICATION OF CARLOS O'KELLY'S INC. DBA CARLOS O'KELLY'S MEXICAN CAFÉ FOR A

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CLASS I LIQUOR LICENSE AT 3130 PINE LAKE ROAD;  
MANAGER APPLICATION OF JEROMEY K. BALAUN FOR CARLOS O'KELLY'S INC. DBA CARLOS O'KELLY'S MEXICAN CAFÉ AT 3130 PINE LAKE ROAD - Jeromey Balaun, no address given, took oath & stated that he will be the General Manager at Carlos O'Kelly's at 3130 Pine Lake Road & asked if there were any questions.

This matter was taken under advisement.

AMENDING CHAPTER 14.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOUSEMOVING TO ONLY REQUIRE A BUILDING PERMIT FOR HOUSEMOVING WITHIN THE CITY LIMITS, TO MODIFY REGISTRATION FEE PROVISIONS, TO INCREASE THE LIABILITY INSURANCE, TO INCREASE THE PERMIT FEE, TO ELIMINATE CERTAIN OTHER FEES, TO MODIFY PERMIT CONDITIONS OF APPROVAL, TO MODIFY PROVISIONS REQUIRING MOVED STRUCTURES TO COMPLY WITH THE BUILDING CODE, TO REQUIRE A DEMOLITION PERMIT, AND REMOVAL OF DEBRIS FROM THE PREMISES - Mike Morosin, 2055 S St., asked what types of housing and the age of housing will this housemoving permit cover?

Dana Roper, City Attorney, stated that this was an amendment to Chapter 14 that deals with all house moving. It establishes some fees such as a housemover will have to pay \$100.00 per year with a million dollars of aggregate insurance. If the house is wider than 14' they have to pay \$200.00. There are notification provisions, overhead wires to be moved and so on.

Jonathan Cook, Council Member, asked why the 3 mile provision was eliminated.

Mr. Roper answered that this ordinance relates to the City limits only.

This matter was taken under advisement.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 160 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PINE LAKE ROAD - Bill Austin, Erickson, Sederstrom, 301 S. 13<sup>th</sup> Street, Ste. 400, came forward on behalf of the Sanitary Improvement District No. 2 of Lancaster County whose property comprises of 160 acres that is being proposed for annexation. He was expressing their support for the annexation. He expressed his thanks to the Law Dept., the Planning Dept., the Public Works & Utilities Dept., and the Health Dept. who helped in the negotiations of this over the last 3½ years.

Bevan Alvey, President of the Pine Lake Association, expressed how wonderful it was working with the City offices especially with Brian Wills, Rick Peo, Roger Figard, Nick McElvain, and Steve Henrichsen. The City helped to accomplish everyone of their objectives.

Gary Caster, Chair of Sanitary Improvement District No. 2 of Lancaster County, expressed his appreciation as well.

This matter was taken under advisement.

DECLARING APPROXIMATELY 33.55 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PINE LAKE ROAD AS SURPLUS AND AUTHORIZING THE SALE THEREOF - Bill Austin, Erickson, Sederstrom, 301 S. 13<sup>th</sup>, Ste. 400, came forward representing Sanitary Improvement District No. 2 of Lancaster County, came forward in favor of this proposal.

Jonathan Cook, Council Member, stated that the SID will cease to exist, but the homeowners association will remain, are they one in the same right now?

Mr. Austin answered no they are not. They are two separate entities. He stated the Sanitary Improvement District is a governmental agency which is a political subdivision of the State of Nebraska. Pine Lake Association is a non-profit corporation similar to any other neighborhood association.

Mr. Cook asked if they would then take over ownership of these outlets like many homeowner associations?

Mr. Austin answered yes.

Mr. Friendt asked what were these outlots originally intended for?

Mr. Austin answered that the Pine Lake area was developed as a community unit plan under the AGR zoning. These outlots are the properties from which the density was transferred to support 130 homes that are currently in that area. This was the open space outlot that was left over after removing the density and they were to provide the recreational areas for the area.

Mr. Friendt asked if this property will go through a public process and be made available for sale.

Mr. Austin stated this was the public process. It is being declared surplus right now. The Planning Commission has given a recommendation of approval on this & with the concurrence of the City Council it will effectively surplus the property. According to the annexation agreement being entered into the transfer will take place to the Pine Lake Association.

Annette McRoy asked if part of the surplus property is a golf course and Parks and Recreation didn't want this so it reverts back to the Association. Will that remain private or public?

Mr. Austin stated it will remain a private course owned by the Association and operated under a 99 year lease by the Pine Lake Golf and Tennis Association.

Annette McRoy asked if there would be a cost to the City.

Mr. Austin answered there would be no cost to the City.

Craig Groat, 4935 Huntington Avenue, came forward to suggest a more formal code to transfer property in the City of Lincoln. It used to require the vote of the people for property over \$10,000, but is now at the power of the City Council. He feels property transfers should return to the vote of the people.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR CITY PROJECT NO. 546007 FOR THE PROPOSED FUNDING OF A ROUNDABOUT AT THE INTERSECTION OF S. 40TH STREET AND SHERIDAN BLVD. (6/2/03 - PUBLIC HEARING CON'T. & ACTION DELAYED TO 7/14/03) - Jonathan Cook, asked how they were dealing with the problem with the traffic backing up on 40<sup>th</sup> Street for the high school

Roger Figard, Public Works & Utilities Dept., they are planning to use the 2 + 1 rehabilitation on 40<sup>th</sup> from Van Dorn to Sheridan to include the 40<sup>th</sup> Street & Sheridan roundabout. They will go out and visit with the neighborhood and plan to get the roundabout done this fall.

This matter was taken under advisement.

ADOPTING CHANGES TO THE LINCOLN LANCASTER COUNTY AIR POLLUTION PROGRAM REGULATIONS AND STANDARDS TO UPDATE CURRENT REGULATIONS INCLUDING CHANGES IN STATE OF NEBRASKA EPA AIR QUALITY REQUIREMENTS; TO REQUIRE REGISTRATION OF EMERGENCY ELECTRIC GENERATORS OPERATED IN COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL FACILITIES; TO ALLOW THE USE OF EMERGENCY ELECTRICAL GENERATORS IN NON-EMERGENCY SITUATIONS; AND CREATING A STREAMLINED CONSTRUCTION PERMIT PROCESS FOR EMERGENCY ELECTRICAL GENERATORS WHO PARTICIPATE IN A SPECIAL POWER PURCHASE PROGRAM ESTABLISHED BY THE LOCAL UTILITY - Scott Holmes, Environmental Manager, came forward to introduce Rich Thorson who explained the regulations being proposed.

Rick Thorson, Air Quality Control, stated these regulations are being updated to better mirror the Federal and State regulations that continue to be promulgated at those levels. He stated they are also proposing to work with Lincoln Electric System to implement a program that is called the Power Purchase Program. This will allow some of the emergency generators to come on line during peak periods then the facilities can then help with the electrical load during high use of air conditioning.

