

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 7, 2004 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of May 24, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORPORATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA ON 7TH STREET BETWEEN Q AND P STREET AND P STREET BETWEEN 7TH AND 8TH STREETS ON JUNE 18 AND 19, 2004 FROM 5:00 P.M. TO 1:00 A.M. - Doug Lienemann, 3336 Crestridge Road, came forward for approval.

This matter was taken under advisement.

APPLICATION OF GRANDSTAND LLC DBA BLEACHERS BAR & GRILL FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN OUTSIDE SIDEWALK CAFE AREA MEASURING APPROXIMATELY 25 FEET BY 26 FEET AT 5601 S. 56TH STREET, SUITE 20 - Bob Lockwood, 6600 Pheasant Run Place, owner of Bleachers Bar & Grill, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF POTENTIAL II, LLC, DBA BUFFALO WILD WINGS FOR A CLASS I LIQUOR LICENSE AT 7301 S. 27TH STREET, SUITE 100;
MANAGER APPLICATION OF JAMES M. HARAN FOR POTENTIAL II, LLC DBA BUFFALO WILD WINGS AT 7301 S. 27TH STREET, SUITE 100 - James Haran, 4820 Larkwood Road, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF CHUN'S KITCHEN, INC. DBA CHINA INN FOR A CLASS J LIQUOR LICENSE AT 2662 CORNHUSKER HIGHWAY #8;
MANAGER APPLICATION OF ALLISON MA FOR CHUN'S KITCHEN, INC. DBA CHINA INN AT 2662 CORNHUSKER HIGHWAY #8 - Allison Ma, 2662 Cornhusker Hwy, took oath and came forward for approval.

This matter was taken under advisement.

ANNEXATION NO. 04005 AND 04008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 17 RESIDENCES, THE SOUTHWEST RURAL FIRE DISTRICT AND THE YANKEE HILL SCHOOL, ON PROPERTY GENERALLY LOCATED NEAR SOUTH FOLSOM STREET AND WEST CALVERT STREET - Brian Will, Planning Department, came forward to clarify the annexation. He also showed an overhead of a site map which indicated which properties are going to be annexed and stated that they are trying to minimize the number of properties that will have to be annexed. Further discussion followed.

Ray Hill, Development Review Manager with the Planning Department, came forward to answer questions of the Council. Further discussion followed.

Traci Schoen, 2936 South Folsom, came forward in support.

Alyce Long, 605 W. Calvert, came forward in opposition. Further discussion followed.

Nicole Fleck-Tooze, Special Projects Administrator with Public Works & Utilities, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 14.50 OF THE LINCOLN MUNICIPAL CODE GOVERNING SIDEWALK CAFES TO STREAMLINE THE APPLICATION PROCESS, TO CLARIFY THE TYPES OF ESTABLISHMENTS ELIGIBLE AND THE NUMBER OF PATRONS TO BE SERVED BY A SIDEWALK CAFÉ;

AMENDING CHAPTER 14.55 OF THE LINCOLN MUNICIPAL CODE GOVERNING SIDEWALK VENDORS TO STREAMLINE THE APPLICATION PROCESS AND TO EXPAND THE DEFINITION AND AREAS SERVED BY VENDOR CARTS - Jeff Cole, Community Development Program Specialist with Urban Development Department, came forward to summarize the final proposed changes to the sidewalk café and sidewalk vendor ordinance. Mr. Cole's comments are on file in the City Clerk's office.

Larry Small, 6520 Lexford Drive, came forward in support. Mr. Small was the Chair of the Mayor's Outdoor Dining Review Committee in 1996.

Polly McMullen, 2512 Calvert, came forward on behalf of the Downtown Lincoln Association in support. Ms. McMullen thanked the Urban Development Department and Mr. Small for his leadership. Further discussion followed.

Nadar Sepahpur, came forward as a business owner in support. Further discussion followed.

Mr. Cole, Urban Development Department, came forward to answer questions of the Council. Further discussion followed.

Dana Roper, City Attorney, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR PORTIONS OF PROPERTY NEAR BIG THOMPSON CREEK ADDITION GENERALLY LOCATED AT S. 56TH STREET NORTH OF YANKEE HILL ROAD FOR A FUTURE FIRE STATION SITE - Dana Roper, City Attorney, came forward to answer questions of the Council. Further discussion followed.

Ray Hill, Planning Department, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

USE PERMIT NO. 123B - APPLICATION OF NORTH 33RD LLC TO AMEND LANDMARK CORPORATE CENTER TO ADJUST THE FRONT YARD SETBACK FROM 50' TO 15' FOR THE LOCATION OF ONE GROUND SIGN PER LOT, AND TO WAIVE THE REQUIRED 30' MAXIMUM SETBACK FROM BUILDING PAD SITE TO GROUND SIGN, ON PROPERTY GENERALLY LOCATED AT N. 33RD STREET AND SUPERIOR STREET - DaNay Kalkowski, Attorney, 1111 Lincoln Mall, Suite 350, came forward on behalf of the applicant in support.

This matter was taken under advisement.

