

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 12, 2005 AT 1:30 P.M.**

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

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**

CAMP Having been appointed to read the minutes of the City Council proceedings of August 29, 2005, reported having done so, found same correct.

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

**MAYORS AWARD OF EXCELLENCE**

Mayor Seng came forward to present the Mayor's Award of Excellence for the month of August 2005 to Gregory Bell of the Lincoln Fire Department in the category of Productivity.

**PUBLIC HEARING**

APPLICATION OF KRISTEN E. RAASCH DBA KREM FOR A CLASS I WITH CATERING LIQUOR LICENSE AT 701 P STREET, #203 - Kristen Raasch, 6737 Fairfax Ave., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF MULLIGANS INC. DBA MULLIGANS TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING 25 FEET BY 25 FEET TO THE SOUTH OF THE EXISTING BEER GARDEN AT 5500 OLD CHENEY ROAD - Sheila Herr, 7701 San Mateo Lane, took oath and came forward to answer questions.

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)(ACTION DATE 9/12/05) (8/29/05 - CON'T. PUBLIC HEARING IN 2 WKS. ON 9/12/05) ACTION DATE: 9/19/05);

APPROVING THE REMOVAL OF THE EXISTING BARRICADE IN CUMBERLAND DRIVE AT THE COMMON LINE OF COLONIAL ACRES 2<sup>ND</sup> ADDITION AND JERROLD HEIGHTS 2<sup>ND</sup> ADDITION. (8/1/05 - PLACED ON PENDING INDEFINITELY) (REQUEST TO REMOVE FROM PENDING FOR PUBLIC HEARING ON 8/29/05) (8/22/05 - TO HAVE PUBLIC HEARING 8/29/05) (RELATED ITEMS: 05-129, 05R-178) (ACTION DATE 9/12/05) (8/29/05 - CON'T. PUBLIC HEARING IN 2 WKS. ON 9/12/05) (ACTION DATE: 9/19/05) - Roger Figard, City Engineer, Public Works Dept., stated that letters were mailed and handed out to owners and occupants along 56<sup>th</sup> St. between Shadow Pine & Old Cheney in reference to this project. Discussion followed.

Chris Humphrey, Project Manager, Public Works Dept., came forward to answer questions. Discussion followed.

Kevin McManaman, 5231 Happy Hollow, came forward in opposition to the planned median at Madalyn Rd.

Paul Beetz, 6938 S. 53<sup>rd</sup> Court, came forward in opposition to the proposed median at Madalyn Rd.

Chuck Norris, 6915 S. 53<sup>rd</sup> Court, came forward in favor of the Shadow Pine extension. Discussion followed.

Randy Hoskins, City Traffic Engineer, Public Works Dept., came forward to answer questions. 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. (8/29/05 - CON'T. PUBLIC HEARING IN 2 WKS. ON 9/12/05) ACTION DATE: 9/19/05)- Roger Figard, City Engineer, Public Works Dept., came forward to state they have met with the businesses in this area to

discuss the options recommended.

Randy Hoskins, City Traffic Engineer, Public Works Dept., stated there will be a left turn access to the businesses. Discussion followed.

Don Fricke, 7800 Pioneers Blvd., came forward in favor of raised or flat median. He stated the real issue is the delay of the project which was to be completed in 2001.

Don Hamann, 7600 Pioneer Blvd., came forward to state it does not make any difference to him if a raised median is put in, but is concerned with the delay of this project. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Bill & Terri Allen at 8000 Pioneer Blvd. and Ken & Barbara Sprague at 7977 Pioneer Blvd., in opposition to eliminating the left turn access from these two properties.

William Collins, 7405 Pioneers Blvd., representing Antelope Creek Veterinary Clinic, came forward in agreement to the proposed break in the median.

Ed Aasen, 7545 Pioneers Blvd., representing Pioneer Gymnastics, came forward in agreement with the proposed median break.

Ben Hastreiter, 8021 South Street, Nebraska Nursery, came forward in favor of 1998 agreement.

Jim Fischer, 7911 Meredeth Ct., came forward in opposition to widening Pioneer Blvd. and in opposition to the proposed medians.

Mike Wiesen, 7220 Thomasbrook Circle, stated he would like a traffic light at Lucille Dr.

Georgia Blobaum, came forward representing Advance Medical Imaging, 7601 Pioneers Blvd., came forward in opposition to a raised median.

Ken Kontor, 4210 S. 78<sup>th</sup> Street, came forward in opposition to the median changes. Discussion followed.

Sue Dawson, 7731 Lowell Avenue, came forward representing residents on Lowell Avenue in opposition to the raised median.

