

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 29, 2005 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of August 22, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #1 FOR A CLASS C LIQUOR LICENSE AT 6919 "O" STREET;
MANAGER APPLICATION OF DARREN J. BATY FOR HY-VEE, INC. D/B/A HY-VEE #1 AT 6919 "O" STREET - Darren Baty, Manager of 69th & O Street Hy-Vee, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #2 FOR A CLASS C LIQUOR LICENSE AT 2343 NORTH 48TH STREET;
MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY-VEE, INC. D/B/A HY-VEE #2 AT 2343 NORTH 48TH STREET - Matthew Ludwig, Manager of 48th & Leighton St. Hy-Vee Store, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #3 FOR A CLASS C LIQUOR LICENSE AT 5020 NORTH 27TH STREET;
MANAGER APPLICATION OF GREGORY D. DILLAVOU FOR HY-VEE, INC. D/B/A HY-VEE #3 AT 5020 NORTH 27TH STREET - Gregory Dillavou, Manager of North 27th Street Hy-Vee store, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF EXPO INC. DBA IGUANA'S PUB TO EXPAND ITS LICENSED PREMISE BY THE ADDITION TO THE CURRENT BUILDING OF AN AREA MEASURING APPROXIMATELY 62 FEET BY 23 FEET AND THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 11 FEET BY 23 FEET TO THE NORTH AT 1426 O STREET - Curt Scholten, no address given, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF SRS, INC. DBA ARNOLD'S TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 22 FEET BY 22 FEET TO THE SOUTH AT 6113 HAVELOCK AVENUE - Steve Stutzman, took oath and came forward to answer questions.

MANAGER APPLICATION OF EDWARD J. LYNCH FOR THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY AT 2801 PINE LAKE ROAD - Edward Lynch, 1714 N. Linden St., Wahoo, NE, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF IRIE INC. DBA DOC'S PLACE FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING 35'9" BY 14' 11" AT 140 N. 8TH STREET, #150, ON SEPTEMBER 3, 10, AND 17, 2005 FROM 8:00 A.M. TO 1:00 A.M. - Troy Falk, no address given, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF THE ALLEY FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTSIDE AREA MEASURING APPROXIMATELY 41 FEET BY 20 FEET AT 1029 M STREET ON SEPTEMBER 3, 10, AND 17, OCTOBER 1, 8, AND 29, AND NOVEMBER 12, 2005 BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. - Josh Hallett, no address given, came forward to answer questions.

This matter was taken under advisement.

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COZ 05004 - APPLICATION OF REALTY TRUST GROUP, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND OLD CHENEY ROAD; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT; AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR 28 MULTI-FAMILY UNITS AND 22,000 SQUARE FEET OF COMMERCIAL/RETAIL FLOOR AREA IN THE UNDERLYING R-3 RESIDENTIAL DISTRICT WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS AND MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE - Brian Carstens, 601 Old Cheney Road., Suite C, came forward representing Realty Trust Group, Inc. to explain the project.

Mike Marsh, Principal owner of Realty Trust Group, Inc., 2300 S. 48th St., Ste. 1, came forward to discuss the use of this development.

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

Rick Peo, Assistant City Attorney, came forward to answer questions. Discussion followed.

Mr. Marsh came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 17381 TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS FOR A MEDIAN ALONG SOUTH 56TH STREET BETWEEN MADALYN ROAD AND OLD CHENEY ROAD AS WELL AS TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS AND CONSTRUCTION OF A WEST LEG TO THE SOUTH 56TH AND SHADOW PINES DRIVE INTERSECTION WHICH WILL CONNECT SOUTH 56TH STREET TO STEPHANIE LANE. (RELATED ITEMS: 05-129, 05R-178);

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2ND ADDITION AND JERROLD HEIGHTS 2ND ADDITION Roger Figard, City Engineer, came forward to explain three very separate and distinct changes to these items. Discussion followed.

Larry Albers, representing Urology PC, came forward to state the map shows the median along 56th St. between Madalyn and Old Cheney and asked if it shouldn't be Madalyn to Shadow Pine.

Mr. Figard stated he was correct it should be Madalyn to Shadow Pine.

Sheri Smith, 5500 Pine Lake Rd., Administration of Urology PC, came forward in opposition. Discussion followed.

Danny Walker, 427 "E" Street, came forward in opposition.

Andy Lahr, 6952 S. 53rd Court, came forward in favor of building the Shadow Pines Extension. Discussion followed.

Joe Bentler, 5735 Shadow Pines Dr., President of the Shadow Pines Townhouse Assn., came forward in favor of an extension of Shadow Pines Dr. to Stephanie Dr. Discussion followed.

Ray Hurd, 5430 Happy Hollow Lane, came forward in favor of opening Cumberland Dr. and putting a traffic light in at Madalyn Rd. Discussion followed.

Eric Clyne, 5241 Happy Hollow Lane, came forward against opening Stephanie Lane. Discussion followed.

Mel Bargas, 6730 Stephanie Lane, came forward against opening Stephanie Lane.