Mr. Cook asked if you have a residential generator and you want to sell back to the utility what regulations do you have for that?

Mr. Thorson answered that the smaller generators used in the home setting or a small contractor type job are typically too small to fall under this type of regulation. A generator with multiple cylinders, usually a diesel powered generator, is the type being looked at to have control over.

Mr. Holmes mentioned that the Air Pollution Advisory Board did review these proposals and the Board of Health also reviewed them.

Mr. Morosin feels that this is a good program. He asked what the kilowatt breakpoint would be?

David Skipton, Senior Environmental Engineer with Lincoln Electric System, came forward to urge the Council to support the adoption of these regulations. The minimum reduction of demand would be 100 kilowatts.

This matter was taken under advisement.

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APPROVING HEIDELBERG'S SOUTH AT 1601 NORMANDY COURT AS A KENO SATELLITE SITE - John Hewitt, Big Red Keno, came forward to answer questions.

Ms. McRoy asked if Keno play is stabilizing or is the revenue from Keno going down?

Mr. Hewitt stated it had gone down in the last quarter, but it has picked up in the last couple of weeks.

Mr. Friendt asked if Heidelberg North has Keno?

Mr. Hewitt answered yes. They are a real good outlet.

TOOK BREAK 2:28 P.M.

RECONVENED 2.37 P.M.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JUNE 16, TO 30, 2003 - Norval Emery, 3700 Cornhusker Hwy, came forward to explain his request for payment for the repair of a door which was broken down by the Police Department. One of the Officers told him that Risk Management would pay for the repair.

Mr. Roper explained that if there is a warrant being delivered and the person refuses to come to the door to accept it the Police can enter by removing the door.

Mr. Cook suggested that this issue be delayed for two weeks to look into the matter further.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, came forward stating that it was voted upon by the City Council on July 29, 2002 to set up a committee to review the City's Code of Ethics, but has yet to be organized.

These matters were taken under advisement.

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

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

APPLICATION OF GREEK ORTHODOX CHURCH OF THE ANNUNCIATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN THE PARKING LOT IMMEDIATELY SOUTH AND ADJACENT TO THE CHURCH ON SEPTEMBER 19, 2003 FROM 5:00 P.M. TO 10:00 P.M., SEPTEMBER 20, 2003 FROM 10:00 A.M. TO 10:00 P.M., AND SEPTEMBER 21, FROM 12:00 NOON TO 5:00 P.M. AT 950 NORTH 63RD STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82191 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Greek Orthodox Church of the Annunciation for a Special Designated License to cover an area in the parking lot immediately south and adjacent to the church at 950 North 63rd Street, Lincoln, Nebraska, on September 19, 2003 from 5:00 p.m. to 10:00 p.m., September 20, 2003 from 10:00 a.m. to 10:00 p.m., and September 21, 2003 from 12:00 noon to 5:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Glenn Friendt

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

APPLICATION OF LEVY PREMIUM FOOD SERVICE LTD. DBA LEVY RESTAURANT AT HAYMARKET PARK FOR A LIQUOR CATERING LICENSE AT 403 LINE DRIVE CIRCLE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82192 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of Levy Premium Food Service Ltd. dba Levy Restaurant at Haymarket Park for the issuance of a Catering Permit to the existing liquor license, located at 403 Line Drive Circle, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

APPLICATION OF VALENTINO'S INC. DBA VALENTINO'S TO DELETE AN AREA MEASURING APPROXIMATELY 20' BY 45' FROM THEIR EXISTING CLASS C/K LIQUOR LICENSE AT 232 N. 13TH STREET FOR A NEW DESCRIPTION BEING A ONE STORY BUILDING, SUITE 1, APPROXIMATELY 45' BY 103', INCLUDING THE BASEMENT AREA - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82193 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 including Neb. Rev. Stat. § 53-132, the pertinent City ordinances, and Resolution No. A-66729, the City Council recommends that the application of Valentino's Inc. dba "Valentino's" to delete an area measuring approximately 20' by 45' from their presently licensed premises located at 232 N. 13th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Glenn Friendt

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

APPLICATION OF RED ROBIN INTERNATIONAL INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS FOR A CLASS I LIQUOR LICENSE AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82194 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Red Robin International Inc. dba Red Robin America's Gourmet Burgers & Spirits for a Class "I" liquor license at 2707 Pine Lake Road, Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

MANAGER APPLICATION OF MARK ALAN WARREN FOR RED ROBIN INTERNATIONAL INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82195 WHEREAS, Red Robin International Inc. dba Red Robin America's Gourmet Burgers & Spirits located at 2707 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mark Alan Warren be named manager;

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

APPLICATION OF CARLOS O'KELLY'S INC. DBA CARLOS O'KELLY'S MEXICAN CAFÉ FOR A CLASS I LIQUOR LICENSE AT 3130 PINE LAKE ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82196 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Carlos O'Kelly's Inc. dba Carlos O'Kelly's Mexican Café for a Class "I" liquor license at 3130 Pine Lake Road, Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APPLICATION OF JEROMEY K. BALAUN FOR CARLOS O'KELLY'S INC. DBA CARLOS O'KELLY'S MEXICAN CAFÉ AT 3130 PINE LAKE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82197 WHEREAS, Carlos O'Kelly's Inc. dba Carlos O'Kelly's Mexican Café located at 3130 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeromey K. Balaun be named manager;

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

#### ORDINANCES - 2ND READING

AMENDING CHAPTER 14.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO HOUSEMOVING TO ONLY REQUIRE A BUILDING PERMIT FOR HOUSEMOVING WITHIN THE CITY LIMITS, TO MODIFY REGISTRATION FEE PROVISIONS, TO INCREASE THE LIABILITY INSURANCE, TO INCREASE THE PERMIT FEE, TO ELIMINATE CERTAIN OTHER FEES, TO MODIFY PERMIT CONDITIONS OF APPROVAL, TO MODIFY PROVISIONS REQUIRING MOVED STRUCTURES TO COMPLY WITH THE BUILDING CODE, TO REQUIRE A DEMOLITION PERMIT, AND REMOVAL OF DEBRIS FROM THE PREMISES - CLERK read the following ordinance, introduced by Patte Newman, amending Chapter 14.36 of the Lincoln Municipal Code relating to Housemoving to only require a building permit for housemoving within the city limits, to modify registration fee provisions, to increase the liability insurance, to increase the permit fee, to eliminate certain other fees, to modify permit conditions of approval, to modify provisions requiring moved structures to comply with the building code, to require a demolition permit, and removal of debris from the premises, the second time.

RENAMING W. GARFIELD PLACE GENERALLY LOCATED AT S.W. 26TH STREET AND W.

GARFIELD PLACE AS W. GARFIELD STREET - CLERK read the following ordinance, introduced by Patte Newman, renaming W. Garfield Place generally located at S.W. 26<sup>th</sup> Street and W. Garfield Place as W. Garfield Street, the second time.

