

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 15, 2003 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of December 8, 2003, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF TODD M. KERNS FOR OUTBACK STEAKHOUSE FL, INC. DBA OUTBACK STEAKHOUSE AT 633 N. 48TH ST. (12/1/03 - PUBLIC HEARING CON'T. TO 12/8/03) (12/8/03 - PUBLIC HEARING CON'T. TO 12/15/03) - Todd Kerns, 2329 N 64th Street, took oath and came forward to answer questions. This matter was taken under advisement.

APPLICATION OF CORY FLETCHER DBA MAHONEY GOLF COURSE FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE AND BUILDINGS ON PROPERTY GENERALLY LOCATED AT 7900 ADAMS STREET;

APPLICATION OF JOHN CRAW DBA CRAWDAD'S INC. FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE INCLUDING MAINTENANCE BUILDING AND CLUBHOUSE APPROXIMATELY 190 ACRES ON PROPERTY GENERALLY LOCATED AT 3701 S. 70TH STREET;

APPLICATION OF DENIS M. VONTZ DBA HIGHLANDS GOLF COURSE FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE AND BUILDINGS ON PROPERTY GENERALLY LOCATED AT 5501 N.W. 12TH STREET;

APPLICATION OF TIMOTHY L. ROWLAND DBA PIONEERS GOLF COURSE FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE AND BUILDINGS ON PROPERTY GENERALLY LOCATED AT 3403 W. VAN DORN STREET - Cory Fletcher, 5110 Knox, Tim Rowland, 3403 W. Van Dorn, John Crow, 3701 South 70th St., Denis Vontz, 7514 Brammond Dr., all took the oath and came forward to answer questions.

Annette McRoy, Council Member, asked if there has been an increase in activity with the addition of alcohol on the golf courses.

Mr. Fletcher stated they have added two new leagues and possibly a third.

Mr. Vontz stated he has had five requests for new leagues.

Mr. Rowland stated he has gotten three new leagues and two considering it.

Mr. Crow stated he has gotten two new leagues and one more considering it.

Bob Valentine, 2660 Park Ave., came forward in opposition.

This matter was taken under advisement.

DECLARING APPROXIMATELY 5 ACRES OF PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BOULEVARD, AS SURPLUS. (IN CONNECTION W/03-182);

CHANGE OF ZONE 3425 - APPLICATION OF THE DIRECTOR OF PARKS AND RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE TO O-3 OFFICE PARK, ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BOULEVARD. (IN CONNECTION W/03-181) - Lynn Johnson, Director of Parks and Recreations Dept., came forward to explain that five acres of the Highlands Golf Course is not needed so is requesting that this be sold with the money going to the Golf Enterprise fund to help retire the debt of the golf course. Discussion followed.

Bob Valentine, 2660 Park Ave., came forward to suggest that an independent appraiser be used to determine the price of the property

Mr. Johnson stated that an independent appraiser will be used.
Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3427 - AMENDING SECTION 27.69.090 OF THE LINCOLN MUNICIPAL CODE TO ALLOW COMMUNITY PLAYHOUSES AS AN ADDITIONAL USE PERMITTED FOR THE SAME SIGN PACKAGE AS SCHOOLS AND CHURCHES - Susan Knabe, 134 S. 13th Street, Ste 800, came forward representing the Community Playhouse. She stated the sign will comply with the regulations and the neighbors are in support of this request. Discussion followed.

Mike DeKalb, Planning Department, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3426 - APPLICATION OF LAMBERT INVESTMENTS #2 FOR A CHANGE OF ZONE FROM H-1 INTERSTATE COMMERCIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH AND W. BOND STREETS - Al Lambert, 600 N. Cotner Blvd., Ste. 105, came forward to explain that the use of this property would be for a courtyard and recreational area.

This matter was taken under advisement.