Karen DeBoer, 6930 Stephanie Lane, came forward in favor of opening Madalyn Rd.

William Dye, 5301 Happy Hollow Lane, stated he believes opening up and placing a traffic light at Madalyn Rd. is the solution.

Ken Doty, 6812 Stephanie Lane, came forward in favor of opening up Cumberland Dr., putting in a traffic light at Madalyn Rd. with a North turn on to Madalyn and is opposed to a right on right turn. Discussion followed.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 18214 TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS FOR A MEDIAN ALONG PIONEERS BOULEVARD FROM THE EAST LEG OF THE SOUTH 70TH STREET INTERSECTION EASTERLY TO THE INTERSECTION OF PAGODA LANE - Roger Figard, City Engineer, came forward to explain the conflicting information on the Fact Sheet and to state this is the authorization to proceed with the final design. Discussion followed

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Bill and Terri Allen, to discuss the median design. Discussion followed.

Beth Nelsen, 6315 O Street, came forward representing the Monarch owned by Eastmont Tower at 78th St. & Pioneer Blvd., in opposition to the median as it is being proposed. Discussion followed.

William Collins, 7405 Pioneers Blvd., came forward representing Antelope Creek Veterinary Healthcare Center, in opposition to the median design.

Troy Henggeler, 3920 S. 78th St., came forward in support. Discussion followed.

Ed Aasen, 7545 Pioneer Blvd., came forward representing Pioneer Gymnastics in opposition.

Ben Hastreiter, 7801 Pioneer Blvd., came forward representing Nebraska Nursery in opposition.

Lyndell White, 7405 Pioneer Blvd., came forward representing National Pharmacy in opposition.

Ken Sprague, 7977 Pioneer Blvd., came forward in opposition.

Peggy Chesen, 7405 Pioneer Blvd., Ste A, came forward representing PilatesWorks in opposition.

Barbara Sprague, 7977 Pioneer Blvd., came forward in opposition. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN SPIRITS BY BECKMAN AND THE LINCOLN AREA AGENCY ON AGING/LIFE FOR THE LEASE OF OFFICE SPACE FOR A ONE-YEAR TERM IN SAUNDERS COUNTY, NEBRASKA, FOR THE OUTPOSTED COUNSELOR FOR THE LIFE OFFICE PROGRAM - June Pedersen, Director of Aging, came forward to request this agreement be approved.

This matter was taken under advisement.

BREAK 8:45 P.M.

RECONVENED 9:00 P.M.

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE CONSTRUCTION OF A BRIDGE OVER 27TH STREET AT "X" KNOWN AS THE "MOPAC TRAIL BRIDGE - 27TH STREET" - Terry Genrich, Parks and Recreation Dept., came forward to answer questions.

Barbara Bauer, 1224 S. 8th Street, came forward on behalf of the residents and herself in support of building the pedestrian bridge over 27th Street, but is in opposition to using Enhancement funds to build the bridge.

Danny Walker, 427 "E" Street, read a letter of opposition to use enhancement funds to build a pedestrian bridge over 27th Street from Sam Wineberg, Board Member of the South Salt Creek Community Assn., and presented a letter in opposition from Deborah Cole.

Mr. Genrich came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING A PROGRAM AGREEMENT BETWEEN THE CITY AND THE STATE DEPARTMENT OF ROADS PROVIDING FOR PRELIMINARY ENGINEERING AND CONSTRUCTION OF A 2-MILE LONG, 10-FOOT WIDE CONCRETE TRAIL IN EAST LINCOLN AS AN EXTENSION OF THE EXISTING BILLY WOLFF TRAIL WHICH FOLLOWS THE ANTELOPE CREEK DRAINAGE BASIN FROM 86TH AND OLD CHENEY ROAD TO HIGHWAY #2 - Terry Genrich, Parks & Recreation Dept., stated the funding is in place for this project to happen. Discussion followed.

This matter was taken under advisement.

USE PERMIT NO. 05006 - APPLICATION OF SOUTHVIEW, INC. AND RIDGE DEVELOPMENT COMPANY FOR AUTHORITY TO DEVELOP 130 TOWN HOME UNITS WITH REQUESTS TO ADJUST THE SETBACKS TO 0', TO REDUCE THE ROADWAY WIDTH FROM 27' TO 24' FOR FITZPATRICK LANE, SHELFORD LANE, AND KIRWIN DRIVE, TO ADJUST THE MINIMUM LOT AREA FROM 2,500 TO 1,800 SQUARE FEET, AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD - DaNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development Company and Southview, Inc. requesting four waivers with approval of the Use Permit.

Craig Bauer, 1224 S. 8th Street, came forward to explain his development of townhomes. Discussion followed.

Vicki Hopkins, 3801 Diablo Dr., came forward in favor of closing 38th Street. Discussion followed.

Mike Tridle, 3706 Diablo Dr., came forward with concern of the school traffic backing up down his street and is in favor of closing 38th Street. Discussion followed.

Tim Texel, 7640 S. 38th Street, came forward representing the Pine Lake Heights Homeowners Assn. in opposition to the configuration of the townhouses and in favor of closing 38th Street. Discussion followed.