Bill Allen, 8000 Pioneer Blvd., came forward in favor of staying with the 1998 Ordinance. Discussion followed.

Erica Nunes, Project Manager of Engineering, Public Works Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$150,000,000 CITY OF LINCOLN, NEBRASKA, LINCOLN ELECTRIC SYSTEM REVENUE BONDS. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS ON 9/12/05)- Keith Brown, Chief Financial Officer of LES came forward to state these funds are to be used for the construction of the coal plant in Council Bluffs.

Lauren Wismer, Gilmore & Bell, came forward to request an amendment be made on page 3 to change a typing error of \$100,000,000 to \$150,000,000. Discussion followed.

This matter was taken under advisement.

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;

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 - Marc Wullschleger, Director of Urban Development, stated these are renewal sublease agreements.

This matter was taken under advisement.

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 - Ray Hill, Planning Dept., stated this property was declared as surplus several years ago. Discussion followed.

This matter was taken under advisement.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP FOR THE REDEVELOPMENT OF THE SALVATION ARMY BUILDING COMPLEX AT 737 P STREET - Dallas McGee, Urban Development, stated the dock along 8<sup>th</sup> Street will remain City property and TIFF funds will be used to make the improvements to this property. Discussion followed.

Mike Tavlin, 340 Victory Lane, came forward as the developer for this project to explain the project and to answer questions.

Ken Fougeron, 340 Victory Lane, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

TOOK BREAK 4:10 P.M.

RECONVENED 4:22 P.M.

#### MISCELLANEOUS BUSINESS

Craig Mason, Board of Director of LIBA introduced Coby Mach, the Executive Director of LIBA.

Coby Mach, Executive Director of Lincoln Independent Business Association, came forward to discuss the Class M pay schedule proposal. Discussion followed.

This matter was taken under advisement.

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

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:

COOK Moved to Withdraw this resolution.

Seconded by Newman & carried by the following vote: AYES: Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Camp. The resolution, having been **WITHDRAWN**, was assigned the File #38-4505 & was placed on file in the Office of the City Clerk.

APPLICATION FAT PAT'S PIZZA & SUBS INC. DBA PATTY'S PUB EAST TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 12 FEET BY 30 FEET TO THE EAST AT 311 N. COTNER - PRIOR to reading:

NEWMAN Moved to delay public hearing & action for one week to 9/19/05. Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..

APPLICATION OF KRISTEN E. RAASCH DBA KREM FOR A CLASS I WITH CATERING LIQUOR LICENSE AT 701 P STREET, #203 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83524 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 Kristen E. Raasch dba KREM for a Class "I" with catering liquor license at 701 P Street, #203, Lincoln, Nebraska, for the license period ending April 30, 2006, 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 Dan Marvin

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

APPLICATION OF MULLIGANS INC. DBA MULLIGANS TO EXPAND ITS LICENSED PREMISE BY THE ADDITION OF AN OUTSIDE AREA MEASURING 25 FEET BY 25 FEET TO THE SOUTH OF THE EXISTING BEER GARDEN AT 5500 OLD CHENEY ROAD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83525 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 Mulligans Inc. dba Mulligans to expand its licensed premises by the addition of an outside area measuring approximately 25 feet by 25 feet to the south of the presently licensed premises located at 5500 Old Cheney Road, 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 Dan Marvin

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

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

ORDINANCES - 2<sup>ND</sup> READING & RESOLUTIONS

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)(Action date 9/12/05) (8/29/05 - Con't. Public Hearing in 2 wks. on 9/12/05) Action Date: 9/19/05) - 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 14<sup>th</sup> Street from Old Cheney to 1/4 mile south of Pine Lake Road; South 40<sup>th</sup> Street from Pine Lake Road south to a point approximately 500 feet south of San Mateo Lane; South 56<sup>th</sup> Street from Old Cheney Road to 1/4 mile south of Pine Lake Road; South 70<sup>th</sup> Street from Highway 2 to 1/4 mile south of Pine Lake Road; and Pine Lake Road from South 14<sup>th</sup> Street to Highway 2 (excluding 19<sup>th</sup> to 32<sup>nd</sup> 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 2<sup>ND</sup> ADDITION AND JERROLD HEIGHTS 2<sup>ND</sup> ADDITION (Related Items: 05-129, 05R-178)(8/1/05 - Placed on Pending Indefinitely) (Request to remove from Pending for Public Hearing on 8/29/05) (8/22/05 - To have Public Hearing 8/29/05) (Related Items: 05-129, 05R-178) (Action date 9/12/05) (8/29/05 - Con't. Public Hearing in 2 wks. on 9/12/05) (Action Date: 9/19/05).

