

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 27, 2003 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of October 20, 2003, reported having done so, found same correct.

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

PUBLIC HEARING

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE PURCHASE AND CONSUMPTION OF ALCOHOL ON THE CITY'S FOUR 18-HOLE GOLF COURSES - Steve Hiller, Ass't. Director of Parks & Recreation Dept., stated this ordinance is being proposed to increase golf course revenues. Discussion followed.

Lynn Johnson, Director of Parks & Recreation Dept., stated the intent is to increase play which will also increase revenue for the golf courses. Discussion followed.

Dick Keller, President of Senior Men's Golf League, came forward in support.

Bob Ripley, 3022 Williams Street, came forward as Chairman of the Parks & Recreation Board in support. Discussion followed.

John Brown, 9515 West Rock Creek Road, Valparaiso, NE came forward in support.

John Mercier, 1930 B Street, came forward in support.

Bruce Jacoby, 6020 N.W. 4th Street, came forward in support. Discussion followed.

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

Danny Walker, 427 E St., suggested that if there's ever a survey taken of public parks to please include miniature golf courses.

Lynn Johnson came forward for rebuttal. Discussion followed.

Dale Hardy, Golf Administrator for Sticks for Kids through the YMCA came forward in support. Further discussion followed.

Dana Roper, City Attorney, answered the concern of serving alcohol near city parks.

This matter was taken under advisement.

CHANGE OF ZONE 3418 - APPLICATION OF KENNETH AND ROSEMARY FRANKS FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF N. 48TH STREET ON ORCHARD STREET - Gary Butts, 2238 S. 48th Street, on behalf of Kenneth & Rosemary Frank came forward to explain the situation requiring this change of zone. Discussion followed.

Brian Wills, Planning Department, stated there is no problem extending residential zoning into commercial zoning, but would be a problem with a business encroachment into residential zoning. Further discussion followed.

Jonathan Cook, Council Member, pointed out that the ordinance reads R-4 as it was shown on the staff report, but on another page it shows R-2.

Dana Roper, City Attorney, stated the ordinance reflects R-4 as the request form from Planning states so it would need to be amended to read R-2.

AMENDING CHAPTER 17.02 OF THE LMC RELATING TO DEFINITIONS APPLYING TO TITLE 17, WATER, BY REVISING, DELETING, AND ADDING DEFINITIONS;

AMENDING CHAPTER 17.06 OF THE LMC RELATING TO THE LINCOLN WATER SYSTEM BY AMENDING SECTION 17.06.020 TO CLARIFY THAT PUBLIC WATER MAINS SHALL BE INSTALLED UNDER THE DIRECTION OF THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND AMENDING SECTION 17.06.030 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICES" TO "BACKFLOW PREVENTION ASSEMBLIES";

AMENDING CHAPTER 17.10 OF THE LMC RELATING TO CONNECTIONS TO LINCOLN WATER SYSTEM BY AMENDING SECTION 17.10.010 TO ALLOW ONLY PERSONS REGISTERED WITH THE DEPARTMENT OF BUILDING AND SAFETY AS A MASTER PLUMBER, JOURNEYMAN PLUMBER OR PLUMBER'S APPRENTICE TO INSTALL, ALTER, OR REPAIR ANY WATER SUPPLY OR WATER SERVICE PIPE OR TO INSTALL OR REMOVE WATER METERS AND BACKFLOW PREVENTION ASSEMBLIES; AMENDING SECTION 17.10.030 TO DECREASE THE NUMBER OF DAYS FOR THE ISSUANCE OR DENIAL OF A PERMIT FROM 30 DAYS TO 15 WORKING DAYS AND TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AMENDING SECTION 17.10.070 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY" AND TO MAKE IT UNLAWFUL FOR ANY PERSON TO USE OR TAKE WATER FROM NEW SERVICE CONNECTIONS WITHOUT A WATER METER APPROVED BY THE LINCOLN WATER SYSTEM CONNECTED TO THE WATER SERVICE PIPING; AMENDING SECTION 17.10.080 TO CHANGE REFERENCES TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AMENDING SECTION 17.10.090 TO DELETE THE REQUIREMENT THAT A PERMIT FOR EXTENDING SERVICE BE A WRITTEN PERMIT; AMENDING SECTION 17.10.100 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AND AMENDING SECTION 17.10.120 TO AMEND ABANDONMENT OF SERVICES TO INCLUDE THE PROPER REMOVAL OF TAPS, TO PROVIDE THAT THE REQUIRED BOND BE A CASH BOND OR A BOND WRITTEN BY A CORPORATE SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF NEBRASKA, FOR THE PERFORMANCE OF SUCH WORK;

AMENDING SECTION 17.14.030 OF THE LMC RELATING TO WATER CONNECTIONS OUTSIDE THE CITY TO REQUIRE THE APPLICANT FOR SUCH CONNECTION TO CONSTRUCT AND MAINTAIN A METER AND BACKFLOW PREVENTION ASSEMBLY WITHIN A STRUCTURE OR BUILDING CAPABLE OF PREVENTING THE METER AND/OR BACKFLOW PREVENTION ASSEMBLY FROM FREEZING.

AMENDING CHAPTER 17.18 OF THE LMC RELATING TO WATER MAINS, PIPES AND VALVES BY AMENDING SECTION 17.18.005 TO CHANGE REFERENCES TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; ADDING A NEW SECTION NUMBERED 17.18.006 TO PROVIDE FOR THE PUBLICATION OF A WATER SERVICE MANUAL; AMENDING SECTION 17.18.010 TO REQUIRE ALL PERMITS FOR TAPPING ANY WATER MAIN BE SECURED AND PAID FOR PRIOR TO MAKING SUCH TAP; AMENDING SECTION 17.18.020 TO ESTABLISH MINIMUM SIZES FOR NEW AND REPLACEMENT WATER SUPPLY PIPES AND TO PROVIDE THAT SERVICE PIPE REDUCERS WILL BE SUPPLIED BY THE LINCOLN WATER SYSTEM; AMENDING SECTION 17.18.030 TO ADDRESS MATERIALS AND CONSTRUCTION REQUIREMENTS OF WATER SUPPLY OR WATER SERVICE PIPES; AMENDING SECTION 17.18.050 TO REQUIRE THAT CURB STOPS BE SUPPLIED BY A REGISTERED MASTER PLUMBER AND TO CLARIFY THAT CURB STOPS SHALL BE PLACED IN THE PUBLIC RIGHT-OF-WAY BETWEEN THE SIDEWALK AND THE CURB OF A PUBLIC STREET; AMENDING SECTION 17.18.060 REGARDING METER INSTALLATION; ADDING A NEW SECTION NUMBERED 17.18.075 REGARDING BACKFLOW PREVENTION ASSEMBLY INSTALLATION; AMENDING SECTION 17.18.080 TO INCLUDE CROSS CONNECTION CONTROL PROVISIONS; AMENDING SECTION 17.18.100 TO ALLOW THE DIRECTOR TO DISCONTINUE WATER SERVICE WHEN A CUSTOMER WILL NOT ALLOW LINCOLN WATER SYSTEM PERSONNEL ACCESS TO A WATER METER IN NEED OF MAINTENANCE, REPLACEMENT, A CHECK FOR ACCURACY, OR WHEN TAMPERING HAS OCCURRED; AMENDING SECTION 17.18.110 TO CLARIFY LANGUAGE REGARDING KEEPING EQUIPMENT IN REPAIR; AMENDING SECTION 17.18.130 TO PROVIDE THAT A PREMISE MAY BE SUPPLIED BY MORE THAN ONE SUPPLY AND SERVICE PIPE WITH THE APPROVAL OF THE DIRECTOR; AMENDING SECTION 17.18.140 TO PROVIDE THAT ALL EXCAVATIONS SHALL BE MADE IN COMPLIANCE WITH MUNICIPAL, STATE AND FEDERAL REGULATIONS; AND AMENDING SECTION 17.18.160 TO ALLOW THE LINCOLN WATER SYSTEM TO MAKE A NECESSARY EXCAVATION TO DETERMINE THE LOCATION OF A LEAK OF A CUSTOMER SUPPLY PIPE OR WATER STOP BOX WHEN THE OWNER OF THE PREMISES CHOOSES NOT TO DO SO.

AMENDING CHAPTER 17.22 OF THE LMC RELATING TO WATER USE CHARGE BY AMENDING SECTION 17.22.030 TO CLARIFY LANGUAGE AND TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY" AND AMENDING SECTION 17.22.120 TO CLARIFY THAT PRIOR PERMISSION FROM THE DIRECTOR IS NEEDED TO TURN ON WATER THAT HAS BEEN SHUT OFF PURSUANT TO CHAPTER 17.22.