Todd Beam, 7925 S. 36th St., in support of this use permit and in opposition to closing 38th Street.

Amy Mitchell, 3724 Diablo, Dr., came forward in favor of closing 38th Street. Discussion followed.

Scott Graham, 7935 S. 36th St., came forward in opposition to closing 38th Street. Discussion followed.

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Brad Hillhouse, 8040 S. 37th St., came forward in favor of adding a connector street to 40th Street to alleviate traffic coming back south exiting on Grainger or going north up 38th Street. Discussion followed.

Ms. Kalkowski came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

REQUESTING THE ESTABLISHMENT OF A MAYORAL TASK FORCE TO DETERMINE WHAT LEVEL OF INVESTMENT IS REQUIRED TO MAINTAIN THE QUALITY OF LINCOLN'S SYSTEM OF PARKS AND TRAILS, WHAT LEVEL OF CAPITAL FUNDING SHOULD BE PROVIDED IN FISCAL YEAR 06-07 AND SUBSEQUENT YEARS, AND THE PROPER ROLE AND CAPACITY OF PRIVATE SUPPORT FOR MAINTAINING PUBLIC ASSETS, AND REQUIRING THE STUDY FINDINGS TO BE AVAILABLE FOR CONSIDERATION DURING THE CITY COUNCIL BUDGET RETREAT IN THE FALL OF 2005 - Carol Brown, 2202 Elba Cr., came forward suggesting the parks need to be taken care of and listed ways in which the parks are important to communities. She, also, stated she felt the committees should be more balanced. Discussion followed.

Danny Walker, 427 "E" Street, came forward to suggest the committees be more balanced and to have the meetings open to the public.

Barbara Bauer, 1221 8th Street, came forward in support of the resolution and suggested the committees be more balanced. She presented an amendment to the resolution. Discussion followed.

Lynn Johnson, Director of Parks & Recreation Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS

Danny Walker, 427 "E" Street, stated the gravel on 4th Street is inferior which causes dust in the neighborhood and there is a sanitary sewer problem in the neighborhood as well. He would like these matters to be taken care of.

This matter was taken under advisement.

Jan Karst, 1403 E Street, Apt. 302, stated funding for the Parks and Recreation could be accessed by amending the smoking Ordinance 18396 and to suggest the open microphone sessions be restored after each meeting.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #1 FOR A CLASS C LIQUOR LICENSE AT 6919 "O" STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83501 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 Hy-Vee, Inc. d/b/a "Hy-Vee #1" for a Class "C" liquor license at 6919 "O" Street, Lincoln, Nebraska, for the license period ending October 31, 2005, 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 Jon Camp

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

MANAGER APPLICATION OF DARREN J. BATY FOR HY-VEE, INC. D/B/A HY-VEE #1 AT 6919 "O" STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83502 WHEREAS, Hy-Vee, Inc. d/b/a "Hy-Vee #1" located at 6919 "O" Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Darren J. Baty be named manager;
WHEREAS, Darren J. Baty 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 Darren J. Baty 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 Jon Camp

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

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #2 FOR A CLASS C LIQUOR LICENSE AT 2343 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83503 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 Hy-Vee, Inc. d/b/a "Hy-Vee #2" for a Class "C" liquor license at 2343 North 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2005, 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 Jon Camp

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

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY-VEE, INC. D/B/A HY-VEE #2 AT 2343 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83504 WHEREAS, Hy-Vee, Inc. d/b/a "Hy-Vee #2" located at 2343 North 48th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Matthew T. Ludwig be named manager;

WHEREAS, Matthew T. Ludwig 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 Matthew T. Ludwig 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 Jon Camp

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

APPLICATION OF HY-VEE, INC. D/B/A HY-VEE #3 FOR A CLASS C LIQUOR LICENSE AT 5020 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83505 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 Hy-Vee, Inc. d/b/a "Hy-Vee #3" for a Class "C" liquor license at 5020 North 27th Street, Lincoln, Nebraska, for the license period ending October 31, 2005, 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 Jon Camp

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

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Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF GREGORY D. DILLAVOU FOR HY-VEE, INC. D/B/A HY-VEE #3 AT 5020 NORTH 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83506 WHEREAS, Hy-Vee, Inc. d/b/a "Hy-Vee #3" located at 5020 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Gregory D. Dillavou be named manager;

WHEREAS, Gregory D. Dillavou 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 Gregory D. Dillavou 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 Jon Camp

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

APPLICATION OF 8TH STREET IRONWORKS, INC. DBA EIGHTH STREET IRONWORKS TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 9 FEET BY 60 FEET TO THE SOUTH AT 301 N. 8TH STREET - PRIOR to reading:

CAMP Moved to delay public hearing & action for two weeks to 9/12/05.