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 (8/29/05 - Con't. Public Hearing in 2 wks. on 9/12/05) Action Date: 9/19/05) - 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 70<sup>th</sup> Street from LaSalle Street to Nebraska Highway 2; South 84<sup>th</sup> Street from Oakdale Ave. to Nebraska Highway 2; Pioneers Blvd. from South 70<sup>th</sup> Street to South 84<sup>th</sup> Street; Old Cheney Road from Nebraska Highway 2 to South 84<sup>th</sup> Street; and Pine Lake Road from South 84<sup>th</sup> Street to South 98<sup>th</sup> Street; to acquire necessary rights-of-way and easements relating thereto; and to proceed with construction thereof, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$150,000,000 CITY OF LINCOLN, NEBRASKA, LINCOLN ELECTRIC SYSTEM REVENUE BONDS. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS ON 9/12/05) - PRIOR to reading:

CAMP Moved to waive the rules to have 2<sup>nd</sup> and 3<sup>rd</sup> reading this date.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..

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 second time. (SEE "ORDINANCE - 3<sup>RD</sup> READING" FOR ACTION.)

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) - PRIOR to reading:

CAMP Moved to continue public hearing on Bill No. 05R-169 to 9/19/05.  
Seconded by Newman & carried by the following vote: AYES: Camp,

- Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..
- CLERK Read an ordinance, introduced by Jon Camp, Whereas, Hartland Homes, Inc. Has submitted an application designated as Special Permit No. 1965 for authority to develop Hartland Homes N.W. 1<sup>st</sup> Community Unit Plan consisting of 70 dwelling units, with a requested waiver to allow unenclosed decks to project 10 feet into the required rear yard, on property generally located west of N.W. 48<sup>th</sup> Street and north of West St. Paul Avenue, the second time.
- 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) - PRIOR to reading:
- CAMP Moved to continue public hearing on Bill No. 05R-170 to 9/19/05.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..
- CLERK Read an ordinance, introduced by Jon Camp, WHEREAS, Hartland Homes, Inc. Has submitted the preliminary plat of Hartland Homes N.W. 1<sup>st</sup> Addition for acceptance and approval, together with a request to waive City of Lincoln Land Subdivision Ordinance requirements to allow unenclosed decks to project 10 feet into the required rear yard, the second time.
- 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) - PRIOR to reading:
- CAMP Moved to continue public hearing on Bill No. 05-96 to 9/19/05.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..
- 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. 49<sup>th</sup> Street to the east line of N.W. 53<sup>rd</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second 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) - PRIOR to reading:
- CAMP Moved to continue public hearing on Bill No. 05-97 to 9/19/05.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..
- 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. 3<sup>rd</sup> Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second 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 second 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 second 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 second time.

#### RESOLUTIONS

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

A-83526 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

The City Clerk is directed to forward one fully executed original of said Agreement to Trish Owen for filing with the County.

Introduced by Jon Camp

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

APPOINTING DAVID SKIPTON AND PATRICIA OWEN TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2008 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83527 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of David Skipton and Patricia Owen to the Air Pollution Control Advisory Board for three-year terms expiring September 1, 2008, is hereby approved.

Introduced by Jon Camp

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

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP FOR THE REDEVELOPMENT OF THE SALVATION ARMY BUILDING COMPLEX AT 737 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83528 WHEREAS, the City of Lincoln has undertaken a program for the redevelopment of blighted and substandard areas in the City of Lincoln, Nebraska, and is engaged in carrying out the Lincoln Center Redevelopment Plan (hereinafter called Redevelopment Plan). The Redevelopment Plan includes the Haymarket 7th/8th Street Core Redevelopment Project providing for private rehabilitation, redevelopment and adaptive reuse of the real estate known as the Salvation Army Building located at 737 P Street; and

WHEREAS, a proposed Redevelopment Agreement between the City of Lincoln, Nebraska and B & J Partnership Ltd., which provides for the above described rehabilitation, renovation, and adaptive reuse of the Salvation Army Building in Lots 1, 2, and 3, Block 45, Original Plat, Lincoln, Lancaster County, Nebraska (737 P Street) and the construction of public improvements by the City within the area, has been presented to the City Council in accordance with law; and

WHEREAS, the redevelopment of the Salvation Army Building pursuant to said Redevelopment Agreement is in the vital and best interest of the City and the health, safety and welfare of its residents, and in accordance with the public purposes and provisions of the applicable laws and requirements under which the rehabilitation of the redevelopment area has been undertaken; and

WHEREAS, The City Council directed that the Urban Development Director or his authorized representative to take all steps necessary to implement the provisions of said Redevelopment Plan and the property

involved in the rehabilitation is solely owned by B & J Partnership Ltd. such that no site acquisition is required; and

WHEREAS, B & J Partnership Ltd. and the City have negotiated and in furtherance of the Redevelopment Plan are desirous of entering into the attached "Salvation Army Building Redevelopment Agreement."