APPEAL OF ALYSON A. DREYER FROM THE PLANNING COMMISSION APPROVAL OF WAIVER NO. 03013 ALLOWING LOTS TO EXCEED THE WIDTH-TO-DEPTH RATIO ON LOTS 2 AND 3, SIMONS 1ST ADDITION, GENERALLY LOCATED AT S. 43RD STREET AND SOUTH STREET - J. D. Burt, Design Assocs., 1609 N St., Suite 100, representing the applicant said they wanted to put in two single family residences on this property. The trees will be retained & the drainage issue has been addressed. Discussion followed.

Alyson Dreyer, 4240 South Street, came forward in opposition to the proposed use of this property. Discussion followed.

Brad Harse, 4200 South Street, came forward in support of Ms. Dreyer's appeal and in opposition to the use of the property. Discussion followed.

Virginia Ellis, 4242 South Street, came forward in opposition to the proposed property use.

Tom Pappas, 4150 South Street, came forward in opposition to the proposed property use.

Wayne Robidoux, 4230 Normal Blvd., came forward in opposition to the proposed property use.

Mildred Wallin, 4200 Normal Blvd., came forward in opposition to the proposed property use.

Debra Nielsen, 4120 Normal Blvd., came forward in opposition to the proposed property use.

J. D. Burt, Design Assocs., 1609 N St., Suite 100, came forward for rebuttal. Discussion followed.

Marvin Krout, Director of Planning Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1423H - APPLICATION OF JACKIE SNYDER TO AMEND THE HIMARK ESTATES COMMUNITY UNIT PLAN TO ADD 26 SINGLE FAMILY ATTACHED UNITS IN THE SOUTHERN PORTION OF OUTLOT "A", FOR A TOTAL OF 585 DWELLING UNITS WITHIN THE COMMUNITY UNIT PLAN WITH WAIVERS TO THE INTERSECTION SEPARATION, MINIMUM LOT AREA, SIDE YARD SETBACKS, MINIMUM WIDTH FOR MAJOR STREETS, AND THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT SOUTH 90TH STREET AND OLD CHENEY ROAD - Mark Palmer, Olsson Associates, came forward representing Jackie Snyder, to answer questions.

This matter was taken under advisement.

SPECIAL PERMIT 2042 - APPLICATION OF KWIK SHOP, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2302 CORNHUSKER HIGHWAY - Bill Austin, Erickson & Sederstrom Law Firm, 301 S. 13th Street, Ste. 400, came forward representing Kwik Shop, Inc.

Jonathan Cook, Council Member, in the application I would just like to ask you on the record here this is outside of the 100 foot spacing requirement to any residential?

Mr. Austin answered, yes it is. It's zoned H-3. It's bounded on all sides by H-3 and Cornhusker Highway and we're about a quarter of a mile from any residential use, any daycare center or other similar use.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2003 - Cary Kline, Harding, Shultz & Downs Law Firm, 121 S. 13th Street, came forward representing Vintage Heights Homeowner Association. They are protesting the assessment for weed cutting at Outlot A, 6th Addition and Outlot A 7th Addition. This property is in wetlands and substantial damage occurred to the property when it was mowed.

Russell Shultz, Supt. of Weed Control Authority, came forward to explain the process prior to mowing the property. He said they could file a claim against the contractor who mowed the property. Discussion followed.

Ms. Cline came forward for rebuttal.

This matter was taken under advisement.

TOOK BREAK 3:20 P.M.

RECONVENED 3:39 P.M.

MISCELLANEOUS BUSINESS - NONE

** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF TODD M. KERNS FOR OUTBACK STEAKHOUSE FL, INC. DBA OUTBACK STEAKHOUSE AT 633 N. 48TH ST. (12/1/03 - PUBLIC HEARING CON'T. TO 12/8/03) (12/8/03 - PUBLIC HEARING CON'T. TO 12/15/03) - - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82500 WHEREAS, Outback Steakhouse FL, Inc. dba Outback Steakhouse located at 633 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Todd M. Kerns be named manager;