AMENDING SECTION 17.26.030 OF THE LMC RELATING TO TURNING OFF WATER FOR FAILURE TO OBSERVE RESTRICTIONS TO DELETE THE REQUIREMENT THAT A \$100 BOND CONDITIONED UPON THE OBSERVANCE OF EMERGENCY RESTRICTIONS AND REGULATIONS BE FILED WITH THE LINCOLN WATER SYSTEM BEFORE THE WATER

SUPPLY IS TURNED ON AFTER IT HAS BEEN TURNED OFF FOR DISREGARDING EMERGENCY WATER RESTRICTIONS. AMENDING CHAPTER 17.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO DEFINITIONS APPLYING TO TITLE 17, WATER, BY REVISING, DELETING, AND ADDING DEFINITIONS.

ADOPTING A SERVICE MANUAL DESCRIBING SPECIFIC REQUIREMENTS, METHODS, MATERIALS, DEVICES, POLICIES AND PROCEDURES FOR CONNECTING TO THE LINCOLN WATER SYSTEM - Nick McElvain, Lincoln Water Systems, came forward to explain the reasons for the changes to the Lincoln Municipal Code relating to the Lincoln Water System. Discussion followed.

Glen Cekal, 1420 C St., expressed his concern of the fertilizing or using weed killers on large apartment complex lawns getting into the water system.

Butch Lottman, 301 West Dilin St., a backflow cross connection technician came forward in support.

Jack McGovern, 6800 Havelock Avenue, President of Backflow & Master Plumber's Assn., came forward in support.

Scott Aversman, 2001 N. 57th St., Aversman Plumbing, came forward in support.

This matter was taken under advisement.

CHANGE OF ZONE 3408 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK AND B-2 PLANNED NEIGHBORHOOD BUSINESS TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-299, 03R-300);

CHANGE OF ZONE 3409 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-301)

SPECIAL PERMIT 2022 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. TO DEVELOP A PLANNED SERVICE COMMERCIAL DEVELOPMENT IN THE H-4 GENERAL COMMERCIAL DISTRICT FOR APPROXIMATELY 172,650 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO ALLOW ZERO SETBACKS ON CERTAIN LOTS, TO REDUCE THE FRONT YARD SETBACK ALONG SOUTH 27TH STREET, AND TO REDUCE THE MINIMUM LOT AREA, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-300, 03-166);

USE PERMIT 134A - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. TO DEVELOP 44,875 SQUARE FEET OF OFFICE FLOOR AREA, WITH WAIVERS TO ALLOW ZERO SETBACKS ON CERTAIN LOTS AND TO REDUCE THE FRONT YARD SETBACK ALONG SOUTH 27TH STREET, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-299, 03-166);

USE PERMIT 149 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. TO DEVELOP 166,100 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO ALLOW A STREET CURVE WITH LESS THAN A 150' RADIUS, TO ALLOW ZERO SETBACKS FOR CERTAIN LOTS, TO REDUCE THE FRONT YARD SETBACK ALONG SOUTH 27TH STREET, AND TO WAIVE THE SIDEWALK ON THE EAST SIDE OF SOUTH 26TH STREET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03-167) - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development and Southview Inc., stated this development is for Williamson Auto. He said the closest home to this development will be 700 feet and further explained their proposed plans.

Jim Williamson, 2101 N Street President of Williamson Auto, came forward to explain they are moving because of the Antelope Valley Project. Discussion followed.

Christine Jackson, 9030 Whispering Wind Road, came forward in opposition.

L. Dennis Smith, 2524 Wilderness Ridge Cr., came forward in opposition.

Ed Patterson, 2108 Q Street, came forward to comment on 27th Street developments.

Dennis Carlson, 9225 Whispering Wind Rd., came forward in opposition.

Barry Colacurci, 2557 Wilderness Ridge Cr., came forward in opposition.

Susan Strong, 9350 Whispering Wind Rd., came forward in opposition.

Dr. Carolyn Cody, 8921 Whispering Wind Rd., came forward in opposition.

Kent Seacrest came forward for rebuttal. Discussion followed.
Marvin Krout, Director of Planning Dept., came forward to comment on the project and to answer any questions.
This matter was taken under advisement.

CHANGE OF ZONE 3410 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW INC. TO AMEND SECTION 27.63.470 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CAR AND TRUCK WASHING FACILITIES AS PART OF A SPECIAL PERMIT IN THE H-4 GENERAL COMMERCIAL DISTRICT - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, commented that this H-4 development has wider setbacks and will give protection to the neighborhood. Discussion followed.

Brian Wills, Planning Dept., stated that the Council has the authority to set the hours this facility can be in operation. Further discussion followed.

This matter was taken under advisement.

BREAK 8:24 P.M.

RECONVENED 8:43 P.M.

SPECIAL PERMIT 1960 - APPLICATION OF OLSSON ASSOCIATES ON BEHALF OF THE PROPERTY OWNERS TO DEVELOP GRANDVIEW HEIGHTS COMMUNITY UNIT PLAN CONSISTING OF 52 DWELLING UNITS, WITH A WAIVER TO ELIMINATE THE RECREATION COMPONENT, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-293) (10/20/03 - PUBLIC HEARING & ACTION DELAYED TO 10/27/03);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF GRANDVIEW HEIGHTS TO DEVELOP 52 LOTS INCLUDING WAIVERS OF THE REQUIRED SIDE LINES AT RIGHT ANGLES TO THE STREET OR RADIAL, SANITARY SEWERS TO FOLLOW THE HORIZONTAL ALIGNMENT OF THE ROADWAY, STREET LIGHT INTERVALS TO ALLOW 55' SPACING, SIDEWALKS ON BOTH SIDES OF STREETS, STREET PAVING TO ALLOW RURAL ROAD CROSS SECTION AND DITCHES, LOCATION OF WATER AND SANITARY SEWER MAINS IN RELATION TO CENTERLINE, STORM WATER, SANITARY SEWER TRANSFER, BLOCK LENGTHS THAT EXCEED 1320', PEDESTRIAN ACCESS IN BLOCK LENGTHS GREATER THAN 1000 FEET, MAXIMUM LENGTH OF DEAD END STREETS AND CUL-DE-SACS, URBAN STREET TANGENT LENGTHS, LOT DEPTH TO WIDTH RATIO, STREET TREES, INTERSECTION PLATFORMS, AND DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-292) - Mark Palmer, Olsson Associates, stated that waivers to this project have been agreed upon by Public Works & Utilities Dept.

Jonathan Cook, Council Member, made a motion to amend Bill No. 03R-293.

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

Roger Figard, Public Works & Utilities Dept., stated that Public Works is in agreement to the amendment and thanked the applicants and their engineer for being willing to work with them.

Danny Walker, 427 E St., asked if the plans for the recreational component was being discontinued. He expressed his concern of the high traffic in this area. Discussion followed.

Mr. Palmer clarified that a waiver is being requested for the recreational facility.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN DOUG SCHMIDT CONSTRUCTION, INC. AND THE CITY OVER LOT 1, EXCEPT THE SOUTH 7.0 FEET THEREOF, FAIRWAY ADDITION, TO PRESERVE THE TREE MASSES, DRAINAGE WAY AND FLOODPLAIN WITHIN THE EASEMENT AREA. (IN CONNECTION W/03R-302);

SPECIAL PERMIT 2029 - APPLICATION OF DOUG SCHMIDT AND MICHAEL THOMALLA TO DEVELOP S.W. 1ST STREET APARTMENTS COMMUNITY UNIT PLAN FOR 30 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT WEST A STREET AND S.W. 1ST STREET. (IN CONNECTION W/03R-298) - Brian Carstens, 2935 Pine Lake Rd., Suite H, came forward representing Doug Schmidt Construction, stated they received the flood plain fill permit and are not requesting any waivers.

Danny Walker, 427 E St., came forward to show pictures of the debris on this property and to ask if this development would meet the net rise. He asked other questions for which he requested a response to in writing. Discussion followed.

Glen Ceval, 1420 C St., thanked Mr. Walker for the research he

does.

Ms. Newman, asked why this was different than an acreage.

Brian Wills, Planning Dept., stated there are no more stringent restrictions that can be placed on this development at this time. They are following policy.

Marvin Krout, Director of Planning Dept., stated Nicole of Storm Water Management was asked if there ought to be some compensation by excavation in the area of the flood plain that is remaining, she answered no there is not enough benefit. Further discussion followed.