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska and considering: (a) the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project:

1. That the attached Salvation Army Building Redevelopment Agreement between the City of Lincoln and B & J Partnership Ltd. for the rehabilitation and redevelopment of the Salvation Army Building (727 P Street), 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.

2. The City Clerk is directed to return one fully executed copy of the Agreement to B & J Partnership Ltd. and one copy to the Urban Development Department.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute such other documents, agreements, or amendments to the above referenced Redevelopment Agreement as may be necessary to effectuate the purposes and intent thereof.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 19, 2005 AT 1:30 P.M. FOR THE APP. OF U.N.C.R., INC. DBA UNCLE RON'S FOR A CLASS "C" LIQUOR LICENSE AT 340 W. CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83529 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. 10<sup>th</sup> St., Lincoln, NE, for Application of U.N.C.R., Inc. dba Uncle Ron's for a Class "C" liquor license at 340 W. Cornhusker Highway.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 19, 2005 AT 1:30 P.M. FOR THE APP. OF KATCH, LLC DBA LUCKIE'S LOUNGE FOR AN ADDITION OF AN OUTDOOR BEER GARDEN AT 1101 W. BOND - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83530 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. 10<sup>th</sup> St., Lincoln, NE, for Application of Katch, LLC dba Luckie's Lounge for an addition to outdoor premises of beer garden at 1101 W. Bond Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 26, 2005 AT 5:30 P.M. FOR THE APP. OF ALLEY, INC. DBA THE ALLEY FOR A LIQUOR CATERING LICENSE AT 1031 M STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83531 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., September 26, 2005 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Alley, Inc. dba The Alley for a liquor catering license at 1031 M Street.

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

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 26, 2005 AT 5:30 P.M. FOR THE  
APP. OF MCMORE, INC. DBA SPORTSCASTERS BAR & GRILL FOR AN ADDITION OF A  
SIDEWALK CAFÉ AT 3048 N. 70<sup>TH</sup> STREET - CLERK read the following  
resolution, introduced by Jonathan Cook, who moved its adoption:

A-83532 BE IT RESOLVED by the City Council, of the City of Lincoln, that a  
hearing date is hereby set for Mon., September 26, 2005 at 5:30 p.m. or  
as soon thereafter as possible in the City Council Chambers, County-City  
Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of McMore, Inc.  
dba Sportscasters Bar & Grill for an addition of a sidewalk café at 3048  
N. 70<sup>th</sup> Street.

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

#### PETITIONS AND COMMUNICATIONS

##### THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 05060 - App. of David Lewon for a change from P to R-2 on  
property located at N. 33<sup>rd</sup> Street and Doane Street.

Special Permit 05036 - App. of Gas 'N Shop dba Tobacco Shack #67 to sell  
alcoholic beverages for consumption off the premises on property located  
at 6240 Havelock Avenue.

Special Permit 05044 - App. of El Rincon, LLC to sell alcoholic  
beverages for consumption on premises on property located at 2700 Jamie  
Lane.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY  
THE CITY COUNCIL ON AUGUST 29, 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 JULY 31, 2005 -  
CLERK read the following resolution, introduced by Jonathan Cook, who  
moved its adoption:

A-83533 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska:

That during the month ended July 31, 2005, \$468,726.13 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 Jonathan Cook  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR  
AUGUST, 2005 - CLERK presented said report which was placed on file in  
the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JULY, 2005 FROM  
AQUILA - CLERK presented said report which was placed on file in the  
Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF 911 SURCHARGE FEES FOR THE MONTHS OCT., 2004 TO  
JUNE, 2005 - CLERK presented said report which was placed on file in  
the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER FOR TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH  
OF APR.-JUNE, 2005: FAST PHONES, BUSINESS TELECOM, ENHANCED COMM.,  
AMERICAN FARM BUREAU, TELENATIONAL, MATRIX; MAY, 2005: NORSTAN NETWORK,  
OCMC; JUNE, 2005: NORSTAN NETWORK, 360NETWORKS, STAR NUMBER, BUSINESS  
PROD. SOLUTIONS, VIRGIN MOBILE USA, TELECORP, AIR CELL, NETIFICE,  
ONSTAR, VERIZON SELECT, PNG, OPEX, QWEST, WHO'S CALLING, VOICECOM, KDDI  
AMERICA, T-NETIX, QUANTUM SHIFT, IBM GLOBAL, IDT, PRIMUS, TRANS NAT'L.,  
UCN, CIII, GLOBAL CROSSING, COMTECH 21, MCLEOD USA, WORKING ASSETS,  
ACCESSLINE, ACN, ADVANCED TEL, BELLATLANTIC, INTELLICALL OPERATOR  
SERVICES, SHAFFER, XO COMM., TRACFONE WIRELESS, CINCINNATI BELL ANY