WHEREAS, Todd M. Kerns 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 Todd M. Kerns 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: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF CORY FLETCHER DBA MAHONEY GOLF COURSE FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE AND BUILDINGS ON PROPERTY GENERALLY LOCATED AT 7900 ADAMS STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82501 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 Cory Fletcher dba Mahoney Golf Course to expand its licensed premises by the addition of the entire 18-hole golf course and buildings to the presently licensed premises located at 7900 Adams

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

APPLICATION OF JOHN CRAW DBA CRAWDAD'S INC. FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE INCLUDING MAINTENANCE BUILDING AND CLUBHOUSE APPROXIMATELY 190 ACRES ON PROPERTY GENERALLY LOCATED AT 3701 S. 70TH STREET - - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82502 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 John Craw dba Crawdad's Inc. (Holmes Park Golf Course) to expand its licensed premises by the addition of the entire 18-hole golf course, including maintenance buildings and clubhouse, to the presently licensed premises located at 3701 S. 70th 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 McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPLICATION OF DENIS M. VONTZ DBA HIGHLANDS GOLF COURSE FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE AND BUILDINGS ON PROPERTY GENERALLY LOCATED AT 5501 N.W. 12TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82503 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 Denis M. Vontz dba Highlands Golf Course to expand its licensed premises by the addition of the entire 18-hole golf course and buildings to the presently licensed premises located at 5501 N.W. 12th 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 McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.

APPLICATION OF TIMOTHY L. ROWLAND DBA PIONEERS GOLF COURSE FOR AN EXPANSION OF THEIR PRESENTLY LICENSED PROPERTY OF AN AREA TO INCLUDE THE ENTIRE 18-HOLE GOLF COURSE AND BUILDINGS ON PROPERTY GENERALLY LOCATED AT 3403 W. VAN DORN STREET - - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82504 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 Timothy L. Rowland dba Pioneers Golf Course to expand its licensed premises by the addition of the entire 18-hole golf course and buildings to the presently licensed premises located at 3403 W. Van Dorn

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

ORDINANCES - 2ND READING

DECLARING APPROXIMATELY 5 ACRES OF PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BOULEVARD, AS SURPLUS (In connection w/03-182) - CLERK read an ordinance, introduced by Terry Werner, declaring approximately five acres of City-owned property generally located adjacent to the Highlands Golf Course at N.W. 12th Street, north of W. Highlands Boulevard as surplus and authorizing the sale thereof, the second time

CHANGE OF ZONE 3425 - APPLICATION OF THE DIRECTOR OF PARKS AND RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE TO O-3 OFFICE PARK, ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BOULEVARD (In connection 2/03-181)- CLERK read and ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3427 - AMENDING SECTION 27.69.090 OF THE LINCOLN MUNICIPAL CODE TO ALLOW COMMUNITY PLAYHOUSES AS AN ADDITIONAL USE PERMITTED FOR THE SAME SIGN PACKAGE AS SCHOOLS AND CHURCHES - CLERK read an ordinance, introduced by Terry Werner, amending Section 27.69.090 of the Lincoln Municipal Code to allow community playhouses as an additional use permitted for the same sign package as schools and churches; and repealing Section 27.69.090 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 3426 - APPLICATION OF LAMBERT INVESTMENTS #2 FOR A CHANGE OF ZONE FROM H-1 INTERSTATE COMMERCIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH AND W. BOND STREETS - CLERK read an ordinance, introduced Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

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

A-82505 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 December 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>
United Services Automobile Association (Reference No. 13618803-01-4-7644)	\$ 893.69	Charles & Debbie Tomek \$622.39 Ron Hinkley 449.40
AMCO/Nationwide Insurance (Claim No. 26E03583 PPA 0008207213)	839.99	Justin Wills 275.00 Amy Johnson 451.81
David and Lynne Haumont	172.30	
John Newland	NAS*	
Sue Gilleland	NAS*	
Citadel Communications, LLC d/b/a KLKN-TV, Channel 8	8,305.78	
Marcus Tooze	962.93	
State Farm Insurance Co. (Donald D. Sronce, Insured)	1,891.98	
Barbara & Arthur Poppe		

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

APPOINTING DAVID FIKAR TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR A THREE-
YEAR TERM EXPIRING DECEMBER 31, 2006 - CLERK read the following
resolution, introduced by Jonathan Cook, who moved its adoption:

A-82506 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the appointment of David Fikar to the Lincoln Commission on
Human Rights for a three-year term expiring December 31, 2006 is hereby
approved.