Mr. Carstens came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 2030 - APPLICATION OF PEARLE F. FINIGAN TO DEVELOP FINIGAN VIEW COMMUNITY UNIT PLAN FOR 8 DWELLING UNITS, WITH WAIVERS TO THE REQUIRED MINIMUM LOT AREA, YARD SETBACKS, ORNAMENTAL LIGHTING, SIDEWALKS, STREET TREES, LANDSCAPING, PRELIMINARY PLAT REQUIREMENT, AND TO ALLOW THE PLANNING DIRECTOR TO APPROVE AN ADMINISTRATIVE FINAL PLAT WITH AN APPROVED COMMUNITY UNIT PLAN, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH 84TH STREET AND BLUFF ROAD - Reed Schwartzkopf, ESP Engineering, 601 Old Cheney Rd., appearing on behalf of the owners came forward to answer questions.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing Pearle Finigan stating that the waivers are consistent with waivers that need to be in place and there are no density bonuses being requested. Discussion followed.

This matter was taken under advisement.

REAPPOINTING BILL WHITMER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 15, 2006 -Ed Patterson, 2108 Q Street, came forward in favor of the appointment.

This matter was taken under advisement.

AUTHORIZING THE ACCEPTANCE OF TWELVE TOUR DE LINCOLN ART WORKS FOR INCLUSION IN THE CITY PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY - Danny Walker, 427 E Street, asked if the city would be responsible for the maintenance of these art displays?

Lynn Johnson, Parks & Recreation Director, answered yes, as budgets would allow.

Ms. Newman asked if they were temporary?

Mr. Johnson stated they were permanent. They've been donated to the city.

This matter was taken under advisement.

APPROVING A CONSULTANT/SERVICE PROVIDER AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS WHEREBY THE CITY PARKS AND RECREATION DEPARTMENT WILL PROVIDE SUPERVISION AND COORDINATION FOR COMMUNITY LEARNING CENTER PROGRAMS AND EVERETT AND LAKEVIEW ELEMENTARY SCHOOLS - Lynn Johnson, Parks & Recreation Director, came forward to answer questions.

This matter was taken under advisement.

TOOK BREAK 8:24 P.M.

RECONVENED 8:43 P.M.

NO OPEN MICROPHONE - DECISION OF THE CITY COUNCIL

** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF HARRIS-FRALEY VFW 131 FOR A CLASS C LIQUOR LICENSE AT 5721 JOHANNA ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for denial:

A-82413 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 Harris-Fraleley VFW 131 dba "VFW Club" for a Class "C" liquor license for the license period ending October 31, 2003, at 5721 Johanna Road, Lincoln, Nebraska, be refused for the following reasons:

1. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.
2. The City Council has determined that the existing licenses are adequately serving the area.
3. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.
4. The applicant has not demonstrated the propriety of the issuance of such license.
5. The issuance of the license will not be required by the present or future public convenience and necessity.
6. The applicant has failed to obtain a special permit under applicable provisions of the City's zoning restrictions.

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 Glenn Friendt

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

MANAGER APPLICATION OF DONALD G. GILLHAM FOR HARRIS-FRALEY VFW 131 AT 5721 JOHANNA ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for denial:

A-82414 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 Donald G. Gillham as manager of Harris-Fraleley VFW 131 dba "VFW Club" located at 5721 Johanna Road, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

ORDINANCES - 2ND READING

AMENDING SECTION 12.08.270 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE PURCHASE AND CONSUMPTION OF ALCOHOL ON THE CITY'S FOUR 18-HOLE GOLF COURSES - CLERK read an ordinance, introduced by Terry Werner, amending Section 12.08.270 of the Lincoln Municipal Code relating to alcoholic liquor in public parks to allow for the purchase and consumption of alcohol in the outdoor areas of the City's 18-hole golf courses; and repealing Section 12.08.270 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 3418 - APPLICATION OF KENNETH AND ROSEMARY FRANKS FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED EAST OF N. 48TH STREET ON ORCHARD STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING CHAPTER 17.02 OF THE LMC RELATING TO DEFINITIONS APPLYING TO TITLE 17, WATER, BY REVISING, DELETING, AND ADDING DEFINITIONS - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.02 of the Lincoln Municipal Code relating to Definitions applying to Title 17,

Water, be revising, deleting, and adding definitions; and repealing Sections 17.02.030, 17.02.070, 17.02.110, 17.02.120, 17.02.130, 17.02.250, 17.02.290, 17.02.300, 17.02.310, and 17.02.380 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 17.06 OF THE LMC RELATING TO THE LINCOLN WATER SYSTEM BY AMENDING SECTION 17.06.020 TO CLARIFY THAT PUBLIC WATER MAINS SHALL BE INSTALLED UNDER THE DIRECTION OF THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND AMENDING SECTION 17.06.030 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICES" TO "BACKFLOW PREVENTION ASSEMBLIES" - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.06 of the Lincoln Municipal Code relating to the Lincoln Water System by amending Section 17.06.020 to clarify that public water mains shall be installed under the direction of the Department of Public Works and Utilities; amending Section 17.06.030 to change a reference to "backflow prevention devices" to "backflow prevention assemblies"; and repealing Sections 17.06.020 and 17.06.030 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 17.10 OF THE LMC RELATING TO CONNECTIONS TO LINCOLN WATER SYSTEM BY AMENDING SECTION 17.10.010 TO ALLOW ONLY PERSONS REGISTERED WITH THE DEPARTMENT OF BUILDING AND SAFETY AS A MASTER PLUMBER, JOURNEYMAN PLUMBER OR PLUMBER'S APPRENTICE TO INSTALL, ALTER, OR REPAIR ANY WATER SUPPLY OR WATER SERVICE PIPE OR TO INSTALL OR REMOVE WATER METERS AND BACKFLOW PREVENTION ASSEMBLIES; AMENDING SECTION 17.10.030 TO DECREASE THE NUMBER OF DAYS FOR THE ISSUANCE OR DENIAL OF A PERMIT FROM 30 DAYS TO 15 WORKING DAYS AND TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AMENDING SECTION 17.10.070 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY" AND TO MAKE IT UNLAWFUL FOR ANY PERSON TO USE OR TAKE WATER FROM NEW SERVICE CONNECTIONS WITHOUT A WATER METER APPROVED BY THE LINCOLN WATER SYSTEM CONNECTED TO THE WATER SERVICE PIPING; AMENDING SECTION 17.10.080 TO CHANGE REFERENCES TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AMENDING SECTION 17.10.090 TO DELETE THE REQUIREMENT THAT A PERMIT FOR EXTENDING SERVICE BE A WRITTEN PERMIT; AMENDING SECTION 17.10.100 TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; AND AMENDING SECTION 17.10.120 TO AMEND ABANDONMENT OF SERVICES TO INCLUDE THE PROPER REMOVAL OF TAPS, TO PROVIDE THAT THE REQUIRED BOND BE A CASH BOND OR A BOND WRITTEN BY A CORPORATE SURETY COMPANY AUTHORIZED TO DO BUSINESS IN THE STATE OF NEBRASKA, FOR THE PERFORMANCE OF SUCH WORK - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.10 of the LMC relating to Connections to Lincoln Water System by amending Section 17.10.010 to allow only persons registered with the Department of Building and Safety as a master plumber, journeyman plumber or plumber's apprentice to install, alter, or repair any water supply or water service pipe or to install or remove water meters and backflow prevention assemblies; amending Section 17.10.030 to decrease the number of days for the issuance or denial of a permit from 30 days to 15 working days and to change a reference to "backflow prevention device" to "backflow prevention device" to "backflow prevention assembly" and to make it unlawful for any person to use or take water from new service connections without a water meter approved by the Lincoln Water System connected to the water service piping; amending Section 17.10.080 to change references to "backflow prevention device" to "backflow prevention assembly"; amending Section 17.10.090 to delete the requirement that a permit for extending service be a written permit; amending Section 17.10.100 to change a reference to "backflow prevention device" to "backflow prevention assembly"; and amending Section 17.10.120 to amend abandonment of services to include the proper removal of taps, to provide that the required bond be a cash bond or a bond written by a corporate surety company authorized to do business in the State of Nebraska, for the performance of such work, the second time.

