

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 24, 2003 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Cook; Council Members: Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk; Absent: Camp.

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

READING OF THE MINUTES

SENG Having been appointed to read the minutes of the City Council proceedings of February 10, 2003, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF CHRISTOPHER S. KOVACH FOR GARDEN ENTERPRISES II, L.L.C. DBA "GARDEN CAFÉ & BAKERY" AT 5100 N. 27TH STREET;
MANAGER APPLICATION OF CHRISTOPHER S. KOVACH FOR GARDEN ENTERPRISES II, L.L.C. DBA "GARDEN CAFÉ & BAKERY" AT 6891 A STREET - Christopher S. Kovach, 5764 N. 27th Street, came forward and took the oath.

This matter was taken under advisement.

APPLICATION OF WAL-MART STORES, INC. DBA "WAL-MART SUPERCENTER #3278" FOR A CLASS "D" LIQUOR LICENSE AT 8700 ANDERMATT DRIVE;
MANAGER APPLICATION OF KAYLEEN R. HELLER FOR WAL-MART STORES, INC. DBA "WAL-MART SUPERCENTER #3278" AT 8700 ANDERMATT DRIVE - Kayleen R. Heller, 1249 So. 44th Street, came forward and took the oath.

Bob Van Valkenburg, 7921 Reno Road, came forward in opposition to this alcohol license being issued to Wal-Mart.

This matter was taken under advisement.

APPLICATION OF CHAD AND KIRA GOERTZEN DBA "ZEN'S" FOR A CLASS "C" LIQUOR LICENSE AT 122 N. 11TH STREET - Chad & Kira Goertzen, 1235 Otoe Street, came forward, took the oath and answered questions posed by Council.

This matter was taken under advisement.

CREATING PAVING DISTRICT NO. 2625 IN NORTH 57TH STREET BETWEEN FREMONT STREET AND HARTLEY STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Steve Markwardt, 5643, came forward in favor of this paving district.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to offer an amendment that would qualify this project to use CDBG funds.

Councilman Werner asked if this was unusual for the petitioner to not actually live in the district.

Councilwoman Seng noted for the record that a letter had been received in the Council office regarding this matter.

Councilwoman McRoy asked if there had been a petition circulated. Ms. Fleck-Tooze replied that it would be done after the paperwork for the District is completed. Ms. Fleck-Tooze said that petitioners can live outside the district.

This matter was taken under advisement.

CREATING WATER DISTRICT NO. 1190 IN N.W. 6TH STREET FROM WEST DAWES TO WEST SAUNDERS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Robert McCormick, 2423 NW 6th Street, came forward in favor of this water district.

This matter was taken under advisement.

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE CUTTING HEIGHT FOR VEGETATION FROM SIX INCHES TO TWELVE INCHES - Barb Frazier, came forward to read a statement from the Chief Inspector of Weed Control.

Craig Groat, 4935 Huntington St., came forward in opposition to this matter.

Danny Walker, 437 E St., came forward in opposition to this

matter.

Glenn Cekal, 1420 C St., came forward in opposition.

Bob Van Valkenburg, 7921 Reno Rd., came forward in opposition.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND WORKNET/CAREER DESIGN, INC. FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Director of Urban Development, came forward to explain the sublease agreement with WORKNET.

Dr. Jerry Dyksterhuis, Director of WORKNET, came forward to explain that this program is federally funded and gave statistics of how many people are served on an annual basis.

Danny Walker, 437 E St., came forward to ask if this program will affect the Goodwill Industry training. Dr. Dyksterhuis replied it would not.

This matter was taken under advisement.

CHANGE OF ZONE 3381 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, R-4 RESIDENTIAL, P PUBLIC USE, H-4 GENERAL COMMERCIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF S. 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03R-38, 03R-39, 03R-40, 03R-41);

SPECIAL PERMIT 1988 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM, AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO DEVELOP TAMARIN RIDGE COMMUNITY UNIT PLAN CONSISTING OF 441 DWELLING UNITS, WITH WAIVERS OF THE REQUIRED MAXIMUM HEIGHT, TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS, AND LANDSCAPE PLANS TO THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-39, 03R-40, 03R-41);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF TAMARIN RIDGE CONSISTING OF APPROXIMATELY 78 LOTS AND 2 OUTLOTS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-40, 03R-41);

SPECIAL PERMIT 1989 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO ALLOW APPROXIMATELY 115,000 SQ. FT. OF OFFICE/COMMERCIAL SPACE, INCLUDING AN AUTOMOBILE DEALERSHIP, WITH WAIVERS TO THE FRONT, SIDE AND REAR YARD SETBACKS AND TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS AND REQUIRED LANDSCAPE PLANS UNTIL THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-39, 03R-41);

USE PERMIT 147 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO DEVELOP 26,500 SQ. FT. OF OFFICE SPACE, INCLUDING A DRIVE-THRU BANK FACILITY, AND TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS AND REQUIRED LANDSCAPE PLANS UNTIL THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-39, 03R-40) - Jerry Slusky, 800 Omaha Tower Bldg., 72nd & Mercy Road, Omaha, came forward to explain the development area.

Bob Van Valkenburg, 7921 Reno Rd., came forward in a neutral position.

Tom Huston, 233 S. 13th St., Suite 1900, representing Lincoln Housing Authority, came forward stating the connection road on South 22nd has been a private entrance into Woodbridge Development and his client doesn't feel it is necessary to be constructed, due to the fact that it is a private street.

Danny Walker, 437 E St., came forward in opposition.

Cekal, 1420 C St., came forward in opposition.

Councilman Werner asked about the potential of a connection to the proposed school.

Brian Carstens, 601 Old Cheney Rd., Suite C, came forward to answer questions regarding detention cells and said all the requirements have been met. He noted the access to the school is by pedestrian walkway.

Council Chair Cook asked if this required a waiver.

Ray Hill, Planning Dept., came forward to answer questions regarding measurement of block length. Because of the difference there needs to be a waiver requested. This would have to go back through the

Planning Commission and get a recommendation and come back before Council at a later date.

Mr. Slusky returned for rebuttal and stated they have no objection to not making South 22nd a connecting road, and preferred not to wait on a waiver at this point in time.

This matter was taken under advisement.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO AUTHORIZE THE LINCOLN ELECTRIC SYSTEM TO PROVIDE TELECOMMUNICATIONS SERVICES - Terry Bundy, CEO of Lincoln Electric System and stated the LES already uses a fiber based communication system around the city and would like to begin offering telecommunication services to the community as well to enhance economic development.