ADOPTING THE CORPORATE LIMITS MAP DATED JULY 1, 2003 AS THE ESTABLISHED AND FIXED BOUNDARIES OF THE CORPORATE LIMITS OF THE CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA - CLERK read the following ordinance, introduced by Patte Newman, adopting the corporate limits map dated July 1, 2003 as the established and fixed boundaries of the Corporate limits of the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 160 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Patte Newman, amending the Lincoln corporate limits map by annexing approximately 160 acres of property generally located northwest of the intersection of South 84<sup>th</sup> Street and Pine Lake Road, the second time.

DECLARING APPROXIMATELY 33.55 ACRES OF PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND PINE LAKE ROAD AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read the following resolution, introduced by Patte Newman, declaring approximately 33.55 acres of property generally located northwest of the intersection of South 84<sup>th</sup> Street and Pine Lake Road as surplus and authorizing the sale thereof, the second time.

**RESOLUTIONS**

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR CITY PROJECT NO. 546007 FOR THE PROPOSED FUNDING OF A ROUNDABOUT AT THE INTERSECTION OF S. 40TH STREET AND SHERIDAN BLVD. (6/2/03 - PUBLIC HEARING CON'T. & ACTION DELAYED TO 7/14/03)- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82198 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPP-5214(3) (City Project No. 546007) for the construction of a roundabout at the intersection of S. 40th Street and Sheridan Blvd., in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Ken Svoboda

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JUNE 16, TO 30, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82199 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 July 1, 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 OR SETTLED</u>
Brian Biltoft	\$50,000.00	Roland F. Bouska	\$ 1,130.32
David M. Barker	NAS*	Amy Bruning	14,400.00
Eric A. Johnson	50.00	Calvin & Kelly Brown	750.00
James Rokke	NAS*	Todd Eno	837.82
<del>Norval D. Emery</del>	<del>965.50</del>	James Small	1,144.95
		Emzudin Smajic	1,489.00

Helmsman Management Services, Inc.	1,023.71
Dianne Warren	997.92
Larry & Mikah Meyer	858.23

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

SVOBODA Moved to reopen the public hearing due to a misunderstanding during the public hearing session for the purpose of hearing the testimony of Norval D. Emery.

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

COOK Moved to delay the claim of Mr. Emery w/continued public hearing for two weeks to 7/28/03.

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

ADOPTING CHANGES TO THE LINCOLN LANCASTER COUNTY AIR POLLUTION PROGRAM REGULATIONS AND STANDARDS TO UPDATE CURRENT REGULATIONS INCLUDING CHANGES IN STATE OF NEBRASKA EPA AIR QUALITY REQUIREMENTS; TO REQUIRE REGISTRATION OF EMERGENCY ELECTRIC GENERATORS OPERATED IN COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL FACILITIES; TO ALLOW THE USE OF EMERGENCY ELECTRICAL GENERATORS IN NON-EMERGENCY SITUATIONS; AND CREATING A STREAMLINED CONSTRUCTION PERMIT PROCESS FOR EMERGENCY ELECTRICAL GENERATORS WHO PARTICIPATE IN A SPECIAL POWER PURCHASE PROGRAM ESTABLISHED BY THE LOCAL UTILITY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82200 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the amendment to Article II, Sections 1, 2, 4, 5, 6, 7, 8, 13, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 34, and Appendix II, and to add a new appendix to be called Appendix III to the Lincoln-Lancaster County Air Pollution Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, which Amendment is to incorporate changes to the air quality requirements Environmental Protection Act by the State of Nebraska and the Federal Government, and to require a permit for emergency electric generators operated in commercial, industrial, and institutional facilities.

The City Clerk is directed to return two (2) fully executed copies of said Amendment to Susan Starcher, Lancaster County Clerk's Office, for filing with the County.

Introduced by Ken Svoboda

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

APPROVING HEIDELBERG'S SOUTH AT 1601 NORMANDY COURT AS A KENO SATELLITE SITE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82201 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Heidelberg's South, 1601 Normandy Court, Lincoln, NE 68512.

The City Clerk is directed to return an executed copy of this Resolution to Moose Loyal Order 175, and a copy to Lincoln's Big Red Keno, Ltd.

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

SETTING THE INTEREST RATE OF 7.32% AND LEVYING THE ASSESSMENTS ON SPECIAL  
ASSESSMENT GROUP I OF THE BOARD OF EQUALIZATION HEARINGS OF JUNE 23 AND  
JULY 7, 2003; AND, ACCEPTING THE REPORT OF BOARD OF EQUALIZATION TO THE  
CITY COUNCIL ON SPECIAL ASSESSMENT GROUP I - CLERK read the following  
resolution, introduced by Ken Svoboda, who moved its adoption:

A-82202 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska that:

The special taxes assessed June 23, and July 7, 2003 to pay the  
costs of the improvements in Ornamental Lighting District 285, Sewer  
District 1176, are hereby levied and shall bear interest at 7.32% per  
annum and that the period of time in which the assessments are to be  
paid shall be as follows:

5 years - Ornamental Lighting District 285  
20 years - Sewer District 1176; Paving Units 135, 136;  
Re-paving District 155; and Water District 1186.

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

SETTING THE HEARING DATE OF MONDAY, JULY 28, 2003 AT 1:30 P.M. FOR APP. OF FB  
NORTHSTAR LLC DBA "FAST BREAK" FOR A CLASS "D" LIQUOR LICENSE LOCATED AT  
5700 N. 33<sup>RD</sup> ST. - CLERK read the following resolution, introduced by  
Ken Svoboda, who moved its adoption:

A-82203 BE IT RESOLVED by the City Council, of the City of Lincoln, that a  
hearing date is hereby set for Mon., July 28, 2003, at 1:30 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 FB Northstar,  
LLC dba "Fast Break" for a Class "D" liquor license at 5700 N. 33<sup>RD</sup>  
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 Friendt & carried by the following vote: AYES: Cook,  
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPROVING THE TRANSFER OF \$40,000.00 FROM THE CONTINGENCY DIVISION TO  
MISCELLANEOUS EQUIPMENT TO PURCHASE SPRAY EQUIPMENT TO IMPLEMENT A  
TARGETED MOSQUITO ADULTICIDE PROGRAM, TO WAIVE THE PURCHASING  
PROCEDURES, AND TO DECLARE AN EMERGENCY DUE TO A POTENTIAL SIGNIFICANT  
HEALTH RISK. (REQUEST TO WAIVE COUNCIL RULES TO HAVE PUBLIC HEARING &  
ACTION 7/14/03)- PRIOR TO READING:

SVOBODA Moved to waive the rules to have public hearing & action this  
date.