AMENDING SECTION 17.14.030 OF THE LMC RELATING TO WATER CONNECTIONS OUTSIDE THE CITY TO REQUIRE THE APPLICANT FOR SUCH CONNECTION TO CONSTRUCT AND MAINTAIN A METER AND BACKFLOW PREVENTION ASSEMBLY WITHIN A STRUCTURE OR BUILDING CAPABLE OF PREVENTING THE METER AND/OR BACKFLOW PREVENTION ASSEMBLY FROM FREEZING - CLERK read an ordinance, introduced by Terry Werner, amending 17.14.030 of the LMC relating to Water Connections Outside the City to require the applicant for such connection to construct and maintain a meter and backflow prevention assembly within a structure or building capable of preventing the meter and/or backflow

prevention assembly from freezing; and repealing Section 17.14.030 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 17.18 OF THE LMC RELATING TO WATER MAINS, PIPES AND VALVES BY AMENDING SECTION 17.18.005 TO CHANGE REFERENCES TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY"; ADDING A NEW SECTION NUMBERED 17.18.006 TO PROVIDE FOR THE PUBLICATION OF A WATER SERVICE MANUAL; AMENDING SECTION 17.18.010 TO REQUIRE ALL PERMITS FOR TAPPING ANY WATER MAIN BE SECURED AND PAID FOR PRIOR TO MAKING SUCH TAP; AMENDING SECTION 17.18.020 TO ESTABLISH MINIMUM SIZES FOR NEW AND REPLACEMENT WATER SUPPLY PIPES AND TO PROVIDE THAT SERVICE PIPE REDUCERS WILL BE SUPPLIED BY THE LINCOLN WATER SYSTEM; AMENDING SECTION 17.18.030 TO ADDRESS MATERIALS AND CONSTRUCTION REQUIREMENTS OF WATER SUPPLY OR WATER SERVICE PIPES; AMENDING SECTION 17.18.050 TO REQUIRE THAT CURB STOPS BE SUPPLIED BY A REGISTERED MASTER PLUMBER AND TO CLARIFY THAT CURB STOPS SHALL BE PLACED IN THE PUBLIC RIGHT-OF-WAY BETWEEN THE SIDEWALK AND THE CURB OF A PUBLIC STREET; AMENDING SECTION 17.18.060 REGARDING METER INSTALLATION; ADDING A NEW SECTION NUMBERED 17.18.075 REGARDING BACKFLOW PREVENTION ASSEMBLY INSTALLATION; AMENDING SECTION 17.18.080 TO INCLUDE CROSS CONNECTION CONTROL PROVISIONS; AMENDING SECTION 17.18.100 TO ALLOW THE DIRECTOR TO DISCONTINUE WATER SERVICE WHEN A CUSTOMER WILL NOT ALLOW LINCOLN WATER SYSTEM PERSONNEL ACCESS TO A WATER METER IN NEED OF MAINTENANCE, REPLACEMENT, A CHECK FOR ACCURACY, OR WHEN TAMPERING HAS OCCURRED; AMENDING SECTION 17.18.110 TO CLARIFY LANGUAGE REGARDING KEEPING EQUIPMENT IN REPAIR; AMENDING SECTION 17.18.130 TO PROVIDE THAT A PREMISE MAY BE SUPPLIED BY MORE THAN ONE SUPPLY AND SERVICE PIPE WITH THE APPROVAL OF THE DIRECTOR; AMENDING SECTION 17.18.140 TO PROVIDE THAT ALL EXCAVATIONS SHALL BE MADE IN COMPLIANCE WITH MUNICIPAL, STATE AND FEDERAL REGULATIONS; AND AMENDING SECTION 17.18.160 TO ALLOW THE LINCOLN WATER SYSTEM TO MAKE A NECESSARY EXCAVATION TO DETERMINE THE LOCATION OF A LEAK OF A CUSTOMER SUPPLY PIPE OR WATER STOP BOX WHEN THE OWNER OF THE PREMISES CHOOSES NOT TO DO SO - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 17.18 of the LMC relating to water mains, pipes and valves by amending Section 17.18.005 to change references to "backflow prevention device" to "backflow prevention assembly"; adding a new section numbered 17.18.006 to provide for the publication of a Water Service Manual; amending Section 17.18.010 to require all permits for tapping any water main be secured and paid for prior to making such tap; amending Section 17.18.020 to establish minimum sizes for new and replacement water supply pipes and to provide that service pipe reducers will be supplied by the Lincoln Water System; amending Section 17.18.030 to address materials and construction requirements of water supply or water service pipes; amending Section 17.18.050 to require that curb stops be supplied by a registered master plumber and to clarify that curb stops shall be placed in the public right-of-way between the sidewalk and the curb of a public street; amending Section 17.18.060 regarding meter installation; adding a new section numbered 17.18.075 regarding backflow prevention assembly installation; amending Section 17.18.080 to include cross connection control provisions; amending Section 17.18.100 to allow the director to discontinue water service when a customer will not allow Lincoln Water System personnel access to a water meter in need of maintenance, replacement, a check for accuracy, or when tampering has occurred; amending Section 17.18.110 to clarify language regarding keeping equipment in repair; amending Section 17.18.130 to provide that a premise may be supplied by more than one supply and service pipe with the approval of the director; amending Section 17.18.140 to provide that all excavations shall be made in compliance with municipal, state and federal regulations; and amending Section 17.18.160 to allow the Lincoln Water System to make a necessary excavation to determine the location of a leak of a customer supply pipe or water stop box when the owner of the premises chooses not to do so, the second time.

AMENDING CHAPTER 17.22 OF THE LMC RELATING TO WATER USE CHARGE BY AMENDING SECTION 17.22.030 TO CLARIFY LANGUAGE AND TO CHANGE A REFERENCE TO "BACKFLOW PREVENTION DEVICE" TO "BACKFLOW PREVENTION ASSEMBLY" AND AMENDING SECTION 17.22.120 TO CLARIFY THAT PRIOR PERMISSION FROM THE DIRECTOR IS NEEDED TO TURN ON WATER THAT HAS BEEN SHUT OFF PURSUANT TO CHAPTER 17.22 - CLERK read an ordinance amending Chapter 17.22 of the Lincoln Municipal Code relating to Water Use Charge by amending Section 17.22.030 to clarify language and to change a reference to "backflow prevention device" to "backflow prevention assembly"; amending Section 17.22.120 to clarify that prior permission from the Director is needed to

turn on water that has been shut off pursuant to Chapter 17.22; and repealing Sections 17.22.030 and 17.22.120 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 17.26.030 OF THE LMC RELATING TO TURNING OFF WATER FOR FAILURE TO OBSERVE RESTRICTIONS TO DELETE THE REQUIREMENT THAT A \$100 BOND CONDITIONED UPON THE OBSERVANCE OF EMERGENCY RESTRICTIONS AND REGULATIONS BE FILED WITH THE LINCOLN WATER SYSTEM BEFORE THE WATER SUPPLY IS TURNED ON AFTER IT HAS BEEN TURNED OFF FOR DISREGARDING EMERGENCY WATER RESTRICTIONS AMENDING CHAPTER 17.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO DEFINITIONS APPLYING TO TITLE 17, WATER, BY REVISING, DELETING, AND ADDING DEFINITIONS - CLERK read an ordinance, introduced by Terry Werner, amending Section 17.26.030 of the Lincoln Municipal Code relating to Turning Off Water for Failure to Observe Restrictions to delete the requirement that a \$100 bond conditioned upon the observance of emergency restrictions and regulations be filed with the Lincoln Water System before the water supply is turned on after it has been turned off for disregarding emergency water restrictions; and repealing Section 17.26.030 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 3408 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK AND B-2 PLANNED NEIGHBORHOOD BUSINESS TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-299, 03R-300) - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3409 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-301) - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3410 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW INC. TO AMEND SECTION 27.63.470 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CAR AND TRUCK WASHING FACILITIES AS PART OF A SPECIAL PERMIT IN THE H-4 GENERAL COMMERCIAL DISTRICT - CLERK read an ordinance, introduced by Terry Werner, amending Section 27.63.470 of the Lincoln Municipal Code to allow an automobile wash facility and truck wash facility as an allowed use in a planned service commercial development by special permit in the H-4 General Commercial District; and repealing Section 27.63.470 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPLICATION OF FRIENDS OF LIED, 301 N. 12TH STREET, TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCTOBER 28, 2003 THROUGH JANUARY 17, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82415 WHEREAS, Friends of Lied has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Friends of Lied to conduct a raffle in the City of Lincoln in accordance with the application filed by Emilie Ellingson. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the

specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE HARVEST PROJECT CONTRACT TO PROVIDE TREATMENT FOR MENTAL HEALTH, SUBSTANCE ABUSE, AND AGING. (10/20/03 - PUBLIC HEARING & ACTION CON'T. TO 10/27/03) - CLERK read the following resolution, introduced by Annette McRoy for Terry Werner who was acting as Chairperson, who moved its adoption:

A-82416 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Harvest Project Contract LAAA/LIFE between the Lincoln Area Agency on Aging and Lancaster County on behalf of Community Mental Health Center to assist the Lincoln Information For the Elderly (LIFE) in obtaining specialized professional services and staff, upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Harvest Project Contract on behalf of the City.