Bill Austin, 301 South 13th Street, Suite 400, Attorney representing Lincoln Electric System, came forward to explain the City of Lincoln is a Limitations of Power Charter City. LES applied to the Nebraska Public Service Commission to become a contract carrier service and it was found that LES still had to show under Dillon's Rule that there was an express grant of power. That was appealed to the Nebraska Supreme Court and in the interim the Legislature passed LB827. This legislation had a provision that stated "no agency or political subdivision shall provide telecommunication services for a fee" and specifically prohibited under 86-128 the Public Service Commission from issuing a certificate to operate. Two things that were posed to the Nebraska Supreme Court was that the statute was unconstitutional because it was pre-empted by the Telecommunications Act of 1996 and specifically 47 USC 253A which says that no state or local statute or regulation of other state or local legal requirement may prohibit or have the effect of prohibiting the ability of any entity to provide interstate or intrastate telecommunication services. The definitive statement from the Nebraska Supreme Court says that LES can engage in the activity of telecommunications but needs the express delegation of authority from the City Council and thus we are seeking that through this ordinance.

Discussion ensued among Council members.

Craig Groat, 4935 Huntington St., came forward in favor.

Glenn Cekal, 1420 C St., came forward in favor.

Danny Walker, 437 E St., came forward in favor.

Bob Van Valkenburg, 7921 Reno Rd., came forward in favor.

Bradley K. Walker, 1800 High Street, came forward in favor.

Gina Smalley, 5107 Deerwood Circle, came forward in favor.

Jack Schultz, Nebraska Telephone Association, came forward in opposition.

Leo Perreault, Market Area President of Alltel, came forward in opposition.

Beth Scarborough, President of Time Warner Cable, came forward in opposition.

Alan Hersch, Aquila, came forward in opposition.

Charlie Claus, LIBA, came forward in opposition.

Jim Fram, President of Lincoln Chamber of Commerce, came forward in opposition.

8:00 P.M. BREAK

8:16 P.M. RECONVENED

Mr. Bundy returned for rebuttal and explained that LES is not funded by tax dollars, but by revenue. A gross revenue tax is paid to the City and County. He stated that LES does not intend to be in the cable television business, because that would take a franchise agreement. He also stated that LB827 does allow LES to lease the dark fibers, but to date, no one has been asking for that service.

Mr. Austin returned for rebuttal asking that the City needs to make use of LES' assets.

Discussion among council members ensued.

This matter was taken under advisement.

AMENDING SECTION 5.04.066(C) OF THE LINCOLN MUNICIPAL CODE TO ALLOW SPECIAL DESIGNATED LICENSES (SDLS) FOR GOLF-RELATED EVENTS AT THE FOUR 18-HOLE CITY GOLF COURSES AND AUTHORIZING THE CITY CLERK TO APPROVE SUCH SPECIAL DESIGNATED LICENSES - Lynn Johnson, Director of Parks & Recreation, came forward to explain the reasons for the request of Special Designated

Liquor licenses.

Corey Fletcher, 5110 Knox, Golf Pro at Mahoney Golf Course, came forward in favor.

Councilman Svoboda stated we have some of the best golf courses in Lincoln compared to those around the nation.

Councilwoman McRoy asked how the SDLs were allocated. Mr. Fletcher responded that he pre-sells the SDLs for tournaments where possible.

Councilman Werner asked if the city would profit as well from the alcohol sales if allowed to sell out on the course. Mr. Fletcher reported that his name is on the liquor license, so he would benefit from the sale of alcohol. He was sure that the increase in amount of league fees would benefit the city.

John Craw, 3600 Holmes Park Rd., Holmes Park Golf Course, came forward in favor.

Council Chair Cook asked if the rates charged at the municipal courses are competitive with the private courses. Mr. Craw stated they were very competitive.

Councilman Werner asked about other than the Jr. Golf Course where could we have a non-alcoholic environment for families.

Councilwoman Seng asked about the age limit at the Junior Golf Courses.

Bob Van Valkenburg, 7921 Reno Rd., came forward in favor.

Tim Rowland, 3403 W. Van Dorn, Golf Pro at Pioneers Golf Course, came forward in favor.

Denis Vontz, 7514 Brummond, Golf Pro at Highlands Golf Course, came forward in favor.

Councilman Svoboda reported on the taxes that are paid by the private golf courses.

Bruce Jacoby, 6020 NW 4th Street, President of Lincoln Municipal Golfers Association, came forward in favor.

Jeff Crandon, 4006 S. 33rd Street, came forward in favor.

Danny Walker, 437 E St., came forward in opposition.

Glenn Cekal, 1420 C St., came forward in favor.

Craig Groat, 4935 Huntington St., came forward in opposition.

Bob Valentine, 2660 Park Ave., came forward in opposition.

Council Chair Cook reminded the audience that this ordinance is about the special designated liquor licenses issued to the municipal golf courses, not about serving liquor out on the courses for 365 days a year.

Lynn Johnson, Director of Parks & Recreation, returned for rebuttal on the issue. He answered questions posed by Council Chair Cook regarding the Enterprise Fund. Mr. Johnson reported that the City has seen, over the last twelve years, a 74% increase in the number of holes of golf in Lincoln. With that a decrease in the number of rounds that are played at the public courses. The number of tournament and special events on city courses have declined by two-thirds in that amount of time. The support for the public courses comes from the greens fees and the cart revenue. Councilman Cook asked if there had been police calls or concerns related to alcohol sales. Mr. Johnson reported that Police Chief Casady did not have concerns with this and that there had not been reports of abuse.

Councilman Werner asked about the liability issues on the city golf courses.

Dana Roper, City Attorney, came forward to report that there are a number of cases where the courses have been held responsible.

This matter was taken under advisement.

APPROVING AN ADJUSTMENT OF REQUIRED PARKING ASSOCIATED WITH A CHANGE OF USE FROM A RESTAURANT TO AN OFFICE BUILDING ON PROPERTY GENERALLY LOCATED AT 2130 S. 17TH STREET - Darren Horst, 827 West Burnham, came forward to explain the adjustment needed for the required parking.

Danny Walker, 437 E St., came forward in opposition.

Glenn Cekal, 1420 C St., came forward in opposition.

Mr. Horst returned for rebuttal and answered questions.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-22, 03R-25, 03R-26, 03R-27);

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND

O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03R-25, 03R-26, 03R-27);

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (IN connection w/03-21, 03-22, 03R-26, 03R-27);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27);

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-25, 03R-26) - Bob Hampton, President of Hampton Development Services, 3600 Village Drive, came forward and stated he has been working on this project for four years.