Seconded by Newman & carried by the following vote: AYES: Cook,  
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.  
CLERK read the following resolution, introduced by Ken Svoboda, who moved its  
adoption:

A-82204 WHEREAS, the City has implemented a pro-active larvaecide program  
to minimize potential locations for mosquito reproduction on public  
property; and

WHEREAS, the Nebraska Department of Health and Human Services has  
recently recommended that communities develop and implement a spray  
program to reduce adult populations of mosquitoes as a preventive  
measure against West Nile Virus; and

WHEREAS, the City of Lincoln, through its Health Department, Parks  
and Recreation Department, and Public Works & Utilities Department, will  
be implementing a spray program targeted to significant outdoor  
populations as documented through trapping and survey methods; and

WHEREAS, due to the potential significant health risk, the Parks  
and Recreation Department requests a waiver of Purchasing Procedures  
pursuant to Article VII, Section 2 of the Charter of Lincoln to allow  
the purchase of spray equipment to implement the program late in July,  
and a transfer of \$40,000.00 from the Contingency Division to  
Miscellaneous Equipment for the funding of said purchase.

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

That the implementation by the Parks and Recreation Department, in  
conjunction with the Health Department and Public Works & Utilities

Department, of a targeted mosquito adulticide spray program as set out above, is hereby authorized.

BE IT FURTHER RESOLVED that, pursuant to Article VII, Section 2, of the Charter of Lincoln, the Purchasing Procedures are waived to allow the purchase of four sprayers.

The Finance Director is authorized to transfer appropriations in the amount of \$40,000.00 from Miscellaneous Other Services and Charges, Contingency Division #18001.5989 to General Expense, Miscellaneous Equipment #18002.6076 for purposes of this resolution.

Introduced by Ken Svoboda

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone 2751A - App. of Slosburg Company to amend Change of Zone 2751, Van Dorn Acres P.U.D. to revise multifamily & commercial development plan, to allow on & off sale of alcohol within commercial area, and waiver maximum building height from 35' to 38' at the southeast corner of the intersection of 84<sup>th</sup> and Van Dorn Streets.

Change of Zone 3414 - App. of John, Janice & Gary VerMaas to develop 5,900 sq. ft. of bank/office & 44,000 sq. ft. of office/medical at Highway 2 & Pioneers Blvd.

Special Permit 2026 - App. of Henry R. Brandt to crush concrete at Southwest 40<sup>th</sup> Street.

Special Permit 2027 - App. of Alltel Communications to construct a personal wireless service facility at the Northeast corner of South Folsom and West Old Cheney Road.

Special Permit 2028 - App. of Mettlen Inc. dba Jax to change from off-sale liquor to on-sale liquor at 2711 S. 48<sup>th</sup> Street.

Special Permit 2029 - App. of Doug Schmidt for a community unit plan for 30 dwelling units at Southwest 1<sup>st</sup> Street & West A Street.

Use Permit 152 - App. of John, Janice & Gary VerMaas to develop 5,900 sq. ft. of bank/office & 44,000 sq. ft. of office/medical at Highway 2 & Pioneers Blvd.

APP. OF STAR CITY OPTIMIST YOUTH FOUNDATION TO CONDUCT A RAFFLE WITHIN THE CITY LIMITS. (NEED MOTION TO SET THE HEARING DATE OF MON., JULY 21, 2003 AT 1:30 P.M.) - CLERK requested a motion to set the hearing date of Monday, July 21, 2003 at 1:30 p.m.

SVOBODA So moved.

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

FORMAL PETITION TO VACATE PUBLIC WAY POTTER STREET BETWEEN THE EAST LINE OF 26<sup>TH</sup> STREET AND THE WEST LINE OF 27<sup>TH</sup> STREET SUBMITTED BY LYNN JOHNSON, DIRECTOR OF PARKS AND RECREATION DEPARTMENT AND THE SALVATION ARMY - CLERK presented said petition which was referred to the Law Dept.

FORMAL PETITION TO VACATE PUBLIC WAY THE SOUTHWEST 12<sup>TH</sup> STREET SOUTH FROM LAKE STREET SUBMITTED BY KRISTEN S. AND DUANE J. GROPP - 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 JULY 7, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF CITY TREASURER FOR TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF APRIL & MAY, 2003: SHAFFER COMM.; MAY, 2003: LIBERTY WIRELESS, IBM GLOBAL SERVICES, QUANTUM SHIFT COMM., T-NETIX TELECOM., ALYON TECH., TRACFONE WIRELESS, XO LONG DISTANCE, TELIGENT - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

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

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

AMENDING CHAPTER 10.26 OF THE LINCOLN MUNICIPAL CODE TO REFLECT THE CHANGES TO THE TRANSPORTATION PLAN OF THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 10.26 of the Lincoln Municipal Code relating to Arterial Streets, to reflect changes to the Lincoln-Lancaster County Comprehensive Plan Transportation Plan, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA WORKFORCE DEVELOPMENT, DEPARTMENT OF LABOR 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 - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2003 through June 30, 2005 whereby the City of Lincoln is subleasing space to DAS/State Building Division at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,250,000.00 CITY OF LINCOLN, NEBRASKA LINCOLN MALL REDEVELOPMENT PROJECT TAX ALLOCATION BONDS - CLERK read an ordinance, introduced by Ken Svoboda, authorizing the issuance of not to exceed \$1,250,000.00 City of Lincoln, Nebraska Entertainment Center/Old Federal Building Redevelopment Project Tax Allocation Bonds, the first time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,500,000.00 CITY OF LINCOLN, NEBRASKA ENTERTAINMENT CENTER/OLD FEDERAL BUILDING REDEVELOPMENT PROJECT TAX ALLOCATION BONDS - CLERK read an ordinance, introduced by Ken Svoboda, authorizing the issuance of not to exceed \$5,500,000.00 City of Lincoln, Nebraska Entertainment Center/Old Federal Building Redevelopment Project Tax Allocation Bonds, the first time.

ORDINANCES - 3RD READING

RENAMING "K-MART DRIVE" LOCATED EAST OFF OF NORTH 27TH STREET NEAR CORNHUSKER HIGHWAY AS "KNOX STREET"- CLERK read an ordinance, introduced by Annette McRoy, changing the name of K-Mart Drive to Knox Street located east off of North 27<sup>th</sup> Street near Cornhusker Highway, as recommended by the Street Name Committee, the third time.

McRoy Moved to pass the ordinance as read.

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

The ordinance, being numbered #18203, is recorded in Ordinance Book 25, Page

APPROVING A FIVE YEAR/5,000 HOUR LEASE AGREEMENT WITH A BUY-OUT OPTION BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the City of Lincoln, Nebraska and Caterpillar Financial Services Corporation for a 90 horse power class backhoe loader for use by the Public Works & Utilities Water Division, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18204, is recorded in Ordinance Book 25, Page

APPROVING A FIVE YEAR/5,000 HOUR LEASE AGREEMENT WITH A BUY-OUT OPTION BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES TO PROVIDE A 90-HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS & UTILITIES WASTEWATER/SOLID WASTE DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and

approving a five-year/5,000 hour lease agreement between the City of Lincoln, Nebraska and Caterpillar Financial Services Corporation for a 90 horse power class backhoe loader for use by the Public Works & Utilities Wastewater Division, the third time.