Introduced by Annette McRoy

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

SPECIAL PERMIT 1960 - APPLICATION OF OLSSON ASSOCIATES ON BEHALF OF THE PROPERTY OWNERS TO DEVELOP GRANDVIEW HEIGHTS COMMUNITY UNIT PLAN CONSISTING OF 52 DWELLING UNITS, WITH A WAIVER TO ELIMINATE THE RECREATION COMPONENT, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-293) (10/20/03 - PUBLIC HEARING & ACTION DELAYED TO 10/27/03) - CLERK read the following resolution, introduced by Annette McRoy for Terry Werner who was acting as Chairperson, who moved its adoption:

A-82417 WHEREAS, Olsson Associates on behalf of the property owners, listed on Attachment "A" hereto, has submitted an application designated as Special Permit No. 1960 for authority to develop Grandview Heights Community Unit Plan on property generally located at the northwest corner of N. 14th Street and Superior Street, and legally described to wit:

Lots 2 and 7 Grandview Heights, the remaining portion of Lots 3 and 6 Grandview Heights, a vacated portion of Stanton Street right-of-way, Lots A through E, Lot H, Lots J and K, and the remaining portion of Lots L through P, all of the Replat of Lots 4 and 5 Grandview Heights, Lots 1 and 2 Grandview Heights 1st Addition, Lot 1 Luff 1st Addition, and Lot 1 Luff 2nd Addition, all located in the Northeast Quarter of Section 2, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Commencing at the southwest corner of Lot J Replat of Lots 4 and 5 Grandview Heights, said point being 33.00 feet north of the south line of said Northeast Quarter, and 33.00 feet east of the west line of said Northeast Quarter, said point being the true point of beginning; thence on an assumed bearing of north 00 degrees 08 minutes 20 seconds east along the west line of said Lots J and H Replat of Lots 4 and 5 Grandview Heights, and the west line of Lot 1 Luff 2nd Addition, said line being 33.00 feet east of and parallel with the west line of said Northeast Quarter, a distance of 1618.41 feet to a west corner of said Lot 1; thence north 04 degrees 23 minutes 14 seconds east along a

west line of said Lot 1, a distance of 422.31 feet to a northwest corner of said Lot 1; thence north 68 degrees 46 minutes 27 seconds east along a northwest line of said Lot 1, a distance of 490.60 feet to a northwest corner of said Lot 1; thence south 00 degrees 55 minutes 36 seconds east along the east line of said Lot 1, a distance of 383.70 feet to a southeast corner of said Lot 1; thence south 71 degrees 31 minutes 31 seconds west along a southeast line of said Lot 1, a distance of 151.21 feet to the northwest corner of the remaining portion of Lot 3 Grandview Heights; thence south 89 degrees 35 minutes 36 seconds east along the north line of said remaining portion of Lot 3, a distance of 435.00 feet to a north corner of said remaining portion of Lot 3; thence north 00 degrees 10 minutes 17 seconds east along a west line of said remaining portion of Lot 3, a distance of 160.63 feet to a northwest corner of said remaining portion of Lot 3; thence south 89 degrees 40 minutes 41 seconds east along a north line of said remaining portion of Lot 3 and the north line of Lot 2 Grandview Heights, a distance of 425.54 feet to the northeast corner of said Lot 2; thence south 00 degrees 17 minutes 28 seconds east along the east line of said Lot 2 and its extension, a distance of 660.00 to a point of intersection with the south line of the Northeast Quarter of the Northeast Quarter of said Section 2; thence south 89 degrees 40 minutes 41 seconds east along the south line of the Northeast Quarter of the Northeast Quarter of said Section 2, a distance of 37.00 feet to a point of intersection with the west line of Hilltop Road right-of-way; thence along a curve in a clockwise direction having a radius of 60.00 feet, arc length of 157.08 feet, delta angle of 150 degrees 00 minutes 00 seconds, a chord bearing of north 75 degrees 19 minutes 19 seconds east along the north line of said right-of-way, and a chord length of 115.91 feet to a point; thence south 89 degrees 40 minutes 41 seconds east along the north line of said right-of-way, a distance of 1134.82 feet to a point of intersection with the west line of North 14th Street right-of-way; thence south 00 degrees 00 minutes 21 seconds west along the east line of Lot A Replat of Lots 4 and 5 Grandview Heights, and its extension, said line being 33.00 feet west of and parallel with the east line of said Northeast Quarter, a distance of 688.00 feet to the southeast corner of said Lot A; thence north 89 degrees 45 minutes 04 seconds west along the south line of said Lot A, a distance of 7.00 feet to the northeast corner of the remaining portion of Lot P Replat of Lots 4 and 5 Grandview Heights; thence south 00 degrees 00 minutes 21 seconds west along the east line of said remaining portion of Lot P, said line being 40.00 feet west of and parallel with the east line of said Northeast Quarter, a distance of 585.46 feet to a southeast corner of said remaining portion of Lot P; thence south 45 degrees 38 minutes 38 seconds west along a southeast line of said remaining portion of Lot P, a distance of 35.20 feet to a southeast corner of said remaining portion of Lot P; thence north 89 degrees 44 minutes 27 seconds west along the south line of said remaining portion of Lot P and remaining portion of Lots O through M Replat of Lots 4 and 5 Grandview Heights, said line being 50.00 feet north of and parallel with the south line of said Northeast Quarter, a distance of 919.58 feet to a south corner of said remaining portion of Lot M; thence north 00 degrees 15 minutes 33 seconds east along a west line of said remaining portion of Lot M, a distance of 50.00 feet to a south corner of said remaining portion of Lot M; thence north 89 degrees 44 minutes 27 seconds west along a south line of said remaining

portion of Lot M, said line being 100.00 feet north of and parallel with the south line of said Northeast Quarter, a distance of 60.00 feet to a south corner of said remaining portion of Lot M; thence south 00 degrees 15 minutes 33 seconds west along an east line of said remaining portion of Lot M, a distance of 50.00 feet to a south corner of said remaining portion of Lot M; thence north 89 degrees 44 minutes 27 seconds west along the south line of said remaining portion of Lot M and L Replat of Lots 4 and 5 Grandview Heights, said line being 50.00 feet north of and parallel with the south line of said Northeast Quarter, a distance of 245.25 feet to a south corner of said Lot L; thence north 66 degrees 59 minutes 17 seconds west along a south line of said remaining portion of Lot L, a distance of 64.64 feet to a south corner of said remaining portion of Lot L; thence north 89 degrees 44 minutes 27 seconds west along a south line of said remaining portion of Lot L, said line being 75.00 feet north of and parallel with the south line of said Northeast Quarter, a distance of 275.42 feet to the southwest corner of said remaining portion of Lot L; thence south 84 degrees 50 minutes 25 seconds west, a distance of 70.86 feet to a southeast corner of the remaining portion of Lot 6 Grandview Heights; thence south 66 degrees 17 minutes 33 seconds west along a south line of said remaining portion of Lot 6, a distance of 50.01 feet to a south corner of said remaining portion of Lot 6; thence south 80 degrees 15 minutes 55 seconds west along a south line of said remaining portion of Lot 6, a distance of 86.40 feet to a south corner of said remaining portion of Lot 6; thence north 89 degrees 44 minutes 27 seconds west along the south line of the remaining portion of Lot 6, and the south line of the remaining portion of Lots K and J Replat of Lots 4 and 5 Grandview Heights, said line being 33.00 feet north of and parallel with the south line of said Northeast Quarter, a distance of 793.49 feet to the point of beginning, said tract contains a calculated area of 4,227,477.48 square feet or 97.05 acres, more or less; 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 Olsson Associates on behalf of the property owners, hereinafter referred to as "Permittee", to develop Grandview Heights Community Unit Plan, 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 be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 52 dwelling units.
2. This permit approves an exception to the design standards for community unit plans to eliminate the requirement that adequate and appropriate recreational area be provided to serve the needs of the development.
3. 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 community unit plan must be approved by the City.
4. Before occupying the dwelling units 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 Attorney.

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

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their 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.

Introduced by Annette McRoy

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF GRANDVIEW HEIGHTS TO DEVELOP 52 LOTS INCLUDING WAIVERS OF THE REQUIRED SIDE LINES AT RIGHT ANGLES TO THE STREET OR RADIAL, SANITARY SEWERS TO FOLLOW THE HORIZONTAL ALIGNMENT OF THE ROADWAY, STREET LIGHT INTERVALS TO ALLOW 55' SPACING, SIDEWALKS ON BOTH SIDES OF STREETS, STREET PAVING TO ALLOW RURAL ROAD CROSS SECTION AND DITCHES, LOCATION OF WATER AND SANITARY SEWER MAINS IN RELATION TO CENTERLINE, STORM WATER, SANITARY SEWER TRANSFER, BLOCK LENGTHS THAT EXCEED 1320', PEDESTRIAN ACCESS IN BLOCK LENGTHS GREATER THAN 1000 FEET, MAXIMUM LENGTH OF DEAD END STREETS AND CUL-DE-SACS, URBAN STREET TANGENT LENGTHS, LOT DEPTH TO WIDTH RATIO, STREET TREES, INTERSECTION PLATFORMS, AND DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF N. 14TH STREET AND SUPERIOR STREET. (IN CONNECTION W/03R-292) (10/20/03 - PUBLIC HEARING & ACTION DELAYED TO 10/27/03) - PRIOR to reading:

COOK Moved to amend Bill No. 03R-293 on page 1, line 12, after B, insert the following language: as amended by this Resolution. On page 3, after line 4, insert the following: BE IT FURTHER RESOLVED that Exhibit "B" be amended as follows: 1. Delete existing condition 3.2.11 in its entirety. 3. Add a new condition 3.2.11 to read as follows: 3.2.11 to construct streets with an urban cross section curb and gutter cross section. The grading of the right-of-way may be graded at a slope up or down from the back of curb to minimize grading. The plans shall be revised to show a typical cross section showing the maximum slope between the curb and right-of-way. This revised section shall be subject to approval by the Public Works Department. 3. Add a new condition 3.2.12 to read as follows: 3.2.12 To acknowledge that the grading plan as submitted does not match the grading to be shown on the typical cross section required in 3.2.11 and agree to submit a revised grading plan and drainage study prior to approval of any final plat for that portion of the preliminary plat being final platted.