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

APPLICATION OF EXPO INC. DBA IGUANA'S PUB TO EXPAND ITS LICENSED PREMISE BY THE ADDITION TO THE CURRENT BUILDING OF AN AREA MEASURING APPROXIMATELY 62 FEET BY 23 FEET AND THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 11 FEET BY 23 FEET TO THE NORTH AT 1426 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83507 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 Expo, Inc. d/b/a "Iguana's Pub" to expand its licensed premises by the addition to the current building of an area measuring approximately 62 feet by 23 feet and the addition of an outside area measuring approximately 11 feet by 23 feet to the north of the presently licensed premises located at 1426 "O" Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

APPLICATION OF SRS, INC. DBA ARNOLD'S TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 22 FEET BY 22 FEET TO THE SOUTH AT 6113 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83508 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 SRS, Inc. d/b/a "Arnold's" to expand its licensed premises by the addition of an outside beer garden area measuring approximately 22 feet by 22 feet to the south of the presently licensed premises located at 6113 Havelock Avenue, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF EDWARD J. LYNCH FOR THE NOODLE SHOP, CO. - COLORADO, INC. DBA NOODLES & COMPANY AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83509 WHEREAS, The Noodle Shop, Co. - Colorado, Inc. d/b/a "Noodles & Company" located at 2801 Pine Lake Road, Lincoln, Nebraska, has been approved for a Retail Class "I" liquor license, and now requests that Edward J. Lynch be named manager;

WHEREAS, Edward J. Lynch 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 Edward J. Lynch 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 Jon Camp

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

APPLICATION OF IRIE INC. DBA DOC'S PLACE FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING 35'9" BY 14' 11" AT 140 N. 8TH STREET, #150, ON SEPTEMBER 3, 10, AND 17, 2005 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-83510 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 Irie, Inc. d/b/a "Doc's Place" for a Special Designated License to cover an area measuring 35' 9" by 14' 11" at 140 North 8th Street, #150, Lincoln, Nebraska, on September 3, 10, and 17, 2005, between the hours of 8:00 a.m. and 1:00 a.m. be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification shall be checked on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.
5. An additional second exit from the fenced in area shall be provided.
6. One portable toilet facility shall be provided.

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

Introduced by Patte Newman

Seconded by Eschliman & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSTAINED: Camp.

APPLICATION OF THE ALLEY FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTSIDE AREA MEASURING APPROXIMATELY 41 FEET BY 20 FEET AT 1029 M STREET ON SEPTEMBER 3, 10, AND 17, OCTOBER 1, 8, AND 29, AND NOVEMBER 12, 2005 BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83511 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 The Alley for a Special Designated License to cover an area measuring 41 feet by 20 feet at 1029 M Street, Lincoln, Nebraska, on September 3, 10, and 17, October 1, 8, and 29, and November 12, 2005, between the hours of 8:00 a.m. and 1:00 a.m. be approved with the condition that the applicant and premise complies in every respect with all City and State regulations and with the following requirements:

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

5. An additional second exit from the fenced in area shall be provided.

6. One portable toilet facility shall be provided.

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & RESOLUTIONS

COZ 05004 - APPLICATION OF REALTY TRUST GROUP, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND OLD CHENEY ROAD; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT; AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR 28 MULTI-FAMILY UNITS AND 22,000 SQUARE FEET OF COMMERCIAL/RETAIL FLOOR AREA IN THE UNDERLYING R-3 RESIDENTIAL DISTRICT WITH REQUESTED WAIVERS OF THE REQUIRED PRELIMINARY PLAT PROCESS AND MODIFICATIONS TO THE ZONING ORDINANCE AND LAND SUBDIVISION ORDINANCE -
- CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing he boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the second time.

AMENDING ORDINANCE NO. 17381 TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS FOR A MEDIAN ALONG SOUTH 56TH STREET BETWEEN MADALYN ROAD AND OLD CHENEY ROAD AS WELL AS TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS AND CONSTRUCTION OF A WEST LEG TO THE SOUTH 56TH AND SHADOW PINES DRIVE INTERSECTION WHICH WILL CONNECT SOUTH 56TH STREET TO STEPHANIE LANE (Related Items: 05-129, 05R-178) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 05-129 to 9/12/05.

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

CLERK Read an ordinance, introduced by Patte Newman, amending Ordinance No. 17381 which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of South 14th Street from Old Cheney to 1/4 mile south of Pine Lake Road; South 40th Street from Pine Lake Road south to a point approximately 500 feet south of San Mateo Lane; South 56th Street from Old Cheney Road to 1/4 mile south of Pine Lake Road; South 70th Street from Highway 2 to 1/4 mile south of Pine Lake Road; and Pine Lake Road from South 14th Street to Highway 2 (excluding 19th to 32nd Streets); and to acquire necessary rights-of-way and easements relating thereto and to proceed with construction thereof in conformance with the Capital Improvement Program, the second time.

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2ND ADDITION AND JERROLD HEIGHTS 2ND ADDITION (Related Items: 05-129, 05R-178) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 05R-178 to 9/12/05.

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

AMENDING ORDINANCE NO. 18214 TO ALLOW PREPARATION OF DETAILED PLANS AND SPECIFICATIONS FOR A MEDIAN ALONG PIONEERS BOULEVARD FROM THE EAST LEG OF THE SOUTH 70TH STREET INTERSECTION EASTERLY TO THE INTERSECTION OF PAGODA LANE - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 05-130 to 9/12/05.

