

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 2, 2005 AT 1:30 P.M.**

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

Council Chair Werner 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 April 25, 2005, reported having done so, found same correct.

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

NORTH 27TH STREET MAINTENANCE DISTRICT BOARD OF EQUALIZATION

MONDAY, MAY 2, 2005 AT 1:30 P.M.

- 1) ELECTION OF CHAIR.
- 2) READING OF OPENING STATEMENT BY CHAIR PERSON.
- 3) SVOBODA DECLARED CONFLICT OF INTEREST.
- 4) NORTH 27TH STREET MAINTENANCE DISTRICT DESCRIBED AS NORTH 26TH STREET ON THE WEST TO NORTH 28TH STREET ON THE EAST AND FROM THE CENTERLINE OF O STREET ON THE NORTH TO FAIR STREET ON THE SOUTH PRIMARILY INCLUDING THOSE PROPERTIES ABUTTING NORTH 27TH STREET.
- 5) PUBLIC HEARING FOLLOWED.

RON CANE, URBAN DEVELOPMENT, came forward with comments of the first year assessments for North 27th Street.

TONY NGUYEN, PROPERTY OWNER OF 2630 ORCHARD STREET AND 1434 N. 27TH STREET, came forward to ask for assessment figures for the next five years and expressed concern of the graffiti on his building and others. He would like to have a special program to try to prevent this from happening.

MIKE MOROSIN, 2055 S STREET, came forward to ask if the first year assessment needed to go towards landscaping or can some of the money be used towards painting over the graffiti. Discussion followed.

CHIEF CASADY reported that the Lincoln Action Program and most property owners do a pretty good job of cleaning up the graffiti. He stated that arrests are made when caught red-handed. Discussion followed.

This matter was taken under advisement.

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

ADJOURNMENT 1:48 P.M.

REGULAR CITY COUNCIL MEETING CONVENED 1:48 P.M.

PUBLIC HEARING

MANAGER APPLICATION OF MICKY BUCHMANN FOR GRANITE CITY FOOD & BREWERY LTD. DBA GRANITE CITY FOOD & BREWERY AT 6150 O STREET - Micky Buchmann, 3311 Stockwell Street, came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 04062 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.053 TO PROVIDE A DEFINITION FOR "ALTERNATIVE TO IMPRISONMENT FACILITY"; BY ADDING A NEW SECTION NUMBERED 27.03.153 TO PROVIDE A DEFINITION FOR "CHILDREN'S HOME"; BY ADDING A NEW SECTION NUMBERED 27.03.165 TO PROVIDE A DEFINITION FOR DISABILITY OR HANDICAP; AMENDING SECTION 27.03.300 TO REVISE THE DEFINITION OF "GROUP HOME"; BY AMENDING SECTION 27.03.310 TO REVISE THE DEFINITION OF "HEALTH CARE FACILITY"; BY AMENDING SECTIONS 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, AND 27.24.040 TO ALLOW ALTERNATIVE TO IMPRISONMENT FACILITIES AND CHILDREN'S HOMES AS PERMITTED SPECIAL USES IN THE AGR AND R-1 THROUGH R-8 RESIDENTIAL DISTRICTS; BY ADDING A NEW SECTION NUMBERED 27.63.750 TO ADD ALTERNATIVE TO IMPRISONMENT FACILITY AS A PERMITTED SPECIAL USE; AND BY ADDING A NEW SECTION NUMBERED 27.63.760 TO ADD CHILDREN'S HOMES AS A PERMITTED SPECIAL USE. (IN CONNECTION W/05-48);

MISC. 05008 - AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 1.28, REASONABLE ACCOMMODATION, RELATING TO PERSONS WITH DISABILITIES OR HANDICAPS SEEKING EQUAL ACCESS TO HOUSING UNDER THE REHABILITATION ACT, THE AMERICANS WITH DISABILITIES ACT, THE FEDERAL FAIR HOUSING AMENDMENTS ACT AND THE NEBRASKA FAIR HOUSING ACT. (IN CONNECTION W/05-47) - Gregg Czaplewski, Planning Dept., came forward to present the recommendations from the Group Home Task Force.

Danny Walker, 427 E St., came forward with questions regarding group homes.

Mike Morosin, 2055 S St., came forward with questions about a security system for pedophiles and sexual predators in the group homes in neighborhoods.

Agnes Birch, 2328 A Street, Bel Air group home, stated the compensation for these facilities need to be administered more fairly according to the risk involved. At the present the same amount is given to low risk and high risk facilities. She suggested the Police Department be trained to deal with the mentally ill. Discussion followed.

This matter was taken under advisement.

COMPREHENSIVE PLAN AMENDMENT NO. 05002 - AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY UPGRADING EXISTING US HIGHWAY 77 TO FREEWAY STANDARDS FROM INTERSTATE 80 TO THE PLANNED SOUTH BELTWAY INTERCHANGE SOUTH OF SALTILLO ROAD - David Cary, Planning Department, came forward to give a background of the comprehensive plan process and requested that any reference to Yankee Hill Road be stricken. Discussion followed.

Rosina Paolini, 1850 Dakota, came forward representing the Lincoln Bicycle Club concerning the bicycle routes. Discussion followed.

Foster Collins, 2100 Calvert St., came forward representing the Friends of Wilderness Park and the Blue Stem Group with the Sierra Club. He came forward in opposition to including Rokeby Road and any study for any potential overpass of Highway 77.

Danny Walker, 437 E Street, came forward with questions about the wetlands in this area and he is in opposition to spending more money on bicycle trails at this time.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition of this project at this time.

Tom McCormick, 1406 D Street, came forward in opposition to the Rokeby Road project and the Highway 77 overpass through Wilderness Park.

Robert Klein, 2200 N. 57th Street, came forward in support of new language that doesn't include Rokeby Road through Wilderness Park.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MICKY BUCHMANN FOR GRANITE CITY FOOD & BREWERY LTD. DBA GRANITE CITY FOOD & BREWERY AT 6150 O STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83300 WHEREAS, Granite City Food & Brewery Ltd. dba Granite City Food & Brewery located at 6150 O Street, Lincoln, Nebraska has been approved for a Retail Class "L" and "C" liquor license, and now requests that Micky Buchmann be named manager;

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 04062 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.053 TO PROVIDE A DEFINITION FOR "ALTERNATIVE TO IMPRISONMENT FACILITY"; BY ADDING A NEW SECTION NUMBERED 27.03.153 TO PROVIDE A DEFINITION FOR "CHILDREN'S HOME"; BY ADDING A NEW SECTION NUMBERED 27.03.165 TO PROVIDE A DEFINITION FOR DISABILITY OR HANDICAP; AMENDING SECTION 27.03.300 TO REVISE THE DEFINITION OF "GROUP HOME"; BY AMENDING SECTION 27.03.310 TO REVISE THE DEFINITION OF "HEALTH CARE FACILITY"; BY AMENDING SECTIONS 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, AND 27.24.040 TO ALLOW ALTERNATIVE TO IMPRISONMENT FACILITIES AND CHILDREN'S HOMES AS PERMITTED SPECIAL USES IN THE AGR AND R-1 THROUGH R-8 RESIDENTIAL DISTRICTS; BY ADDING A NEW SECTION NUMBERED 27.63.750 TO ADD ALTERNATIVE TO IMPRISONMENT FACILITY AS A PERMITTED SPECIAL USE; AND BY ADDING A NEW SECTION NUMBERED 27.63.760 TO ADD CHILDREN'S HOMES AS A PERMITTED SPECIAL USE (IN CONNECTION W/05-48) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code relating to Zoning by adding a new section numbered 27.03.053 to provide a definition for "alternative to imprisonment facility"; by adding a new section numbered 27.03.153 to provide a definition for "children's home"; by adding a new section numbered 27.03.165 to provide a definition for disability or handicap; amending Section 27.03.300 to revise the definition of "group home"; by amending Section 27.03.310 to revise the definition of "health care facility"; by amending Sections 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, and 27.24.040 to allow alternative to imprisonment facility as a permitted special use; by adding a new section numbered 27.63.760 to add children's homes as a permitted special use; and repealing Sections 27.03.300, 27.03.310, 27.09.040, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, and 27.24.040 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. 05008 - AMENDING TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO CREATE A NEW CHAPTER 1.28, REASONABLE ACCOMMODATION, RELATING TO PERSONS WITH DISABILITIES OR HANDICAPS SEEKING EQUAL ACCESS TO HOUSING UNDER THE REHABILITATION ACT, THE AMERICANS WITH DISABILITIES ACT, THE FEDERAL FAIR HOUSING AMENDMENTS ACT AND THE NEBRASKA FAIR HOUSING ACT (IN CONNECTION W/05-47) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 1 of the Lincoln Municipal Code to create a new Chapter 1.28, Reasonable Accommodation, the second time.

CHANGE OF ZONE 05023 - APPLICATION OF RICHARD EVANS FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 64TH AND ORCHARD STREETS - 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.

RESOLUTIONS

COMPREHENSIVE PLAN AMENDMENT NO. 05002 - AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY UPGRADING EXISTING US HIGHWAY 77 TO FREEWAY STANDARDS FROM INTERSTATE 80 TO THE PLANNED SOUTH BELTWAY INTERCHANGE SOUTH OF SALTILLO ROAD. (4/18/05 - PUBLIC HEARING CON'T. W/ACTION IN 2 WKS TO 5/2/05)- PRIOR to reading:

COOK Moved to amend Bill No. 05R-79 on page 2, lines 6, 7 and 19, 20 by deleting "and Rokeby Road".

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

CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83301 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the Mobility and Transportation section to upgrade existing US Highway 77 to freeway standards from Interstate 80 to the planned South Beltway interchange south of Saltillo Road; to construct new interchanges at Pioneers Boulevard and Warlick Boulevard; and to close at-grade access crossings at Rokeby Road, Yankee Hill Road and Old Cheney Road; and

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

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

1. Amend the Future Conditions - Mobility and Transportation element of the Comprehensive Plan to update the status of the Nebraska Department of Roads' US-77 study by amending the text under Federal and State Improvements on page F106 to read as follows:

- *The Nebraska Department of Roads has completed study of portions of US Highway 77 as it passes through Lincoln. This study gave consideration to upgrading the facility to freeway status from its present classification as an expressway. This upgrade will require eliminating existing at-grade intersections. These intersections could be replaced with interchanges, overpasses, or the road connection could be eliminated all together with no crossing provided. ~~Additional review and study will be conducted, as needed, at project development stage for the potential of adding an overpass at the intersections recommended for US-77 access closure. These intersections include Rokeby Road, Yankee Hill Road, and Old Cheney Road. This Comp. Plan Amendment shall in no way preclude future consideration of an overpass for Old Cheney Road over US-77 (West By Pass), should future needs of the City of Lincoln and the County of Lancaster so justify. This Amendment shall also not absolve any government entity of its responsibility to participate in the funding of such Old Cheney overpass should one be constructed. As part of the US-77/West Beltway project, study for a potential overpass at US-77 and Old Cheney Road, and Rokeby Road will be conducted as a joint State/County/City feasibility study, including a traffic analysis, a citizen participation element, an appropriate environments review, and will be started no later than one year prior to the contract letting of the West Bypass freeway upgrade. The study will comply with FHWA procedures for Federal Aid projects and will attempt to maintain an Old Cheney connection to 1st Street.~~*

2. Amend the Future Conditions - Mobility and Transportation element of the Comprehensive Plan to update the status of the Nebraska Department of Roads' US-77 study by amending the text under Proposed Studies on page F111 to read as follows:

- ~~As part of the US-77/West Beltway project, study for a potential overpass at project development stage and prior to closure at US-77 and Old Cheney Road, Yankee Hill Road, and Rokeby Road. As part of the US-77/West Beltway project, study for a potential overpass at US-77 and Old Cheney Road, and Rokeby Road. The study is to be a joint State/County/City feasibility study, including a traffic analysis, a citizen participation element, an appropriate environments review, and will be started no later than one year prior to the contract letting of the West Bypass freeway upgrade. The study will comply with FHWA procedures for Federal Aid projects and will attempt to maintain an Old Cheney connection to 1st Street.~~

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

Introduced by Annette McRoy

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 1 - 15, 2005 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83302 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 April 18, 2005, 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>
Eleanor Masek	NAS*	John and Jolene Walker	\$46,000.00
Rachelle Flagel	NAS*	Ivan Kutsar	4,100.00
Melissa Snyder	\$234.88	Waste Connections Inc. d/b/a Midwest Refuse	6,317.97
		Adrian Byrd	180.95
		Salko Kesmer	2,419.68
		Farmers Insurance Group (File No. 517588-13)	4,072.27

*No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

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

APPOINTING MATTHEW MAUDE TO THE EMERGENCY MEDICAL SERVICES INC. BOARD OF DIRECTORS TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING MARCH 28, 2006 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83303 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Matthew Maude to the Emergency Medical Services, Inc. Board of Directors to fill an unexpired three-year term expiring March 28, 2006 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING VANCE BEHRENS, JOHN SINCLAIR, AND BRUCE FISCHER TO THE BUILDING CODE BOARD OF APPEALS FOR THREE-YEAR TERMS EXPIRING APRIL 1, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83304 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Vance Behrens, John Sinclair, and Bruce Fischer to the Building Code Board of Appeals for three-year terms expiring April 1, 2008 is hereby approved.

Introduced by Ken Svoboda

Seconded by Camp & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REAPPOINTING DAN KUBR AND TERRY CULWELL TO THE BUILDING CODE BOARD OF APPEALS FOR THREE-YEAR TERMS EXPIRING APRIL 1, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83305 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Kubr and Terry Culwell to the Building Code Board of Appeals for three-year terms expiring April 1, 2008 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING WILLIAM HASTINGS, JOLANDA KUZMA, SUE QUAMBUSCH, SANDRA WASHINGTON, AND MARY ARTH TO THE PARKS AND RECREATION ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 27, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83306 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of the following persons to the Parks and Recreation Advisory Board for three-year terms expiring April 27, 2008 is hereby approved:

William Hastings
Jolanda Junge Kuzma
Sue Quambusch
Sandra Washington
Mary Arth

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

REAPPOINTING RODRIGO CANTARERO TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83307 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Rodrigo Cantarero to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2008 is hereby approved.

Introduced by Ken Svoboda

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$1,000.00 FROM GENERAL FUNDS ACCOUNT 01001.5628 (DISCRETIONARY FUNDS - FRIENDT) TO ACCOUNT 15001.4301 POLICE AND FIRE PENSION PLAN - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83308 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$1,000.00 from General Fund, Account 01001.5628 (Discretionary Funds of Glenn Friendt) to Account 15001.4301, Police and Fire Pension Plan; is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, MAY 16, 2005 AT 1:30 P.M. FOR THE APP. OF LITTLE MEXICO OF LINCOLN DBA LITTLE MEXICO FOR A CLASS I LIQUOR LICENSE AT 5100 N. 27TH ST., STE A3, 4, & 5 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83309 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 16, 2005 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 the App. of Little Mexico of Lincoln dba Little Mexico for a Class I liquor license at 5100 N. 27th Street, Suite A3, 4, & 5.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, MAY 16, 2005 AT 1:30 P.M. FOR THE APP. OF KKR ENTERPRISES, INC. DBA LANCASTER'S FOR AN OUTSIDE ADDITION TO PREMISES APPROX. 28' X 18' AT 3800 OLD CHENEY ROAD, STE. 105 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83310 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 16, 2005 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 the App. of KKR Enterprises, Inc. dba Lancaster's for an outside addition of 28' x 18' at 3800 Old Cheney Road, Ste. 105.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, MAY 16, 2005 AT 1:30 FOR AN APP. OF CLURICAUN WINES LLC FOR A CHANGE OF LOCATION FROM 825 M STREET, #211 TO 2630 N. 27TH STREET, #A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83311 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 16, 2005 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 the App. of Cluricaun Wines, LLC for a change of location from 825 M Street, #211 to 2630 N. 27th Street, #A.

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

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Special Permit 05018 - App. of Inna Strilkivsky for an early childhood care facility located at N. 29th Street and Center Street.

Special Permit 05019 - App. of David L. Moreland for an expansion of a non-conforming use on property located at N. 70th Street and Adams Street.

Special Permit 05021 - App. of Ramo's Pizza, Inc. for the authority to sale alcoholic beverages for consumption on the premises located at S. 48th Street and Normal Boulevard.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON APRIL 25, 2005 - 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 MARCH 31, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83312 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended March 31, 2005, \$584,284.58 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 Jon Camp

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

2004 ANNUAL REPORT PREPARED BY CITY ATTORNEY - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

FINANCIAL STATEMENTS FROM LINCOLN ELECTRIC SYSTEM FOR DECEMBER 31, 2004 AND 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

ORDINANCES - 1ST READING

AMENDING ORDINANCE NO. 18493 PASSED BY THE CITY COUNCIL ON JANUARY 31, 2005 TO CORRECT THE LEGAL DESCRIPTION FOR THE VACATION OF NORTH 44TH STREET AND TO PROVIDE A BETTER LEGAL DESCRIPTION FOR THE VACATION OF LEIGHTON AVENUE NORTH 43RD STREET AND NORTH 44TH STREET AND BLOCKS 40 AND 41, PITCHER & BALDWIN'S 2ND ADDITION TO UNIVERSITY PLACE, AND BLOCK 116, UNIVERSITY PLACE - CLERK read an ordinance, introduced by Jon Camp, amending Ordinance 18493 passed by the City Council of the city of City of Lincoln, Nebraska on January 31, 2005, vacating a portion G.M. Barnes Subdivision, Pitcher and Baldwin's Second Addition to University Place, and University Place Addition located within the UNL East Campus and vacating portions of Leighton Avenue, North 40th Street, North 41st Street, North 42nd Street, North 43rd Street, North 44th Street, and Walker Avenue, generally located between North 33rd Street and North 45th Street and between Leighton Avenue and Huntington Avenue, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IN THE AREA LOCATED AT 12TH STREET FROM Q TO R STREET AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 7, 2005 THROUGH JUNE 28, 2005 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Tuesday public market in the Marketplace area, 12th Street from Q to R Streets and R Street from 12th to 13th Streets, from June 7, 2005 through June 28, 2005, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

ORDINANCES - 3RD READING

APPROVING A COMMUNICATION SITE LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT STAR CITY SHORES GENERALLY LOCATED AT 27TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Patte Newman, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Verizon Wireless (VAW) LLC dba Verizon Wireless for the placement of telecommunications facilities upon City property and authorizing the Mayor to sign such License Agreement on behalf of the City, 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 **#18533**, is recorded in Ordinance Book 202, Page

APPROVING A COMMUNICATION SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL PARTNERS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT STAR CITY SHORES GENERALLY LOCATED AT 27TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Patte Newman, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corp., a Delaware Corp., dba Nextel Partners for the placement of telecommunications facilities upon City property and authorizing the Mayor to sign such License Agreement on behalf of the City, 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 **#18534**, is recorded in Ordinance Book 202, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to May 9, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman. Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
May 9, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 3:08 P.M.

CAMP Moved to adjourn the City Council meeting of May 2, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
APRIL 25, 2005
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