WAIVER NO. 04007 - WAIVING THE SUBDIVISION REQUIREMENTS FOR SIDEWALKS, STREET TREES, STREET IMPROVEMENTS, AND DEDICATION OF ADDITIONAL RIGHT-OF-WAY ASSOCIATED WITH WENZL FINAL PLAT 04033, GENERALLY LOCATED AT NORTH 48TH STREET AND DORIS BAIR CIRCLE - Dana Roper, City Attorney, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2004 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - Wynn Hjerstad, and Steve Werthmann with Urban Development Department, came forward in support and to state that Lincoln is an entitlement city, meaning they do not apply for HUD funds, but they must submit an action plan in order to get them. Further discussion followed.

This matter was taken under advisement.

COMPREHENSIVE PLAN AMENDMENT NO. 04001 - AMENDING THE 2025 LINCOLN CITY - LANCASTER COUNTY COMPREHENSIVE PLAN BY ADOPTING THE NORTH 48TH STREET/UNIVERSITY PLACE PLAN; NEIGHBORHOOD REVITALIZATION AND TRANSPORTATION ANALYSIS, 2004, AS AN APPROVED SUBAREA PLAN, ON PROPERTY GENERALLY LOCATED BETWEEN N. 46TH AND N. 56TH STREETS FROM FRANCIS STREET NORTH TO ADAMS STREET - Wynn Hjerstad, Urban Development Department, came forward in support and to help explain the comprehensive plan.

Kelly Sieckmeyer, Public Works & Utilities Department, came forward in support and to help explain the comprehensive plan.

Brian Watkins, President of Business Association of University Place, came forward in support.

Larry Zink, 4926 Leighton Avenue, came forward in support.

Craig Groat, 4935 Huntington Avenue, came forward in support.
Further discussion followed.

Jennifer Dam, came forward on behalf of UNL Campus Planning Group in support.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward on behalf of his client, Williams Cleaners. He stated his client's concerns regarding the traffic patterns on N. 48th Street with left-hand turns and regarding their access entry of their business. Further discussion followed.

Wynn Hjermstad and Kelly Sieckmeyer, with Urban Development Department, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPROVING A MULTI-YEAR CONTRACT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR FOR SIDEWALK REPAIR PROJECT 701801 FOR NEAR SOUTH, 13TH TO 21ST STREETS, SOUTH TO A STREETS, AND DOWNTOWN BUSINESS DISTRICT, 7TH TO 17TH STREETS, M TO R STREETS - Craig Groat, 4935 Huntington Avenue, came forward and gave general comments regarding sidewalk repair. Further discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Kit Boesch, Human Services Administrator, came forward and spoke regarding the closure of Day Watch and explained what services are being provided by the Day Watch Program. Further discussion followed.

Bill Roads, he also came forward to discuss the closure of Day Watch.

This matter was taken under advisement.

Mike Morosin, 2055 S Street, came forward to discuss the land value of his property and wanted to know what method is used when figuring the value. Further discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORPORATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA ON 7TH STREET BETWEEN Q AND P STREET AND P STREET BETWEEN 7TH AND 8TH STREETS ON JUNE 18 AND 19, 2004 FROM 5:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82775 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 Lincoln Haymarket Development Corporation for a Special Designated License to cover an area on 7th Street between Q and P Streets and P Street between 7th and 8th Streets, Lincoln, Nebraska, on June 18 and 19, 2004 between the hours of 5:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required 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.

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

Introduced by Ken Svoboda

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

APPLICATION OF GRANDSTAND LLC DBA BLEACHERS BAR & GRILL FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN OUTSIDE SIDEWALK CAFE AREA MEASURING APPROXIMATELY 25 FEET BY 26 FEET AT 5601 S. 56TH STREET, SUITE 20 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82776 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 Grandstand LLC dba Bleachers Bar & Grill to expand its licensed premises by the addition of an outside area measuring approximately 25 feet by 26 feet to the south of the presently licensed premises located at 5601 S. 56th Street, Suite 20, 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 Ken Svoboda

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

APPLICATION OF POTENTIAL II, LLC, DBA BUFFALO WILD WINGS FOR A CLASS I LIQUOR LICENSE AT 7301 S. 27TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82777 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 Potential II, LLC dba Buffalo Wild Wings for a Class "I" liquor license at 7301 S. 27th Street, Suite 100, Lincoln, Nebraska, for the license period ending April 30, 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 Ken Svoboda

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

MANAGER APPLICATION OF JAMES M. HARAN FOR POTENTIAL II, LLC DBA BUFFALO WILD WINGS AT 7301 S. 27TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82778 WHEREAS, Potential II, LLC dba Buffalo Wild Wings located at 7301 S. 27th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that James M. Haran be named manager;

WHEREAS, James M. Haran 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 James M. Haran be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF CHUN'S KITCHEN, INC. DBA CHINA INN FOR A CLASS J LIQUOR LICENSE AT 2662 CORNHUSKER HIGHWAY #8 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82779 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 Chun's Kitchen, Inc. dba China Inn for a Class "J" liquor license at 2662 Cornhusker Highway, #8, Lincoln, Nebraska, for the license period ending April 30, 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 Ken Svoboda

