

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 2, 2004 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**

COOK Having been appointed to read the minutes of the City Council proceedings of January 26, 2004, reported having done so, found same correct.

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

**PUBLIC HEARING**

MANAGER APPLICATION OF CARROLL R. BURNS FOR EAGLES FRAT ORDER 147 AT 500 W. INDUSTRIAL LAKE DRIVE - Dale Weber, 2810 Garfield, took oath and came forward on behalf of Carroll R. Burns to answer questions.

This matter was taken under advisement.

APPLICATION OF FAST BREAK, INC. DBA FAST BREAK #1 FOR A CLASS B (BEER OFF-SALE) LIQUOR LICENSE AT 4801 RANDOLPH STREET;

MANAGER APPLICATION OF RONALD E. FRENCH FOR FAST BREAK, INC. DBA FAST BREAK #1 AT 4801 RANDOLPH STREET - Chuck Salem, 2825 Stratford Avenue, and Ronald E. French, no address given, took oath and came forward to answer questions.

Terry Werner, Council Member, asked Mr. French if this facility would be the only one he would serve as the manager.

Mr. French answered yes.

This matter was taken under advisement.

APPLICATION OF ERNIE'S FB, LLC DBA ERNIE'S FAST BREAK FOR A CLASS B (BEER OFF-SALE) LIQUOR LICENSE AT 7000 O STREET;

MANAGER APPLICATION OF EARNEST E. SHIPE FOR ERNIE'S FB, LLC DBA ERNIE'S FAST BREAK AT 7000 O STREET - Chuck Salem, 2825 Stratford Avenue, and Earnest E. Shipe, no address given, took oath and came forward to answer questions.

Mr. Werner, asked Mr. Shipe if this facility would be the only one that he would serve as the manager.

Mr. Shipe answered yes.

This matter was taken under advisement.

CHANGE OF ZONE 3428 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING NEW SECTIONS 27.11.090, 27.13.090, AND 27.15.090 TO REQUIRE APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS ON PROPERTY LOCATED WITHIN THE R-1, R-2, AND R-3 RESIDENTIAL DISTRICTS, RESPECTIVELY, AND LOCATED WITHIN THE CITY LIMITS AS OF DECEMBER 31, 1949, TO COMPLY WITH THE NEIGHBORHOOD DESIGN STANDARDS; AMENDING SECTIONS 27.17.090, 27.19.090, 27.21.090, 27.23.090, AND 27.24.090 TO PROVIDE THAT THE NEIGHBORHOOD DESIGN STANDARDS SHALL APPLY TO APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS ON PROPERTY LOCATED WITHIN THE R-4, R-5, R-6, R-7, AND R-8 RESIDENTIAL DISTRICTS, RESPECTIVELY, AND LOCATED WITHIN THE CITY LIMITS AS OF DECEMBER 31, 1949;

MISCELLANEOUS 03013 - AMENDING CHAPTER 3.75 OF THE LINCOLN DESIGN STANDARDS TO BE CONSISTENT WITH THE AMENDMENT TO LINCOLN MUNICIPAL CODE TITLE 27 REQUIRING APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS LOCATED ON LAND WITHIN THE R-1 THROUGH R-8 RESIDENTIAL DISTRICTS TO COMPLY WITH THE NEIGHBORHOOD DESIGN STANDARDS -

Carol Brown, 2201 Elvis Circle, representing Neighborhood Design Standards, came forward for approval of these two items. Discussion followed.

Ed Zimmer, Planning Department, came forward to present a brief history of the Neighborhood Design Standards through pictures and discussion.

Jon Carlson, no address given, came forward in support of this issue.

Mike Morosin, 2055 "S" Street, came forward in support of this issue.

Glen Cekal, 1420 C Street, came forward in support of this issue. Discussion followed.