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

CLERK Read an ordinance, introduced by Patte Newman, amending Ordinance No. 18214 which amended Ordinance No. 17366 which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of South 70th Street from LaSalle Street to Nebraska Highway 2; South 84th Street from Oakdale Ave. to Nebraska Highway 2; Pioneers Blvd. from South 70th Street to South 84th Street; Old Cheney Road from Nebraska Highway 2 to South 84th Street; and Pine Lake Road from South 84th Street to South 98th Street; to acquire necessary rights-of-way and easements relating thereto; and to proceed with construction thereof, the second time.

APPROVING AN AGREEMENT BETWEEN SPIRITS BY BECKMAN AND THE LINCOLN AREA AGENCY ON AGING/LIFE FOR THE LEASE OF OFFICE SPACE FOR A ONE-YEAR TERM IN SAUNDERS COUNTY, NEBRASKA, FOR THE OUTPOSTED COUNSELOR FOR THE LIFE OFFICE PROGRAM - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging/LIFE at 708 N. Chestnut, Wahoo, NE 68066 for the period of September 1, 2005 through August 31, 2006, the second time.

RESOLUTIONS

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

A-83512 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 August 16, 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>
Melinda Nicholson	NAS*	Kenneth Walton/Walton Construction	\$1,500.00
Cynthia Kopycinski	NAS*	Wendy Jones & Rick Heath	4,000.00
Diane Henninger	\$2,746.84	Robert & Denise Henrickson	3,934.64
Maya L. Claire (1/6/2005)	NAS*	Megan Gilmore	100.00
Maya L. Claire (6/17/2005)	NAS*	Courtney Wrick	3,500.00
Rhonda Wilson	NAS*	John Coogan	100.00

* 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 Patte Newman

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR THE CONSTRUCTION OF A BRIDGE OVER 27TH STREET AT "X" KNOWN AS THE "MOPAC TRAIL BRIDGE - 27TH STREET" - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83513 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing a bridge over 27th at "X" Street that will provide a final link in the Mopac Trail as well as a safe crossing over 27th. This project will include the construction of a ten-foot wide bridge with a span of 90 feet along with ramps on each end as well as plazas and landscaping; and

WHEREAS, the total cost of the project is approximately \$1,765,782 of which \$1,463,773 is eligible for enhancement funds. The City of Lincoln is requesting \$500,000 or 34% of the eligible project cost. Matching funds in the amount of \$963,773 will include a \$125,000 donation from the Great Plains Trails Network, along with grants and funds available as a result of Tax Increment Financing collected from the North 27th Street Corridor and Environs Redevelopment Plan; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the completed facility in a safe and attractive manner for the public.

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

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the "Mopac Trail Bridge - 27th Street." Terry Genrich, Parks and Recreation Department Natural Resources and Greenways Manager, is hereby designated as the Project Liaison Officer to work with the State of Nebraska Department of Roads staff and shall be the principal contact for this project.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to operate and maintain the completed facility in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act to make the facilities accessible to the handicapped.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Patte Newman

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

APPROVING A PROGRAM AGREEMENT BETWEEN THE CITY AND THE STATE DEPARTMENT OF ROADS PROVIDING FOR PRELIMINARY ENGINEERING AND CONSTRUCTION OF A 2-MILE LONG, 10-FOOT WIDE CONCRETE TRAIL IN EAST LINCOLN AS AN EXTENSION OF THE EXISTING BILLY WOLFF TRAIL WHICH FOLLOWS THE ANTELOPE CREEK DRAINAGE BASIN FROM 86TH AND OLD CHENEY ROAD TO HIGHWAY #2 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83514 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln Parks & Recreation Department and the State of Nebraska Department of Roads for the Antelope Creek Trail - Phase II- NDOR Project STPB-55(154) Control No. 12817 providing for preliminary engineering and construction of a 2-mile long, 10-foot wide concrete trail in east Lincoln, 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 and a copy of this Resolution to Terry Genrich, Parks and Recreation Department, for transmittal to Sinclair Hille Architects.

Introduced by Patte Newman

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

USE PERMIT NO. 05006 - APPLICATION OF SOUTHVIEW, INC. AND RIDGE DEVELOPMENT COMPANY FOR AUTHORITY TO DEVELOP 130 TOWN HOME UNITS WITH REQUESTS TO ADJUST THE SETBACKS TO 0', TO REDUCE THE ROADWAY WIDTH FROM 27' TO 24' FOR FITZPATRICK LANE, SHELFORD LANE, AND KIRWIN DRIVE, TO ADJUST THE MINIMUM LOT AREA FROM 2,500 TO 1,800 SQUARE FEET, AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

NEWMAN Moved to amend #1 Bill No. 05R-207 on page 1, line 5, delete the street names "Shelford Lane" and "Kirwin Drive" and insert in lieu thereof the names Mehrtens Lane and Kronfeld Drive. And On page 2, lines 4 and 5, delete the street names "Shelford Lane" and "Kirwin Drive" and insert in lieu thereof the names Mehrtens Lane and Kronfeld Drive.