Mark Hunzeker, 530 S. 13th St., Suite B, Attorney representing Pine Lake Plaza Combine, a group of three property owners consisting of Seventh Day Adventist Church, Stan and Grace Portsche, and Hampton Development Services. Agreements have been reached on several of the items, however the issue of access for Stan and Grace Portsche remains and we are offering an amendment to such. The traffic signal at 84th & Eiger Drive is another potential problem and we feel it is too much to pay for half of that cost. He submitted another amendment regarding the cost of the traffic signal. Mr. Hunzeker has recommended to his clients to not sign the annexation agreement. He offered an additional amendment to the annexation agreement.

Councilman Friendt asked if this project had a written agreement Mr. Hunzeker advised that because of the date of June 1, 2002, it had not been.

Councilwoman Seng asked if there had been negotiations on this project and if there were objections to impact fees being written into the contract. Mr. Hunzeker said there had been negotiations and that they are willing to make the improvements that have been agreed to, but that they are not responsible to pay for impact fees.

Councilman Werner asked about the Eiger Drive and access to 84th Street. He stressed the importance of the sidewalks to the area. Mr. Werner also asked about how much impact fees this property would be paying. Mr. Hunzeker stated they had agreed to sidewalks and that approximately \$300,000 in impact fees would be assessed, but if building was done in the fifth year it would probably come to approximately \$400,000 in impact fees.

Councilman Friendt asked if it was a matter of the impact fees, just saying that you pay them, and if declared illegal, you still have to pay them.

Council Chair Cook asked if this could be negotiated. Mr. Hunzeker said that to the extent that a rational nexus is proven between this project and the amount of those fees and the object of the improvements for which they are paid.

Council Chair Cook stated that it was common place previously that agreements would have an amount for offsite improvements that were agreed upon and in this case there is no such collection other than for a small number of improvements which are not improvements that would have been paid by impact fees. Mr. Hunzeker explained that they are improvements which would have been the subject of those prior negotiated agreements and that was what we were working with until February 3rd.

Bob Hampton stated he was paying a lot of money to bring the sanitary sewer up to serve Pine Lake area.

Charlie Humble, 301 S. 13th Street, Suite 400, Attorney for Mid America Conference of Seventh Day Adventists, came forward in favor of this project. He read a statement into the record from the residents of Pine Lake.

Craig Groat, 4935 Huntington Street, came forward and suggested land appraisals be made before and after development.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to review the four amendments that have been presented.

Councilman Cook asked if there was a cost amount for the traffic signal.

Dennis Bartels, Public Works & Utilities, came forward to answer the question regarding the cost of the signal being approximately \$115,000 to \$120,000. He stated that the cost to the developer would be about \$57,000.

Councilwoman Seng asked if those who are not covered by impact fees have been negotiated. Ms. Fleck-Tooze stated that they were except for the cost of the signal.

Councilman Svoboda asked about the Brinkman property and the access at Eiger Drive. Ms. Fleck-Tooze advised it was in the new amendment which has been agreed upon by both parties.

Council Chair Cook asked about the traffic study done by Hampton Development. Mr. Bartels explained that the City was in agreement with that due to the fact that the major intersection of 84th street was being handled by the City. Mr. Bartels stated they dropped some of the negotiations on some items because at that time impact fees were going to be implemented and it was assumed this would take care of part of the offsite improvements.

Rick Peo, Assistant City Attorney, came forward and stated you have to go back in history to come up with how we negotiate the cost of the growth of the city. Once we adopted a methodology and came up with a figure of what growth costs are then the idea of negotiating on annexation agreements changes. We have to realize that people are asking to be brought into the city limits, they are asking to avail themselves of city facilities and we have determined that there is a cost to the city to provide those services and the city ought to be compensated for that.

Discussion ensued among Council members and Mr. Peo regarding the legalities of the impact fee ordinance and how it affected this project.

Mr. Hunzeker returned for rebuttal. He feels this is the worst exercise of power that the City has demonstrated in 25 years. He is recommending that his clients not sign the agreement.

This matter was taken under advisement.

11:22 P.M. BREAK

11:29 P.M. RECONVENED

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Street, came forward to discuss the Charter of the City Council requiring that weekly meetings be held.

Dana Roper, City Attorney, advised Mr. Groat that during the last session of the State Legislature, action was taken that allowed a city the size of Lincoln, to not have a meeting in which the week had a holiday.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF CHRISTOPHER S. KOVACH FOR GARDEN ENTERPRISES II, L.L.C. DBA "GARDEN CAFÉ & BAKERY" AT 5100 N. 27TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81936 WHEREAS, Garden Enterprises II, L.L.C. dba "Garden Café & Bakery"

located at 5100 N. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Christopher S. Kovach be named manager;

WHEREAS, Christopher S. Kovach 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 Christopher S. Kovach 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 Seng & carried by the following vote: AYES: Cook, Friendt, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp, McRoy.

MANAGER APPLICATION OF CHRISTOPHER S. KOVACH FOR GARDEN ENTERPRISES II, L.L.C. DBA "GARDEN CAFÉ & BAKERY" AT 6891 A STREET - CLERK read the following resolution introduced by Ken Svoboda, who moved its adoption for approval:

A-81937 WHEREAS, Garden Enterprises II, L.L.C. dba "Garden Café & Bakery" located at 6891 A Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Christopher S. Kovach be named manager;

WHEREAS, Christopher S. Kovach 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 Christopher S. Kovach 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 Seng & carried by the following vote: AYES: Cook, Friendt, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp, McRoy.

APPLICATION OF WAL-MART STORES, INC. DBA "WAL-MART SUPERCENTER #3278" FOR A CLASS "D" LIQUOR LICENSE AT 8700 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81938 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 Wal-Mart Stores, Inc. dba "Wal-Mart Supercenter #3278" for a Class "D" liquor license at 8700 Andermatt Drive, Lincoln, Nebraska, for the license period ending April 30, 2003, 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 Seng & carried by the following vote: AYES: Cook, Friendt, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp, McRoy.

MANAGER APPLICATION OF KAYLEEN R. HELLER FOR WAL-MART STORES, INC. DBA "WAL-MART SUPERCENTER #3278" AT 8700 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81939 WHEREAS, Wal-Mart Stores, Inc. dba "Wal-Mart Supercenter #3278" located at 8700 Andermatt Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Kayleen R. Heller be named manager;

WHEREAS, Kayleen R. Heller 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 Kayleen R. Heller 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 Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPLICATION OF CHAD AND KIRA GOERTZEN DBA "ZEN'S" FOR A CLASS "C" LIQUOR LICENSE AT 122 N. 11TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81940 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 Chad and Kira Goertzen dba "Zen's" for a Class "C" liquor license at 122 N. 11th Street, Lincoln, Nebraska, for the license period ending October 31, 2003, 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 Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ORDINANCES - 2ND READING

CREATING PAVING DISTRICT NO. 2625 IN NORTH 57TH STREET BETWEEN FREMONT STREET AND HARTLEY STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read the following ordinance, introduced by Terry Werner, creating Paving District No. 2625 in North 57th Street between Fremont Street and Hartley Street and assessing the costs thereof against the benefitted properties, the second time.