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

MANAGER APPLICATION OF ALLISON MA FOR CHUN'S KITCHEN, INC. DBA CHINA INN AT 2662 CORNHUSKER HIGHWAY #8 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-82780 WHEREAS, Chun's Kitchen, Inc. dba China Inn located at 2662 Cornhusker Highway, #8, Lincoln, Nebraska has been approved for a Retail Class "J" liquor license, and now requests that Allison Ma be named manager;

WHEREAS, Allison Ma 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 Allison Ma be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

ORDINANCES - 2ND READING

ANNEXATION NO. 04005 AND 04008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 17 RESIDENCES, THE SOUTHWEST RURAL FIRE DISTRICT AND THE YANKEE HILL SCHOOL, ON PROPERTY GENERALLY LOCATED NEAR SOUTH FOLSOM STREET AND WEST CALVERT STREET - CLERK read an ordinance, introduced by Patte Newman, annexing and including the below described land as part of the City of Lincoln, Nebraska, and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

AMENDING CHAPTER 14.50 OF THE LINCOLN MUNICIPAL CODE GOVERNING SIDEWALK CAFES TO STREAMLINE THE APPLICATION PROCESS, TO CLARIFY THE TYPES OF ESTABLISHMENTS ELIGIBLE AND THE NUMBER OF PATRONS TO BE SERVED BY A SIDEWALK CAFÉ - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 14.50 of the Lincoln Municipal Code relating to sidewalk cafes to streamline the application and the application process and to clarify the types of establishments eligible for sidewalk cafes and the number of patrons that can be served in a sidewalk café; and repealing Sections 14.50.010, 14.50.030, 14.50.040, 14.50.050, 14.50.060, 14.50.085, and 14.50.090 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 14.55 OF THE LINCOLN MUNICIPAL CODE GOVERNING SIDEWALK VENDORS TO STREAMLINE THE APPLICATION PROCESS AND TO EXPAND THE DEFINITION AND AREAS SERVED BY VENDOR CARTS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 14.55 of the Lincoln Municipal Code relating to sidewalk vendors to expand the definition of vendor and to add a definition of "stand," to streamline the permit application process, and to expand the areas that can be served by vendor carts; repealing Section 14.55.020, 14.55.030, 14.55.040, 14.55.050, 14.55.070 and 14.55.095 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING A LAND EXCHANGE AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR PORTIONS OF PROPERTY NEAR BIG THOMPSON CREEK ADDITION GENERALLY LOCATED AT S. 56TH STREET NORTH OF YANKEE HILL ROAD FOR A FUTURE FIRE STATION SITE - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Land Exchange Agreement between the City of Lincoln, Nebraska and Ridge Development Company and Southview, Inc. For portions of property generally located at S. 56th Street north of Yankee Hill Road for a future fire station site, the second time.

RESOLUTIONS

APPROVING A MULTI-YEAR CONTRACT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR BETWEEN THE CITY AND THE STATE FOR 84TH STREET WIDENING FROM CHENEY RIDGE TO KATHY LANE, CITY PROJECT 700777, STATE PROJECT STPAA-5249(5), CN 12338A - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82781 WHEREAS, the 84th Street widening project from Cheney Ridge to Kathy Lane, described as City Project 700777, State Project STPASA-5249(5), CN 12338A has been approved by the City; and

WHEREAS, the Public Works & Utilities Department believes it is in the public interest to coordinate the construction of this section of the widening of 84th Street with two other sections for the widening of 84th Street Widening (e.g. Montello Road to Kathy Lane on the north end and Cheney Ridge to Amber Hill Road on the south end) to provide continuous driving surface; and

WHEREAS, funding for this work consists of Public Works & Utilities CIP Street Construction funds, Federal Aid and Water Revenue funds over a three-year term including CIP budget funds for FY 04-05 and FY 05-06; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor is authorized to execute a multi-year contract for the 84th Street Widening Project from Cheney Ridge to Kathy Lane to be paid from fiscal years 2004, 2005, and 2006.

Introduced by Ken Svoboda

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

USE PERMIT NO. 123B - APPLICATION OF NORTH 33RD LLC TO AMEND LANDMARK CORPORATE CENTER TO ADJUST THE FRONT YARD SETBACK FROM 50' TO 15' FOR THE LOCATION OF ONE GROUND SIGN PER LOT, AND TO WAIVE THE REQUIRED 30' MAXIMUM SETBACK FROM BUILDING PAD SITE TO GROUND SIGN, ON PROPERTY GENERALLY LOCATED AT N. 33RD STREET AND SUPERIOR STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82782 WHEREAS, North 33rd L.L.C. has submitted an application in accordance with Sections 27.31.100, 27.51.100, 27.69.046(e), and 27.69.081(f) of the Lincoln Municipal Code for authority to amend Use Permit No. 123A Landmark Corporate Center to adjust the front yard setback from 50' to 15' for the location of one ground sign per lot, and to waive the required 30' maximum setback from building pad site to such ground sign, on property generally located at North 33rd Street and Superior Street and legally described to wit:

Outlot A, Outlot B, Outlot C, Outlot D, and Outlot E,
Lots 1 and 2, Block 1, Lots 1, 2, and 3, Block 2, Lots
1, 2, and 3, Block 3, Lots 1 and 2, Block 4, Lots 1,
2, 3, 4, and 5, Block 5, Lots 1, 2, 3, 4, 5, 6, 7, 8,
and 9, Block 6, Landmark Corporate Center Addition,
all located in the North Half and Southeast Quarter of
Section 6, Township 10 North, Range 7 East of the 6th
P.M., Lincoln Lancaster County, Nebraska,

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment of the front yard setback and setback from building pad site to ground sign 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 North 33rd L.L.C., hereinafter referred to as "Permittee", to amend the use permit for Landmark Corporate Center to adjust the front yard setback from 50' to 15' for the location of one ground sign per lot, and to waive the required 30' maximum setback from building pad site to such ground sign on the property legally described above be and the same is hereby granted under the above-described provisions of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the adjustment of the front yard setback from 50' to 15' for the location of one ground sign per lot and waives the required 30' maximum setback from building pad site for such ground sign.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan and six copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
3. Before operating and occupying the industrial buildings all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements including shall be permanently maintained by the Permittee or an appropriately established property owners 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. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

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

WAIVER NO. 04007 - WAIVING THE SUBDIVISION REQUIREMENTS FOR SIDEWALKS, STREET TREES, STREET IMPROVEMENTS, AND DEDICATION OF ADDITIONAL RIGHT-OF-WAY ASSOCIATED WITH WENZL FINAL PLAT 04033, GENERALLY LOCATED AT NORTH 48TH STREET AND DORIS BAIR CIRCLE - PRIOR to reading:

CAMP Moved to Amend No. 1 in the following manner: On page 1, line 1, strike the word "Administrative"; on page 1, line 5, strike the word "Administrative"; on page 1, line 6, strike the word "Administrative"; on page 1, line 19, after the word "Street" insert the words provided the Subdivider and Subdivider's successors and assigns do not object to any future paving assessment.

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

COOK Moved to Amend No. 2 in the following manner: On page 2, lines 1 through 4, strike all of paragraph 2.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82783 WHEREAS, the Administrative Final Plat of Wenzl Addition has been submitted to the City of Lincoln for approval by the Planning Director on property generally located at N. 48th Street and Doris Bair Circle; and

WHEREAS, the Planning Director's conditions of approval of said Administrative Final Plat required that the subdivider install sidewalks, street trees, street improvements and dedication of additional right-of-way within said Administrative Final Plat; and

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

WHEREAS, the Planning Commission has reviewed said request and has recommended conditional approval of the waivers of sidewalks and street improvements thereon; and

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

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

1. The requirement of § 26.27.020 of the Lincoln Municipal Code that streets within the subdivision be paved with curb and gutters is hereby waived in North 48th Street.

2. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision is hereby waived along N. 48th Street, provided that the sidewalks shall be installed at the owner's expense when N. 48th Street is improved by the City.

All other conditions for approval of the Administrative Final Plat of Wenzl Addition shall remain in full force and effect.

Introduced by Ken Svoboda

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

APPROVING THE FISCAL YEAR 2004 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - PRIOR to reading:

FRIENDT Moved to Amend No. 1 in the following manner: On page 1, at the end of line 10, insert the words the American Dream Downpayment Initiative; On page 1, line 16, after the words "HOME Investment Partnerships Act Regulations," insert the words the American Dream Downpayment Initiative.

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

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82784 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2004 Action Plan: One Year Use of Funds for HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Program Regulations; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2004 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations and 24 C.F.R., Part 91.

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

That the FY 2004 Action Plan, a copy of which is attached hereto, is consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY 2004 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2004 in the amount of \$3,579,359 (\$2,131,000 CDBG; \$1,264,000 HOME; and \$79,706 Emergency Shelter Grant, and \$104,653 ADDI) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as

amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, Emergency Shelter Grant Regulations, and the American Dream Downpayment Initiative, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2004 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by subparagraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

REGULAR MEETING

JUNE 7, 2004

PAGE 936

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.

4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, ESG, and ADDI funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2003 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2004 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d *et seq.*), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Emergency Shelter Grant Program portion of the FY 2004 Action Plan that:

1. In the case of assistance involving major rehabilitation or conversion, the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a 10-year period;

2. In the case of assistance involving rehabilitation less than that covered under paragraph (1), the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a three-year period;

3. In the case of assistance involving essential services (including but not limited to employment, health, drug abuse, or education) or maintenance, operation, insurance, utilities and furnishings, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served;

4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;

5. The City will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance available for such individuals;

6. The City will obtain matching amounts required under 24 C.F.R. §576.71 (redesignated to § 576.51);

7. The City will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter;

8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program; and

9. The City is following a current HUD-approved consolidated plan.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2004 Action Plan that:

1. The tenant-based assistance is an essential element of its consolidated plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

3. The before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Ken Svoboda

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

COMPREHENSIVE PLAN AMENDMENT NO. 04001 - AMENDING THE 2025 LINCOLN CITY - LANCASTER COUNTY COMPREHENSIVE PLAN BY ADOPTING THE NORTH 48TH STREET/UNIVERSITY PLACE PLAN; NEIGHBORHOOD REVITALIZATION AND TRANSPORTATION ANALYSIS, 2004, AS AN APPROVED SUBAREA PLAN, ON PROPERTY GENERALLY LOCATED BETWEEN N. 46TH AND N. 56TH STREETS FROM FRANCIS STREET NORTH TO ADAMS STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82785 WHEREAS, the Planning Director on behalf of the Urban Development Department and the Public Works & Utilities Department has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to adopt the "North 48th Street/University Place Plan: Neighborhood Revitalization & Transportation Analysis, 2004" as an approved subarea plan and to amend the Land Use Plan to designate land within the subarea as proposed in the subarea plan, on property generally located between N. 46th Street and N. 56th Street from Francis Street north to Adams Street.