DISTANCE, WINSTAR, NEXTEL WEST, GUARANTEED PHONE SERVICE, ALLTEL NEBRASKA, ALLTEL COMMUNICATIONS OF NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, CELLULAR ONE, USCOC OF GREATER IOWA, CRICKET, AT&T OF MIDWEST, NW CINGULAR WIRELESS, NEBRASKA TECHNOLOGY & TELECOMM.; JULY 2005: D& D, NEXTEL, SPRINT SPECTRUM, SPRINT COMM., GUARANTEED PHONE SERVICE, NEXTEL WEST, 360NETWORKS(USA), SBC LONG DISTANCE, ACCERIS, GTC, TRI-M, ZONE TELECOM, NOS COMM., LDMI, GLOBALCOM, LIGHTYEAR, AFFINITY NETWORK, EXCEL, NOSVA LTD, VARTEC, NETWORK BILLING SYSTEMS, ATS MOBILE - CLERK presented said report which was placed on file in the Office of the City Clerk.

(20)

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE 3 AMIGOS PROPERTIES FOR A LEASE OF SPACE FOR A THREE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between The 3 Amigos Properties, LLC and the City of Lincoln for a lease of space for a term of November 1, 2005 through October 31, 2008, for use by the Lincoln Police Department, the first time.

CHANGE OF ZONE 05049 - APPLICATION OF ASPEN FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT RED ROCK LANE AND S. 56TH STREET. (RELATED ITEMS: 05-137, 05-138) (ACTION DATE: 9/26/05) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

USE PERMIT 97A - APPLICATION OF ASPEN TO AMEND THE USE PERMIT TO CHANGE THE LAND USE TABLE AND REQUEST A WAIVER TO THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT RED ROCK LANE AND S. 56TH STREET. (RELATED ITEMS: 05-137, 05-138) (ACTION DATE: 9/26/05) - CLERK read an ordinance, introduced by Jonathan Cook, whereas William Krein has submitted an application in accordance with Sections 27.31.100 and 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 97A for authority to amend the use permit to develop 104,000 square feet of commercial space, with a requested waiver of the required front yard setback along S. 56<sup>th</sup> Street from 50 feet to 40 feet and along Red Rock Lane from 50 feet to 20 feet, on property generally located at S. 56<sup>th</sup> Street and Pine Lake Road, the first time.

CHANGE OF ZONE 05056 - APPLICATION OF ROGER AND CAROL WILLIAMS, MARVIN WILLIAMS, VELDA WILLIAMS, AND VERNON WILLIAMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND W. DENTON ROAD - CLERK read an ordinance, introduced by Jonathan Cook, 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.

CHANGE OF ZONE 05059 - APPLICATION OF MOLEX, INC. FOR A CHANGE OF ZONE FROM H-HIGHWAY COMMERCIAL DISTRICT AND I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND WEST BOND CIRCLE - CLERK read an ordinance, introduced by Jonathan Cook, 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 - 3<sup>RD</sup> 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 -

**REGULAR MEETING**  
**September 12, 2005**  
**PAGE 140**

PRIOR to reading:  
COOK Moved to delay action for one week to 9/19/05.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..  
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 third time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$150,000,000 CITY OF LINCOLN,  
NEBRASKA, LINCOLN ELECTRIC SYSTEM REVENUE BONDS. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup>  
READINGS ON 9/12/05) - PRIOR to reading:

CAMP Moved to waive the rules to have 2<sup>nd</sup> and 3<sup>rd</sup> reading this date.  
Seconded by Newman & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy..

CAMP Moved to amend Bill No. 05-135 on page 3 by changing the typing  
error \$100,000,00 to \$150,000,000.

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

CLERK Read an ordinance as amended, 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 third time.

The ordinance, being numbered **#18609**, is recorded in Ordinance Book #25, Page

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18610**, is recorded in Ordinance Book #25, Page

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to September 19, 2005.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on  
September 19, 2005.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

**ADJOURNMENT 4:45 P.M.**

CAMP Moved to adjourn the City Council meeting of September 12, 2005.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT:  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