MCROY Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp. The ordinance, being numbered #18205, is recorded in Ordinance Book 25, Page

#### COMPREHENSIVE PLAN AMENDMENT RESOLUTIONS

COMP. PLAN AMENDMENT 03001 - APPLICATION OF PUBLIC WORKS & UTILITIES DEPARTMENT, THE PARKS & RECREATION DEPARTMENT, AND THE PEDESTRIAN-BICYCLE ADVISORY COMMITTEE TO UPDATE THE BICYCLE AND TRAILS ELEMENT ON THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82205 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan by revising the "Lincoln Area Current and Future Trails Network" to incorporate changes made to the Trails Master Plan.

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be amended as follows:

1. Amend the Trails & Bicycle Facilities Plan map, page F95, to add bike routes and trail extensions to the future Trail and On-Street Bike Route system as shown Attachment "A".

2. Amend Chapter F, Future Conditions, Mobility & Transportation, Bicycles and Trails, to add the following text on page F95 under Strategies: Bicycle and Trails Standards for Developing Areas:

- Grade separated crossings are to be considered in conjunction with all new construction and reconstruction of transportation projects at all trail/arterial street intersections that do not coincide with arterial/arterial street crossings.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03002 - APPLICATION OF PUBLIC WORKS & UTILITIES TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE 2003 LINCOLN WATER SYSTEM FACILITIES MASTER PLAN - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82206 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to include the "2003 Lincoln Water System Facilities Master Plan."

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be amended as follows:

1. Amend Chapter F, Future Conditions - Utilities, Water Services by amending the text on page F76 under Lincoln Water System and County Water Resources as follows:

~~The Public Works and Utilities Department is in the process of updating the Water Distribution System Master Plan. The plan will lay out the long term facilities improvement plan for the planning period, as well as potential service extensions beyond Lincoln's anticipated future service limits.~~

The Public Works and Utilities Department has completed the Lincoln Water System Facilities Master Plan. The plan is a guide for short term and long term improvements to the infrastructure of the Lincoln Water System during the planning period, as well as

potential service extensions beyond Lincoln's anticipated future service limits.

2. Amend Chapter F, Future Conditions - Utilities, Water Services by amending the text on page F76 under Guiding Principals as follows:

~~Utility improvements shall be in accordance with the Water Master Plan and the Comprehensive Plan. The new Water Master Plan (expected completion summer 2002) will guide future actions and serve as the basis for facilities planning and improvements.~~

Utility improvements shall be in accordance with the Lincoln Water System Facilities Master Plan and the Comprehensive Plan. The Lincoln Water System Facilities Master Plan will guide future actions and serve as the basis for facilities planning and improvements.

3. Amend Chapter F, Future Conditions - Plan Realization, On-Going Comprehensive Plan Activities on page F156 under Subarea Planning by amending the list of Subarea Plans from the previous (1994) Comprehensive Plan carried over as part of this Comprehensive Plan as follows:

~~• Water Distribution System Master Plan Report, Public Works and Utilities Department; December 1994. Will be superseded by 2002 Master Plan.~~

~~• Lincoln Water System Facilities Master Plan, Public Works and Utilities Department; April 2003.~~

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03003 - APPLICATION OF PUBLIC WORKS & UTILITIES TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE 2003 LINCOLN WASTEWATER FACILITIES PLAN - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82207 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to adopt the 2003 Lincoln Wastewater Facilities Plan;

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend Chapter F, Future Conditions, Utilities, Wastewater Services by amending the text under Lincoln Wastewater and County Areas on page F77 as follows:

~~The Public Works and Utilities Department is in the process of updating the Wastewater Facility Master Plan. The plan will lay out the long term facilities improvement plan for the planning period, as well as potential service extensions beyond Lincoln's anticipated future service limits.~~

The Public Works and Utilities Department has completed the Lincoln Wastewater Facilities Plan. The plan is a guide for short term and long term improvements to the infrastructure of the Lincoln Wastewater System during the planning period, as well as potential service extensions beyond Lincoln's anticipated future service limits.

2. Amend Chapter F, Future Conditions, Utilities, Wastewater Services by amending the text under Guiding Principals on page F77 as follows:

~~Utility improvements shall be in accordance with the Wastewater Facility Master Plan and the Comprehensive Plan. The new Master Plan (expected completion by summer 2002) will guide future actions and serve as the basis for facilities planning and improvements.~~

Utility improvements shall be in accordance with the Lincoln Wastewater Facilities Plan and the Comprehensive Plan. The Lincoln Wastewater Facilities Plan will guide future actions and serve as the basis for facilities planning and improvements.

3. Amend Chapter F, Future Conditions, Plan Realization, On-Going Comprehensive Plan Activities by amending the text under Subarea Planning on page F156 to amend the list of Subarea Plans from the previous (1994) Comprehensive Plan carried over as part of this Comprehensive Plan as follows:

~~• Lincoln Wastewater Facility Plan, Public Works and Utilities Department; January 1995. Will be superseded by 2002 Master Plan.~~

• Lincoln Wastewater Facilities Plan, Public Works and Utilities Department; March 2003.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03006 - APPLICATION OF PUBLIC WORKS & UTILITIES AND THE TECHNICAL COMMITTEE OF THE MPO, TO AMEND THE MOBILITY AND TRANSPORTATION SECTION OF THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO UPDATE THE EXISTING AND FUTURE STREETS AND HIGHWAYS FUNCTIONAL CLASSIFICATION MAPS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82208 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the Mobility and Transportation section to update the Existing and Future Functional Classification maps;

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the existing County Roads Functional Classification map on page E48 and the Existing City Street Functional Classification map on page E49 to amend the functional classification designation of streets and roads and to adjust the Urban Area Boundary on said maps as shown on Attachment "A" and Attachment "C".

2. Amend the Future Functional Classification: City Streets map on page F103 and amend the Future Functional Classification: County Roads map on page F104 to amend the functional classification designation of streets and roads, and to adjust the Urban Area Boundary as shown on Attachment "B" and Attachment "C".

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03010 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE FROM URBAN RESIDENTIAL TO COMMERCIAL AND TO MAKE MINOR MODIFICATIONS TO THE BOUNDARY BETWEEN COMMERCIAL AND URBAN RESIDENTIAL USES NORTH OF INTERSTATE 80 BETWEEN NORTH 14TH AND NORTH 27TH STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82209 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan by revising the Land Use Plans in the general area of North 14th Street to North 27th Street from Interstate 80 to Alvo Road to change the land use designation from Urban Residential to Commercial and to make minor modifications to the boundary between the Commercial and Urban Residential uses; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said proposed amendment and has recommended approval of said proposed change.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive

Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln/Lancaster County Land Use Plan on page F23 and the Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan on page F25 to change land uses from Urban Residential to Commercial and to make minor modifications to the boundary between the Commercial and the Urban Residential uses as shown on Attachment "A" attached hereto.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03011 - APPLICATION OF MEGINNIS FARM JOINT VENTURE, RIDGE DEVELOPMENT COMPANY, AND SOUTHVIEW INC. TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO REVISE THE COMMUNITY CENTER COMMERCIAL DESIGNATION TO DESIGNATE SPECIFICALLY THE NORTHWEST AND NORTHEAST CORNERS OF 98TH AND O STREET AS A COMMUNITY CENTER; TO REVISE THE LIGHT INDUSTRIAL DESIGNATION FOR A FUTURE "EMPLOYMENT CENTER" TO SPECIFICALLY DESIGNATE AN AREA NORTHWEST OF 98TH AND O STREET AS INDUSTRIAL; AND TO SPECIFICALLY DESIGNATE COMMERCIAL AND INDUSTRIAL USES AT 98TH AND O STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82210 WHEREAS, the Planning Director on behalf of Meginnis Farm Joint Venture, Ridge Development Company and Southview Inc. has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to (1) designate specifically the northwest and northeast corners of 98th and O Street as a Community Center; (2) designate the southwest corner of 98th and Holdrege Street for a Neighborhood Center; (3) specifically designate an area northwest of 98th and O Street as light industrial; and (4) amend the land use plans to specifically designate commercial and industrial uses at 98th and O Street and 98th and Holdrege; and

WHEREAS, the Lincoln City - Lancaster County Planning Department has modified said proposal and recommended that the Plan be amended as follows: (1) amend the "Existing and Proposed Industrial Centers" map on Page F39 to move the "New Proposed" Light Industrial center located in the vicinity from 90th to 104th and O Street, to the west of 98th Street and to re-designate the center as an "Unbuilt Approved Center (Site Specific)"; (2) amend the list of proposed locations for Light Industrial centers on Page F40 as follows: ~~O Street in the vicinity from 90th to 104th Street, O Street, west of N. 98th Street;~~ (3) amend the "Existing and Proposed Commerce Centers" map on Page F41 to designate an "Unbuilt Approved Center (Site Specific)" Community Center for the intersection of 98th and O Street; and (4) amend the list of proposed locations of future Community Centers on page F46 as follows: • ~~East O Street in the vicinity of 90th to 104th Streets N. 98th and O Street;~~ and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of the recommendation of the Planning Department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Industrial Centers" map on Page F39 to move the "New Proposed" Light Industrial center located in the vicinity from 90th to 104th and O Street, to the west of 98th Street and to re-designate the center as an "Unbuilt Approved Center (Site Specific)" as shown on Attachment "A";

2. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations for Light Industrial centers on Page F40 as follows:

~~O Street in the vicinity from 90th to 104th Street, O Street, west of N. 98th Street~~  
O Street, west of N. 98th Street.

3. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Commerce Centers" map on Page F41 to designate an "Unbuilt Approved Center (Site Specific)" Community Center for the intersection 98th and O Street as shown on Attachment "A";

4. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations of future Community Centers

on page F46 as follows:

- ~~East O Street in the vicinity of 90th to 104th Streets~~
- N. 98th and O Street.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03012 - APPLICATION OF UNO PROPERTIES, INC. AND APPLE'S WAY LLC TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 60 ACRES FROM URBAN RESIDENTIAL TO COMMERCIAL AT SOUTH 66TH STREET AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to Withdraw Bill No. 03R-168.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4446, & placed on file in the Office of the City Clerk.

COMP. PLAN AMENDMENT 03013 - APPLICATION OF LIVINGSTON INVESTMENTS TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE FROM URBAN RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 7 ACRES ON THE NORTH SIDE OF HIGHWAY 2 BETWEEN PINE LAKE NEIGHBORHOOD AND BEREAN CHURCH; AND TO CHANGE THE USE OF COMMERCIAL PROPERTY ON THE SOUTH SIDE OF HIGHWAY 2 AT PINE LAKE ROAD CURRENTLY ZONED O-3 OFFICE DISTRICT, FROM OFFICE TO RETAIL IN THE APPROVED SOUTHEAST LINCOLN/HIGHWAY 2 SUBAREA PLAN - PRIOR to reading:

COOK Moved to Withdraw Bill No. 03R-169.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4447, & placed on file in the Office of the City Clerk.

COMP. PLAN AMENDMENT 03014 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVUEW, INC. TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO MOVE THE COMMUNITY CENTER COMMERCIAL DESIGNATION FROM S. 40TH STREET AND YANKEE HILL ROAD TO S. 27TH STREET AND YANKEE HILL ROAD; TO MOVE THE NEIGHBORHOOD CENTER DESIGNATION FROM S. 27TH STREET AND YANKEE HILL ROAD TO S. 40TH STREET AND YANKEE HILL ROAD; AND TO CHANGE THE LAND USE PLAN TO DESIGNATE PROPERTY TO THE NORTHWEST OF S. 27TH STREET AND YANKEE HILL ROAD AS COMMERCIAL - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82211 WHEREAS, the Planning Director on behalf of Ridge Development Company and Southview Inc. has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to (1) move the Community Center planned at 40th and Yankee Hill Road to 27th and Yankee Hill Road; (2) move the Neighborhood Center planned at 27th and Yankee Hill Road to 40th and Yankee Hill Road; and (3) change the Land Use Plan to designate property on the northwest corner of 27th and Yankee Hill Road as commercial; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln/Lancaster County Land Use Plan on page F23 and the Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan on page F25 to change the area generally located at the northwest corner of 27th and Yankee Hill Road from Urban Residential to Commercial as shown on Attachment "A".

2. Amend Chapter F, Future Conditions, Business and Commerce, by amending the map designated "Existing and Proposed Commerce Centers" on page F41 as shown on Attachment "B" to:

(a) Delete the Neighborhood Center on the northeast corner of 27th and Yankee Hill Road and designate an "Unbuilt Approved Center (Site Specific)" Community Center for the intersection of 27th and Yankee Hill Road.

(b) Delete the Community Center on the northwest corner of 40th and Yankee Hill Road and designate an "Unbuilt Approved Center (Site Specific)" Neighborhood Center for said northwest corner.

(c) Delete the Neighborhood Center to the southeast of 14th and Yankee Hill Road and move the "Unbuilt Approved Center (Site Specific)" Community Center in the northeast corner of 14th and Yankee Hill Road to cover both the northeast and southeast corners of that intersection.

3. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of developing centers on Page F46 as follows:  
~~South 40th Street and Yankee Hill Road~~  
South 27th Street and Yankee Hill Road

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03015 - APPLICATION OF LINCOLN FEDERAL SAVINGS BANK TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO MOVE THE COMMUNITY CENTER COMMERCIAL DESIGNATION FROM ONE-HALF MILE SOUTH OF S. 40TH STREET AND YANKEE HILL ROAD TO S. 27TH STREET AND YANKEE HILL ROAD; TO MOVE THE NEIGHBORHOOD CENTER DESIGNATION FROM S. 27TH STREET AND YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF YANKEE HILL ROAD AND WEST OF S. 40TH STREET; AND TO ADD INDUSTRIAL USE AT ONE-HALF MILE SOUTH OF YANKEE HILL ROAD ON THE WEST SIDE OF S. 40TH STREET FOR FUTURE "EMPLOYMENT CENTER" - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82212 WHEREAS, the Planning Director on behalf of Lincoln Federal Savings Bank has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to (1) move the Community Center commercial designation from ½ mile south of 40th and Yankee Hill Road to 27th and Yankee Hill Road; (2) move the Neighborhood Center designation from 27th and Yankee Hill Road to ½ mile south of 40th and Yankee Hill Road; and (3) revise the Land Use Plan to add industrial use at ½ mile south of Yankee Hill Road for a future "employment center"; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln/Lancaster County Land Use Plan on page F23 and the Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan on page F25 to designate the Commercial, Industrial, Green Space, and Public and Semi-Public land uses in the area between 27th and 40th from Yankee Hill Road to Rokeby Road as shown on Attachment "A".

2. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Industrial Centers" map on page F39 to add an "Unbuilt Approved Center (Site Specific)" Light Industrial center ½ mile south of Yankee Hill Road on the west side of 40th Street.

3. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations for Light Industrial centers on page F40 to add the following:

• ½ mile south of Yankee Hill Road on the west side of 40th Street

4. Amend Chapter F, Future Conditions, by amending the map designated "Existing and Proposed Commerce Centers" map on page F41 as shown on Attachment "B" to:

(a) Delete the Neighborhood Center on the southeast corner of 27th and Yankee Hill Road and to designate the intersection of 27th and Yankee Hill Road for "Unbuilt Approved Center (Site Specific)" Community Center.

(b) Delete the "New Proposed Center" (General Location) Community Center located generally ½ mile south of Yankee Hill Road on the west side of 40th Street and designate an "Unbuilt Approved Center (Site Specific)" Neighborhood Center at that location.

5. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations of future Community Centers on page F46 as follows:

~~South 40th Street ½ mile between Yankee Hill Road and Rokeby Road~~  
South 27th and Yankee Hill Road

BE IT FURTHER RESOLVED that any other references in said plan

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which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03016 - APPLICATION OF THE PLANNING DIRECTOR ON BEHALF OF DWAIN ROGGE TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE A PORTION OF PROPERTY DESIGNATED "ENVIRONMENTAL RESOURCES" TO "INDUSTRIAL" BETWEEN SALT CREEK AND ARBOR ROAD, WEST OF NORTH 70TH STREET - PRIOR to reading:

COOK Moved to continue public hearing & delay action for two weeks to 8/18/03.

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

COMP. PLAN AMENDMENT 03017 - APPLICATION OF JIM BURDEN TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO INCLUDE A PRESENTATION OF A UNIVERSAL TRANSPORTATION SERVICE KNOWN AS PERSONAL RAPID TRANSIT OR PRT - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82213 WHEREAS, the Planning Director on behalf of Jim Burden has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan by revising the Mobility & Transportation section to include a presentation of a universal service known as personal rapid transit or PRT; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended denial of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended as follows:

1. Amend Chapter F, Future Conditions, Mobility & Transportation, Public Transportation, by adding on page F98 at the end of the sentence above "Balanced Transit System" a new paragraph to include a presentation of a universal service known as personal rapid transit or PRT as shown on Attachment "A".

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03018 - APPLICATION OF ANDERMATT, L.L.C. AND EIGER CORPORATION, TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 44 ACRES OF LAND FROM URBAN RESIDENTIAL TO COMMERCIAL, NORTH OF HIGHWAY 2 AND EAST OF S. 91ST STREET, IN THE LAND USE PLAN AND THE SOUTHEAST LINCOLN/ HIGHWAY 2 SUBAREA PLAN; AND AMEND TEXT ACCORDINGLY - PRIOR to reading:

FRIENDT Moved to amend Bill No. 03R-173 on page 1, line 4 by deleting the number "~~300~~ 200" and insert in lieu thereof the number 200. On page 2, line 6, delete the street numbered "94" and insert in lieu thereof the number 91.

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

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

A-82214 WHEREAS, the Planning Director on behalf of Andermatt, L.L.C. and Eiger Corporation has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the Land Use Plan and the Southeast Lincoln/Highway 2 Subarea Plan to show "Commercial" land uses along with a 300 ft. buffer zone of "Parks and Open Space" along Highway 2 and South 91st Street, and to amend the text of the Comprehensive Plan to describe the overall conditions of the amendment; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended denial of said proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lincoln/Lancaster County Land Use Plan on page F23 and the Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan on page F25 and "Figure 2 of the Southeast Lincoln/Highway 2 Subarea Plan" map in the Southeast Lincoln/Highway 2 Subarea Plan to include approximately 44 acres of "Commercial" development generally located at the northeast corner of the intersection of South 91st Street and Nebraska Highway 2 as shown on Attachment "A".

2. Amend the Lincoln/Lancaster County Land Use Plan on page F23 and the Lincoln Area Detail from Lincoln/Lancaster County Land Use Plan on page F25 and "Figure 2 of the Southeast Lincoln/Highway 2 Subarea Plan" map in the Southeast Lincoln/Highway 2 Subarea Plan to extend the "Parks and Open Space" designation along Highway 2 from South 91st Street to the edge of to-be-designated "Commercial" land use as shown on Attachment "A".

3. Amend Chapter F, Future Conditions, Business and Commerce "Regional Centers" (R) to add the following text on page F44 under Developing Centers to read as follows:

S. 84th and Highway 2 -- Comprehensive Plan Amendment No. 03018 redesignated the future land use on a 44 acre tract of land located on the northeast corner of 94 91st Street and Highway 2. The Amendment changes the intended uses on this tract from "urban residential" to "commercial," and extends the "parks and open space" buffer along Highway 2. This Plan amendment is meant to provide greater market and design flexibility in the development of the previously approved planned mixed use regional center on this site. This redesignation of land uses on the 44 acre tract is made under the following conditions: (1) the "P.M. peak hour trip cap" contained in the approved Annexation and Zoning Agreement for the Regional Center site remains unchanged (which recognizes the severe capacity limitation along the Highway 2 travel corridor and the community's desire to promote this corridor as a "desirable entryway" into the city); (2) the commitment to the pedestrian/biker trail along this site remains in place; (3) development of this area will respect the site's natural and environmental features; (4) elimination of the "Special Residential Use" condition on this site and the elimination of the "Transitional Use" designation on the northwest corner of the intersection of 91st and Highway 2; (5) the development remains committed to a mix of commercial and residential uses as part of a cohesive activity center; and (6) retention of all other goals and conditions of the "Southeast Lincoln/Highway 2 Subarea Plan."