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

REAPPOINTING LORI LOPEZ URDIALES AND SITARAM JASWAL TO THE LINCOLN COMMISSION
ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2006 - CLERK
read the following resolution, introduced by Jonathan Cook, who moved
its adoption:

A-82507 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the reappointment of Lori Lopez Urdiales and Sitaram Jaswal
to the Lincoln Commission on Human Rights for three-year terms expiring
December 31, 2006.

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

APPEAL OF ALYSON A. DREYER FROM THE PLANNING COMMISSION APPROVAL OF WAIVER NO.
03013 ALLOWING LOTS TO EXCEED THE WIDTH-TO-DEPTH RATIO ON LOTS 2 AND 3,
SIMONS 1ST ADDITION, GENERALLY LOCATED AT S. 43RD STREET AND SOUTH
STREET - CLERK read the following resolution, introduced by Jonathan
Cook, who moved its adoption:

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

The ordinance, having **LOST**, was assigned File **#38-4458** & was placed on file in
the Office of the City Clerk.

SPECIAL PERMIT 1423H - APPLICATION OF JACKIE SNYDER TO AMEND THE HIMARK
ESTATES COMMUNITY UNIT PLAN TO ADD 26 SINGLE FAMILY ATTACHED UNITS IN
THE SOUTHERN PORTION OF OUTLOT "A", FOR A TOTAL OF 585 DWELLING UNITS
WITHIN THE COMMUNITY UNIT PLAN WITH WAIVERS TO THE INTERSECTION
SEPARATION, MINIMUM LOT AREA, SIDE YARD SETBACKS, MINIMUM WIDTH FOR
MAJOR STREETS, AND THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY
LOCATED AT SOUTH 90TH STREET AND OLD CHENEY ROAD - CLERK read the
following resolution, introduced by Jonathan Cook, who moved its
adoption:

A-82508 WHEREAS, Hampton Enterprises on behalf of Jackie Snyder has
submitted an application designated as Special Permit No. 1423H for
authority to amend HiMark Estates Community Unit Plan to add 26 single
family attached units in Lot 11, Block 4, HiMark Estates 1st Addition
for a total of 585 dwelling units, including waivers to the required
intersection separation, minimum lot area, side yard setback, minimum
width for major street, and the preliminary plat process, on property
generally located at South 90th Street and Old Cheney Road, and legally
described to wit:

Lots 1-9, Block 1, Lots 1-6, Block 2, Lots 2-17, Block
3, Lots 1-12, Block 4, Outlots A, B, C, D, E, and F,
HiMark Estates Addition; Lots 1 and 2, Block 1, Lots
1-9, Block 2, Lots 1-4, Block 3, Lots 1-11, Block 4,
Outlots C, D, and E, HiMark Estates 1st Addition;
Lots 1-24 and 26-39, Outlot A, HiMark Estates 2nd
Addition; Lots 1-16, Block 1, Lots 1-14, Block 2, Lots
1-6, Block 3, Outlots A, B, C, and G, HiMark Estates
3rd Addition; Lots 1-4, Outlot A, HiMark Estates 4th
Addition; Block 1, HiMark Estates 5th Addition; Lots
1-4, Block 2, HiMark Estates 5th Addition Corrected;
Lots 1-3, Block 1, Lots 1-4, Block 2, Lots 1-5, Block
3, Outlot A, HiMark Estates 6th Addition; Lots 1-4,
Outlots A and B, HiMark Estates 7th Addition; Lots
1-24, Block 1, Outlots A and B, Iron Gate Estates, all
located in Section 11, Township 9 North, Range 7 East