CREATING WATER DISTRICT NO. 1190 IN N.W. 6TH STREET FROM WEST DAWES TO WEST SAUNDERS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read the following ordinance, introduced by Terry Werner, creating Water District No. 1190 in N.W. 6th Street from West Dawes to West Saunders and assessing the costs thereof against the benefitted properties, the second time.

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE CUTTING HEIGHT FOR VEGETATION FROM SIX INCHES TO TWELVE INCHES - CLERK read the following ordinance, introduced by Terry Werner, amending Chapter 8.46 of the Lincoln Municipal Code to change the cutting height for vegetation from six inches to twelve inches, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND WORKNET/CAREER DESIGN, INC. FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - PRIOR to reading:

SENG Moved to have 2nd & 3rd Reading on this date.

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

CLERK Read the following ordinance, introduced by Terry Werner, approving a sublease agreement between the City and WORKNET/Career Design, Inc. for a sublease of space at the One Stop Center, 1010 N Street, to provide job training and employment services under the Workforce Investment Act, the second time.

CHANGE OF ZONE 3381 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM

AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, R-4 RESIDENTIAL, P PUBLIC USE, H-4 GENERAL COMMERCIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF S. 27TH STREET AND PORTER RIDGE ROAD. (IN CONNECTION W/03R-38, 03R-39, 03R-40, 03R-41) - CLERK read the following ordinance, introduced by Terry Werner, for a Change of Zone 3381 - application of Susan and Donald Brouse, Thomas Folsom and National Bank of Commerce Trust and Savings Association for a Change of Zone from AG Agricultural to R-3 Residential, R-4 Residential, P Public Use, H-4 General Commercial and O-3 Office Park on property generally located southwest of the intersection of S. 27th Street and Porter Ridge Road, the second time.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO AUTHORIZE THE LINCOLN ELECTRIC SYSTEM TO PROVIDE TELECOMMUNICATIONS SERVICES - PRIOR to reading:

SVOBODA Moved to continue P.H. w/action on Bill No. 03-32 in one week to 3/3/03.

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

CLERK Read an ordinance, introduced by Terry Werner, amending Section 4.24.070 of the Lincoln Municipal Code relating to the powers and duties of the Lincoln Electric System Administrative Board to authorize the Lincoln Electric System to provide telecommunications services, the second time.

AMENDING SECTION 5.04.066(C) OF THE LINCOLN MUNICIPAL CODE TO ALLOW SPECIAL DESIGNATED LICENSES (SDLS) FOR GOLF-RELATED EVENTS AT THE FOUR 18-HOLE CITY GOLF COURSES AND AUTHORIZING THE CITY CLERK TO APPROVE SUCH SPECIAL DESIGNATED LICENSES - CLERK read the following ordinance, introduced by Terry Werner, amending Section 5.04.066(C) of the Lincoln Municipal Code to allow special designated licenses (SDLS) for golf-related events at the four 18-hole city golf courses and authorizing the City Clerk to approve such special designated licenses, the second time.

RESOLUTIONS

REAPPOINTING GORDON SCHOLZ AND JOANNE KISSEL TO THE URBAN DESIGN COMMITTEE FOR THREE-YEAR TERMS EXPIRING FEBRUARY 1, 2006 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81941 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Gordon Scholz and Joanne Kissel to the Urban Design Committee for three-year terms expiring February 1, 2006 is hereby approved.

Introduced by Glenn Friendt

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 16 - 31, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81942 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 February 3, 2003, 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</u>
Tammy Viets	\$ 715.98	Harold K. Cosier	\$ 750.00
State Farm Insurance		C.A. Cooper	700.00

(Julie Solberg, Insured)	1,293.81	L. Harlan Weingart	94.90
Theabold James	5,410.37	Amin Isa	989.69
Chris & Manfred Peterson	172.00	Benard Thomas	1,292.66
Lark Potmesil	94.90	Jana Spilker	550.68
		Timothy Cyriacks	663.70

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 Glenn Friendt

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

AMENDING FAIRWAY PARK PRELIMINARY PLAT, APPROVED BY RESOLUTION NO. A-81669 ON AUGUST 26, 2002, TO DELETE THE CONDITION REFERRING TO SPECIAL PERMIT 74 AND 74A WHICH DOES NOT ALLOW A MOBILE HOME COURT TO ALLOW THE FINAL PLAT OF FAIRWAY PARK AND TO CONTINUE TO OPERATE THE EXISTING MOBILE HOME COURT - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption;

A-81943 WHEREAS, Resolution No. A-81669, adopted by the City Council on August 26, 2002, accepted and approved Jarock, Inc.'s preliminary plat of Fairway Park subject to the terms and conditions set forth in Exhibit A attached to and made a part of said resolution; and

WHEREAS, Condition 3.2 of Exhibit A provided that no final plat shall be scheduled on the Planning Commission agenda until after the appropriate portions of Special Permit Nos. 74 and 74A are rescinded according to the Phasing Plan; and

WHEREAS, Jarock, Inc. desires to final plat Fairway Park and continue to operate the existing mobile home court on said property pursuant to Special Permit Nos. 74 and 74A; and

WHEREAS, the City is willing to allow final plats of Fairway Park to be scheduled on the Planning Commission agenda without such portions of Special Permit Nos. 74 and 74A first being rescinded, provided that Jarock, Inc. enters into an agreement that binds Jarock, Inc., its successors and assigns from converting the use of any lot within any final plat of Fairway Park until such time as the appropriate portions of Special Permit Nos. 74 and 74A are rescinded.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Exhibit A attached to Resolution No. A-81669 be and the same is hereby amended as follows:

1. Condition 3.2 is hereby deleted.
2. Condition 3.3 is hereby amended by adding new sections 3.3.9 and 3.3.10 to read as follows:
 - 3.3.9 To not convert the use of any lot which is final platted from its existing use under Special Permit Nos. 74 and 74A until such time as said lot and other appropriate portions of Special Permit Nos. 74 and 74A are rescinded.