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the "North 48th Street/University Place Plan: Neighborhood Revitalization & Transportation Analysis, 2004", on file in the office of the Director of Public Works & Utilities and incorporated herein by reference, is adopted as an approved subarea plan.

BE IT FURTHER RESOLVED that one printed copy of the "North 48th Street/University Place Plan: Neighborhood Revitalization & Transportation Analysis, 2004", shall be filed in the office of the Planning Director for use and examination by the public.

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

1. Amend the Lincoln-Lancaster County Land Use Plan and the Lincoln Area Detail on pages F23 and F25, respectively, to change the designations of various properties from commercial to urban residential, from commercial to public/semi-public, from urban residential to public/semi-public, and from public/semi-public to green space as shown on the map which is attached hereto as Exhibit "A".

2. Add the "North 48th Street/University Place Plan: Neighborhood Revitalization & Transportation Analysis, 2004" to the list of approved subarea plans on Page F156.

3. Amend the last paragraph under Subarea Planning on page F156, the list of plans to update in the future, to delete the University Place Plan to read as follows:

"As part of the first Annual Review Status Report of this Plan, some of the older studies that are not included as part of this Plan but for which updating consideration might be given include: 1989 Lincoln Area Trails Master Plan (w/1992 Supplement entitled State of the Trails Report); 1992 Mo-Pac East Recreational Trail Master Plan; ~~1987 University Place Neighborhood Plan~~; 1987 Woods Park Neighborhood Plan; 1990 Downtown Housing Plan with 1994 Update; and, 1996 Downtown 2001: Heart of the City Plan."

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

Introduced by Ken Svoboda

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

AMENDING RESOLUTION NO. A-77862, ADOPTED JANUARY 13, 1997, ACCEPTING AND APPROVING ST. ELIZABETH COMMUNITY CENTER USE PERMIT NO. 95 TO CORRECT THE REQUIRED FRONT YARD SETBACKS ALONG NORTH 26TH STREET AND KENSINGTON DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82786 WHEREAS, Resolution No. A-77862 adopted by the City Council on January 13, 1997 accepted and approved St. Elizabeth Community Health Center's application designated as Use Permit No. 95 for authority to develop a 12,500 sq. ft. medical/office complex in three structures on property generally located west of North 26th Street and south of Kensington Drive; and

WHEREAS, the conditions of approval of Use Permit No. 95 reduced the required front yard setback along North 26th Street from 50 feet to 30 feet and reduced the required front yard setback along Kensington Drive from 50 feet to 20 feet; and

WHEREAS, the stated reduction of the required front yards along North 26th Street and Kensington Drive were erroneously reversed in said conditions of approval and the reduction of the required front yard along North 26th Street should have been from 50 feet to 20 feet and the reduction in the required front yard along Kensington Drive should have been from 50 feet to 30 feet; and

WHEREAS, the correct reductions in said required front yards was requested by the applicant and shown on the approved site plan for Use Permit No. 95.

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

That Resolution No. A-77862 be amended by revising Condition No. 4 to read as follows:

4. The required front yard setback along North 26th Street is reduced to 20 feet and the required front yard setback along Kensington Drive is hereby reduced to 30 feet.

Introduced by Ken Svoboda

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

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

A-82787 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 May 17, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Jessie Johnson, on behalf of		Chad D. Hartl \$10,180.68
minor daughter, Hailey Johnson	\$100.00	Josh Fiedler 1,312.06
Clair Munyon	622.97	
John Aguirre	100.00	
Anthony Waadah	NAS*	

* No Amount Specified.