Ed Zimmer, Planning Department, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3429 - APPLICATION OF WILLIAM KREIN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD;  
SPECIAL PERMIT 1713B - APPLICATION OF WILLIAM KREIN TO AMEND THE BOUNDARIES OF ASPEN 3RD ADDITION COMMUNITY UNIT PLAN AND ADD TEN RESIDENTIAL LOTS FOR A TOTAL OF 205 SINGLE FAMILY, TOWNHOUSE, AND MULTI-FAMILY UNITS ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD;  
USE PERMIT 155 - APPLICATION OF WILLIAM KREIN TO CONSTRUCT NINE 5,000 SQ. FT. OFFICE BUILDINGS ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - Brian Carstens, 601 Old Cheney Rd., Suite C, came forward on behalf of William Krein to request to continue public hearing with action for bill number's 04-13, 04R-12 and 04R-13 to 3/1/04. Discussion followed.

Jonathan Cook, Council Member, moved to continue public hearing with action for bill number's 04-13, 04R-12 and 04R-13 to 3/1/04.

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

This matter was taken under advisement.

CHANGE OF ZONE 3431 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.03.470 TO INCLUDE "MEDICAL TESTING LABORATORY" IN THE DEFINITION OF "OFFICE BUILDING"; AMENDING SECTIONS 27.27.030, 27.28.040, AND 27.37.020, TO ELIMINATE MEDICAL TESTING LABORATORIES AS A PERMITTED USE OR SPECIAL PERMIT USE IN THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, AND B-5 PLANNED REGIONAL BUSINESS DISTRICT, RESPECTIVELY; AND AMENDING SECTION 27.63.390 TO ELIMINATE MEDICAL TESTING LABORATORIES AS A SPECIAL PERMITTED USE IN THE O-3 ZONING DISTRICT - Brian Carstens, 601 Old Cheney Rd., Suite C, came forward on behalf of West Point LLC to ask for approval of this Change of Zone application.

Tom Cajka, Planning Department, came forward to answer questions. Discussion followed.

Chris Schroeder, Health Department, came forward in support of this Change of Zone and to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3432 - APPLICATION OF YASUFUKU USA, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND WEST BOND CIRCLE -

Tom Huston, 233 South 13<sup>th</sup> Street, came forward for approval of this Change of Zone application.

This matter was taken under advisement.

CHANGE OF ZONE 3433 - APPLICATION OF GALLUP, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT, ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET;

USE PERMIT 33C - APPLICATION OF GALLUP, INC. TO ADD TWO LOTS TO BOUNDARIES OF AN EXISTING USE PERMIT FOR CONSTRUCTION OF AN OFFICE BUILDING ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET -

Larry Albers, Attorney, 1230 "O" Street, Suite 320 Commerce Court, came forward for approval of bill # 04-16 and 04R-17. Discussion followed.

Ray Hill, Planning Department, came forward to discuss the Planning Department's recommendation of denial and to answer questions. Discussion followed.

Mr. Albers came forward for rebuttal.

WAIVER 03014 - APPROVING WAIVERS OF THE LAND SUBDIVISION REQUIREMENTS ASSOCIATED WITH SPILKERS 4TH ADDITION REQUIRING STREET IMPROVEMENTS ON N. 33RD STREET TO MEET URBAN STANDARDS, THAT EACH LOT HAVE ACCESS AND FRONTAGE TO A PUBLIC OR PRIVATE ROAD, CONSTRUCTION OF A PUBLIC WATER DISTRIBUTION SYSTEM, AND CONSTRUCTION OF A PUBLIC SANITARY SEWER SYSTEM, ON PROPERTY GENERALLY LOCATED AT N. 33RD STREET AND GLADSTONE STREET - Bill Frost, Chief Engineer, KLIN, 4343 "O" Street, came forward for approval on this wavier application. Discussion followed.  
Don Spilker, 1201 Fletcher Avenue, came forward for approval.  
Ray Hill, Planning Department, came forward to ask for a motion to amend this resolution and to answer questions. Discussion followed.  
Mr. Frost came forward for rebuttal.  
This matter was taken under advisement.

SPECIAL PERMIT 1598A - APPLICATION OF NORTHERN LIGHTS LLC AND CLAYTON YEUTTER TRUST TO AMEND NORTHERN LIGHTS COMMUNITY UNIT PLAN TO CHANGE THE APPROVED MULTI-FAMILY UNITS TO TOWNHOUSE UNITS, TO WAIVE THE REQUIREMENT TO SUBMIT A PRELIMINARY PLAT AND TO WAIVE LAND SUBDIVISION AND ZONING ORDINANCE REQUIREMENTS REGARDING DRIVE PLATFORM STANDARDS, LOT DEPTH TO WIDTH RATIO, FRONT YARD SETBACK, BLOCK LENGTH, TURNAROUND RADIUS, AND LANDSCAPE SCREEN, ON PROPERTY GENERALLY LOCATED AT N. 84TH AND HOLDREGE STREETS - Brian Carstens, 601 Old Cheney Road, Suite C, came forward for approval of this special permit. Discussion followed.  
This matter was taken under advisement.