of the 6th P.M., Lincoln, Lancaster County, Nebraska;
WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the 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 Hampton Enterprises on behalf of Jackie Snyder, hereinafter referred to as "Permittee", to amend HiMark Estates Community Unit Plan to add 26 single family attached units in Lot 11, Block 4, HiMark Estates 1st Addition for a total of 585 dwelling units, 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 a total of 585 dwelling units.
2. The R-3 Residential District 5,000 square feet minimum lot area is waived for Lots 13-20, Block 6 as shown on the Community Unit Plan to allow these lots to have a minimum lot area of 4,800 square feet.
3. The required non-common wall sideyard setback of 10 feet is waived for Lots 1-26, Block 6, as shown on the Community Unit Plan to allow these lots to have a non-common wall side yard setback of 0 feet, provided there is a minimum 10 foot separation between buildings.
4. The Land Subdivision Ordinance requirement that a final plat may not be filed without an approved preliminary plat is waived for the area of this application. The approved community unit plan shall serve the purpose of a preliminary plat for the area of this amendment. Final plats in this area may be approved based upon the approved community unit plan.
5. The waiver of the filing of a preliminary plat for the area of this application and the approval of this community unit plan in lieu of a preliminary plat shall only be effective for a period of ten (10) years from the date of approval of this amendment, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan for the area of this application is submitted five (5) years or more after the date of approval, the City may require that a new community unit plan for said area be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
6. Before receiving building permits:
 - a. The Permittee must submit one original and five copies of the plans as approved.
 - b. Final Plats within the area of this community unit plan must be approved by the City.
 - c. The construction plans must conform to the approved plans.
7. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
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.

11. The site plan approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

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

SPECIAL PERMIT 2042 - APPLICATION OF KWIK SHOP, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2302 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82509 WHEREAS, Kwik Shop, Inc. has submitted an application designated as Special Permit No. 2042 for authority to sell alcoholic beverages for consumption off the premises at 2302 Cornhusker Highway, legally described as:

Lot 1, Meints 1st Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises 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 Kwik Shop, Inc., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. Before receiving building permits:
 - a. The Permittee must submit a revised final plan with five copies.
 - b. The construction plans must conform to the approved plans.
3. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.
4. 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.
5. 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 Jonathan Cook

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

APPOINTING MELINDA E. PEARSON AND EUGENE W. CARROLL TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR SIX YEAR TERMS EXPIRING AUGUST 24, 2009 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82510 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Melinda E. Pearson and Eugene W. Carroll to the Lincoln-Lancaster County Planning Commission for a six-year term

expiring August 24, 2009 is hereby approved.

Introduced by Jonathan Cook

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

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTIES FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82511 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached list for January 1, 2003 through December 31, 2003 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 5, 2004 AT 1:30 P.M. FOR AN APP. OF GRANNETTE, INC. & BRACKHAN DANCE DIRECTIVE, LLC DBA "DELRAY BALLROOM & LOUNGE" FOR A CLASS "K" LIQUOR LICENSE AT 817 R STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82513 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 12, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the App. of Grannette, Inc. & Brackhan Dance Directive, LLC dba "DelRay Ballroom & Lounge" for a Class "K" liquor License at 817 R Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 12, 2004 AT 1:30 P.M. FOR AN APP. OF MIPFIVE INC. DBA "MICKEY'S IRISH PUB AND GRILL" FOR A CLASS "I" LIQUOR LICENSE AT 1550 S. CODDINGTON, STE. P - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82514 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 12, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the App. of MIPFIVE Inc. dba "Mickey's Irish Pub and Grill" for a Class "I" liquor license at 1550 S. Coddington, Ste. P.