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

Introduced by Ken Svoboda

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

APPROVING A MULTI-YEAR CONTRACT WITH FUNDING FROM MORE THAN ONE FISCAL CIP BUDGET YEAR FOR SIDEWALK REPAIR PROJECT 701801 FOR NEAR SOUTH, 13TH TO 21ST STREETS, SOUTH TO A STREETS, AND DOWNTOWN BUSINESS DISTRICT, 7TH TO 17TH STREETS, M TO R STREETS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82788 WHEREAS, the Sidewalk Repair Project 701801 for the Near South (13th - 21st Streets and South Street to A Street) and for the Downtown Business District (7th - 17th Streets, H to M Streets, 17th - 27th Streets, and M to R Streets) has been approved by the City; and
WHEREAS, the Public Works & Utilities Department believes it is in the public interest to expedite the execution and completion of this Sidewalk Repair Project during this construction season; and
WHEREAS, funding for this work consists of Public Works & Utilities CIP Sidewalk Construction funds over a term including CIP budget funds for FY 2004 and 2005; and
WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor is authorized to execute a multi-year contract for the Sidewalk Repair Project 701801 for Near South (13th - 21st Streets and South Street to A Street) and for the Downtown Business District (7th - 17th Streets, H to M Streets, 17th - 27th Streets, and M to R Streets) to be paid from fiscal years 2004 and 2005.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JUNE 21, 2004 AT 1:30PM FOR A MANAGER APPLICATION OF BENJAMIN R. MORAN FOR O'FOURTEEN, INC DBA WOODY'S PUB & GRILL AT 101 N. 14TH STREET, SUITE 6 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82789 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 21, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Manager Application of Benjamin R. Moran for O'Fourteen Inc. dba Woody's Pub & Grill located at 101 N. 14th Street, Suite 6.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JUNE 21, 2004 AT 1:30 PM FOR A MANAGER APPLICATION OF BRIAN TOWLE FOR GATEWAY BOWL CORP DBA GATEWAY BOWL LOCATED AT 333 N. COTNER BLVD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82790 BE IT RESOLVED by the City of Lincoln, that a hearing date is hereby set for Monday, June 21, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 South 10th Street, Lincoln, NE, for the Manager Application of Brian R. Towle for Gateway Corp dba Gateway Bowl located at 333 N. Cotner Blvd.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JUNE 21, 2004 AT 1:30 PM FOR A CLASS CK LIQUOR LICENSE FOR SHUBH HOTELS CORNHUSKERS LLC DBA MARRIOTT CORNHUSKER LOCATED AT 333 S. 13TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82791 BE IT RESOLVED by the City of Lincoln, that a hearing date is hereby set for Monday, June 21, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 South 10th Street, Lincoln, NE, for the Application of Shubh Hotels Cornhusker LLC dba Marriott Cornhusker for a Class CK Liquor License located at 333 South 13th Street.

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

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 04007 - Requested by Stone Bridge Creek LLC, from AG Agricultural District to R-3 and R-5 Residential Districts, on property located at N. 14th Street and Interstate 80.

Change of Zone No. 04036 - Requested by Irvingdale Neighborhood Association and County Club Neighborhood Association, from R-4 Residential District to R-2 Residential District, on property located at Irvingdale and Country Club Streets.

Change of Zone No. 04037 - Requested by B & J Partnership, Ltd., from AG Agricultural District to R-3 Residential District, on property located at S. 56th Street and Cumberland Drive.

Change of Zone No. 04038 - Requested by Shanna Cole and Mark Hunzeker, from R-4 Residential District to O-3 Office Park District, on property located at S. 27th Street and Pine Lake Road.

Special Permit No. 1886A - Requested by Brian D. Carstens and Associates on behalf of Southeast Nebraska Youth for Christ, Inc, an amendment to add 6,000 square foot gymnasium/slub area, on property located at S. 64th Street and Pine Lake Road.

- Special Permit No. 04027 - Requested by Becky Ryan, for an early childhood care facility, on property located at 3336 N. 10th Street.
- Special Permit No. 04028 - Requested by U.S. Cellular Wireless Communications, for a wireless communication facility, on property located at 1212 NW 48th Street.
- Special Permit No. 04029 - Requested by Design Associates, for the removal of top soil, on property located at S. 88th Street and A Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 24, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENTS OF FUNDS FOR THE WEEK OF MAY 17 THRU MAY 21, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-82792 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Ken Svoboda

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF FEBRUARY, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FROM AQUILA FOR THE MONTH OF APRIL, 2004 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 APRIL 30, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF MARCH, 2004: NETWORK BILLS SYSTEMS LLC; APRIL, 2004: NEXTEL WEST CORP, USA INC, ZONE TELECOM, LDMI TELECOMMUNICATIONS, TRI-M COMMUNICATIONS, GLOBALCOM, LIGHTYEAR NETWORK SOLUTIONS, NOS COMMUNICATIONS, WORLDXCHANGE CORP, ASSOCIATION ADMINISTRATORS, GTC TELECOM, D & D COMMUNICATIONS, AFFINITY NETWORK, VARTEC, SPRINT SPECTRUM, NOSVA LIMITED PARTNERSHIP, ATT WIRELESS, TELECORP COMMUNICATIONS - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JUNE, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF APRIL, 2004: ALLTEL SYSTEMS OF THE MIDWEST INC, ALLTEL COMMUNICATIONS OF NEBRASKA INC, ALLTEL NEBRASKA INC, TELCO DEVELOPMENT GROUP DE INC, EXCEL, GUARANTEED PHONE SERVICE, VOICECOM TELECOMMUNICATIONS, INTELLICALL OPERATOR SERVICES, TRACFONE WIRELESS INC, VERIZON LONG DISTANCE, ONSTAR CORPORATION, NORSTAN NETWORK SERVICES INC, ONE CALL COMMUNICATIONS, PRIMUS TELECOMMUNICATIONS INC, C III COMMUNICATIONS OPERATIONS, USCOC OF GREATER IOWA INC, CINCINNATI BELL ANY DISTANCE INC, ACN COMMUNICATION SERVICES INC, VERIZON SELECT SERVICES, QUEST COMMUNICATIONS CORP, BUYERS UNITED INC, TRANS NATIONAL COMMUNICATIONS INC, VIRGIN MOBILE USA LLC, XO LONG DISTANCE SERVICES INC, GLOBAL CROSSING TELECOMMUNICATIONS INC, WORKING ASSETS FUNDING SERVICE,