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

CLERK read the following resolution, introduced by Ken Svoboda for Terry Werner who is acting chairperson, who moved its adoption:

A-82418 WHEREAS, Olsson Associates, on behalf of the property owners listed on the Exhibit "A" attached hereto, has submitted the preliminary plat of **GRANDVIEW HEIGHTS** 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 "B".

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

That the preliminary plat of **GRANDVIEW HEIGHTS**, located generally on the northwest corner of N. 14th Street and Superior Street as submitted by Olsson Associates on behalf of the property owners, is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "B", 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 Section 26.23.140(c) of the Lincoln Municipal Code that side lines of any lot be at right angles to the street, or radial if the street is curved, is waived to allow lots which do not meet this standard as shown on the preliminary plat.

2. The requirement of the Sanitary Sewer Design Standards that sanitary sewers be constructed parallel to the horizontal alignment of the roadway is waived.

3. The requirement of the Street Lighting Design Standards that mid-block normal intervals have a spacing of 240' is waived to allow 500' spacing.

4. The requirement of Section 26.27.020 of the Lincoln Municipal Code that sidewalks be constructed on both sides of all streets is waived to allow sidewalks only on one side.

5. The requirement of the Water Main Design Standards and the requirement of the Sanitary Sewer Design Standards that water mains and sewer mains be constructed parallel to the centerline of the street are waived.

6. The requirement of 26.23.130 of the Lincoln Municipal Code that block lengths shall not exceed 1,320' is waived to allow longer block lengths.

7. The requirement of Section 26.23.080 of the Lincoln Municipal Code that dead end streets not exceed 1000' in maximum length is waived.

8. The requirement of the Urban Public Street Design Standards regarding tangent lengths are waived to allow greater tangent lengths.

9. The requirement of Section 26.23.140(a) that no lot shall exceed a maximum depth of three times its width is waived.

10. The requirement of Section 26.27.090 of the Lincoln Municipal Code that street trees be planted along both sides of all streets is waived.

11. The requirement of the Urban Public Street Design Standards that street intersection platforms not exceed 3% is waived to allow intersection platforms which exceed 3%.

12. The requirement of Section 26.23.140(e) of the Lincoln Municipal Code that prohibits double frontage lots is waived to allow double frontage lots.

Introduced by Ken Svoboda

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

ADOPTING A SERVICE MANUAL DESCRIBING SPECIFIC REQUIREMENTS, METHODS, MATERIALS, DEVICES, POLICIES AND PROCEDURES FOR CONNECTING TO THE LINCOLN WATER SYSTEM - PRIOR to reading:

COOK Moved to delay action on Bill No. 03R-295 for one week to 11/3/03.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY, AND UNITED WAY FOR IMPLEMENTATION OF THE COMMUNITY BASED HUMAN NEEDS ASSESSMENT IN CONJUNCTION WITH THE UNIVERSITY OF NEBRASKA PUBLIC POLICY CENTER - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82419 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, the County of Lancaster, and United Way of Lincoln for the implementation of the Community Based Human Needs Assessment in conjunction with the University of Nebraska Public Policy Center, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to forward four fully executed originals of said Interlocal Agreement to Kristy Mundt, Lancaster County Attorney's Office for placement on the County Board agenda.

Introduced by Jonathan Cook

Seconded by Svoboda & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, 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 OCTOBER 1 TO 15, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82420 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 October 16, 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 OR SETTLED</u>	
Jeffrey Meyers	\$113,121.20	Sara Herbst Free	\$35,000.00
Kevin Pirnie	218.05	Jared & Ashley Lewis	999.62
Brian Graham	865.85	Dianne Nolde	889.77
Toina Matlock	NAS*	1 st Choice Credit Union	7,416.00
		Robert A. Bender	1,173.48

* 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 Jonathan Cook

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN DOUG SCHMIDT CONSTRUCTION, INC. AND THE CITY OVER LOT 1, EXCEPT THE SOUTH 7.0 FEET THEREOF, FAIRWAY ADDITION, TO PRESERVE THE TREE MASSES, DRAINAGE WAY AND FLOODPLAIN WITHIN THE EASEMENT AREA. (IN CONNECTION W/03R-302);

CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

WHEREAS, Doug Schmidt Construction, Inc. has offered to grant a conservation easement over Lot 1, except the south 7.0 feet thereof, Fairway Addition, Lincoln, Lancaster County, Nebraska to preserve the tree masses, drainage way and floodplain within the easement area; and

WHEREAS, acquisition of this conservation easement by the City is in conformance with the Lincoln-Lancaster County Comprehensive Plan and would further the goals of the Comprehensive Plan relating to floodplains.

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

That, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by Doug Schmidt Construction, Inc. over the tract of land legally described above pursuant to the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Jonathan Cook

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

The resolution, having **LOST**, was assigned File #38-4455, & was placed on file in the Office of the City Clerk.

SPECIAL PERMIT 2022 - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. TO DEVELOP A PLANNED SERVICE COMMERCIAL DEVELOPMENT IN THE H-4 GENERAL COMMERCIAL DISTRICT FOR APPROXIMATELY 172,650 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO ALLOW ZERO SETBACKS ON CERTAIN LOTS, TO REDUCE THE FRONT YARD SETBACK ALONG SOUTH 27TH STREET, AND TO REDUCE THE MINIMUM LOT AREA, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-300, 03-166) - PRIOR to reading:

COOK Moved to delay action on Bill NO. 03R-299 for one week to 11/3/03.

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

USE PERMIT 134A - APPLICATION OF RIDGE DEVELOPMENT AND SOUTHVIEW INC. TO DEVELOP 44,875 SQUARE FEET OF OFFICE FLOOR AREA, WITH WAIVERS TO ALLOW ZERO SETBACKS ON CERTAIN LOTS AND TO REDUCE THE FRONT YARD SETBACK ALONG

SOUTH 27TH STREET, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03R-299, 03-166) - PRIOR to reading:

COOK Moved to delay action on Bill NO. 03R-300 for one week to 11/3/03.
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

USE PERMIT 149 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. TO DEVELOP 166,100 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH WAIVERS TO ALLOW A STREET CURVE WITH LESS THAN A 150' RADIUS, TO ALLOW ZERO SETBACKS FOR CERTAIN LOTS, TO REDUCE THE FRONT YARD SETBACK ALONG SOUTH 27TH STREET, AND TO WAIVE THE SIDEWALK ON THE EAST SIDE OF SOUTH 26TH STREET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/03-167)

COOK Moved to delay action on Bill NO. 03R-301 for one week to 11/3/03.
Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

SPECIAL PERMIT 2029 - APPLICATION OF DOUG SCHMIDT AND MICHAEL THOMALLA TO DEVELOP S.W. 1ST STREET APARTMENTS COMMUNITY UNIT PLAN FOR 30 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT WEST A STREET AND S.W. 1ST STREET. (IN CONNECTION W/03R-298):

CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

WHEREAS, Doug Schmidt and Michael Thomalla have submitted an application designated as Special Permit No. 2029 for authority to construct the S.W. 1st Street Apartments Community Unit Plan consisting of 30 dwelling units, on property located at West A Street and S.W. 1st Street, and legally described to wit:

The remaining portion of Lot 1, Fairway Addition, located in the Southeast Quarter of Section 27, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the north most corner of said Lot 1; thence on the northerly line of said Lot 1, on an assigned bearing of south 73 degrees 39 minutes 45 seconds east, a distance of 217.90 feet; thence continuing on said northerly line, south 57 degrees 33 minutes 59 seconds east, 118.69 feet, to a point on the west right-of-way line for S.W. 1st Street; thence on said west right-of-way line for the next five courses, south 0 degrees 15 minutes 03 seconds west, 26.86 feet; thence south 86 degrees 32 minutes 48 seconds west, 6.98 feet; thence south 0 degrees 14 minutes 03 seconds west, 260.79 feet; thence south 4 degrees 02 minutes 54 seconds west, 63.46 feet; thence south 37 degrees 19 minutes 18 seconds west, 50.37 feet, to a point on the south line of said Lot 1, said point being on the north right-of-way line for West A Street; thence on said south line of Lot 1, south 90 degrees 00 minutes 00 seconds west, 128.01 feet, to the southeast corner of Lot 2, said Fairway Addition; thence on the east line of said Lot 2, north 0 degrees 02 minutes 31 seconds east, 196.09 feet to the northeast corner of said Lot 2; thence on the north line of said Lot 2, south 90 degrees 00 minutes 00 seconds west, 209.00 feet to the northwest corner of said Lot 2, said point being the southwest corner of said Lot 1; thence on the west line of said Lot 1, north 0 degrees 13 minutes 05 seconds west, 208.68 feet to a point on the northwesterly line of said Lot 1; thence on said northwesterly line, north 32 degrees 39 minutes 43 seconds east, 132.57 feet to the point of beginning;

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 Doug Schmidt and Michael Thomalla, hereinafter referred to as "Permittee", to construct the S.W. 1st Street Apartments Community Unit Plan consisting of 30 dwelling units, 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 30 dwelling units.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised, and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
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, their 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 Jonathan Cook

Seconded by McRoy & **LOST** by the following vote: AYES: Svoboda; NAYS: Cook, Friendt, McRoy, Newman, Werner; ABSENT: Camp. The resolution, having **LOST**, was assigned File #38-4456, & was placed on file in the Office of the City Clerk.

SPECIAL PERMIT 2030 - APPLICATION OF PEARLE F. FINIGAN TO DEVELOP FINIGAN VIEW COMMUNITY UNIT PLAN FOR 8 DWELLING UNITS, WITH WAIVERS TO THE REQUIRED MINIMUM LOT AREA, YARD SETBACKS, ORNAMENTAL LIGHTING, SIDEWALKS, STREET TREES, LANDSCAPING, PRELIMINARY PLAT REQUIREMENT, AND TO ALLOW THE PLANNING DIRECTOR TO APPROVE AN ADMINISTRATIVE FINAL PLAT WITH AN APPROVED COMMUNITY UNIT PLAN, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF NORTH 84TH STREET AND BLUFF ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82421 WHEREAS, Pearle F. Finigan has submitted an application designated as Special Permit No. 2030 for authority to develop Finigan View Community Unit Plan consisting of eight dwelling units on property located northeast of the intersection of North 84th Street and Bluff Road, and legally described to wit:

Lot 4 I.T. located in the Southwest Quarter and Northwest Quarter of the Southwest Quarter of Section 14, Township 11 North, Range 7 East; and the Northeast Quarter of the Southwest Quarter of Section 14, Township 11 North, Range 7 East; and Lot 11 I.T., located in the Southwest Quarter of Section 14, Township 11 North, Range 7 East of the 6th P.M., 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 Pearle F. Finigan, hereinafter referred to as "Permittee", to develop Finigan View Community Unit Plan consisting of eight dwelling units, 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 eight dwelling units.
2. The following modifications and waivers to the Land Subdivision Ordinance and the Zoning Code are hereby approved:
 - a. Minimum lot area.
 - b. Yard setbacks.
 - c. Ornamental lighting.
 - d. Sidewalks.
 - e. Street trees.
 - f. Landscape screens.
 - g. Requirement to submit preliminary plat.
 - h. Requirement that final plats be based upon preliminary plats.
 - i. Requirement that final plats accepting the dedication of public access over private roadways be approved by the Planning Commission.
 - j. Block length.
3. This permit grants authority to the Planning Director to approve an administrative final plat based upon the approved CUP.
4. This permit grants authority to the Planning Director to approve an administrative final plat accepting the dedication of private roadways.
5. The waiver of the preliminary plat shall only be effective for a period of ten years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
6. Administrative Final Plats will be approved by the Planning Director after:
 - a. The subdivider has completed or posted a surety to guarantee the completion of the private roadway improvements, drainage facilities, land preparation and grading, sediment and erosion control measures, drainageway improvements, temporary turnaround and barricades, and street name signs.
 - b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - i. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - ii. To complete the private improvements shown on the Community Unit Plan.
 - iii. To maintain the outlots and private improvements on a permanent and continuous basis and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they

were designed and constructed within the development. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- iv. To submit to the lot buyers and home builders a copy of the soil analysis and water study.
 - v. To pay all improvement costs.
 - vi. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - vii. To protect the trees that are indicated to remain during construction and development.
 - viii. To relinquish the right of direct vehicular access to 84th Street except for the street on Outlot B and a farm access to Outlot A and to Bluff Road except for a farm access to Outlot A.
7. Before receiving building permits:
- a. The Permittee must submit a revised and reproducible final plan including six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Administrative Final Plats within the area of this special permit shall be approved by the Planning Director.
8. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
9. Before occupying this community unit plan, the City/County Health Department must approve the water and waste water systems.
10. 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.
11. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, 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.
12. 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 Jonathan Cook

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

REAPPOINTING MIKE MCNIFF TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82422 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike McNiff to the Examining Board of Plumbers for a three-year term expiring September 4, 2006 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING MIKE MCNIFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82423 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Mike McNiff to the Water Conditioning

Board of Examiners for a three-year term expiring September 4, 2006 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING BILL WHITMER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 15, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82424 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Bill Whitmer to the Electrical Advisory, Appeals and Examining Board for a three-year term expiring August 15, 2006 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING MARTIN RAMIREZ, PH.D. AND HOLLY LE TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82425 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Martin Ramirez, Ph.D. and Holly Le to the Multicultural Advisory Committee for a three-year term expiring September 18, 2006 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING C.M. BEECH DALE, ROBERT BALDWIN, AND MELODY BATTEN TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR THREE YEAR TERMS EXPIRING NOVEMBER 1, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82426 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of C.M. Beech Dale, Robert Baldwin, and Melody Batten to the Veterans Memorial Garden Advisory Council for three-year terms expiring November 1, 2006 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING ROGER B. DRUCKER AND LARRY BROWN TO THE VETERANS MEMORIAL GARDEN ADVISORY COUNCIL FOR TERMS EXPIRING NOVEMBER 1, 2006 AND NOVEMBER 1, 2004, RESPECTIVELY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82427 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Roger B. Drucker and Larry Brown to the Veterans Memorial Garden Advisory Council for terms expiring November 1, 2006 and November 1, 2004, respectively, is hereby approved.

Introduced by Jonathan Cook

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

AUTHORIZING THE ACCEPTANCE OF TWELVE TOUR DE LINCOLN ART WORKS FOR INCLUSION IN THE CITY PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82428 WHEREAS, the Lincoln Arts Council sponsored a temporary display of public art throughout the community being the Tour de Lincoln art project; and

WHEREAS, the art works were sold at public auction at the end of the temporary display to individuals and groups; and

WHEREAS, twelve of the Tour de Lincoln project bikes have been offered to the City as donations for public display of art on public property; and

WHEREAS, the City through its Parks and Recreation Department, desires to accept the donated art and to install and continually maintain the bikes at various public areas within the City

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

That the offer of the various donors of twelve Tour de Lincoln bikes as set out below is hereby accepted for display on public property:

Artwork:	Donor:
Mosaicycle	Ken Hake
Oops	Lu Pansing
(T)rail Rider	Florence Mitchell and Family
Bike-a-saurus	Dennis & Nancy Stara
Stars and Stripes	Tara Pouris
Look Ma, No Hands	Carol Kendrick
Petal Me to Nebraska	Friends of Van Manse Park
View From Two Wheels	Park-it-at-Woods Campaign
Crushing	Park-it-at-Woods Campaign
World Traveler	Charlene Henninger and friends
Balancing the Books	Inspro Insurance, Friends of Gere Library
A Family Affair	Women of the Lincoln Country Club

Introduced by Jonathan Cook

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

APPROVING A CONSULTANT/SERVICE PROVIDER AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS WHEREBY THE CITY PARKS AND RECREATION DEPARTMENT WILL PROVIDE SUPERVISION AND COORDINATION FOR COMMUNITY LEARNING CENTER PROGRAMS AND EVERETT AND LAKEVIEW ELEMENTARY SCHOOLS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82429 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Consultant/Service Provider Agreement between the City of Lincoln and Lincoln Public Schools whereby the Parks and Recreation Department will provide supervision and coordination for community learning center programs at Everett Elementary School and Lakeview Elementary School, for a three-year term, upon the terms and conditions as set forth in said Agreement which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed original of said Agreement to Lynn Johnson, Parks and Recreation Department, for transmittal to Lincoln Public Schools.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2003 AT 5:30 P.M. FOR MAN. APP. OF THOMAS R. ALESSI FOR RED ROBIN INTERNATIONAL, INC. DBA RED ROBIN AMERICA'S GOURMET BURGERS & SPIRITS AT 2707 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82430 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 17, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Thomas R. Alessi for Red Robin International, Inc. dba Red Robin America's Gourmet Burgers & Spirits at 2707 Pine Lake Road.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF NOVEMBER 17, 2003 AT 5:30 P.M. FOR THE MAN. APP. OF CHRISTOPHER M. THOMSON FOR YANKEE HILL DEVELOPMENT LLC DBA "YANKEE