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

CAMP Moved to amend #2 Bill No. 05R-207 to require the opening of Fitzpatrick Lane with a right turn in and a right turn out on S. 40th Street with no deceleration lane and the expense be borne by the applicant.

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

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

A-83515 WHEREAS, Southview Inc. and Ridge Development have submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 05006 for authority to construct 130 townhome units in the O-3 Office Park District, with requests to adjust required yard setbacks to 0', to reduce the roadway width from 27' to 24' for Fitzpatrick Lane, ~~Shelford Lane~~ Mehrtens Lane, and ~~Kirwin Drive~~ Kronfeld Drive, to adjust the minimum lot area from 2,500 to 1,800 square feet, and to allow sanitary sewer to flow opposite street grades, on property generally located northwest of the intersection of South 40th Street and Yankee Hill Road, and legally described to wit:

Outlot G, Pine Lake Heights 7th Addition,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this development of 130 dwelling units in the O-3 District 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 Southview Inc. and Ridge Development, hereinafter referred to as "Permittee", to construct 130 townhome dwelling units, on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 130 dwelling units and grants the following waivers:
 - a. Required yard setbacks for buildable lots are reduced to 0';
 - b. Private Roadway Design Standards are modified to reduce the required roadway width from 27' to 24' for Fitzpatrick Lane, ~~Shelford Lane~~ Mehrtens Lane, and ~~Kirwin Drive~~ Kronfeld Drive;
 - c. The required minimum lot area is reduced from 2,500 to 1,800 square feet; and
 - d. Sanitary Sewer Design Standards are modified to allow sanitary sewer to flow opposite street grades.
2. Before receiving building permits:
 - a. The Permittee must submit 5 copies of a the final plan.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this Use Permit must be approved by the City.
3. Before occupying the dwelling units all development and construction must have been completed in compliance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
5. 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.
6. This resolution's terms, conditions, and requirements shall run with the land and shall be binding on Permittee and its successors and assigns.
7. The Permittee shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by Patte Newman

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

REQUESTING THE ESTABLISHMENT OF A MAYORAL TASK FORCE TO DETERMINE WHAT LEVEL OF INVESTMENT IS REQUIRED TO MAINTAIN THE QUALITY OF LINCOLN'S SYSTEM OF PARKS AND TRAILS, WHAT LEVEL OF CAPITAL FUNDING SHOULD BE PROVIDED IN FISCAL YEAR 06-07 AND SUBSEQUENT YEARS, AND THE PROPER ROLE AND CAPACITY OF PRIVATE SUPPORT FOR MAINTAINING PUBLIC ASSETS, AND REQUIRING THE STUDY FINDINGS TO BE AVAILABLE FOR CONSIDERATION DURING THE CITY COUNCIL BUDGET RETREAT IN THE FALL OF 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83516 WHEREAS, the investment by citizens and taxpayers in the Lincoln system of Parks, Recreation, Conservancy Areas, Nature Centers, and Trails exceeds \$130 million in replacement value; and

WHEREAS, as these assets age and deteriorate, annual investment is required for rehabilitation and renewal; and

WHEREAS, additional investment is required as the city grows to maintain the quality and distribution of park facilities; and

WHEREAS, over the past 12 years general fund and keno revenues appropriated for renewals and new facilities have declined from \$2.163 million (FY94-95) to a proposed \$1.08 million (FY02-06); and

WHEREAS, this level of investment represents less than 1% of system replacement costs, in a community growing at more than 1.5% per year; and

WHEREAS, the serious and effective determination of the City of Lincoln to systematically maintain quality parks, recreation, conservancy areas, nature centers, and trails must come into question; and

WHEREAS, current levels of support show no capacity to accumulate funds for major improvements such as community parks of 50 acres (\$5 million), new and replacement neighborhood pools (\$2.3 million), or the Pioneers Park Nature Center (\$0.5 million); and

WHEREAS, in the past 12 years the percent of the General Fund Budget allocated for Parks and Recreation has declined from 9% to 7.2%.

NOW, THEREFORE, BE IT RESOLVED that the Lincoln City Council supports the Mayor in the appointment of a task force involving broad representation of the community to determine: what level of investment is required to maintain the quality of Lincoln's system of parks and trails; what level of capital funding should be provided in FY06-07 and subsequent years; and the proper role and capacity of private support for maintaining public assets. Conclusions of the task force study should be available for consideration during the City Council Budget Retreat in the fall of 2005.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 12, 2005 AT 1:30 P.M. FOR THE APP. OF FAT PAT'S PIZZA & SUBS INC DBA PATTY'S PUB EAST FOR AN ADDITION TO PREMISES OF OUTDOOR BEER GARDEN LOCATED AT 311 N. COTNER - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83517 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 12, 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 App. of Fat Pat's Pizza & Subs Inc. dba Patty's Pub East for an addition to premises of the outdoor beer garden located at 311 N. Cotner.