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

Introduced by Jonathan Cook

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

APPOINTING LYNN SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2009. (10/20/03 - QUESTION SPLIT; ACTION DELAYED TO 11/3/03) (11/3/03 - PLACED ON PENDING) (12/8/03 - TO HAVE ACTION 12/15/03) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82515 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Lynn Sunderman to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2009 is hereby approved.

Introduced by Ken Svoboda

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

SPECIAL PERMIT 2002 - APP. OF QUIN-C, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 4801 RANDOLPH ST. - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82516 WHEREAS, Quin-C, Inc (Fast Break, Inc.) has submitted an application designated as Special Permit No. 2002 for authority to sell alcoholic beverages for consumption off the premises at , legally described as:

Lots 3 through 7, Block 2, Linwood Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, as the premise is located closer than 100' to a residential district, the applicant has prepared a mitigation plan as part of the application; and

WHEREAS, the Planning Director has approved the mitigation plan as satisfactory mitigation of any adverse effects of the reduction of the required 100' separation; and

WHEREAS, said mitigation plan, as well as the 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; and

WHEREAS, the adjacent area will not be adversely affected pursuant to the site and mitigation plans.

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

That the application of Quin-C, Inc (Fast Break, Inc.), hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, mitigation plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. The site plan and mitigation plan accompanying this permit shall be the basis for all interpretations.
3. 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.
4. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

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

SPECIAL PERMIT 2039 - APP. OF MESAL ENTERPRISES FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 5240 S. 48TH ST. - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82517 WHEREAS, Mesal Enterprises has submitted an application designated as Special Permit No. 2039 for authority to sell alcoholic beverages for consumption off the premises at , legally described as:

Lots 1 and the remaining portion of Lot 2, Block 5, Woodland Terrace, Linwood Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, as the premise is located closer than 100' to a residential district, the applicant has prepared a mitigation plan as part of the application; and

WHEREAS, the Planning Director has approved the mitigation plan as satisfactory mitigation of any adverse effects of the reduction of the required 100' separation; and

WHEREAS, said mitigation plan, as well as the 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; and

WHEREAS, the adjacent area will not be adversely affected pursuant to the site and mitigation plans.

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

That the application of Mesal Enterprises, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, mitigation plan and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. The site plan and mitigation plan accompanying this permit shall be the basis for all interpretations.
3. 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.
4. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

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

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

A-82518 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; and

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

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

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

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

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

Introduced by Terry Werner

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

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON DECEMBER 8, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF NOVEMBER 24 THRU DECEMBER 5, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82512 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments of 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 Jonathan Cook

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

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF OCTOBER, 2003: NEBRASKA TECHNOLOGY & TELECOMM.; NOVEMBER, 2003: ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$35,000,000 - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of Highway Allocation Fund Pledge Bonds of the City of Lincoln, Nebraska in an amount not to exceed \$35,000,000, the first time.

ORDINANCES - 3RD READING

ACCEPTING AND APPROVING THE "AMENDMENT TO CORNHUSKER SQUARE REDEVELOPMENT PROJECT PHASE TWO AGREEMENT - BURNHAM YATES CONFERENCE CENTER" BETWEEN THE CITY OF LINCOLN, CORNHUSKER SQUARE LAND COMPANY, AND DAVID H. MURDOCK; AND ACCEPTING AND APPROVING THE "AMENDMENT TO FIRST AMENDED AND RESTATED LEASE AND OPERATING AGREEMENT - BURNHAM YATES CONFERENCE CENTER" BETWEEN THE CITY OF LINCOLN AND CORNHUSKER SQUARE LIMITED PARTNERSHIP - PRIOR to reading:

WERNER Moved to amend Bill No. 03-184 on page 2, line 4 delete the words "no a reduced" and insert in lieu thereof the word an.