- 3.3.10 To not sell any final platted lot unless such sale is subject to the buyer agreeing to maintain the existing use of the lot under Special Permit Nos. 74 and 74A until such time as said lot and other appropriate portions of Special Permit Nos. 74 and 74A are rescinded.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 1988 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM, AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO DEVELOP TAMARIN RIDGE COMMUNITY UNIT PLAN CONSISTING OF 441 DWELLING UNITS, WITH WAIVERS OF THE REQUIRED MAXIMUM HEIGHT, TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS, AND LANDSCAPE PLANS TO THE TIME OF BUILDING PERMITS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-39, 03R-40, 03R-41) - PRIOR to reading:

SVOBODA Moved to delay action on Bill 03R-38 for one week to 3/3/03.
Seconded by Seng & carried by the following vote: AYES: Cook,
Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF TAMARIN RIDGE CONSISTING OF
APPROXIMATELY 78 LOTS AND 2 OUTLOTS, ON PROPERTY GENERALLY LOCATED
SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND PORTER RIDGE
ROAD. (In connection w/03-31, 03R-38, 03R-40, 03R-41) - PRIOR to reading:

SVOBODA Moved to delay action on Bill 03R-39 for one week to 3/3/03.
Seconded by Seng & carried by the following vote: AYES: Cook,
Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 1989 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM
AND NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO ALLOW
APPROXIMATELY 115,000 SQ. FT. OF OFFICE/COMMERCIAL SPACE, INCLUDING AN
AUTOMOBILE DEALERSHIP, WITH WAIVERS TO THE FRONT, SIDE AND REAR YARD
SETBACKS AND TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS
AND REQUIRED LANDSCAPE PLANS UNTIL THE TIME OF BUILDING PERMITS, ON
PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH
STREET AND PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-39,
03R-41) - PRIOR to reading:

SVOBODA Moved to delay action on Bill 03R-40 for one week to 3/3/03.
Seconded by Seng & carried by the following vote: AYES: Cook,
Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

USE PERMIT 147 - APPLICATION OF SUSAN AND DONALD BROUSE, THOMAS FOLSOM AND
NATIONAL BANK OF COMMERCE TRUST AND SAVINGS ASSOCIATION TO DEVELOP
26,500 SQ. FT. OF OFFICE SPACE, INCLUDING A DRIVE-THRU BANK FACILITY,
AND TO DEFER REVIEW AND APPROVAL OF SITE PLANS, GROUND SIGNS AND
REQUIRED LANDSCAPE PLANS UNTIL THE TIME OF BUILDING PERMITS, ON PROPERTY
GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND
PORTER RIDGE ROAD. (In connection w/03-31, 03R-38, 03R-39, 03R-40) -
PRIOR to reading:

SVOBODA Moved to delay action on Bill 03R-41 for one week to 3/3/03.
Seconded by Seng & carried by the following vote: AYES: Cook,
Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY FOR
THE ACQUISITION OF RIGHT-OF-WAY FOR UTILITY AND FUTURE ROAD PROJECTS ON
NORTH 14TH STREET, MCKELVIE ROAD, AND N.W. 12TH STREET - CLERK read the
following resolution, introduced by Glenn Friendt, who moved its
adoption:

A-81944 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 for the acquisition of right-of-way for utility and
future road projects on North 14th Street, McKelvie Road, and N.W. 12th
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.

The City Clerk is directed to return one fully executed copy of
the Agreement to the Patricia Owen, Chief Deputy, Lancaster County
Clerk.

Introduced by Glenn Friendt

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

APPROVING AN ADJUSTMENT OF REQUIRED PARKING ASSOCIATED WITH A CHANGE OF USE
FROM A RESTAURANT TO AN OFFICE BUILDING ON PROPERTY GENERALLY LOCATED AT
2130 S. 17TH STREET - CLERK read the following resolution, introduced by
Glenn Friendt, who moved its adoption:

A-81945 WHEREAS, Windfall Financial Group, LLC., hereinafter referred to
as the "Applicant", desires to convert the use of the existing building
located on property legally described as Lots 13 and 14, Block 1, Ryons
Addition, Lincoln, Lancaster County, Nebraska, and commonly known as
2130 S. 17th Street, from a restaurant to an office building; and

WHEREAS, the required parking approved for the restaurant
erroneously allowed ten parking spaces located in the building line
district abutting S. 17th Street to be counted toward satisfaction of
the required parking; and

WHEREAS, § 27.71.200(b) of the Lincoln Municipal Code only allows parking spaces in excess of required parking to be located in the building line district; and

WHEREAS, the Department of Building and Safety has informed Applicant that the Applicant will need to provide additional required parking as the Department will not allow the Applicant to count the ten parking spaces located in the building line district to be counted to meet the required parking for the office building; and

WHEREAS, the Applicant is unable to provide this additional required parking on the property; and

WHEREAS, § 27.67.030(f) of the Lincoln Municipal Code provides that where additional parking is required by this Chapter due to a change in use and provision for such additional parking is not made, a special review and approval shall be required by the City Council; and

WHEREAS, the Applicant has requested the City Council to reduce the required parking from eight parking spaces to three parking spaces with the understanding that the Applicant will continue to maintain and use the ten parking spaces located in the building line district as parking in excess of the required parking; and

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

That the application of Windfall Financial Group, LLC, to reduce the required parking from eight parking spaces to three parking spaces for the change of use of the existing building on the property at 2130 S. 17th Street from a restaurant to an office building be and the same is hereby approved provided the Applicant continues to maintain and use the ten parking spaces located in the building line district abutting S. 17th Street as parking in excess of required parking.

Introduced by Glenn Friendt

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

APPROVING AN ANNEXATION AGREEMENT BETWEEN PINE LAKE DEVELOPMENT L.L.C., STANLEY L. PORTSCHE AND GRACE A. PORTSCHE, MID-AMERICAN UNION CONFERENCE ASSOCIATION OF SEVENTH DAY ADVENTISTS, AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 41 ACRES OF PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27) - PRIOR to reading:

SENG Moved to place Bill 03R-25 on pending for two weeks to 3/10/03.

Seconded by McRoy & tied by the following vote: AYES: Cook,

McRoy, Seng, NAYS: Friendt, Svoboda, Werner; ABSENT: Camp.

SVOBODA So moved for action.

Seconded by Werner. No vote taken.

FRIENDT Moved to defer Bill 03-21 for one week to 3/3/03.

Seconded by McRoy. No vote taken.

FRIENDT Amended motion to delay action on Bill No. 03-21 for two weeks.

Seconded by Svoboda & carried by the following vote: AYES: Cook,

Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PINE LAKE PLAZA FOR NINE RESIDENTIAL LOTS, 12 LOTS FOR OFFICE/COMMERCIAL AND THREE OUTLOTS, WITH WAIVERS TO THE REQUIRED INTERSECTION PLATFORMS, NON-RADIAL OR PERPENDICULAR SIDE LOT LINES, RECONSTRUCTION OF PINE LAKE ROAD TO URBAN SECTION, TURNING LANE DEPTH, SEWER SYSTEM RUNNING OPPOSITE STREET GRADES AND DEEPER THAN STANDARDS, SIDEWALKS, MAXIMUM BLOCK LENGTH, AND PEDESTRIAN WAY EASEMENT, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-26, 03R-27)- PRIOR to reading:

SENG Moved to place Bill 03R-26 on pending for two weeks to 3/10/03.