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND MIDLAND RECYCLING FOR GOVERNMENT BUILDING AND SPECIAL EVENT RECYCLING SERVICES - Nicole Fleck-Tooze, Public Works & Utilities Special Projects Administrator, came forward to answer questions. Discussion followed.  
Glenn Cekal, 1420 C Street, came forward to discuss his concerns if approved.  
Gene Hanlon, Public Works & Utilities Recycling Coordinator, came forward to answer questions. Discussion followed.  
This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN, COUNTY OF LANCASTER, AND THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION INDIVIDUALLY OR JOINTLY TO BEGIN THE PROCESS OF A REQUEST FOR PROPOSALS TO ASCERTAIN THE COST OF AN EXPANSION OF THE HEALTH DEPARTMENT, AT 3140 N STREET, INCLUDING AN EAST PARKING LOT, A FULL THIRD-FLOOR SHELL, U-TURN CAPABILITIES ON 33RD AND O STREET, AND RESTRUCTURING THE SOUTH PARKING LOTS - Dr. Ed Schneider, President of the Lancaster County Board of Health, came forward in approval and to state that the Board approves the expansion of the Lincoln-Lancaster County Health Department.  
Bob Shultz, 4701 Mohawk Circle, came forward in favor of the Health Department's plan and expressed his concerns. Discussion followed.  
Bob Ripely, Current Chair of Parks and Recreation Advisory Committee, 3022 William Street, came forward in opposition and expressed his concerns. Discussion followed.  
Lynn Johnson, Director of Parks and Recreation, came forward to answer questions. Discussion followed.  
Glen Cekal, 1420 C Street, came forward to discuss his concerns with this issue.  
Mike Morosin, 2055 "S" Street, came forward to discuss his concerns with this issue.  
Judy Halstead, Lincoln-Lancaster County Health Department, came forward to address some issues regarding this matter.  
Don Killeen, Property Management Building Administrator, came forward to answer questions. Discussion followed.  
John Kay, Sinclair Hille, 700 "Q" Street, came forward to answer questions. Discussion followed.  
Dana Roper, City Attorney, came forward for answer questions. Discussion followed.  
This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 1 - 15, 2004 - Marjorie Shriver, 700 Glen Arbor Circle, came forward for approval and to explain her claim. Discussion followed.

Dana Roper, City Attorney, came forward to help explain this claim and to answer questions. Discussion followed.

Russ Fosler, Lincoln Police Department Investigator, came forward to help explain how the process works with credit card victims. Discussion followed.

Juanita Williamson, 5120 Woodland Avenue, came forward for approval of her claim. Discussion followed.

Dana Roper, City Attorney, came forward to help explain this claim. Discussion followed.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND ALLTEL FOR ACQUISITION OF PLANT EQUIPMENT FOR THE 911 COMMUNICATIONS CENTER - Julie Righter, Manager of 911 Communications Center, came forward for approval. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:56 P.M.

RECONVENED 5:13 P.M.

#### MISCELLANEOUS BUSINESS

Michael Morosin, 2055 S Street, came forward to discuss the issue of snow removal of lots that aren't getting shoveled in his neighborhood.

Glenn Cekal, 1420 C Street, also came forward to discuss the issue of snow removal.

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

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF CARROLL R. BURNS FOR EAGLES FRAT ORDER 147 AT 500 W. INDUSTRIAL LAKE DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82559 WHEREAS, Eagles Frat Order 147 located at 500 W. Industrial Lake Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Carroll R. Burns be named manager;

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

APPLICATION OF FAST BREAK, INC. DBA FAST BREAK #1 FOR A CLASS B (BEER OFF-SALE) LIQUOR LICENSE AT 4801 RANDOLPH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82560 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 Fast Break, Inc. dba "Fast Break #1" for a Class "B" liquor license at 4801 Randolph Street, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF RONALD E. FRENCH FOR FAST BREAK, INC. DBA FAST BREAK #1 AT 4801 RANDOLPH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82561 WHEREAS, Fast Break, Inc. dba "Fast Break #1" located at 4801 Randolph Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Ronald E. French be named manager;

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

APPLICATION OF ERNIE'S FB, LLC DBA ERNIE'S FAST BREAK FOR A CLASS B (BEER OFF-SALE) LIQUOR LICENSE AT 7000 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82562 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 Ernie's FB, LLC dba "Ernie's Fast Break" for a Class "B" liquor license at 7000 O Street, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF EARNEST E. SHIPE FOR ERNIE'S FB, LLC DBA ERNIE'S FAST BREAK AT 7000 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82563 WHEREAS, Ernie's FB, LLC dba "Ernie's Fast Break" located at 7000 O Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Earnest E. Shipe be named manager;

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 3428 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY ADDING NEW SECTIONS 27.11.090, 27.13.090, AND 27.15.090 TO REQUIRE APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS ON PROPERTY LOCATED WITHIN THE R-1, R-2, AND R-3 RESIDENTIAL DISTRICTS, RESPECTIVELY, AND LOCATED WITHIN THE CITY LIMITS AS OF DECEMBER 31, 1949, TO COMPLY WITH THE NEIGHBORHOOD DESIGN STANDARDS; AMENDING SECTIONS 27.17.090, 27.19.090, 27.21.090, 27.23.090, AND 27.24.090 TO PROVIDE THAT THE NEIGHBORHOOD DESIGN STANDARDS SHALL APPLY TO APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS ON PROPERTY LOCATED WITHIN THE R-4, R-5, R-6, R-7, AND R-8 RESIDENTIAL DISTRICTS, RESPECTIVELY, AND LOCATED WITHIN THE CITY LIMITS AS OF DECEMBER 31, 1949 (In connection w/04R-11)- PRIOR to reading:

WERNER Moved to delay action on bill #04-12 to 2/23/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code by adding new Sections 27.11.090, 27.13.090, and 27.15.090 to require applications for building permits for new construction of principal buildings on property located within the R-1, R-2, and R-3 Residential Districts, respectively, and located within the City limits as of December 31, 1949, to comply with the Neighborhood Design Standards; amending Sections 27.17.090, 27.19.090, 27.21.090, 27.23.090, and 27.24.090 to provide that the Neighborhood Design Standards shall apply to applications for building permits for new construction of principal buildings on property located within the R-4, R-5, R-6, R-7, and R-8 Residential Districts, respectively, and located within the City limits as of December 31, 1949, the second time.

CHANGE OF ZONE 3429 - APPLICATION OF WILLIAM KREIN FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD (In connection w/04R-12 & 04R-13) - PRIOR to reading:

COOK Moved to continue public hearing and action on bill #04-13 to 3/1/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District maps attached to and made 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 3431 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.03.470 TO INCLUDE "MEDICAL TESTING LABORATORY" IN THE DEFINITION OF "OFFICE BUILDING"; AMENDING SECTIONS 27.27.030, 27.28.040, AND 27.37.020, TO ELIMINATE MEDICAL TESTING LABORATORIES AS A PERMITTED USE OR SPECIAL PERMIT USE IN THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, AND B-5 PLANNED REGIONAL BUSINESS DISTRICT, RESPECTIVELY; AND AMENDING SECTION 27.63.390 TO ELIMINATE MEDICAL TESTING LABORATORIES AS A SPECIAL PERMITTED USE IN THE O-3 ZONING DISTRICT - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code by amending Section 27.03.470 to include "medical testing laboratory" in the definition of "office building"; amending Sections 27.27.030, 27.28.040, and 27.37.020, to eliminate medical testing laboratories as a permitted use or special permit use in the O-3 Office Park District, R-T Residential Transition District, and B-5 Planned Regional Business District, respectively; and amending Section 27.63.390 to eliminate medical testing laboratories as a special permitted use in the O-3 zoning district, the second time.