MCLEODUSA TELECOMMUNICATIONS, AT&T COMMUNICATIONS OF MIDWEST, CRICKET COMMUNICATIONS INC, CELLULAR ONE, SPRINT COMMUNICATIONS COMPANY LIMITED PARTNERSHIP, NEXTEL PARTNERS, MCI TELECOMMUNICATIONS CORPORATION, NETWORK BILLING SYSTEMS LLC, NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS INC - CLERK presented said report which was placed on file in the Office of the City Clerk.

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, JUNE 28, 2004, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 04-117 To provide authority to create and construct a sanitary sewer main district in South Folsom from West South Street south approximately 1,250 feet +/- and assess the cost thereof against the benefitted properties.
- 04-118 To provide authority to create an ornamental street lighting district along West Charleston from 1st Street west approximately 1,100 feet +/- and assess the cost thereof against the benefitted properties. (Requires a Motion)

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 6/7/04)

VACATING THE EAST-WEST ALLEY BETWEEN SOUTH STREET AND SAYLOR STREET, WEST OF 55TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between South Sewer Street and Saylor Street, west of 55th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CHANGING THE PAY RANGE FOR COMMUNITY HEALTH SERVICES MANAGER - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 1 of Ordinance No. 18223 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by amending the pay range of Community Health Services Manager from (M05) to (M04), the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER A BY CHANGING THE JOB CLASSIFICATION OF WATER SERVICE WORKER III TO WATER SERVICE SUPERVISOR AND TO AMEND THE PAY RANGE OF WATER METER SHOP SUPERVISOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 1 and 3 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" and "C", respectively, by amending the job classification of "Water Service Worker III" to "Water Service Supervisor" and amending its pay range from (A08) to (A10); and by moving the job classification "Water Meter Shop Supervisor" from the LCEA "C" Range to the LCEA "A" Range, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER E BY CREATING THE JOB CLASSIFICATION OF OMBUDSMAN - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 1 of Ordinance No. 18221 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E" by creating the job classification of Ombudsman, the first time.

CHANGE OF ZONE 04028 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT TO CREATE A SPECIAL SIGN OVERLAY DISTRICT WITHIN THE B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN O AND P STREETS AND NORTH 11TH AND NORTH 12TH STREETS - CLERK read an ordinance, introduced by Ken Svoboda, designating the Grand Theatre Special Sign District as an overlay special sign district within the B-4 Lincoln Center Business District on property generally located between O and P Streets and North 11th and North 12th Streets, excluding the west 50 feet and the east 50 feet on O Street, in accordance with the provisions of § 27.69.300 of the Lincoln Municipal Code and adopting special criteria for signs in said district, the first time.

REGULAR MEETING

JUNE 7, 2004

PAGE 944

CHANGE OF ZONE 04029 - APPLICATION OF SANITARY AND IMPROVEMENT DISTRICT NO. 6 FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-3 HIGHWAY COMMERCIAL AND FROM R-1 RESIDENTIAL AND H-3 HIGHWAY COMMERCIAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N.W. 84TH STREET/S.W. 84TH STREET AND WEST O STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 04033 - APPLICATION OF ST. ELIZABETH COMMUNITY HEALTH CENTER FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF KENSINGTON DRIVE AND WEST OF N. 26TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 94B - APPLICATION OF ST. ELIZABETH COMMUNITY HEALTH CENTER TO INCREASE THE BOUNDARY OF THE EXISTING USE PERMIT TO ALLOW A TOTAL OF 47,000 SQ. FT. OF FLOOR AREA AND A REDUCTION IN THE FRONT YARD SETBACK ALONG N. 26TH STREET FROM 50 FEET TO 20 FEET, ON PROPERTY GENERALLY LOCATED SOUTH OF KENSINGTON DRIVE AND WEST OF N. 26TH STREET.

ANNEXATION NO. 04006 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.979 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND NORVAL ROAD - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 04010 - APPLICATION OF RON TONNIGES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-1 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND NORVAL ROAD - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING THE BRANDT HEIGHTS 1ST CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND RONALD A. TONNIGES AND MARVA R. TONNIGES OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 3.979 ACRES OF PROPERTY GENERALLY LOCATED NORTH AND SOUTH OF NORVAL ROAD AND EAST OF 84TH STREET.

