

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 8, 2004 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of March 1, 2004, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng presented the Mayor's Award of Excellence for February to Officer Todd Hruza in the category of Productivity.

Chief Casady stated that Officer Hruza is a 14 year veteran who works the 3rd shift. He has the ability to spot things out of the ordinary which has led to the solving of many cases. He is deserving of this award.

PUBLIC HEARING

MANAGER APPLICATION OF RENAE GUTHARD FOR LONE STAR STEAK HOUSE & SALOON OF NEBRASKA, INC. DBA LONE STAR STEAKHOUSE & SALOON AT 200 N. 70TH STREET - Renae Guthard, 200 N. 70th St., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF FAST BREAK, INC. DBA FAST BREAK - OLD CHENEY FOR A CLASS D (SPIRITS, WINE, BEER, OFF-SALE) LIQUOR LICENSE AT 5640 S. 16TH STREET; MANAGER APPLICATION OF RANJIT SINGH FOR FAST BREAK, INC. DBA FAST BREAK - OLD CHENEY AT 5640 S. 16TH STREET - Chuck Salem, 2825 Stratford Avenue, took oath and came forward to answer questions.

Ranjit Singh, 5640 South 16th Street, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF ACR CORPORATION DBA JAKE'S CIGARS FOR A CLASS D (SPIRITS, WINE, BEER, OFF-SALE) LIQUOR LICENSE AT 114 N. 14TH STREET; MANAGER APPLICATION OF ALEX C. ROSKELLEY FOR ACR CORPORATION DBA JAKE'S CIGARS AT 114 N. 14TH STREET - Alex C Roskelley, no address given, took oath and came forward to answer questions.

Annette McRoy, Council Member, asked if there has been a demand for off-sale liquor at his business.

Mr. Roskelley answered yes. They would be closing at 12:00 a.m. or 1:00 a.m. instead of their current closing time of 2:00 a.m.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN NEBRASKA GOLF & TURF, NEBRASKA NATIONAL BANK, AND THE CITY FOR THE LEASE OF 225 GOLF CARS AND 14 UTILITY VEHICLES FOR USE BY THE CITY PARKS AND RECREATION DEPARTMENT; APPROVING A LEASE AGREEMENT BETWEEN NEBRASKA NATIONAL BANK, AND THE CITY FOR GOLF COURSE AND PARK MAINTENANCE EQUIPMENT AT HOLMES AND MAHONEY GOLF COURSES - Steve Hiller, Parks and Recreation Dept., came forward to answer questions.

This matter was taken under advisement.

AMENDING § 2.76.040 DEFINITIONS OF THE LINCOLN MUNICIPAL CODE TO ALLOW POLICE TRAINEES TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN - Don Taute, Personnel Director, came forward to answer questions.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER A BY

AMENDING THE PAY SCHEDULE FOR THE JOB CLASSIFICATIONS OF OPERATIONS QUALITY ASSURANCE COORDINATOR, PARK PLANNING ASSISTANT, STARTRAN HANDI-VAN SUPERVISOR, AND FOOD PRODUCTION MANAGER; AND CHANGING THE JOB TITLE OF ARBORIST III TO FORESTRY OPERATIONS SUPERVISOR AND ARBORIST IV TO CITY FORESTER;

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER N BY AMENDING THE PAY RANGE FOR THE JOB CLASSIFICATIONS OF COOK AND FOOD SERVICE WORKER - Don Taute, Personnel Director, came forward to answer questions.

This matter was taken under advisement.

ANNEXATION NO. 03002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 53.52 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2;
CHANGE OF ZONE 3411 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT AND B-5 PLANNED REGIONAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2;
APPROVING APPIAN WAY II CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ANDERMATT, L.L.C. AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 53.52 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND HIGHWAY 2;
SPECIAL PERMIT 2046 - APPLICATION OF EIGER CORPORATION TO DEVELOP A PLANNED SERVICE COMMERCIAL AREA IN THE H-4 GENERAL COMMERCIAL DISTRICT CONSISTING OF 73,200 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR WITH WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET; TO REDUCE SETBACKS FROM 20 FEET TO ZERO FEET ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND SOUTH 87TH STREET, AND TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2;
USE PERMIT NO. 150 - APPLICATION OF EIGER CORPORATION TO DEVELOP 284,300 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA WITH WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET; TO REDUCE SETBACKS FROM 20 FEET TO ZERO FEET ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND SOUTH 87TH STREET, AND TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - DaNay Kalkowski, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corporation for their development of a shopping center at Highway 2 & 84th Street. Ken Beal the Consulting Engineer for the project was present as well. She handed out two motions to amend for Use Permit 150 and Special Permit 2046 to reflect the transfer of 57,000 sq. ft. from the Special Permit to the Use Permit.

Gale Hanshaw, 9420 3rd Street, Cheney, NE, President of the Cheney Community Improvement Program, came forward to ask for assurance that Cheney will continue to have a permanent access on the north side of Old Cheney to Highway 2. They want to put a "Welcome to Cheney" sign off the Highway 2 area and need to know the regulations to do so. The residents of Cheney are in favor of the shopping center. Discussion followed.

Nicole Fleck-Tooze, Public Works Dept., came forward to answer questions. Discussion followed.

Ray Hill, Planning Dept., came forward to answer questions about signage in a public right-of-way. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04001 - AMENDING CHAPTER 27.82 OF THE LINCOLN MUNICIPAL CODE RELATING TO IMPACT FEES BY REVISING THE DEFINITION OF LOW-INCOME OWNER-OCCUPIED HOUSING; TO ADD ELIGIBILITY CRITERIA FOR LOW-INCOME OWNER-OCCUPIED HOUSING EXEMPTIONS FROM IMPACT FEES AND MODIFY THE PROVISIONS REGARDING WHEN A REQUEST FOR EXEMPTION MUST BE MADE; AND TO MODIFY THE PROVISIONS REGARDING APPROVAL OF OWNER-OCCUPIED LOW-INCOME HOUSING EXEMPTION AND REIMBURSEMENT OF IMPACT FEES PAID - Steve Henrichsen, Planning Department, came forward to answer questions.

Michaela Hansen, Public Works Dept., stated that none of the amendments will change the intent of the ordinance. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04003 - AMENDING SECTIONS 27.63.680 AND 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES FOR

CONSUMPTION ON THE PREMISES AND OFF THE PREMISES AS A PERMITTED SPECIAL USE; TO DELETE CITY COUNCIL WAIVERS OF THE SPECIAL CONDITIONS FOR SAID USES; TO DELETE THE PROVISION ALLOWING FOR MITIGATION OF ADVERSE EFFECTS APPROVED BY THE PLANNING DIRECTOR WHEN A LICENSED PREMISES IS LOCATED 100 FEET OR CLOSER TO CERTAIN LISTED USES; TO REQUIRE A LICENSED PREMISES TO BE LOCATED NO CLOSER THAN 100 FEET FROM A PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION; TO DELETE THE REQUIREMENT THAT A LICENSED PREMISES BE LOCATED NO CLOSER THAN 100 FEET FROM RESIDENTIAL USES IN NONRESIDENTIAL DISTRICTS; AND TO DELETE PROVISIONS PROHIBITING APPROVAL OF THE SPECIAL PERMITS BY THE PLANNING COMMISSION - Brian Will, Planning Dept., came forward to answer questions.

Margaret Washburn, 619 S. 42nd St., came forward in support.

Mark Hutson, 500 W. Cumming, came forward in opposition.

Larry Zink, 4926 Leighton, came forward in support.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Whitehead Oil Company in opposition. Discussion followed.

Carol Brown, 2201 Elba Circle, came forward in support. Discussion followed.

Rob Steider, 4554 W Street, came forward in opposition. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development and Southview Inc. in support. Discussion followed.

Fred Freitag, 530 S. 38th St., of the Witherbee Neighborhood, came forward in support.

Ed Caudill, 1223 N 9th St., President of North Bottoms, came forward in support. Discussion followed.

John Hergert, Hergert Oil, came forward in opposition. Discussion followed.

Pat Anderson, 1500 South Street, came forward in support.

Mike Dennis, 1845 S. 48th St., came forward in support. Discussion followed.

Toni Burress, no address given, came forward in opposition.

Chief Casady, Chief of Police, stated that there was a 39% higher rate of Police dispatch to convenience stores selling liquor. Discussion followed.

Brian Will stated that non-conforming use businesses wouldn't have to be rebuilt according to the ordinance. Discussion followed.

This matter was taken under advisement.

BREAK 4:15 P.M.

RECONVENED 4:30 P.M.

CHANGE OF ZONE 04004 - APPLICATION OF BRIAN AND KYM PINKERTON FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH 84TH STREET AND PIONEERS BOULEVARD - Brian Carstens, 601 Old Cheney Rd., Suite C, came forward representing Brian and Kym Pinkerton to convert a house into a travel agency. Discussion followed.

This matter was taken under advisement.

APPROVING AN ADDENDUM TO EXTEND THE TERM OF AN AGREEMENT BETWEEN THE CITY AND ST. ELIZABETH HEALTH SYSTEM TO PROVIDE DISCOUNTED MEDICAL SERVICES AT THE ST. ELIZABETH REGIONAL MEDICAL CENTER, ST. ELIZABETH COMPANY CARE AND LINC CARE FACILITIES FOR THE TREATMENT OF CITY AND LES WORKERS COMPENSATION INJURIES AND ILLNESSES - Don Taute, Personnel Director, came forward to answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. STPB-55 (149) FOR THE CONSTRUCTION OF A CONCRETE PEDESTRIAN AND BICYCLE TRAIL KNOWN AS THE ANTELOPE CREEK TRAIL - PHASE I - Terry Genrich, Parks and Recreation Dept., came forward to answer questions.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Toni Burress, no address given, representing the Transit System Union stated their appreciation for passing the Living Wage Ordinance.

She asked for an apology from Councilman Camp for what was interpreted as disparaging remarks in reference to her testimony on the Living Wage at the City Council meeting of February 23, 2004.

Councilman Camp denied making any remarks in such a manner, but did apologize if he did in fact sound disparaging.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF RENAE GUTHARD FOR LONE STAR STEAK HOUSE & SALOON OF NEBRASKA, INC. DBA LONE STAR STEAKHOUSE & SALOON AT 200 N. 70TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption for approval:

A-82608 WHEREAS, Lone Star Steak House & Saloon of Nebraska, Inc. dba Lone Star Steakhouse & Saloon located at 200 North 70th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Renae Guthard be named manager;

WHEREAS, Renae Guthard 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 Renae Guthard 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 Terry Werner

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

APPLICATION OF FAST BREAK, INC. DBA FAST BREAK - OLD CHENEY FOR A CLASS D (SPIRITS, WINE, BEER, OFF-SALE) LIQUOR LICENSE AT 5640 S. 16TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82609 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 - Old Cheney for a Class "D" liquor license at 5640 South 16th 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 Ken Svoboda

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

MANAGER APPLICATION OF RANJIT SINGH FOR FAST BREAK, INC. DBA FAST BREAK - OLD CHENEY AT 5640 S. 16TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82610 WHEREAS, Fast Break, Inc. dba Fast Break - Old Cheney located at 5640 South 16th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ranjit Singh be named manager;

WHEREAS, Ranjit Singh 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 Ranjit Singh

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 Ken Svoboda

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

APPLICATION OF ACR CORPORATION DBA JAKE'S CIGARS FOR A CLASS D (SPIRITS, WINE, BEER, OFF-SALE) LIQUOR LICENSE AT 114 N. 14TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82611 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 ACR Corporation dba Jake's Cigars for a Class "D" liquor license at 114 North 14th 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 Patte Newman

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

MANAGER APPLICATION OF ALEX C. ROSKELLEY FOR ACR CORPORATION DBA JAKE'S CIGARS AT 114 N. 14TH STREET - - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82612 WHEREAS, ACR Corporation dba Jake's Cigars located at 114 North 14th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Alex C. Roskelley be named manager;

WHEREAS, Alex C. Roskelley 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 Alex C. Roskelley 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 Patte Newman

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

ORDINANCES - 2ND READING

APPROVING A LEASE AGREEMENT BETWEEN NEBRASKA GOLF & TURF, NEBRASKA NATIONAL BANK, AND THE CITY FOR THE LEASE OF 225 GOLF CARS AND 14 UTILITY VEHICLES FOR USE BY THE CITY PARKS AND RECREATION DEPARTMENT - CLERK read an ordinance, introduced by Glenn Friendt, an ordinance approving a Lease Agreement between Nebraska Golf & Turf, Nebraska National Bank, and the City for the lease of 225 golf cars and 14 utility vehicles for use by the City Parks and Recreation Department, the second time.

APPROVING A LEASE AGREEMENT BETWEEN NEBRASKA NATIONAL BANK, AND THE CITY FOR GOLF COURSE AND PARK MAINTENANCE EQUIPMENT AT HOLMES AND MAHONEY GOLF COURSES - CLERK read an ordinance, introduced by Glenn Friendt, an ordinance approving a Lease Agreement between Nebraska National Bank, and the City for golf course and park maintenance equipment at Holmes and Mahoney Golf Courses, the second time.

APPROVING TWO THREE-YEAR/5,000 HOUR LEASE AGREEMENTS WITH A BUYOUT OPTION BETWEEN THE CITY AND ELGIN SWEEPER COMPANY TO PROVIDE TWO FOUR-WHEELED STREET SWEEPERS FOR SWEEPING OF RESIDENTIAL AND ARTERIAL STREETS - CLERK read an ordinance, introduced by Annette McRoy, approving two three-year lease agreements between the City of Lincoln, Nebraska and Elgin Sweeper Company for an Elgin Eagle "F" Street Sweepers for sweeping of residential and arterial streets, the second time.

AMENDING § 2.76.040 DEFINITIONS OF THE LINCOLN MUNICIPAL CODE TO ALLOW POLICE TRAINEES TO PARTICIPATE IN THE CITY'S HEALTH CARE PLAN - CLERK read an ordinance, introduced by Annette McRoy, amending Section 2.76.040 of the Lincoln Municipal Code to amend the definition of "non-career service positions" to allow police trainees to participate in the City's health care plan; and repealing Section 2.76.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER A BY AMENDING THE PAY SCHEDULE FOR THE JOB CLASSIFICATIONS OF OPERATIONS QUALITY ASSURANCE COORDINATOR, PARK PLANNING ASSISTANT, STARTRAN HANDI-VAN SUPERVISOR, AND FOOD PRODUCTION MANAGER; AND CHANGING THE JOB TITLE OF ARBORIST III TO FORESTRY OPERATIONS SUPERVISOR AND ARBORIST IV TO CITY FORESTER - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classifications of Operations Quality Assurance Coordinator, Park Planning Assistant, and StarTran Handi-Van Supervisor; by changing the title of the job classification Arborist III to Forestry Operations Supervisor and changing the title of the job classification Arborist IV to City Forester; and by amending the pay range of Food Production Manager from A0 t A04, the second time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER N BY AMENDING THE PAY RANGE FOR THE JOB CLASSIFICATIONS OF COOK AND FOOD SERVICE WORKER - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18217 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by changing the pay range of the job classification of "Cook" (5435) from (N03) to (N05) and changing the pay range of the job classification "Food Service Workers" from (N01) to (N03), the second time.

ANNEXATION NO. 03002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 53.52 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 3411 - APPLICATION OF EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND AGR AGRICULTURAL RESIDENTIAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT AND B-5 PLANNED REGIONAL BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 04001 - AMENDING CHAPTER 27.82 OF THE LINCOLN MUNICIPAL CODE RELATING TO IMPACT FEES BY REVISING THE DEFINITION OF LOW-INCOME OWNER-OCCUPIED HOUSING; TO ADD ELIGIBILITY CRITERIA FOR LOW-INCOME OWNER-OCCUPIED HOUSING EXEMPTIONS FROM IMPACT FEES AND MODIFY THE PROVISIONS REGARDING WHEN A REQUEST FOR EXEMPTION MUST BE MADE; AND TO MODIFY THE PROVISIONS REGARDING APPROVAL OF OWNER-OCCUPIED LOW-INCOME HOUSING EXEMPTION AND REIMBURSEMENT OF IMPACT FEES PAID - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.82 of the Lincoln Municipal Code relating to impact fees by amending Section 27.82.040 to revise the definition of "Low-to-Moderate-Income Owner-Occupied Housing", to delete the definitions of "Income Area, Low" and "Income Area, Moderate," to add a new definition for "Low-to-Moderate-Income Area", and to clarify the definition of "Low Income Rental Housing"; amending Section 27.82.060 to add eligibility criteria for Low-to-Moderate-Income Owner-Occupied Housing exemptions from Impact Fees and modifying the provisions regarding when a request for exemption must be made; amending Section 27.82.080 to modify the provisions regarding approval of Low-to-Moderate-Income Owner-Occupied Housing

exemption and reimbursement of impact fees paid; and repealing Sections 27.82.040, 27.82.060, and 27.82.080 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 04003 - AMENDING SECTIONS 27.63.680 AND 27.63.685 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES AND OFF THE PREMISES AS A PERMITTED SPECIAL USE; TO DELETE CITY COUNCIL WAIVERS OF THE SPECIAL CONDITIONS FOR SAID USES; TO DELETE THE PROVISION ALLOWING FOR MITIGATION OF ADVERSE EFFECTS APPROVED BY THE PLANNING DIRECTOR WHEN A LICENSED PREMISES IS LOCATED 100 FEET OR CLOSER TO CERTAIN LISTED USES; TO REQUIRE A LICENSED PREMISES TO BE LOCATED NO CLOSER THAN 100 FEET FROM A PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION; TO DELETE THE REQUIREMENT THAT A LICENSED PREMISES BE LOCATED NO CLOSER THAN 100 FEET FROM RESIDENTIAL USES IN NONRESIDENTIAL DISTRICTS; AND TO DELETE PROVISIONS PROHIBITING APPROVAL OF THE SPECIAL PERMITS BY THE PLANNING COMMISSION - CLERK read an ordinance, introduced by Annette McRoy, amending Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on the premises and off the premises as a permitted special use, respectively, to delete City Council waivers of the special conditions for said uses, to delete the provision allowing for mitigation of adverse effects approved by the Planning Director when an licensed premises is located 100 feet or closer to certain listed uses, to also require a licenses premises to be located no closer than 100 feet from a park, church, or state mental health institution, to delete the requirement that alicenses premise be located no closer than 100 feet from residential uses, and to delete provisions prohibiting approval of the special permits by the Planning Commission; and repealing Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 04004 - APPLICATION OF BRIAN AND KYM PINKERTON FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SOUTH 84TH STREET AND PIONEERS BOULEVARD - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made apart of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 o the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

APPROVING APPIAN WAY II CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN ANDERMATT, L.L.C. AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 53.52 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND HIGHWAY 2 - PRIOR to reading:

WERNER Moved to delay action on Bill No. 04R-36 for one week to 3/15/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

SPECIAL PERMIT 2046 - APPLICATION OF EIGER CORPORATION TO DEVELOP A PLANNED SERVICE COMMERCIAL AREA IN THE H-4 GENERAL COMMERCIAL DISTRICT CONSISTING OF 73,200 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR WITH WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET; TO REDUCE SETBACKS FROM 20 FEET TO ZERO FEET

ADJACENT TO OUTLOTS, TO NOT REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND SOUTH 87TH STREET, AND TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

WERNER Moved to delay action on Bill No. 04R-37 for one week to 3/15/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

USE PERMIT NO. 150 - APPLICATION OF EIGER CORPORATION TO DEVELOP 284,300 SQ. FT. OF COMMERCIAL AND RETAIL FLOOR AREA WITH WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, TO ALLOW A CUL-DE-SAC IN EXCESS OF 1,000 FEET; TO REDUCE SETBACKS FROM 20 FEET TO ZERO FEET ADJACENT TO OUTLOTS, TO NOT

REQUIRE A SIDEWALK ALONG HIGHWAY 2 AND SOUTH 87TH STREET, AND TO ALLOW THE TRANSFER OF SEWAGE FROM ONE DRAINAGE BASIN TO ANOTHER, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

WERNER Moved to delay action on Bill No. 04R-38 for one week to 3/15/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

APPROVING AN AGREEMENT BETWEEN THE CITY AND COUNTY TO PROVIDE THE CITY WITH AN APPROPRIATE FACILITY AT THE COUNTY YOUTH ASSESSMENT CENTER FOR TEMPORARY DETENTION OF JUVENILES TAKEN INTO CUSTODY BY THE LINCOLN POLICE DEPARTMENT - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82613 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln and Lancaster County to provide an appropriate facility at the County Youth Assessment Center for temporary detention of juveniles taken into custody by the Lincoln Police Department, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Patte Newman

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

AMENDING RESOLUTION NO. A-79824 FOR USE PERMIT NO. 116, AUTHORIZING 216,000 SQUARE FEET OF COMMERCIAL SPACE ON PROPERTY GENERALLY LOCATED AT 84TH AND HOLDREGE STREETS, TO CORRECT THE LEGAL DESCRIPTION OF THE PROPERTY - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82614 WHEREAS, Resolution No. A-79824 approved the application of Northern Lights L.L.C. and Clayton Yeutter, designated as Use Permit No. 116, for authority to construct 216,000 square feet of commercial space on B02 Planned Neighborhood Business District zoned property generally located at 84th and Holdrege Streets; and

WHEREAS, the legal description contained in Resolution No. A-79824 erroneously included additional property zoned H-4 General Commercial District and not within the boundaries of Use Permit No. 116, but was part of the preliminary plat.

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

That Resolution No. A-79824 be amended by deleting lines 6-30 on page 1 to eliminate the erroneous portion of the legal description.

Introduced by Patte Newman

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

APPROVING AN ADDENDUM TO EXTEND THE TERM OF AN AGREEMENT BETWEEN THE CITY AND ST. ELIZABETH HEALTH SYSTEM TO PROVIDE DISCOUNTED MEDICAL SERVICES AT THE ST. ELIZABETH REGIONAL MEDICAL CENTER, ST. ELIZABETH COMPANY CARE AND LINC CARE FACILITIES FOR THE TREATMENT OF CITY AND LES WORKERS COMPENSATION INJURIES AND ILLNESSES - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82615 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Addendum to an Agreement between the City of Lincoln and Saint Elizabeth Health System and its subsidiaries, Saint Elizabeth Regional Medical Center, Saint Elizabeth Company Care, and Linc Care, to extend the previously approved Agreement which provided discounted medical services for the treatment of Workers Compensation injuries and illnesses to employees of the City and Lincoln Electric System, for an additional period to expire April 10, 2005, upon the terms and conditions as set forth in said Addendum, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Addendum on behalf of the City.

Introduced by Patte Newman

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS

FOR PROJECT NO. STPB-55 (149) FOR THE CONSTRUCTION OF A CONCRETE PEDESTRIAN AND BICYCLE TRAIL KNOWN AS THE ANTELOPE CREEK TRAIL - PHASE I - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82616 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPB-55 (149), for the Antelope Creek Trail, Phase I to connect with the Billy Wolff Trail in the Dog Run at Holmes Park to approximately 86th and Old Cheney Road, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MARCH 22, 2004 AT 1:30 P.M. FOR MAN. APP. OF JAMES R. CHAPIN FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 2925 NW 12TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82617 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 22, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Man. App. of James R. Chapin for Whitehead Oil Company dba "U-Stop Convenience Shop" at 2925 NW 12th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MARCH 22, 2004 AT 1:30 P.M. FOR MAN. APP. OF MICHAEL R. PATTON FOR RISKY, INC. DBA "RISKY'S SPORTS BAR & GRILL" AT 4680 LEIGHTON AVE. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82618 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 22, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Man. App. of Michael R. Patton for Risky Inc. dba "Risky's Sports bar & Grill" at 4680 Leighton Avenue.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MARCH 22, 2004 AT 1:30 P.M. FOR APP. OF MVB, INC DBA "CAFFE ITALIA" FOR A CLASS I LIQUOR LICENSE AT 2110 WINTHROP RD., 100A - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82619 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 22, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of MVB, Inc. dba "Caffe Italia" for a Class I liquor license at 2110 Winthrop Road, 100A.

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

Introduced by Patte Newman

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

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SETTING THE HEARING DATE OF MARCH 22, 2004 AT 1:30 P.M. FOR APP. OF FOUR SUNS RESTAURANT INC. DBA FOUR SUNS RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 3239 S. 13TH ST. - PRIOR to reading:

SVOBODA Moved to amend the hearing date to read March 29, 2004 at 5:30 p.m.

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

CLERK Read the following resolution, introduced by Patte Newman as amended, who moved its adoption:

A-82620 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March ~~22~~ 29, 2004, at ~~1:30~~ 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Four Suns Restaurant, Inc. dba "Four Suns Restaurant" for a Class I liquor license at 3239 S. 13th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MARCH 22, 2004 AT 1:30 P.M. FOR THE APP. OF DOUBLE EAGLE BEVERAGE LLC FOR A REQUEST OF AN ADDITION OF A BEER STORAGE AREA APPROX. 57' X 97' TO THE EAST, AND TWO DOCK AREA 30' X 30' TO THE EAST AND 40' X 30' TO THE SOUTH AT 5840 N.70TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82622 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 22, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of Double Eagle Beverage LLC for an addition of a beer storage area approx. 57' x 97' to the east, and two dock areas 30' x 30' to the east and 40' x 30' to the South at 5840 N. 70th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MARCH 22, 2004 AT 1:30 P.M. FOR THE APP. OF NORTH FORTY GOLF, INC. DBA "NORTH FORTY GOLF" FOR A CLASS "C" LIQUOR LICENSE AT 8101 ADAMS STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82623 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 22, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for App. of North Forty Golf, Inc. dba "North Forty Golf" for a Class "C" liquor license at 8101 Adams Street.

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

Introduced by Patte Newman

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 04002 - App. of Stone Bridge Creek LLC from R-3 to B-2 on property at North 14th Street and Arbor Rd.

Change of Zone 04008 - App. of Brian D. Carstens Associates to amend Section 27.28.080 (b) and (d) of the LMC to amend parking lots in the R-T zoning district when located adjacent to non-residential uses.

Change of Zone 04012 - App. of Brian D. Carstens & Assoc. from AGR to R-3 on property located at SW 27th Street and South Street.

Change of Zone 04013 - App. of Hartland Homes, Inc. from AG to R-3 on property located at NW 56th Street and West Holdrege Street.

Change of Zone 04014 - App. of Ridge Development Co. to amend Sections 27.31.030, 27.31.040, 27.37.020 and 27.37.025 of the LMC regarding new and modified alcohol sales conditions.

Special Permit Amendment 04002 - App. of First Plymouth

Congregational Church to amend Special Permit 684 to expand lot area coverage on property a 2000 D Street.
Special Permit 04004 - App. of Stone Bridge Creek LLC to amend the Stonebridge Creek Community Unit Plan by amending the boundary at North 14th Street and Arbor Rd.
Special Permit 04007 - App. of CenterPointe Inc. for a health care facility at North 26th Street and P Street.
Special Permit 04010 - App. of Potential II, LLC for the authority to sell alcoholic beverages for consumption on the premises at 7301 South 27th Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON MARCH 1, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JANUARY 31, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82621 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended January 31, 2004, \$149,365.66 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Patte Newman

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

INVESTMENT OF FUNDS FOR THE WEEK OF FEBRUARY 23 THRU FEBRUARY 27, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82624 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Patte Newman

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

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF DECEMBER, 2003: ASSOCIATION ADMINISTRATORS; JANUARY, 2004: QWEST, ACN COMM., BUYERS UNITED, TRANS NAT'L, VERIZON SELECT, TOUCH AMERICA, GLOBAL CROSSING, C III COMM., VIRGIN MOBILE, TRACFONE, WORKING ASSETS, CRICKET, PRIMUS, BELL ATLANTIC, ON STAR, NORSTAN, AT&T, NEXTEL, MCI WORLDCOM, ONE CALL, MCLEOD USA, GUARANTEED PHONE, XO LONG DISTANCE, VOICECOM, CINCINNATI BELL, INTELICALL, ALLTEL COMM. OF NEBRASKA, ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, SPRINT, IBM GLOBAL, QUANTUM SHIFT, UNITED SYSTEMS ACCESS, T-NETID TELECOM., NEBRASKA TECHNOLOGY & TELECOMM. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF THE LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR FEBRUARY 2004 CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

AMENDING THE LINCOLN MUNICIPAL CODE BY REPEALING SECTION 24.50.050, PERMITS AND INSPECTIONS FOR PRIVATE WATER AND SEWER MAIN INSTALLATION - CLERK read an ordinance, introduced by Patte Newman, repealing Section 24.50.050 of the Lincoln Municipal Code relating to permits for the installation of private sanitary sewers, private water mains, and private storm sewer systems by utility contractors, the first time.

AMENDING SECTION 14.40.030 OF THE LINCOLN MUNICIPAL CODE PERTAINING TO BLOCK PARTY PERMITS TO INDICATE ISSUANCE BY THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND REQUIRING A DAMAGE DEPOSIT FROM THE APPLICANT - CLERK

read an ordinance, introduced by Patte Newman, amending Section 14.40.030 of the Lincoln Municipal Code to provide that block party permits be issued by the Department of Public Works and Utilities and to add a provision requiring a damage deposit for loss of or damage to barricades; and repealing Section 14.40.030 of the Lincoln Municipal Code as hitherto existing, the first time.

AUTHORIZING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND AND LANDFILL REVENUE FUND - CLERK read an ordinance, introduced by Patte Newman, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Sewer Construction Fund, Water Construction Fund, and Landfill Revenue Fund within the Public Works & Utilities Department, the first time.

ORDINANCES - 3RD READING

VACATION 03014 - VACATING A PORTION OF THE EAST WEST ALLEY FROM VACATED SOUTH 26TH STREET TO SOUTH 27TH STREET, BETWEEN N AND O STREETS - PRIOR to reading:

NEWMAN Moved to delay action on Bill No. 04-19 for three weeks to 3/29/04 at 5:30 p.m.

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

CLERK Read an ordinance, introduced by Ken Svoboda for Glenn Friendt who was absent, an ordinance vacating a portion of the east west alley from vacated South 26th Street to South 27th Street, between N and O Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

AMENDING CHAPTER 3.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO STREET IMPROVEMENT VEHICLE TAX TO CREATE THE RESIDENTIAL REHABILITATION FUND TO BE USED ONLY FOR THE PURPOSE OF REHABILITATING EXISTING RESIDENTIAL STREETS - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 04-24 for one week to 3/15/04. Seconded by Cook & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 3.20 of the Lincoln Municipal Code relating to Street Improvement Vehicle Tax by adding a new section numbered 3.20.025 to add a definition for "rehabilitation"; adding a new section numbered 3.20.045 to add a definition for "residential street"; and amending Section 3.20.220 to create the "Residential Rehabilitation Fund" to be used only for the purpose of rehabilitating existing residential streets; and repealing Section 3.20.220 of the Lincoln Municipal Code as hitherto existing, the third time.

VACATION 03019 - VACATING A PORTION OF WHITEWATER LANE AT NORTH 15TH STREET. (REQUEST 2ND & 3RD READINGS 3/1/04) - CLERK read an ordinance, introduced by Jonathan Cook for Glenn Friendt who was absent, an ordinance vacating a portion of Whitewater Lane near North 15th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #18310, is recorded in Ordinance Book , Page

VACATION 03022 - VACATING A PORTION OF THE ALLEY ADJACENT TO ROCK N ROLL RUNZA GENERALLY LOCATED AT 14TH AND P STREETS - CLERK read an ordinance, introduced by Ken Svoboda for Glenn Friendt who was absent, an ordinance vacating a portion of the alley adjacent to Rock 'N Roll Runza generally located at 14th and P Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Camp, Svoboda; NAYS: Cook, McRoy, Newman, Werner; ABSENT: Friendt.
The ordinance, having **LOST**, was assigned File #38-4461 & was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 79HP - APPLICATION OF THE ALPHA XI DELTA BUILDING ASSOCIATION TO DESIGNATE THE ALPHA XI DELTA SORORITY HOUSE AT 1619 R STREET AS A LANDMARK - CLERK read an ordinance, introduced by Ken Svoboda for Glenn Friendt who was absent, an ordinance amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered #18311, is recorded in Ordinance Book ,
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CHANGE OF ZONE 80HP - APPLICATION OF MICHAEL AND CAROL JAMES TO DESIGNATE THE R.O. STAKE HOUSE AT 145 S. 28TH STREET AS A LANDMARK - CLERK read an ordinance, introduced by Ken Svoboda for Glenn Friendt who was absent, an ordinance amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered #18312, is recorded in Ordinance Book ,
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STREET NAME CHANGE 04001 - RENAMING SOUTH 23RD STREET IN STONE RIDGE ESTATES 2ND ADDITION AND TAMARIN RIDGE ADDITION AS HEREL STREET EXTENDING TO VAVRINA LANE - CLERK read an ordinance, introduced by Ken Svoboda for Glenn Friendt who was absent, an ordinance changing the name of South 23rd Street, located north of Vavrina Lane in Stone Ridge Estates 2nd Addition and Tamarin Ridge Addition, to Herel Street, as recommended by the Street Name Committee, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered #18313, is recorded in Ordinance Book ,
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MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to March 15, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on March 15, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

ADJOURNMENT 5:06 P.M.

SVOBODA Moved to adjourn the City Council meeting of March 8, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
So ordered.

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Judy Roscoe, Senior Office Assistant