CHANGE OF ZONE 3432 - APPLICATION OF YASUFUKU USA, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND WEST BOND CIRCLE - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3433 - APPLICATION OF GALLUP, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT, ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET (In connection w/04R-17)- CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

ADOPTED THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2003 AND DECEMBER 2003 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Ken Svoboda, adopting the supplements to the Lincoln Municipal Code dated June, 2003; and December 2003 as part of the official Lincoln Municipal Code, the second time.

#### RESOLUTIONS

MISCELLANEOUS 03013 - AMENDING CHAPTER 3.75 OF THE LINCOLN DESIGN STANDARDS TO BE CONSISTENT WITH THE AMENDMENT TO LINCOLN MUNICIPAL CODE TITLE 27 REQUIRING APPLICATIONS FOR BUILDING PERMITS FOR NEW CONSTRUCTION OF PRINCIPAL BUILDINGS LOCATED ON LAND WITHIN THE R-1 THROUGH R-8 RESIDENTIAL DISTRICTS TO COMPLY WITH THE NEIGHBORHOOD DESIGN STANDARDS (In connection w/04-12) - PRIOR to reading:

WERNER Moved to delay action on bill #04R-11 to 2/23/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1713B - APPLICATION OF WILLIAM KREIN TO AMEND THE BOUNDARIES OF ASPEN 3RD ADDITION COMMUNITY UNIT PLAN AND ADD TEN RESIDENTIAL LOTS FOR A TOTAL OF 205 SINGLE FAMILY, TOWNHOUSE, AND MULTI-FAMILY UNITS ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD (In connection w/04R-13 & 04-13) - PRIOR to reading:

COOK Moved to continue public hearing and action of bill #04R-12 to 3/1/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 155 - APPLICATION OF WILLIAM KREIN TO CONSTRUCT NINE 5,000 SQ. FT. OFFICE BUILDINGS ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD (In connection w/04R-12 & 04-13) - PRIOR to reading:

COOK Moved to continue public hearing and action of bill #04R-13 to 3/1/04.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

WAIVER 03014 - APPROVING WAIVERS OF THE LAND SUBDIVISION REQUIREMENTS ASSOCIATED WITH SPILKERS 4TH ADDITION REQUIRING STREET IMPROVEMENTS ON N. 33RD STREET TO MEET URBAN STANDARDS, THAT EACH LOT HAVE ACCESS AND FRONTAGE TO A PUBLIC OR PRIVATE ROAD, CONSTRUCTION OF A PUBLIC WATER DISTRIBUTION SYSTEM, AND CONSTRUCTION OF A PUBLIC SANITARY SEWER SYSTEM, ON PROPERTY GENERALLY LOCATED AT N. 33RD STREET AND GLADSTONE STREET - PRIOR to reading:

WERNER Moved to amend bill #04R-14.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82564 WHEREAS, the Final Plat of Spilkers 4th Addition has been submitted to the Planning Department for approval by the City of Lincoln; and

WHEREAS, the conditions of approval of said Final Plat include the requirements that the subdivider dedicate the remainder of the half-street of N. 33rd Street and improve N. 33rd Street to urban standards, that each lot have access and frontage to a public or private road, and that a public water system and a public sanitary sewer system be installed within said Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska: That requested waivers of the following conditions of approval for the Final Plat of Spilkers 4th Addition are hereby approved:

1. The requirement of Section 26.23.140(g) that every lot shall have frontage and access to a public or private street.

2. The requirement of Section 26.27.010 that all streets abutting a new subdivision shall be paved with curb and gutter is waived for N. 33rd Street.

3. The requirement of Section 26.27.020 that sidewalks be constructed on the side of the street abutting the subdivision is waived along N. 33rd Street.

4. The requirement of Section 26.27.030 that a water distribution system be constructed in conformance with the water main design standards.

5. The requirement of Section 26.27.040 that a wastewater collection system be constructed in accordance with the design standards.

6. That nothing herein shall be construed to preclude the City Council from ordering the construction of improvements within this subdivision at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Final Plat of Spilkers 4th shall remain in full force and effect.