Seconded by McRoy & tied by the following vote: AYES: Cook,

McRoy, Seng, NAYS: Friendt, Svoboda, Werner; ABSENT: Camp.

SVOBODA So moved for action.

Seconded by Werner. No vote taken.

FRIENDT Moved to defer Bill 03-21 for one week to 3/3/03.

Seconded by McRoy. No vote taken.

FRIENDT Amended motion to delay action on Bill No. 03-21 for two weeks.

Seconded by Svoboda & carried by the following vote: AYES: Cook,

Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

USE PERMIT 145 - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO DEVELOP 192,900 SQUARE FEET OF OFFICE AND COMMERCIAL FLOOR SPACE, WITH A WAIVER

OF MINIMUM YARD REQUIREMENTS, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03-22, 03R-25, 03R-26) PRIOR to reading:

SENG Moved to place Bill 03R-27 on pending for two weeks to 3/10/03.
Seconded by McRoy & tied by the following vote: AYES: Cook, McRoy, Seng, NAYS: Friendt, Svoboda, Werner; ABSENT: Camp.

SVOBODA So moved for action.
Seconded by Werner. No vote taken.

FRIENDT Moved to defer Bill 03-21 for one week to 3/3/03.
Seconded by McRoy. No vote taken.

FRIENDT Amended motion to delay action on Bill No. 03-21 for two weeks.
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SETTING THE HEARING DATE OF MONDAY, MARCH 3, 2003, 1:30 P.M. FOR THE APPLICATION OF LEO V. SCHERER DBA SKY LOUNGE FOR A CLASS C LIQUOR LICENSE LOCATED AT 3200 NW 12TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81946 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Leo V. Scherer dba Sky Lounge for a Class C liquor license located at 3200 NW 12th St.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, MARCH 10, 2003, 1:30 P.M. FOR THE APPLICATION OF YANKEE HILL DEVELOPMENT LLC DBA YANKEE HILL COUNTRY CLUB FOR A CLASS C WITH LIQUOR CATERING LICENSE LOCATED AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81947 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Yankee Hill Development LLC dba Yankee Hill Country Club for a Class C/K liquor license located at 7600 San Mateo Lane.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, MARCH 10, 2003, 1:30 P.M. FOR THE APPLICATION OF GAS 'N SHOP DBA GAS 'N SHOP FOR A CLASS B LIQUOR LICENSE LOCATED AT 4335 N. 70TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81948 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Gas 'N Shop dba Gas 'N Shop for a Class B liquor license located at 4335 N. 70th Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, MARCH 10, 2003, 1:30 P.M. FOR THE APPLICATION OF GAS 'N SHOP DBA GAS 'N SHOP FOR A CLASS B LIQUOR LICENSE LOCATED AT 2243 N. COTNER BLVD. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81949 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering

the Application of Gas 'N Shop dba Gas 'N Shop for a Class B liquor license located at 2243 N. Cotner Blvd.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, MARCH 10, 2003, 1:30 P.M. FOR THE APPLICATION OF ALFREDO BARRERA DBA AY CHIHUAHUA FOR A CLASS C LIQUOR LICENSE LOCATED AT 2050 CORNHUSKER HWY. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81950 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 3, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Alfredo Barrera dba Ay Chihuahua for a Class C liquor license located at 2050 Cornhusker Hwy.

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

Introduced by Glenn Friendt

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

SPECIAL PERMIT 1762A - APPLICATION OF HAMPTON DEVELOPMENT SERVICES TO DEVELOP VINTAGE HEIGHTS 3RD COMMUNITY UNIT PLAN FOR 946 DWELLING UNITS, WITH VARIANCES TO THE FRONT YARD SETBACKS, LOT WIDTH, AND LOT AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (In connection w/03-23, 03-24, 03R-34) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81954 WHEREAS, Hampton Development Services has submitted an application designated as Special Permit No. 1762A for authority to develop Vintage Heights 3rd Addition Community Unit Plan consisting of 946 dwelling units, with waivers of the front yard setbacks from 30 feet to 5 feet, average lot width from 40 feet to 27 feet, and lot area from 5,000 square feet to 2,680 square feet, on property located at South 91st Street and Pine Lake Road, and legally described to wit:

Lots 4, 37, 43, 56, 59, 61, 63, and 64 Irregular Tracts, and Vintage Heights 6th - 11th Additions, all located in Section 14, Township 9 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 community unit plan 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 Hampton Development Services, hereinafter referred to as "Permittee", to develop Vintage Heights 3rd Addition Community Unit Plan consisting of 946 dwelling units, with waivers of the front yard setbacks from 30 feet to 5 feet, average lot width from 40 feet to 27 feet, and lot area from 5,000 square feet to 2,680 square feet, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 946 dwelling units and variances to the front yard setbacks from 30 feet to 5 feet for lots as shown on the site plan, average lot width from 40 feet to 27 feet, and lot area from 5,000 square feet to 2,680 square feet.

2. Before receiving building permits:

- a. The Permittee must submit an acceptable, revised and reproducible final plan including six copies.
- b. The construction plans must conform to the approved plans.

- c. Final plats within the area of this CUP must be approved by the City.
3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. 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 the special 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 the special 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 the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VINTAGE HEIGHTS 3RD ADDITION FOR APPROXIMATELY 182 LOTS, WITH WAIVERS TO THE REQUIRED LOT FRONTAGE, LOT DEPTH-TO-WIDTH RATIO, AND SIDEWALKS ON THE SOUTH SIDE OF VENICE COURT, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (In connection w/03-23, 03-24, 03R-33) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81955 WHEREAS, Hampton Development Services has submitted the preliminary plat of **VINTAGE HEIGHTS 3RD ADDITION** with associated requests for waivers for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated December 2, 2002, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **VINTAGE HEIGHTS 3RD ADDITION**, located at South 91st Street and Pine Lake Road as submitted by Hampton Development Services is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of § 26.23.140(a) of the Lincoln Municipal Code that a residential lot have a maximum depth of three times its width is hereby waived to allow lots within this subdivision to exceed the lot depth to width ratio.

2. The requirement of §§ 26.23.140(e) of the Lincoln Municipal Code that there will be no lots with double frontage is hereby waived to allow double frontage lots within this subdivision.