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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 12, 2005 AT 1:30 P.M. FOR THE APP. OF MULLIGANS INC. DBA MULLIGANS FOR AN ADDITION TO PREMISES OF OUTDOOR BEER GARDEN LOCATED AT 5500 OLD CHENEY RD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83518 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 12, 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 App. of Mulligans Inc. DbA Mulligans for an addition to premises of the outdoor beer garden located at 5500 Old Cheney Rd.

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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 12, 2005 AT 1:30 P.M. FOR THE APP. OF KRISTEN E. RAASCH DBA KREM FOR A CLASS I LIQUOR LICENSE W/CATERING LOCATED AT 701 P STREET, #203 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83519 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 12, 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 App. of Kristen E. Raasch dba KREM for a Class I liquor license w/catering located at 701 P Street, Suite 203.

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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPT. 19, 2005 AT 1:30 P.M. FOR THE APPLICATION OF JOSE S. RUIZ DBA SLAPSHOTZ BAR AND GRILL FOR A LIQUOR CATERING LICENSE LOCATED AT 1245 LIBRA DR., SUITE 110 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83520 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 19, 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 App. of Jose S. Ruiz dba Slapshotz Bar & Grill for a liquor catering license located at 1245 Libra Dr., Suite 110.

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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPT. 19, 2005 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF CHRISTY MCMAHAN FOR JACK'S BAR & GRILL LOCATED AT 100 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83521 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 19, 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 App. of Christy McMahan for Jack's Bar & Grill located at 100 N. 8th Street.

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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, SEPT. 19, 2005 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF DANIEL HAUGLAND FOR BIG RED KENO SPORTS BAR & GRILL LOCATED AT 955 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83522 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 19, 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 App. of Daniel Haugland for Big Red Keno Sports Bar & Grill located at 955 West O Street.

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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

PETITIONS AND COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON AUGUST 22, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING & RESOLUTIONS

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$150,000,000 CITY OF LINCOLN, NEBRASKA, LINCOLN ELECTRIC SYSTEM REVENUE BONDS. (REQUEST 2ND & 3RD READINGS ON 9/12/05) - CLERK read an ordinance, introduced by Jon Camp, Fourth Series Ordinance adopted under and pursuant to Ordinance NO. 17879 passed July 23, 2001; Authorizing the issuance of Lincoln Electric System Revenue Bonds of the City of Lincoln, Nebraska in one or more series in an aggregate principal amount not to exceed \$150,000,000 fixing in part and providing for the fixing in part of the details of said bonds; providing for the sale of said bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and declaring an emergency, the first time.

SPECIAL PERMIT 1965 - APPLICATION OF HARTLAND HOMES, INC. TO DEVELOP HARTLAND HOMES N.W. 1ST COMMUNITY UNIT PLAN FOR 70 DWELLING UNITS, INCLUDING A REQUESTED VARIANCE TO ALLOW UNENCLOSED DECKS TO PROJECT 10' INTO THE REQUIRED REAR YARD AND A REDUCTION OF THE CUL-DE-SAC RADIUS REQUIREMENT FROM 60' TO 55', ON PROPERTY GENERALLY LOCATED WEST OF N.W. 48TH STREET AND NORTH OF WEST ST. PAUL AVENUE. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05).

PRELIMINARY PLAT 02007 - APPLICATION HARTLAND HOMES, INC. TO DEVELOP HARTLAND HOMES N.W. 1ST ADDITION FOR 70 DWELLING UNITS ON APPROXIMATELY 12 ACRES, INCLUDING A REQUESTED VARIANCE TO ALLOW UNENCLOSED DECKS TO PROJECT 10' INTO THE REQUIRED REAR YARD AND A REDUCTION OF THE CUL-DE-SAC RADIUS REQUIREMENT FROM 60' TO 55', ON PROPERTY GENERALLY LOCATED WEST OF N.W. 48TH STREET AND NORTH OF WEST ST. PAUL AVENUE. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05).

STREET VACATION 02003 - APPLICATION OF HARTLAND HOMES INC. TO VACATE WEST MADISON AVENUE FROM A POINT 7.17 FEET WEST OF THE WEST LINE OF N.W. 49TH STREET TO N.W. 53RD STREET. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05) - CLERK read an ordinance, introduced by Jon Camp, vacating W. Madison Avenue from a point 7.17 feet west of the west line of N.W. 49th Street to the east line of N.W. 53rd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

STREET VACATION 03006 - APPLICATION OF HARTLAND HOMES INC., THE KOREAN CHURCH OF LINCOLN, AND ROBERT & RAEANN LORENCE, TO VACATE WEST CLEVELAND AVENUE FROM THE WEST LINE OF N.W. 48TH STREET TO THE EAST LINE OF HARTLAND HOMES N.W. 2ND ADDITION, GENERALLY LOCATED WEST OF N.W. 48TH STREET AND ONE BLOCK SOUTH OF WEST ADAMS STREET. (RELATED ITEMS: 05R-169, 05R-170, 05-96, 05-97) (ACTION DATE: 9/19/05) - CLERK read an ordinance, introduced by Jon Camp, vacating West Cleveland Avenue from the west line of Lot 2, Block 5, Airport Heights to the east line of Hartland Homes N.W. 3rd Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA BUILDING DIVISION ON BEHALF OF VOCATIONAL REHABILITATION, DEPARTMENT OF EDUCATION, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and the State of Nebraska DAS/State Building Division on behalf of Vocational Rehabilitation Services, Department of Education for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of August 1, 2005 through December 31, 2006 whereby the City of Lincoln is subleasing space to Vocational Rehabilitation Services, Department of Education, agt the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA BUILDING DIVISION ON BEHALF OF NEBRASKA WORKFORCE DEVELOPMENT, DEPARTMENT OF LABOR, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2005 through December 31, 2006 whereby the City of Lincoln is subleasing space to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

CHANGE OF ZONE 05053 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 7TH STREET AND N.W. FAIRWAY DRIVE - CLERK read an ordinance, introduced by Jon Camp, 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.

ORDINANCES - 3RD READING & RESOLUTIONS

APPROVING A MANAGEMENT AGREEMENT BETWEEN THE CITY AND SMG TO PROVIDE FOR MANAGEMENT, MARKETING, ENTERTAINMENT, ADMINISTRATION, AND PROCUREMENT SERVICES FOR PERSHING MUNICIPAL AUDITORIUM FOR A FOUR-YEAR PERIOD BEGINNING SEPTEMBER 1, 2005 - CLERK read an ordinance, introduced by Annette McRoy, WHEREAS, the City owns and holds Pershing Municipal Auditorium for the benefit of the citizens of the City of Lincoln, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18604**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 04060 - APPLICATION OF LARRY COFFEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 48TH STREET AND HIGHWAY 34 (Related Items: 05-124, 05R-201)- CLERK read an ordinance, introduced by Annette McRoy, mending 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 third time.

MCROY Moved to pass the ordinance as read.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: None; ABSTAINED: Marvin.
The ordinance, being numbered **#18605**, is recorded in Ordinance Book #25, Page

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND LARRY COFFEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT TO EXPAND AN EXISTING CONVENIENCE SHOP GENERALLY LOCATED AT THE NORTHWEST CORNER OF N.W. 48TH STREET AND HIGHWAY 34 (Related Items: 05-124, 05R-201)- CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83523 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Larry Coffey, for a change of zone from AG Agricultural District to H-3 Highway Commercial District to expand an existing convenience shop generally located at the northwest corner of N.W. 48th Street and Highway 34, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Annette McRoy

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

CHANGE OF ZONE 05051 - APPLICATION OF STONE BRIDGE CREEK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 14TH STREET AND PENNSYLVANIA AVENUE - 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 third time.

McRoy Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18606**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 1.28 OF THE LINCOLN MUNICIPAL CODE RELATING TO REASONABLE ACCOMMODATION TO MORE ACCURATELY STATE THE REQUIREMENTS OF THE ACTS, TO PROVIDE ADDITIONAL APPLICATION REQUIREMENTS, TO MODIFY THE REFERENCE TO SECTION 1.28.050, AND TO REVISE AND SUPPLEMENT THE FACTORS TO BE CONSIDERED IN MAKING A DETERMINATION - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 1.28 of the Lincoln Municipal Code relating to reasonable accommodation by amending Section 1.28.020 to more accurately state the requirements of the Acts regarding reasonable accommodation; amending Section 1.28.030 to provide additional application requirements; amending Section 1.28.040 to modify the reference to Section 1.28.050; amending Section 1.28.050 to revise and supplement the factors to be considered in making a determination regarding the request for reasonable accommodation; and repealing Sections 1.28.020, 1.28.030, 1.28.040, and 1.28.050 of the Lincoln Municipal Code as hitherto existing, the third time.

McRoy Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18607**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 9.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO FIREWORKS TO ADD A REFERENCE TO SECTION 9.44.080, TO LIMIT THE HOURS OF SALE OF PERMISSIBLE FIREWORKS TO CORRESPOND WITH THE HOURS WHEN PERMISSIBLE FIREWORKS MAY BE USED, AND TO EXPRESSLY DEFINE THE HOURS AND DAYS WHEN PERMISSIBLE FIREWORKS MAY BE DISCHARGED, EXPLODED, OR USED - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 9.44 of the Lincoln Municipal Code relating to Fireworks by amending Section 9.44.030 to add a reference to Section 9.44.080; and amending Section 9.44.080 to limit the hours of sale of permissible fireworks to correspond with the hours when permissible fireworks may be used, and to expressly define the hours and days when permissible fireworks may be discharged, exploded, or used; and repealing Sections 9.44.030 and 9.44.080 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18608**, is recorded in Ordinance Book #25, Page

RECONSIDERATION & ACTION

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER M TO ADJUST THE SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS - PRIOR to reading:

MCROY Moved to remove from Pending for Reconsideration.
No second.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 12, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
September 12, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 11:09 P.M.

CAMP Moved to adjourn the City Council meeting of August 29, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
August 29, 2005
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