Introduced by Terry Werner

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

SPECIAL PERMIT 1598A - APPLICATION OF NORTHERN LIGHTS LLC AND CLAYTON YEUTTER TRUST TO AMEND NORTHERN LIGHTS COMMUNITY UNIT PLAN TO CHANGE THE APPROVED MULTI-FAMILY UNITS TO TOWNHOUSE UNITS, TO WAIVE THE REQUIREMENT TO SUBMIT A PRELIMINARY PLAT AND TO WAIVE LAND SUBDIVISION AND ZONING ORDINANCE REQUIREMENTS REGARDING DRIVE PLATFORM STANDARDS, LOT DEPTH TO WIDTH RATIO, FRONT YARD SETBACK, BLOCK LENGTH, TURNAROUND RADIUS, AND LANDSCAPE SCREEN, ON PROPERTY GENERALLY LOCATED AT N. 84TH AND HOLDREGE STREETS - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82565 WHEREAS, Northern Lights L.L.C. and Clayton K. Yeutter Trust have submitted an application designated as Special Permit No. 1598A for authority to amend the Northern Lights Community Unit Plan to change the approved multi-family units to townhouse units, and to waive the requirement to submit a preliminary plat, to waive drive platform standards, to increase lot depth to width ratio, to reduce the front yard setback from 20' to 5', to increase block length, to revise the turnaround radius of N. 81st Court, N. 81st Place and N. 82nd Place, and to waive the required landscape screen on property generally located at N. 84th and Holdrege Streets, and legally described to wit:

Lots 1-3, Northern Lights 2nd Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Northern Lights L.L.C. and Clayton K. Yeutter Trust, hereinafter referred to as "Permittee", to develop Northern Lights Community Unit Plan for 360 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 360 dwelling units, 156 shown on the site plan with 204 unassigned units, and the following variances to the Land Subdivision Ordinance and Design Standards:

- a. A waiver of the drive platform standards.
- b. A waiver of the 3 to 1 lot depth to width ratio as shown on the site plan.
- c. A reduction of the required front yard setback from 20' to 5' as shown on the site plan.
- d. An increase over the 1320 foot maximum block length as shown on the site plan.
- e. A reduction in the required turnaround radius of N. 81st Place and N. 82nd Place from 43.5 feet to 30 feet.
- f. Landscape screening, except that in the event the grade on the property to the east is decreased, screening in conformance with the design standards shall be provided by the Permittee.

2. The requirement that the Permittee submit a preliminary plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan 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.

3. Before receiving building permits:

- a. The Permittee must submit an acceptable, revised and reproducible final plan including seven copies.
- b. The construction plans must conform to the approved plans.
- c. Final plats within this community unit plan must be approved by the Planning Director.

4. Final Plats will be approved by the Planning Director after:

- a. The Permittee has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs.
- b. The Permittee has signed an agreement that binds the subdivider, its successors and assigns:
  - i. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
  - ii. To complete the private improvements shown on the Community Unit Plan.
  - iii. To maintain the outlots and private improvements on a permanent and continuous basis. However, the Permittee may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The Permittee shall not be relieved of such maintenance obligation until the document or

documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- iv. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- v. To submit to the lot buyers and home builders a copy of the soil analysis.
- vi. To pay all improvement costs.
- vii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- viii. To protect the trees that are indicated to remain during construction and development.
- ix. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- x. To relinquish the right of direct vehicular access to Holdrege Street except as shown.

5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

6. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, 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.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

10. 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 Terry Werner

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

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND MIDLAND RECYCLING FOR GOVERNMENT BUILDING AND SPECIAL EVENT RECYCLING SERVICES - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82566 WHEREAS, the City of Lincoln has solicited proposals for collection and recycling services of office paper products at various facilities operated by the City; and

WHEREAS, Midland Recycling has been determined to be the low responsible proposal submitted for the collection and recycling services of office paper products from various facilities operated by the City for a contract term of January 1, 2004 through December 31, 2007; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln requires Council approval by resolution of any contract involving appropriations of more than one year.

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

That the contract with Midland Recycling for collection and recycling services of office paper products at various facilities

operated by the City of Lincoln upon the terms and conditions as outlined in said contract which is attached hereto, marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to return one fully executed copy of this resolution and contract to Gene Hanlon, Recycling Coordinator for transmittal to Midland Recycling.