Introduced by Terry Werner

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

SPECIAL PERMIT 1610C - APPLICATION OF JOYCE-HINKLEY LIMITED PARTNERSHIP TO ADJUST THE FRONT YARD FROM 20 FEET TO 19.5 FEET FOR THE SOUTHERNMOST GARAGE ALONG NORTH 58TH STREET, AND TO REVISE THE REAR YARD SETBACK TO 4.5 FEET FOR THE WESTERNMOST GARAGE ALONG THE NORTH LOT LINE, ON PROPERTY GENERALLY LOCATED AT 57TH AND FREMONT STREETS - PRIOR to reading:

WERNER Moved to amend Bill No. 03R-30 in the following manner:

At the end of line 5 on page 3, insert the following additional language:

If any building allowed to exist by this modification to the setback is damaged by a fire, explosion, act of God, or the public enemy to the extent of more than sixty percent of its fair market value, it shall not be restored except in conformity with the regulations of the district.

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

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

A-81956 WHEREAS, Joyce-Hinkley Limited Partnership has submitted an application designated as Special Permit No. 1610C for authority to reduce the front yard setback from 20.0 feet to 19.5 feet for the southernmost garage along North 58th Street, and to reduce the rear yard setback from 5.0 feet to 4.5 feet for the westernmost garage along the north lot line on property located at 57th and Fremont Street, and legally described to wit:

A portion of vacated Benton Street right-of-way, vacated North 57th Street right-of-way, the South Half of Blocks 141 and 142, the North Half of Blocks 157 and 158, and Lot 12, Block 157, and Lot 7, Block 158, Havelock, all located in the Southwest Quarter of Section 9, Township 10 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows: Commencing at the southwest corner of said Lot 12, Block 157, said point being the true point of beginning; thence on an assumed bearing of north 00 degrees 00 minutes 51 seconds west along the west line of said Lot 12, Block 157, a distance of 158.39 feet to the southwest corner of said Lot 1, Block 157; thence south 89 degrees 57 minutes 27 seconds west along the south line of said Lots 2 through 6, Block 157, a distance of 250.02 feet to the southwest corner of said Lot 6, Block 157; thence north 00 degrees 05 minutes 58 seconds east along the west line of said Lot 6, Block 157, the west line of the vacated portion of Benton Street right-of-way, and the west line of the South Half of said Block 142, a distance of 372.32 feet to the northwest corner of the South Half of said Block 142; thence south 89 degrees 58 minutes 41 seconds east along the north line of the South Half of said Block 142, the north line of the vacated portion of North 57th Street right-of-way, and the north line of the South Half of said Block 141, a distance of 660.31 feet to the northeast corner of the South Half of said Block 141; thence south 00 degrees 00 minutes 45 seconds west along the east line of the South Half of said Block 141, the east line of the vacated portion of Benton Street right-of-way, and the east line of said Lot 1, Block 158, a distance of 372.20 feet to the southeast corner of said Lot 1, Block 158; thence north 89 degrees 56 minutes 05 seconds west along the south line of said Lots 1 through 5, Block 158, a distance of 250.46 feet to a point of intersection with an extension of the east line of said Lot 7, Block 158; thence south 00 degrees 03 minutes 33 seconds west along the east line of said Lot 7 and its extension, a distance of 158.53 feet to the southeast corner of said Lot 7; thence north 89 degrees 56 minutes 11 seconds west along the south line of said Lot 7, the south line of the vacated North 57th Street right-of-way, and the south line of said Lot 12, Block 157, a distance of 160.20 feet to the true point of beginning, said tract contains a calculated area of 6.23 acres, or 271,215.88 square feet more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment to the front and rear yard setbacks, 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 the Joyce-Hinkley Limited Partnership, hereinafter referred to as "Permittee", to amend Special Permit 1610 to reduce the front yard setback to 19.5 feet for the southernmost garage along North 58th Street, and to reduce the rear yard setback to 4.5 feet for the westernmost garage along the north lot line, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.210 of the Lincoln Municipal Code upon condition that construction and operation of the garages within the setbacks be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a modification to the front yard setback for the southernmost garage along North 58th Street from 20 feet to 19.5 feet, and revision of the rear yard setback for the westernmost garage along the north lot line from 5 feet to 4.5 feet. If any building allowed to exist by this modification to the setback is damaged by a fired, act of God, or the public enemy to the extent of more than sixty percent of its fair market value, it shall not be restored except in conformity with the regulations of the district.

2. The construction plans must conform to the approved plans.

3. The operation and the premises must meet appropriate local and state licensing requirements, including compliance with health codes.

4. All development and construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City.

6. The site plan approved by this resolution shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

7. 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 the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special 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 the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

- CHANGE OF ZONE NO. 3395 - APP. OF TYRRELL'S FLOWERS FOR A CHANGE FROM B-1 TO R-5 AT 63RD & Y STREETS.
SPECIAL PERMIT NO. 617B - APP. OF SUTTER PLACE PARTNERS FOR AN AMENDMENT TO THE COMMUNITY UNIT PLAN FOR SUTTER PLACE APARTMENTS LOCATED AT SOUTH 48TH & CLAIRE STREETS.
SPECIAL PERMIT NO. 1991 - APP. OF PATRICK MOOBERRY FOR PINECREST PARTNERS FOR A WAIVER OF DESIGN STANDARDS TO DEVELOP A COMMUNITY UNIT PLAN LOCATED AT MORTON AND NORTH 14TH STREETS.

REPORTS OF CITY OFFICERS

**REGULAR MEETING
FEBRUARY 24, 2003
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MAYOR DON WESELY'S VETO MESSAGE OF RESOLUTION NO. A-81901, PRE-EXISTING USE PERMIT 3AA RE-ADOPTED BY COUNCIL ON FEBRUARY 3, 2003. APPLICATION OF WESTFIELD SHOPPINGTOWN (FORMERLY GATEWAY) TO REPLACE, REMOVE, AND MOVE VARIOUS WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS AT WESTFIELD SHOPPINGTOWN - GATEWAY, 6100 "O" STREET - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON FEBRUARY 10, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR FEBRUARY 18 THROUGH FEBRUARY 21, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81951 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 Glenn Friendt

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

INVESTMENT OF FUNDS FOR FEBRUARY 3 THROUGH FEBRUARY 7, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81952 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 Glenn Friendt

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

INVESTMENT OF FUNDS FOR FEBRUARY 10 THROUGH FEBRUARY 14, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81953 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 Glenn Friendt