4. Amend the listing of "important land use decisions" on page 9 of the Southeast Lincoln/Highway 2 Subarea Plan as follows:

**Clarify the appropriate side and type of uses in the Center at 84th and Highway 2:**

This subarea plan designates the area from approximately 91st to 98th for predominately residential uses, while including a 44 acre tract for a mix of commercial uses at the northeast corner of 91st and Highway 2. The overall site includes along with a regional center with approximately 1.9 million SF of commercial space - larger than the present ~~Gateway~~ Westfield shopping center. The plan encourages the planned center at 84th and Highway 2 to develop with a mix of uses, including residential and appropriate transitions to existing residential areas.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

COMP. PLAN AMENDMENT 03019 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW INC. TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO REVISE THE COMMUNITY CENTER COMMERCIAL DESIGNATION TO DESIGNATE SPECIFICALLY THE NORTHWEST CORNERS OF HOMESTEAD EXPRESSWAY AND WEST DENTON ROAD AS A COMMUNITY CENTER; REVISE THE LIGHT INDUSTRIAL DESIGNATION FOR A FUTURE "EMPLOYMENT CENTER" TO SPECIFICALLY DESIGNATE

AN AREA NORTHWEST OF HOMESTEAD EXPRESSWAY AND WEST DENTON ROAD AS INDUSTRIAL; AND SPECIFICALLY DESIGNATE COMMERCIAL AND INDUSTRIAL USES IN THE LAND USE PLAN AT HOMESTEAD EXPRESSWAY AND WEST DENTON ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82215 WHEREAS, the Planning Director on behalf of Ridge Development Company and Southview Inc. has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to (1) designate specifically the northwest and northeast corners of Homestead Expressway and West Denton Road as a Community Center; (2) to specifically designate an area northwest of Homestead Expressway and West Denton Road as light industrial; and (3) specifically designate commercial and industrial uses in the land use plan at Homestead Expressway and West Denton Road; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has modified the proposal and recommended that the Comprehensive Plan be amended as follows:

1. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Industrial Centers" map on page F39 to designate Homestead Expressway and West Denton Road, as an "Unbuilt Approved Center (Site Specific)" Light Industrial Center as shown on Attachment "A".

2. Amend Chapter F, Future Conditions, Community Form, Priority Area Plan for Tier 1, by amending the text under B of Tier 1 on Pages F29 - F30 to read as follows:

~~"There are five southwest drainage basins where future urban development could follow sound planning principles and develop first in the lower basin reaches that are contiguous to Lincoln's future service limits and proceed upstream in an orderly fashion. Within one year from the adoption of this Comprehensive Plan, the City, with public involvement and input, should carry out a further detailed planning process for the southwest basins to further analyze and select which southwest basin(s) are best suited for the start of urban development based upon infrastructure, market demand, and developer/landowner interests. the southwest planning process would create competition between property owners and developers which will help reduce overall development costs. The outcome of the planning process would be the identification of which basin(s) should be developed during the Priority A and Priority B time periods and incorporation of the priorities into the Comprehensive Plan. Development in the southwest should begin in the Priority A area in the general vicinity of the intersection Warlick Blvd. and the Highway 77. further planning should proceed to identify initial staging of infrastructure and development in this area.~~

3. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations for Light Industrial centers on page F40 as follows:

- "~~Homestead Expressway and Warlick Boulevard West Denton Road~~".

4. Amend Chapter F, Future Conditions, Business and Commerce by amending the "Existing and Proposed Commerce Centers" map on page F41 to designate an "Unbuilt Approved Center (Site Specific)" Community Center for the intersection of Homestead Expressway and West Denton Road as shown on Attachment "A".

5. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations of future Community Centers on page F46 as follows:

- "~~Homestead Expressway (a.k.a. West Beltway) & Warlick Boulevard West Denton Road~~".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be amended as follows:

1. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Industrial Centers" map on page F39 to designate Homestead Expressway and West Denton Road, as an "Unbuilt Approved Center (Site Specific)" Light Industrial Center as shown on Attachment "A".

2. Amend Chapter F, Future Conditions, Community Form, Priority Area Plan for Tier 1, by amending the text under Priority B of Tier 1 on Pages F29 - F30 to read as follows:

~~"There are five southwest drainage basins where future urban development could follow sound planning principles and develop first in the lower basin reaches that are contiguous to Lincoln's future service limits and proceed upstream in an orderly fashion. Within one year from the adoption of this Comprehensive Plan, the City, with public involvement and input, should carry out a further detailed planning process for the southwest basins to further analyze and select which southwest basin(s) are best suited for the start of urban development based upon infrastructure, market demand, and developer/landowner interests. the southwest planning process would create competition between property owners and developers which will help reduce overall development costs. The outcome of the planning process would be the identification of which basin(s) should be developed during the Priority A and Priority B time periods and incorporation of the priorities into the Comprehensive Plan. Development in the southwest should begin in the Priority A area in the general vicinity of the intersection Warlick Blvd. and the Highway 77. further planning should proceed to identify initial staging of infrastructure and development in this area.~~

3. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations for Light Industrial centers on page F40 as follows:

- ~~"Homestead Expressway and Warlick Boulevard West Denton Road"~~.

4. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Commerce Centers" map on page F41 to designate an "Unbuilt Approved Center (Site Specific)" Community Center for the intersection of Homestead Expressway and West Denton Road as shown on Attachment "A".

5. Amend Chapter F, Future Conditions, Business and Commerce, by amending the list of proposed locations of future Community Centers on page F46 as follows:

- ~~"Homestead Expressway (a.k.a. West Beltway) & Warlick Boulevard West Denton Road"~~.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

COOK Moved to reconsider Bill No. 03R-174.

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

COOK Moved to accept Substitute Attachment A.

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

COMP. PLAN AMENDMENT 03020 - APPLICATION OF JOHN SAMPSON AND DAVID MCEWEN TO AMEND THE 2025 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE A "COMMUNITY" SIZED COMMERCIAL CENTER AT APPROXIMATELY SOUTH 40TH STREET BETWEEN ROKEBY ROAD AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82216 WHEREAS, the Planning Director on behalf of John Sampson and David McEwen has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to designate an additional Community Center at S. 40th and Rokeby Road; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has modified said proposal and recommended approval of a Community Center on S. 40th between Rokeby Road and Saltillo Road.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be amended as follows:

1. Amend the Lincoln/Lancaster County Land Use Plan on page F23

and the Lincoln Area Detail from the Lincoln/Lancaster County Land Use Plan on page F25 to designate a "New Proposed Commercial or Industrial Center (Not Site Specific) at South 40th Street between Rokeby Road and Saltillo Road as shown on Attachment "A".

2. Amend Chapter F, Future Conditions, Business and Commerce, by amending the "Existing and Proposed Commerce Centers" map on page F41 to designate the area at approximately South 40th Street between Rokeby Road and Saltillo Road as an "Unbuilt Approved Center (Not Site Specific)" Community Center as shown on Attachment "A"

3. Amend Chapter F, Future Conditions, Business and Commerce, to amend the list of proposed locations of future Community Centers on page F-46 to add the following:

- S. 40th in the general vicinity of Rokeby Road to Saltillo Road.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Patte Newman

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

#### MISCELLANEOUS BUSINESS

#### PENDING -

SVOBODA Moved to extend the Pending List to July 21, 2003.

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

#### UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on July 21, 2003.

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

#### ADJOURNMENT

#### 3:30 P.M.

SVOBODA Moved to adjourn the City Council meeting of July 14, 2003.

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

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Joan E. Ross, CMC, City Clerk

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Judy Roscoe, Senior Office Assistant