Introduced by Terry Werner

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

USE PERMIT 33C - APPLICATION OF GALLUP, INC. TO ADD TWO LOTS TO BOUNDARIES OF AN EXISTING USE PERMIT FOR CONSTRUCTION OF AN OFFICE BUILDING ON PROPERTY GENERALLY LOCATED AT HAVERFORD DRIVE AND L STREET (In connection w/04-16) - PRIOR to reading:

WERNER Moved to delay action of bill #04R-17 to 2/9/04.

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

AUTHORIZING THE CITY OF LINCOLN, COUNTY OF LANCASTER, AND THE LINCOLN -LANCASTER COUNTY PUBLIC BUILDING COMMISSION INDIVIDUALLY OR JOINTLY TO BEGIN THE PROCESS OF A REQUEST FOR PROPOSALS TO ASCERTAIN THE COST OF AN EXPANSION OF THE HEALTH DEPARTMENT, AT 3140 N STREET, INCLUDING AN EAST PARKING LOT, A FULL THIRD-FLOOR SHELL, U-TURN CAPABILITIES ON 33RD AND O STREET, AND RESTRUCTURING THE SOUTH PARKING LOTS - PRIOR to reading:

WERNER Moved to amend bill #04R-18.

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

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82567 WHEREAS, the City of Lincoln, the County of Lancaster, and the Lincoln-Lancaster County Public Building Commission, have certain enumerated powers, duties, and responsibilities pursuant to State law, Interlocal Agreement, Home Rule Charter, and City Ordinance to acquire real property and construct necessary buildings and parking facilities to be used jointly by the City and the County;

WHEREAS, the Lincoln-Lancaster County Board of Health has been created pursuant to Interlocal City Resolution No. A-78707, adopted April 6, 1998, and approved by the County Board on April 17, 1998;

WHEREAS, the Health Department has a need to expand its facilities at 33rd and "O";

WHEREAS, powers have been given specifically to the Public Building Commission to provide and expand such facilities in Neb. Rev. Stat. § 13-1301 et seq.;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lincoln, Nebraska, the County Board of Lancaster County, Nebraska, and the Lincoln-Lancaster County Public Building Commission that the City, County, and Public Building Commission individually or jointly are hereby authorized to begin the process of a Request for Proposals to ascertain the costs of an expansion of the Health Department, including an east parking lot, a full third-floor shell, U-turn capabilities on 33rd and "O" Street, and restructuring the south parking lots as generally shown on Exhibit A.

Introduced by Terry Werner

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

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

A-82568 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 January 16, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Suzanne Cain	\$500,000.00	Mary M. Tutt	\$ 200.00
Pam Brady	2,085.00	Bryan & Patti Clark	16,750.00
Juanita Williamson	53,797.47	Jeff & Jenny O'Gorman	16,900.00
Steve & Patsy Meyer	9,851.86	Todd Belgum	2,700.00
Todd Johns	1,321.62	Rick Melichar	200.85
Deborah Dilbeck, on behalf of minor child, Morgan Dilbeck	NAS*	Kathy Grabhar	224.22
John Chapman	NAS*	Farmers Mutual of Nebraska (Donald E. Schernikau, Insured)	1,351.90
Naomi Synovec	392.48	Tammy Scholl & Kathy Scholl	1,605.00
Brandon Catalina	NAS*	Brenda Danley	136.61
Gary Crow	NAS*	Ronda Alexander	409.61
Daniel Post	122.50		
John Zaugg	121.15		
Mike & Alice Epstein	250.00		
Trina Wiese	1,211.05		
Helen Seip	NAS*		
Alan Belka	NAS*		
Eldon Wilhelm	100.00		
Victor Benes	100.00		
Sup Enterprises	1,755.52		
Ohio Casualty Group (Claim No. Denver GF 03180336)	1,352.17		
Marjorie Shriver	NAS*		
D.L. Burklund	333.87		
Huy T. Ta	NAS*		
Christopher Aden	NAS*		

\* 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 Terry Werner

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

APPROVING A CONTRACT BETWEEN THE CITY AND ALLTEL FOR ACQUISITION OF PLANT EQUIPMENT FOR THE 911 COMMUNICATIONS CENTER- CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82569 WHEREAS, the City has decided to utilize Plant Equipment for its 911 Communications Center; and

WHEREAS, Alltel Communications, Inc. has been the City's supplier and maintainer of it's Plant Equipment in the past and is desirous of providing that equipment in the future; and

WHEREAS, the City and Alltel Communications, Inc. have negotiated a contract for the acquisition of the equipment needed for the 911 Communications Center.