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JANUARY, 2003 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 TELECOMMUNICATION TAX FOR THE MONTHS OF JAN., 2003: NEXTEL WEST CORP., LIGHTYEAR COMMUNICATIONS, INC., WORLDXCHANGE CORP., COMDATA TELECOMMUNICATIONS, INC., EXCEL TELECOMMUNICATIONS, INC., ZONE TELECOM, INC., GTC TELECOM, INC., LDMI TELECOMMUNICATIONS, INC., GLYPHICS COMMUNICATIONS, INC., TELCO DEVELOPMENT GROUP DE INC., TRI-M COMMUNICATIONS, INC., ASSOCIATION ADMINISTRATORS, INC., NOS COMMUNICATIONS, INC., ATT WIRELESS PCS LLC, GLOBALCOM, INC., WWC LICENSE LLC, TELECORP COMMUNICATIONS, INC., NORSTAN NETWORK SERVICES, INC., AND VARTEC; FOR THE MONTH OF DEC., 2002: WORKING ASSETS FUNDING SERVICE, INC.; FOR THE MONTH OF JAN., 2003: NPCR, INC., D & D COMMUNICATIONS, INC., ATS MOBILE TELEPHONE CO., INC., OCMC, INC., AND USA PAGING, LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING DURING THE MONTH OF JANUARY, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(35-01)**

FINANCIAL AUDIT REPORT FROM KPMG PEAT MARWICK, LLP OF THE LINCOLN WATER AND WASTEWATER SYSTEMS FOR FISCAL YEAR 2001-2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5)

ORDINANCES - 1ST READING

AUTHORIZING AN AGREEMENT BETWEEN THE CITY AND RIDGE DEVELOPMENT CO. AND SOUTHVIEW INC. FOR AN EXCHANGE OF THREE CITY OWNED RESIDENTIAL LOTS (LOTS 16, 17, AND 18, OLYMPIC HEIGHTS 1ST ADDITION) FOR A ONE-ACRE OUTLOT (OUTLOT "A", BLOCK 5, HIGHLANDS WEST 1ST ADDITION) - CLERK read an ordinance, introduced by Glenn Friendt, authorizing an agreement between the City and Ridge Development Co. and Southview Inc. for an exchange for three city owned residential lots (Lots 16, 17, and 18, Olympic Heights 1st Addition) for a one-acre outlot (Outlot "A", Block 5, Highlands West 1st Addition), the first time.

AMENDING SECTION 12.08.070 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE REGULAR HOURS PARKS ARE OPEN TO THE PUBLIC FROM 6:00 A.M. TO MIDNIGHT, TO 5:00 A.M. TO 11:00 P.M., AND ESTABLISHING HOURS OF OPERATION FOR PIONEERS PARK AND FOR COMMUTER/RECREATION TRAILS - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 12.08.070 of the Lincoln Municipal Code to change the regular hours parks are open to the public from 6:00 a.m. to Midnight, to 5:00 a.m. to 11:00 p.m., and establishing hours of operation for pioneers park and for Commuter/Recreation Trails, the first time.

CHANGE OF ZONE 3386 - APPLICATION OF GARY AND CAROLYN CHRISTENSEN AND DELISI BROTHERS, INC. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S. CODDINGTON AVE. AND W. O STREET - CLERK read the following ordinance, introduced by Glenn Friendt, for a Change of Zone 3386, Application of Gary and Carolyn Christensen and Delisi Brothers, Inc. for a Change of Zone from H-3 Highway Commercial to I-1 Industrial on property generally located Southwest of S. Coddington Ave. and W. O Street, the first time.

ORDINANCES - 3RD READING

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-22, 03R-25, 03R-26, 03R-27) - PRIOR to reading:

SENG Moved to place Bill 03-21 on pending for two weeks to 3/10/03.
Seconded by McRoy & tied by the following vote: AYES: Cook, McRoy, Seng, NAYS: Friendt, Svoboda, Werner; ABSENT: Camp.

SVOBODA So moved for action.
Seconded by Werner. No vote taken.

FRIENDT Moved to defer Bill 03-21 for one week to 3/3/03.
Seconded by McRoy. No vote taken.

FRIENDT Amended motion to delay action on Bill No. 03-21 for two weeks.
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read the following ordinance, introduced by Coleen Seng, amending the corporate limits of the City by annexing approximately 39.9 acres of property generally located at northwest of the intersection of South 84th Street and Highway 2, the third time.

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (In connection w/03-21, 03R-25, 03R-26, 03R-27) - PRIOR to reading:

SENG Moved to place Bill 03-22 on pending for two weeks to 3/10/03.
Seconded by McRoy & tied by the following vote: AYES: Cook, McRoy, Seng, NAYS: Friendt, Svoboda, Werner; ABSENT: Camp.

SVOBODA So moved for action.
Seconded by Werner. No vote taken.

FRIENDT Moved to defer Bill 03-21 for one week to 3/3/03.
Seconded by McRoy. No vote taken.

FRIENDT Amended motion to delay action on Bill No. 03-21 for two weeks.
Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read the following ordinance, introduced by Coleen Seng, for Change of Zone 3373 - application of Pine Lake Development, L.L.C. for a change of zone from AGR agricultural residential to R-3 residential and O-3 Office Park on property generally located northwest of the intersection of South 84th and Highway 2, the third time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 7.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (In connection w/03-24, 03R-33, 03R-34) PRIOR to reading:

FRIENDT Moved to delay action on Bill No. 03-23 for two weeks to 3/10/03. Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

CLERK Read the following ordinance, introduced by Ken Svoboda, amending the corporate limits of the City by annexing approximately 7.1 acres of property generally located at South 91st Street and Pine Lake Road, the third time.

CHANGE OF ZONE 3374 - APPLICATION OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND PINE LAKE ROAD. (In connection w/03-23, 03R-33, 03R-34) - CLERK read the following ordinance, introduced by Ken Svoboda, for a Change of Zone 3374 - the application of Hampton Development Services for a Change of Zone from AG Agricultural to R-3 Residential on property generally located at South 91st Street and Pine Lake Road, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp. The ordinance being numbered #18136 is recorded in Ordinance Book No. 25, Page

APPROVING A FIVE-YEAR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND CATERPILLAR FINANCIAL SERVICES CORP. FOR A 140-H SERIES II CATERPILLAR MOTOR GRADER - CLERK read the following ordinance, introduced by Ken Svoboda, approving a five-year lease-purchase agreement between the City and Caterpillar Financial Services Corp. for a 140-H Series II Caterpillar Motor Grader, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None. The ordinance being numbered #18137 is recorded in Ordinance Book No. 25, Page

MISCELLANEOUS BUSINESS

PENDING -

WERNER Moved to extend the Pending List to March 3, 2003. Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

UPCOMING RESOLUTIONS -

WERNER Moved to approve the resolutions to have Public Hearing on March 3, 2003. Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ADJOURNMENT

12:01 A.M.

WERNER Moved to adjourn the City Council meeting of February 24, 2003. Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp. So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Senior Office Assistant

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