HILL COUNTRY CLUB" AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82431 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 17, 2003, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Christopher M. Thomson for Yankee Hill Development LLC dba Yankee Hill Country Club 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 Jonathan Cook

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

PETITIONS & COMMUNICATIONS

FORMAL PAVING PETITION TO PAVE STREETS AND ALLEYS BETWEEN WEST SOUTH STREET, SOUTHWEST 23RD STREET TO SOUTHWEST 27TH STREET AND SOUTHWEST 27TH STREET WEST SOUTH TO WEST A STREET SUBMITTED BY DUANE L. HARTMAN, HARTLAND HOMES - CLERK presented said petition which was referred to the Public Works Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 20, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FROM OCTOBER 6 THRU OCTOBER 17, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82432 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 Jonathan Cook

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JUNE, 2003: BUSINESS TELECOM; JULY - SEPT., 2003: CLARICOM NETWORKS, MATRIX TELECOM, TOUCH 1 COMM., AMERIVISION, ALIANT; SEPT., 2003: NEXTEL WEST, VARTEC, SPRINT, ATT WIRELESS, CELLULAR ONE, BUSINESS TELECOM, NEXTEL PARTNERS, D & D COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF CASH ON HAND FOR THE WEEK ENDING SEPTEMBER 30, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING

AMENDING SECTION 2.76.370 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE USAGE OF PERSONAL CONVENIENCE HOLIDAY HOURS TO BE THE SAME AS THE LABOR CONTRACTS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.76.370 of the Lincoln Municipal Code relating to authorized holidays to provide that eligible employees will be entitled to two noncumulative personal holidays each payroll fiscal year and that those holidays may be taken at any time during the payroll fiscal year with the prior approval of the appointing authority; and repealing Section 2.76.370 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER M BY CREATING A NEW JOB TITLED HEALTH DATA & EVALUATION MANAGER - CLERK read

an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18223 relating to the pay schedules of employees whose classification of "Health Data & Evaluation Manager", the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER N BY CREATING A NEW JOB TITLE RIGHT-OF-WAY SPECIALIST - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18217 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" to create the job classification of "Right-of-Way Specialist", the first time.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER C BY CREATING THE JOB CLASSIFICATIONS OF HOUSING REHABILITATION SPECIALIST II AND HOUSING REHABILITATION SPECIALIST, AND BY AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER A BY DELETING THE JOB CLASSIFICATIONS OF ENVIRONMENTAL ENGINEER I AND ENVIRONMENTAL ENGINEER II - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 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" to delete the job classifications of "Environmental Engineer I" and "Environmental Engineer II"; and amending Section 3 of Ordinance No. 18220 relating to the pay schedules of employees whose classifications area assigned to the pay range which is

prefixed by the letter "C" to change the job classification title "Housing Rehabilitation Specialist" to "Housing Rehabilitation Specialist I" and to create the job classification of "Housing Rehabilitation Specialist II", the first time.

CHANGE OF ZONE 3422 - APPLICATION OF KAREN BROUWER, ON BEHALF OF THE PROPERTY OWNERS, FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 33RD STREET AND WEST DENTON ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DYNAMIC EDUCATIONAL SYSTEMS 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. (REQUEST 2ND & 3RD READINGS 11/3/03.) - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and Dynamic Educational Systems, Inc. representing Job Corps for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of November 1, 2003 through October 31, 2004 whereby the City of Lincoln is subleasing space to Job Corps at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

AMENDING TITLE 8 OF THE LINCOLN MUNICIPAL CODE RELATING TO HEALTH AND SANITATION BY CREATING A NEW CHAPTER 8.48 ENTITLED THE LINCOLN SMOKEFREE AIR ACT TO SET FORTH THE TITLE AND PURPOSE OF THE CHAPTER, TO SET FORTH GENERAL PROVISIONS REGARDING DEFINITIONS USED IN THE CHAPTER, TO PROVIDE DEFINITIONS FOR EMPLOYEE, EMPLOYER, GUESTROOM OR SUITE, HEALTH DIRECTOR, INDOOR AREA, INTERNATIONAL NO-SMOKING SYMBOL, PLACE OF EMPLOYMENT, PROPRIETOR, PUBLIC PLACE, SMOKE OR SMOKING, RESPECTIVELY, TO PROVIDE EXCEPTIONS TO THE PROVISIONS OF THE CHAPTER; TO REQUIRE THE POSTING OF "NO SMOKING" SIGNS, TO PROVIDE FOR THE ENFORCEMENT OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE PENALTIES FOR VIOLATIONS OF THE CHAPTER, TO PROVIDE FOR SEVERABILITY OF THE CHAPTER, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE SIX MONTHS AFTER CITY COUNCIL APPROVAL - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 8 of the Lincoln Municipal Code relating to Health and Sanitation by creating a new Chapter 8.48 entitled the Lincoln Smokefree Air Act to set forth the title and purpose of the Chapter, to set forth general provisions regarding definitions used in the Chapter, to provide definitions for employee, employer, guestroom or suite, health director,

indoor area, international no-smoking symbol, place of employment proprietor, public place, smoke or smoking, respectively, to provide exceptions to the provisions of the chapter; to require the posting of "no smoking" signs, to provide for the enforcement of the provisions of the chapter to provide penalties for violations of the chapter, to provide for severability of the chapter, and providing that this ordinance shall become effective six months after City Council approval, the first time.

ORDINANCES - 3RD READING

VACATING POTTER STREET BETWEEN 26TH AND 27TH STREETS - CLERK read the following ordinance, introduced by Ken Svoboda, vacating Potter Street between 26th and 27th Streets, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by McRoy & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#18258**, is recorded in Ordinance Book 25, Page

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 468.49 ACRES OF PROPERTY GENERALLY LOCATED AT WEST VAN DORN STREET AND SOUTH FOLSOM STREET - CLERK read the following ordinance, introduced by Ken Svoboda, amending the Lincoln Corporate limits map by annexing approximately 468.49 acres of property generally located at West Van Dorn Street and South Folsom Street, the third time.

COOK Moved to delay action on Bill No. 03-156 to 11/17/03.

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

VACATING THE PUBLIC RIGHT-OF-WAY SURROUNDING THE NEW THEATER COMPLEX GENERALLY LOCATED FROM 11TH TO 12TH STREETS, BETWEEN P AND O STREETS, AND PORTION OF THE EAST-WEST ALLEY IN THE SAME BLOCK, AND RETAINING TITLE IN THE CITY OF LINCOLN FOR PURPOSES OF CONVEYING A REDEVELOPMENT EASEMENT IN CONNECTION WITH THE DOWNTOWN THEATER PROPERTY - CLERK read the following ordinance, introduced by Ken Svoboda, vacating the public right-of-way surrounding the new theater complex generally located from 11th to 12th streets, between P and O Streets, and portion of the East-West Alley in the same block, and retaining title in the City of Lincoln for purposes of conveying a redevelopment easement in connection with the downtown theater property, the third time.

NEWMAN Moved to amend Bill No. 03-157 on page 2, line 17, after the word "The" delete the word "east" and insert in lieu thereof the word west. On page 2, line 17, after the words "183.0 feet of the" delete the word "west" and insert in lieu thereof the word east.

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

SVOBODA Moved to pass the ordinance as amended.

Seconded by McRoy & carried by the following vote: AYES: Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Cook; ABSENT: Camp.
The ordinance, being numbered **#18257**, is recorded in Ordinance Book 25, Page

APPROVING A 15-YEAR LEASE AGREEMENT BETWEEN THE CITY AND LINCOLN MIDGET FOOTBALL FOR THE USE OF PARK PROPERTY WEST OF SHERMAN FIELD FOR A FOOTBALL FIELD COMPLEX - CLERK read the following ordinance, introduced by Ken Svoboda, approving a 15-year lease agreement between the city and Lincoln Midget Football for the use of park property west of Sherman Field for a football field complex, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#18259**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

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

UPCOMING RESOLUTIONS -

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

ADJOURNMENT 9:45 P.M.

SVOBODA Moved to adjourn the City Council meeting of October 27, 2003.
Seconded by McRoy & carried by the following vote: AYES: Cook,
Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