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

That the contract between the City of Lincoln and Alltel Communications, Inc. to provide the materials and labor to install a Vesta Pallas 911 System, which is attached hereto as Exhibit "A" is hereby approved and the Mayor is authorized to execute said contract on behalf of the City. The contract provides the City will purchase such system for \$286,749.00. A down payment of \$71,687.25 is to be paid at the execution of the agreement.

The City Clerk is directed to return a signed copy of the contract to Julie Righter for transmittal to Alltel Communications, Inc

Introduced by Terry Werner

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

#### PETITIONS & COMMUNICATIONS

The Lincoln Commission Human Rights 2003 Annual Report - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

#### REPORTS OF CITY OFFICERS

Clerk's letter and Mayor's approval of ordinances and resolutions passed by Council on January 26, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

Report from city Treasurer Telecommunication occupation Tax for the months of October thru December, 2003: Voice Stream PSCI LLC, Fast Phones of Nebraska Corp.; December, 2003: Sprint Spectrum LP, Affinity Network Inc, Sprint Communication Company, Zone Telecom Inc, WorldXchange Corp., Nextel Partners - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

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

CHANGE OF ZONE 3430 - APPLICATION OF RIDGE DEVELOPMENT CO. AND SUPERIOR POINT PARTNERS FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL AND B-2 PLANNED NEIGHBORHOOD BUSINESS TO B-5 PLANNED REGIONAL BUSINESS ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FOLKWAYS BOULEVARD (In connection w/04R-23) - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

STREET AND ALLEY VACATION 03016 - VACATING ALL OF TELLURIDE CIRCLE GENERALLY LOCATED ONE BLOCK SOUTH OF FLETCHER AVENUE AND ONE BLOCK WEST OF NORTH 27TH STREET - CLERK read an ordinance, introduced by Terry Werner, vacating all of Telluride Circle, generally located one block south of Fletcher Avenue and one block west of N. 27<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

**ORDINANCES - 3<sup>RD</sup> READING**

APPROVING A FOUR-YEAR FINANCIAL CONSULTING SERVICE AGREEMENT BETWEEN THE CITY AND AMERITAS INVESTMENT - CLERK read an ordinance, introduced by Patte Newman, approving an agreement between the City of Lincoln and Ameritas Investment Corp. for the provision of financial consulting services to the City of Lincoln, the third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18298**, is recorded in Ordinance Book #25.

STREET NAME CHANGE 03008 - NAMING THE NEW STREET CONSTRUCTED AS PART OF THE A STREET OVERPASS PROJECT AS S.W. 1ST STREET, GENERALLY LOCATED AT S.W. 1ST AND WEST A STREETS - CLERK read an ordinance, introduced by Patte Newman, naming the new street constructed as part of the A Street Overpass Project as S.W. 1<sup>st</sup> Street located generally at S.W. 1<sup>st</sup> Street and West A Street, as recommended by the Street Name Committee, the third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18299**, is recorded in Ordinance Book #25.

STREET AND ALLEY VACATION 03012 - VACATING THE EAST-WEST ALLEY IN BLOCK 1, TRESTERS ADDITION, FROM THE EAST LINE OF N. 26TH STREET TO THE WEST LINE OF N. 27TH STREET, ON PROPERTY GENERALLY LOCATED AT N. 27TH AND Y STREETS - CLERK read an ordinance, introduced by Patte Newman, vacating the east-west alley in Block 1, Tresters Addition, from the east line of N. 26<sup>th</sup> Street to the west line of N. 27<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18300**, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to February 9, 2004.  
Seconded by Werner & 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  
February 9, 2004.  
Seconded by Werner & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 6:04 P.M.

SVOBODA Moved to adjourn the City Council meeting of February 2, 2004.  
Seconded by Werner & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
So ordered.

---

Joan E. Ross, CMC, City Clerk

---

Jamie Neddenriep, Senior Office Assistant