VACATING THE NORTH 9'4" OF THE Q STREET RIGHT-OF-WAY ADJACENT TO A PART OF THE HAYMARKET PARKING GARAGE GENERALLY LOCATED AT 9TH AND Q STREETS AS PART OF A CONTRACTUAL AGREEMENT BETWEEN B&J PARTNERSHIP AND THE CITY - CLERK read an ordinance, introduced by Ken Svoboda, vacating the north 9'4" of Q Street right-of-way adjacent to a part of the Haymarket Parking Garage, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROVISIONS RESTRICTING RETAIL LIQUOR SALES ON SUNDAY TO ALLOW BOTH ON AND OFF SALE BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 NOON ON JULY 4, 2004 ONLY - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 5.04.130 of the Lincoln Municipal Code to amend the provisions restricting retail liquor sales on Sunday to allow retail sales of all liquors both on and off sale between the hours of 6:00 a.m. and 12:00 noon on July 4, 2004; and repealing Section 5.04.130 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

ANNEXATION 02012 WILDERNESS HILLS - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 91.98 ACRES GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay to Bill No. 04-95 for one week to 6/14/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CHANGE OF ZONE 3423 - APPLICATION OF GERALD MADDOX FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, R-5 RESIDENTIAL DISTRICT, O-3 OFFICE PARK DISTRICT, AND B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay to Bill No. 04-96 for one week to 6/14/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING THE WILDERNESS HILLS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN FEDERAL BANCORP, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay to Bill No. 04R-107 for one week to 6/14/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1999 - APPLICATION OF GERALD MADDOX TO DEVELOP WILDERNESS HILL COMMUNITY UNIT PLAN CONSISTING OF 640 SINGLE FAMILY, TOWNHOUSE, AND MULTI-FAMILY DWELLING UNITS, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, LANDSCAPING IN TRAFFIC CIRCLES AND MEDIANS, FRONT YARD SETBACKS, REAR YARD SETBACKS, MINIMUM LOT AREA AND WIDTH, BUILDING HEIGHT, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay to Bill No. 04R-108 for one week to 6/14/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

USE PERMIT 154 - APPLICATION OF GERALD MADDOX TO DEVELOP 495,000 SQ. FT. OF OFFICE AND COMMERCIAL FLOOR AREA, WITH WAIVERS TO THE PRELIMINARY PLAT PROCESS, LANDSCAPING IN TRAFFIC CIRCLES AND MEDIANS, FRONT YARD SETBACKS, REAR YARD SETBACKS, MINIMUM LOT AREA AND WIDTH, BUILDING HEIGHT, AND SANITARY SEWER DESIGN STANDARDS, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 27TH AND YANKEE HILL ROAD - PRIOR to reading:

COOK Moved to delay to Bill No. 04R-109 for one week to 6/14/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CREATING GRADING DISTRICT NO. 152 IN THE NORTH/SOUTH ALLEY N. 58TH STREET TO TOUZALIN AVE., GLADSTONE TO JUDSON STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, an ordinance creating Grading District No. 152, defining the limits thereof, establishing the width of the roadway to be graded, providing for the grading of the sidewalk space and the relaying of sidewalks providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Camp & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.

The ordinance, having **LOST**, was assigned the File #38-4476 & was placed on file in the Office of the City Clerk.

REGULAR MEETING

JUNE 7, 2004

PAGE 946

CREATING GRAVELING DISTRICT NO. 341 IN THE NORTH/SOUTH ALLEY N. 58TH STREET TO TOUZALIN AVE., GLADSTONE TO JUDSON STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, creating Graveling District No. 341, defining the limits thereof, establishing the width of the roadway to be improved with gravel, crushed rock or other similar material, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File #38-4477 & was placed on file in the Office of the City Clerk.

CREATING WATER DISTRICT NO. 1193 IN OAKS HOLLOW LANE, STEVENS RIDGE ESTATES AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, creating Water District No. 1193, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18373, is recorded in Ordinance Book #25.

CREATING PAVING DISTRICT NO. 2628 IN NORTH 36TH STREET, VINE TO W STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Annette McRoy, creating Paving District No. 2628, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18374, is recorded in Ordinance Book #25.

RENAMING UPTON GRAY LANE TO UPTON GREY LANE GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD TO CORRECT THE SPELLING OF SAID STREET - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Upton Gray Lane to Upton Grey Lane located east of South 56th Street and south of Pine Lake Road, to correct the spelling of said street, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18375, is recorded in Ordinance Book #25.

ORDERING ALLEY PAVING DISTRICT NO. 362A CONSTRUCTED IN THE EAST/WEST ALLEY, 48TH TO 49TH STREETS, LOWELL TO MEREDETH STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82793 WHEREAS a majority petition has been submitted by the owners of record title, representing a majority of the front footage of the property directly abutting upon the alley in Alley Paving District No. 362A, being the East/West Alley, 48th to 49th Street, Lowell to Meredith Street, and have been filed with the City Clerk, petitioning for the construction of said alley paving.

THEREFORE BE IT RESOLVED that the Department of Public Works is hereby authorized and directed to proceed with the preparation of detailed plans and specifications and to obtain bids for the said alley paving work in accordance with this resolution.

BE IT STILL FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Patte Newman

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

MISCELLANEOUS BUSINESS

PENDING -

- COOK Moved to have Public Hearing and Action on Bill No. 04-92 on 6/21/04.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Werner; NAYS: Svoboda.
- CAMP Moved to extend the Pending List to June 14, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

- CAMP Moved to approve the resolutions to have Public Hearing on June 14, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:15 P.M.

- CAMP Moved to adjourn the City Council meeting of June 7, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

REGULAR MEETING
JUNE 7, 2004
PAGE 948