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

CLERK Read an ordinance, introduced by Ken Svoboda, accepting and approving the "Amendment to Cornhusker Square Redevelopment Project Phase Two Agreement - Burnham Yates Conference Center" between the City of Lincoln, Cornhusker Square Land Company, and David H. Murdock; and accepting and approving the "Amendment to First Amended and Restated Lease and Operating Agreement - Burnham Yates Conference Center" between the City of Lincoln and Cornhusker Square Limited Partnership, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18284**, is recorded in Ordinance Book , Page

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.48 ENTITLED THE LINCOLN SMOKEFREE AIR ACT TO SET FORTH THE TITLE AND PURPOSE OF THE CHAPTER, TO SET FORTH GENERAL PROVISIONS REGARDING DEFINITIONS USED IN THE CHAPTER, TO PROVIDE DEFINITIONS FOR WORDS USED IN THE CHAPTER, TO PROVIDE EXCEPTIONS TO THE PROVISIONS OF THE CHAPTER; TO REQUIRE THE POSTING OF SIGNS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER, TO PROVIDE FOR SEVERABILITY OF THE CHAPTER, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE 18 MONTHS AFTER CITY COUNCIL APPROVAL - PRIOR to reading:

WERNER Moved to pass the Substitute Ordinance #4.

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

Ms. McRoy stated for the record, "I have never disputed the information that the Board of Health or the medical community provided. I see my job as a council person to take the information presented to me, representing constituents who elected me into office, even when those constituents, at times, appeared to be the minority. I said I'd be the voice of the people, not just northwest Lincoln, but all over Lincoln who needed a voice on certain issues. This is one of those issues where according to a paid poll that the majority of the citizens are non-smokers, but that is not to say that these smokers or bar owners or those who have a financial interest or just non-smokers are interested in this issue does not mean they don't have a voice. And, so I would not be doing my job if I did not take up their cause. Right or wrong time will tell. I think one thing the public can take from the last few months and if I was a restaurant owner is that more people would like to go out to a restaurant and have a non-smoking environment and so I hope the restaurant owners and those that have food establishments will take this free information that the council has been discussing for the last few weeks and leave business decisions in accordance to that. The actual amended ordinance, Substitute #3, we are talking about would actually have created more smoke free restaurants. That's what I heard a lot of people talking about they wanted to take their kids out to eat in a facility for a nice dinner on the weekends or when have you that was in a smoke free environment. The amended ordinances wouldn't balance out the needs of the majority of the people to create more smokefree establishments. As it stands now, I fear, that if we move forward that those gains will be lost and people will still complain about the uncomfort they may feel. And, so with that I'm going to just conclude my remarks and thank everyone that worked on this issue on both sides. It's time to move on."

COOK Moved amendment #29 of Bill No. 03-176 "Ordinance as Amended No. 3" on page 1, line 18, delete "2005" and insert in lieu thereof 2004 and on page 15, line 1, delete "2005" and insert in lieu thereof 2004.

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

COOK Moved Amendment #31 of Bill No. 03-176 on page 10, delete on lines 18 "there shall be no employees on the premises under the age of" and delete on page 19 "eighteen and all employees, regardless of age" and insert All employees and add (iv) No person under the age of eighteen shall be allowed to enter a bar.

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

CLERK Read an ordinance, introduced by Glenn Friendt, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.48 entitled the Lincoln Smokefree Air Act to set forth the title and purpose of the Chapter, to set forth general provisions regarding definitions used in the Chapter, to provide definitions for words used in the Chapter, to provide exceptions to the provisions of the chapter; to require the posting of signs, to provide for the enforcement of the provisions of the chapter, to provide penalties for violations of the chapter, to provide for severability of the chapter, and providing that this ordinance shall become effective 18 months after City Council approval, the third time.

FRIENDT Moved to pass the ordinance as amended.

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

The ordinance, being numbered #18285, is recorded in Ordinance Book , Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to January 5, 2004
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on

**REGULAR MEETING
DECEMBER 15, 2003
PAGE 666**

January 5, 2004

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

ADJOURNMENT 5:01 P.M.

SVOBODA Moved to adjourn the City Council meeting of December 15, 2003. Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None. So ordered.

Joan Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant