

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 3, 2003 AT 1:30 P.M.

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

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

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of October 27, 2003, reported having done so, found same correct.

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

PUBLIC HEARING

Councilman Werner moved to amend the agenda to have public hearing on #11 following #15.

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

APPLICATION OF DARRIN P. SALAZAR AND STEVEN J. FESTNER DBA LORENZO'S FOR A CLASS I LIQUOR LICENSE AT 500 WEST GATE BLVD. - Darrin P. Salazar, 717 Folsom Lane #72 and Steven J. Festner, 3721 N. 44 St., took oath and came forward to answer any questions.

Councilperson Annette McRoy asked Mr. Fester about issues stated in the Police report attached to his application.

Mr. Festner answered that these have been taken care of. They happened when he was 21 & 22.

This matter was taken under advisement.

APPLICATION OF LINCOLN STEAK COMPANY L.L.C. DBA WHISKEY CREEK STEAKHOUSE FOR A CLASS C LIQUOR LICENSE AT 3000 PINE LAKE ROAD;
MANAGER APPLICATION OF KELLY JOE MAXFIELD FOR LINCOLN STEAK COMPANY L.L.C. DBA WHISKEY CREEK STEAKHOUSE AT 3000 PINE LAKE ROAD - Kelly Joe Maxfield, 5655 N.W. 11th Circle, took oath and came forward to answer any questions.

This matter was taken under advisement.

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;

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

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER N BY CREATING A NEW JOB TITLE RIGHT-OF-WAY SPECIALIST;

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 - Don Taute, Personnel Director, came forward to answer any questions.

This matter was taken under advisement.

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 - Karen Brouwer, 4320 W. Raymond Rd, Raymond, NE, came forward to answer any questions.

This matter was taken under advisement.

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.) - Marc Wullschleger, Director of Urban Development, stated his department has oversight over the One Stop. This is a renewal for Job Corp. and is a one year lease in Gold's Galleria. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A RETAINING WALL AND FENCE AT 2610 SOUTH 11TH STREET - Matt Taylor and Crystal Whitaker, 2610 S. 11th Street, came forward stating that they were here to continue with the process so that they can complete their wall.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2003 - Terry Bundy, Administrator and CEO of Lincoln Electric System stated that the budget is for 255 million dollars which is a 1.9% decrease from last year due to the capitol portion of the budget being down. The operating portion is up a little bit. There will be no change in the electric rates in 2004.

This matter was taken under advisement.

APPEAL OF DENIAL OF A PEDDLER PERMIT TO TOM E. NOOTZ BY THE POLICE DEPARTMENT - Tom E. Nootz, 563 N. 88th Plaza #8A, Omaha, NE 68114, stated he wants to get a license to sell meat in Lincoln.

Councilperson Annette McRoy asked how he was going to go about selling his product?

Mr. Nootz stated he would be going to businesses and door to door in the residential area once every two or three months for maybe 3 or 4 days.

Tom Casady, Chief of Police, cited from the Municipal Code book that no peddler permits will be issued to any person convicted of a felony or a crime involving moral turpitude within the 10 years preceding the date of filing for such an application. It was noted on Mr. Nootz's application that he had been convicted of a felony which was not having a used car dealer's license.

Councilperson Glenn Friendt asked if this felony conviction was within the time frame?

Chief Casady answered that it was six months ago.

Chairperson Jon Camp asked if the merchandise being sold requires other restrictions as far as health codes or other requirements?

Chief Casady stated that anyone selling food products would need to follow the USDA and Health Department regulations.

Dana Roper, City Attorney, commented that the ordinance does not provide for exceptions or leeway. It does say that the decision of the Council is final and binding.

Mr. Nootz explained in reference to the felony conviction that he was told two different things and he just wants to abide by the law and do the right thing.

This matter was taken under advisement.

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 - Bruce Dart, Director of Lincoln Lancaster Health Department, came forward to present this ordinance. Discussion followed.

Roberta Doeden, 4211 LaSalle, came forward in support.

Stanton Glantz, 1424 24th Avenue, San Francisco, CA, Professor of Medicine at the University of California San Francisco, came forward at the request of Smoke Free Lincoln to share research information and answer any questions. Discussion followed.

Brian Mulder, 3301 W. Claire Avenue, came forward in opposition.
Jerry Bainbridge, 1033 Daybreak Circle, came forward in support.
Discussion followed.
Elaine Kodad, 1918 Teal Circle, came forward in opposition.
Discussion followed.
Enid Newman, Rt. 1, Box 62, Walton, NE, came forward in support.
Paul Miloni, 2916 Franklin Street, came forward in opposition.
Discussion followed.
Ken Semler, 222 W. Lakeshore Dr., came forward in opposition.
Discussion followed.
Dr. Cary Ward, 5929 Norman Rd., Chief Medical Officer at St. Elizabeth Hospital, came forward in favor. Discussion followed.
Terry Ernisse, 8241 S 1st Street, came forward in opposition.
Discussion followed.
Charles Williams, 4911 S. 75th Street, came forward in support.
David Shield, 635 Lakeside Dr., came forward in opposition.
Discussion followed.
Rex Jordan, 1931 N. 77th Street, came forward in support.

TOOK BREAK 3:59 P.M.

RECONVENED 4:18 P.M.

Christal Wagner, 1920 W. O Street, came forward in opposition.
Discussion followed.
Christine Bleich, 1062 T Street, came forward in support.
Katie Sipp, 8846 Plum Street, came forward in opposition.
Tiffany Sutter, 1811 Prairie Lane, came forward in support.
John Hamilton, 2102 South Street, came forward in opposition.
Dawn Vosteen, 3024 O'Neil Place, came forward in support.
Discussion followed.
Reynold McMeen, 5010 S. 72nd Street, came forward in opposition.
Discussion followed.
Mike Waddum, 5506 S. 104th Circle, Omaha, NE, representing the Lung Association came forward in support. Discussion followed.
Ted Wright, 1826 S. 15th Street, came forward in opposition.
Discussion followed.
Dr. Rob Rhodes, 5525 S. 26th Street, came forward in support.
Discussion followed.
Jerry Gulizia, 3612 Worthington Ave., came forward in opposition.
Discussion followed.
Glen Cekal, 1420 C Street #A, came forward in support.
Jerry Irwin, 1980 Sewell, came forward in opposition. Discussion followed.
Mark Welsch, 5611 Howard St., Omaha, NE, President of GASP of Nebraska the group to alleviate smoking pollution, came forward in support. Discussion followed.
Ricky Bickford, 6504 Benton, came forward in opposition.
Dr. Barb Morley, 2108 Q Street, came forward in support.
Discussion followed.
Michael Carpenter, 9131 Merryvale Dr., came forward in opposition.
Discussion followed.
Jan Oenbring, 1820 Rusty Lane, came forward in support.
Tim Martin 5345 Oldham Street, came forward in opposition.
Barry Franzen, 317 S. 11th Street, came forward in opposition.
Discussion followed.
Bob Cunningham, 3127 N. Hill Rd., Came forward in support.
Discussion followed.
David Shoemaker, 6241 Eastshore Dr., came forward in opposition.
Discussion followed.
David Cookson, 7321 Pioneers, came forward in support.
Rob Sahs, 6728 Starr, came forward in opposition.

TOOK BREAK 7:12 P.M.

RECONVENED 7:38 P.M.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 S St., suggested a proposal for the neighborhood site plan and asked that the history & culture of the neighborhood be preserved. He commented that the lots offered are not comparable to his current property.

Ed Patterson, 2108 Q Street, requested that the history be preserved in their neighborhood.

Dr. Barb Morley, 2108 Q Street, expressed her concern of the neighborhood reference the Antelope Valley project. She feels the owners are being under compensated and that the City Council is their insurance that these things won't happen.

Ken Sherwood, 2011 W. Rokeby Rd., came forward as a Right-of-Way consultant for property owners. He feels the city's right-of-way dealings are inadequate. He stated the city refuses to put the terms of agreement in writing.

Glen Cekal, 1420 C Street, stated he wished that Mayor Seng would help out the citizens affected by the Antelope Valley project.

Wynn Hjermstad, Urban Development, came forward to answer questions. Discussion followed.

Jerry Gulizia, 3612 Worthington, came forward to request help with a problem neighbor at 3608 Worthington Ave. who never cleans up his dog messes nor mows the tall weeds. This was referred to the Problem Resolution Team.

Frank Delgado, 3325 P Street, came forward to make the Council aware of the 5th Annual Veteran's Recognition Walk.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF THE DUGOUT, INC. DBA THE DUGOUT SPORTS RESTAURANT FOR A LIQUOR CATERING LICENSE AT 311 N. 8TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82433 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of The Dugout, Inc. dba The Dugout Sports Restaurant for the issuance of a Catering Permit to the existing liquor license, located at 311 North 8th Street, Suite 1, Lincoln, Nebraska, be denied for the reason that the applicant has failed to satisfactorily demonstrate that the issuance of this license would further the public interest, be a betterment to the city and a true increase in service to the public, and would not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

APPLICATION OF DARRIN P. SALAZAR AND STEVEN J. FESTNER DBA LORENZO'S FOR A CLASS I LIQUOR LICENSE AT 500 WEST GATE BLVD. - PRIOR to reading:

WERNER Moved to amend resolution to include Steven J. Festner.

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

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82434 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 Darrin P. Salazar and Steven J. Festner dba Lorenzo's for a Class "I" liquor license at 500 West Gate Blvd., Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

McRoy, Newman, Werner; NAYS: Camp, Cook, Svoboda.

APPLICATION OF LINCOLN STEAK COMPANY L.L.C. DBA WHISKEY CREEK STEAKHOUSE FOR A CLASS C LIQUOR LICENSE AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82435 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Steak Company L.L.C. dba Whiskey Creek Steakhouse for a Class "C" liquor license at 3000 Pine Lake Road, Lincoln, Nebraska, for the license period ending October 31, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

MANAGER APPLICATION OF KELLY JOE MAXFIELD FOR LINCOLN STEAK COMPANY L.L.C. DBA WHISKEY CREEK STEAKHOUSE AT 3000 PINE LAKE ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82436 WHEREAS, Lincoln Steak Company L.L.C. dba Whiskey Creek Steakhouse located at 3000 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Kelly Joe Maxfield be named manager;

WHEREAS, Kelly Joe Maxfield appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Kelly Joe Maxfield be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

ORDINANCES - 2ND 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 second 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 second 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 second 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 second 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 second 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 second 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 second time.

RESOLUTIONS

APPOINTING ALENE ANDERSON-SWINEHART, CHARLES GREEN, ED CAUDILL, AND JENNIFER SEVERE-OFORAH TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR THREE-YEAR

TERMS EXPIRING AUGUST 31, 2006 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82437 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Alene Anderson-Swinehart, Charles Green, Ed Caudill, and Jennifer Severe-Oforah to the Community Development Task Force for three-year terms expiring August 31, 2006 is hereby approved.

Introduced by Glenn Friendt

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

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF A RETAINING WALL AND FENCE AT 2610 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82438 WHEREAS, Matthew Taylor has submitted an application for a permit to use the public right-of-way at 2610 South 11th Street, for installation of a retaining wall and fence; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Matthew Taylor to use the public right-of-way at 2610 South 11th Street for the purpose of installing a retaining wall and fence, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, his heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Glenn Friendt

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2003 - Action to be on November 17, 2003.

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) - PRIOR
to reading:

SVOBODA Moved to amend Bill No. 03R-301 in the following manner:

1. On page 5, after line 6, insert the following:

BE IT FURTHER RESOLVED that the Stone Ridge Estates Commercial
Center Agreement for the Installation of Site Related Transportation
Improvements, attached hereto marked as Attachment "A" and incorporated
herein by reference, is hereby accepted and approved and the Mayor is
authorized to execute the same on behalf of the City of Lincoln,
Nebraska.

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

SVOBODA Moved to amend Bill No. 03R-301 in the following manner:

(a) On page 1, line 9, through page 2, line 37, delete the
entire legal description and insert in lieu thereof the
following legal description:

Lot 82 I.T., located in the Southeast Quarter of Section 24,
Township 9 .

North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster
County, Nebraska.

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

A-82439 WHEREAS, Ridge Development Company and Southview, Inc.

ave submitted an application in accordance with Section 27.27.080 of the
Lincoln Municipal Code designated as Use Permit No. 149 for authority to
construct 166,100 square feet of commercial space, including waivers to
allow a street curve with less than a 150 foot 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, and legally described to wit:

A portion of Lot 81 I.T., located in the Southeast
Quarter of Section 24, Township 9 North, Range 6 East
of the 6th p.m., Lancaster County, Nebraska, and more
particularly described as follows:

Commencing at the southeast corner of said Southeast
Quarter; thence on an assumed bearing of north 00
degrees 02 minutes 09 seconds west along the east line
of said Southeast Quarter, a distance of 533.63 feet
to a point; thence south 89 degrees 57 minutes 51
seconds west, a distance of 50.00 feet to a point of
intersection with the east line of said Lot 81 I.T.,
said point being the true point of beginning; thence
south 89 degrees 57 minutes 51 seconds west, a
distance of 394.09 feet to a point; thence north 35
degrees 06 minutes 51 seconds west, a distance of
97.06 feet to a point; thence north 00 degrees 02
minutes 09 seconds west, a distance of 115.27 feet to
a point; thence north 77 degrees 07 minutes 34 seconds
west, a distance of 293.13 feet to a point; thence
along a curve in a clockwise direction, having a
radius of 1,007.00 feet, arc length of 474.92 feet,
delta angle of 27 degrees 01 minutes 18 seconds, a
chord bearing of north 75 degrees 23 minutes 47
seconds west, and a chord length of 470.53 feet to a
point of intersection with a west line of said Lot 81
I.T.; thence north 28 degrees 01 minutes 29 seconds
east along a west line of said Lot 81 I.T., a distance
of 377.16 feet to a west corner of said Lot 81 I.T.;
thence north 20 degrees 57 minutes 33 seconds east
along a west line of said Lot 81 I.T., a distance of
86.51 feet to a west corner of said Lot 81 I.T.;
thence north 77 degrees 26 minutes 11 seconds east
along a north line of said Lot 81 I.T., a distance of
67.92 feet to a west corner of said Lot 81 I.T.;
thence north 00 degrees 02 minutes 08 seconds west

along a west line of said Lot 81 I.T., a distance of 130.00 feet to the northwest corner of said Lot 81 I.T.; thence north 89 degrees 57 minutes 52 seconds east along a north line of said Lot 81 I.T., a distance of 185.01 feet to a north corner of said Lot 81 I.T.; thence south 88 degrees 24 minutes 06 seconds east along a north line of said Lot 81 I.T., a distance of 148.41 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 400.00 feet, arc length of 147.15 feet, delta angle of 21 degrees 04 minutes 39 seconds, a chord bearing of south 77 degrees 51 minutes 47 seconds east along a north line of said Lot 81 I.T., and a chord length of 146.32 feet to a point of tangency; thence south 67 degrees 19 minutes 27 seconds east along a north line of said Lot 81 I.T., a distance of 84.84 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 400.00 feet, arc length of 158.56 feet, delta angle of 22 degrees 42 minutes 42 seconds, a chord bearing of south 78 degrees 40 minutes 48 seconds east along a north line of said Lot 81 I.T., and a chord length of 157.52 feet to a point of tangency; thence north 89 degrees 57 minutes 51 seconds east along a north line of said Lot 81 I.T., a distance of 207.04 feet to the northeast corner of said Lot 81 I.T.; thence south 00 degrees 02 minutes 09 seconds east along the east line of said Lot 81 I.T., said line being 50.00 feet west of and parallel with the east line of said Southeast Quarter, a distance of 838.58 feet to the point of beginning, said tract contains a calculated area of 787,350.45 square feet or 18.08 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for the development of commercial space will not be adversely affected; and

WHEREAS, Lincoln Municipal Code § 26.31.015 provides that the requirements of Title 26 of the Lincoln Municipal Code may be modified under the conditions of approval of a use permit; 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 Ridge Development Company and Southview, Inc., hereinafter referred to as "Permittee", to construct 166,100 square feet of commercial space, be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 166,100 square feet of commercial floor area.
2. This permit approves the following modifications and waivers:
 - a. The requirement of Lincoln Municipal Code § 26.27.020 requiring sidewalks on both sides of all streets is waived for the east side of South 26th Street.
 - b. The requirement of the Urban Public Street Design Standards that the minimum centerline radius for curves on local streets be 150 feet is waived to allow a street curve with less than a 150' radius.
 - c. The yard requirements of the B-2 Planned Neighborhood Business District are waived to allow the required yards to have 0' setbacks for Lots 1-8, Block1, and to reduce the front yard setback from 50' to 40' along South 27th Street.
3. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies to the Planning Director.

- b. The construction plans must conform to the approved plans.
 - c. Final plats within this use permit area must be approved by the City.
4. Before occupying any buildings all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City.
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 circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, and its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 17, 2003 AT 5:30 P.M. FOR THE APP. OF KWIK SHOP, INC. DBA "KWIK SHOP #619" FOR A CLASS "D" LIQUOR LICENSE LOCATED AT 2302 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82440 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 App. of Kwik Shop Inc. dba Kwik Shop #619 for a Class "D" liquor license located at 2302 Cornhusker Highway.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, NOV. 24, 2003 AT 1:30 P.M. FOR THE APP. OF OSIAN INTERNATIONAL MARKET LLC DBA OASIAN INTERNATIONAL MARKET FOR A CLASS "D" LIQUOR LICENSE AT 2535 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82441 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 24, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

Building, 555 S. 10th St., Lincoln, NE, for the App. of Osian International Market, LLC dba Oasian International Market for a Class "D" liquor license at 2535 O Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, NOV. 24, 2003 AT 1:30 P.M. FOR THE APP. OF CAFÉ DE MAI LLC DBA CAFÉ DE MAI AND SEASON BANQUET HALL FOR A CLASS "I" LIQUOR LICENSE AT 2535 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82442 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 24, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Café de Mai LLC dba Café de Mai and Season Banquet Hall for a Class "I" liquor license at 2535 O Street.

If the Police Dept. is unable to complete the investigation by

said time, a new hearing date will be set.

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF NOV. 24, 2003 AT 1:30 P.M. FOR THE MAN. APP. OF SCOTT M. ROSOWSKI FOR DHABS, LLC DBA BARRYMORE'S AT 124 N. 13TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82443 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 24, 2003 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Scott M. Rosowski for DHABS, LLC dba Barrymore's at 124 N. 13th Street.

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

Introduced by Glenn Friendt

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

ADOPTING A SERVICE MANUAL DESCRIBING SPECIFIC REQUIREMENTS, METHODS, MATERIALS, DEVICES, POLICIES AND PROCEDURES FOR CONNECTING TO THE LINCOLN WATER SYSTEM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82446 WHEREAS, a reference service manual has been requested by plumbing and utility contractors to assist and guide contractors in how to connect to the Lincoln Water System; and

WHEREAS, the Lincoln Water System has compiled a manual including the following practices: a list of approved materials and devices; procedures for making connections to water mains; procedures for installing meters, procedures for installing and testing backflow assemblies and procedures for relocation of fire hydrants; and

WHEREAS, the Lincoln Water System intends that the Service Manual be reviewed and revised as necessary to reflect current practices, materials, and methods, or to clarify policies and procedures for persons making connections to the water system.

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

That the Lincoln Water System Service Manual, identified as Attachment A and made a part hereof as if set out fully describing specific requirements, methods, materials, devices, policies and procedures for connecting to the Lincoln Water System, is hereby approved and adopted as the Lincoln Water System manual of practice to assist plumbing and utility contractors with an operative date of January 1, 2004.

Introduced by Jonathan Cook

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

REAPPOINTING W. CECIL STEWARD TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2009 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82447 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the re-appointment of W. Cecil Steward to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2009 is hereby approved.

Introduced by Terry Werner

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

APPOINTING JENNIFER J. BRINKMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2009. (10/20/03 - QUESTION SPLIT; ACTION DELAYED TO 11/3/03) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82448 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jennifer J. Brinkman to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2009 is hereby approved.

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

APPOINTING LYNN SUNDERMAN TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION
FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2009. (10/20/03 - QUESTION
SPLIT; ACTION DELAYED TO 11/3/03) - PRIOR to reading:

COOK Moved to place Bill No. 03R-287B on Pending.
Seconded by Newman & carried by the following vote: AYES: Cook,
McRoy, Newman, Werner; NAYS: Camp, Friendt, Svoboda.

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 amend Bill No. 03R-299 in the following manner:

(a) On page 3, after line 20, insert the following paragraphs d
and e:

d. The Permittee must revise note 5 on the plan to read
as follows: "Signs need not be shown on the site plan, but will be shown
at the time of building permit and will be per Chapter 27.69 of the
Lincoln Municipal Code. No pole signs shall be allowed on Lots 1 and 2,
Block 1."

e. The Permittee must revise Note 12 on the plan to read
as follows: "All outside lighting shall meet City of Lincoln
Design Standards for parking lots. At least two-
thirds of all outside lights in Lot 1 and 2, Block 1,
shall be turned off 30 minutes after business hours."

(b) On page 4, after line 15, insert the following paragraph:

11. Permittee shall adopt and enforce a policy prohibiting
its service technicians from test driving vehicles in or through
residential areas. Permittee shall adopt a policy that its salespeople
shall instruct customers to avoid driving in or through residential
areas during test drives.

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

COOK Moved to amend Bill No. 03R-299 in the following manner:

1. On page 4, after line 15, insert the following:

BE IT FURTHER RESOLVED that the amendment to the Pine Lake
South Agreement for Installation of Off-Site Transportation
Improvements, attached hereto marked as Attachment "A" and incorporated

herein by reference, is hereby accepted and approved and the Mayor is
authorized to execute the same on behalf of the City of Lincoln,
Nebraska.

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

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

A-82449 WHEREAS, Ridge Development Company and Southview, Inc. has
submitted an application designated as Special Permit No. 2022 for
authority 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, and legally
described to wit:

A portion of Outlot "E" Pine Lake Heights South 4th
Addition, located in the Southwest Quarter of Section
19, Township 9 North, Range 7 East of the 6th P.M.,
City of Lincoln, Lancaster County, Nebraska, and more
particularly described as follows:

Commencing at the southwest corner of said Southwest
Quarter, said point being the true point of beginning;

thence on an assumed bearing of north 00 degrees 02 minutes 09 seconds west along the west line of said Southwest Quarter, distance of 1,162.79 feet to a point; thence north 89 degrees 57 minutes 52 seconds east, a distance of 238.59 feet to a point; thence north 00 degrees 29 minutes 28 seconds east, a distance of 60.80 feet to a point; thence north 89 degrees 57 minutes 52 seconds east, a distance of 55.43 feet to a point; thence south 75 degrees 54 minutes 57 seconds east, a distance of 173.43 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 50.00 feet, arc length of 52.65 feet, delta angle of 60 degrees 19 minutes 54 seconds, a chord bearing of south 45 degrees 45 minutes 00 seconds east, and a chord length of 50.25 feet to a point; thence south 15 degrees 35 minutes 02 seconds east, a distance of 45.78 feet to a point; thence south 52 degrees 39 minutes 47 seconds east, a distance of 316.32 feet to a point; thence south 46 degrees 55 minutes 10 seconds east, a distance of 67.29 feet to a point of a non tangent curve; thence along a curve in a counter clockwise direction, having a radius of 200.00 feet, arc length of 68.31 feet, delta angle of 19 degrees 34 minutes 10 seconds, a chord bearing of north 33 degrees 17 minutes 45 seconds east, and a chord length of 67.98 feet to a point of tangency; thence north 23 degrees 30 minutes 40 seconds east, a distance of 148.95 feet to a point of a non tangent curve, said point being the intersection with the center line of Grainger Parkway right-of-way; thence along a curve in a counter clockwise direction, having a radius of 800.00 feet, arc length of 355.83 feet, delta angle of 25 degrees 29 minutes 04 seconds, a chord bearing of south 77 degrees 34 minutes 42 seconds east, and a chord length of 352.90 feet to a point of intersection with the center line of future South 30th Street right-of-way; thence south 00 degrees 19 minutes 13 seconds east along said center line, a distance of 415.97 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 5,000.00 feet, arc length of 80.39 feet, delta angle of 00 degrees 55 minutes 16 seconds, a chord bearing of south 00 degrees 46 minutes 51 seconds east along said center line, and a chord length of 80.39 feet to a point of tangency; thence south 01 degrees 14 minutes 30 seconds east along said center line, a distance of 458.42 feet to a point of intersection with the south line of said Southwest Quarter; thence south 88 degrees 45 minutes 30 seconds west along the south line of said Southwest Quarter, a distance of 1,266.00 feet to the point of beginning, said tract contains a calculated area of 1,326,955.48 square feet or 30.4627 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this Planned Service Commercial development 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 Ridge Development Company and Southview, Inc., hereinafter referred to as "Permittee", to develop a Planned Service Commercial development in the H-4 General Commercial District for approximately 172,650 square feet of commercial floor area, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 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 172,650 square feet of commercial floor

area.

2. A waiver of all required yards to allow 0' setback for Lots 1 and 2, Block 1, and Lots 1-12, Block 2, is approved.
3. A waiver to reduce the front yard setback from 50' to 40' along South 27th Street is approved.
4. A waiver to reduce the minimum lot area in the H-4 district from 15,000 square feet to 4,000 square feet is approved.
5. 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.
 - c. Final Plats within the area of this planned commercial area must be approved by the City.
6. Before occupying any buildings all development and construction must be completed in conformance with the approved plans.
7. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
8. 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.
9. 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.
10. 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 Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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

A-82450 WHEREAS, Ridge Development Company and Southview, Inc. have submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 134A for authority to construct approximately 44,875 sq. ft. of office floor area, including 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, and legally described to wit:

A portion of Outlot "E" Pine Lake Heights South 4th Addition, located in the Southwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the southwest corner of said Southwest Quarter; thence on an assumed bearing of north 00 degrees 02 minutes 09 seconds west along the west line of said Southwest Quarter, a distance of 1162.79 feet to a point, said point being the true point of beginning; thence continuing north 00 degrees 02 minutes 09 seconds west along said west line, a distance of 227.93 feet to a point; thence north 89 degrees 57 minutes 52 seconds east, a distance of 324.56 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 1,540.00 feet, arc length of 169.87 feet, delta angle of 06 degrees 19 minutes 11 seconds, a chord bearing of north 86 degrees 48 minutes 16

seconds east, and a chord length of 169.78 feet to a point of curvature of a non tangent curve, said point being on the center line of Grainger Parkway right-of-way; thence along a curve in a clockwise direction, having a radius of 300.00 feet, arc length of 144.61 feet, delta angle of 27 degrees 37 minutes 10 seconds, a chord bearing of south 50 degrees 06 minutes 16 seconds east along said center line, and a chord length of 143.22 feet to a point of reverse curvature; thence along a curve in a counter clockwise direction, having a radius of 800.00 feet, arc length of 398.51 feet, delta angle of 28 degrees 32 minutes 28 seconds, a chord bearing of south 50 degrees 33 minutes 55 seconds east along said center line, and a chord length of 394.40 feet to a point; thence south 23 degrees 30 minutes 40 seconds west, a distance of 148.95 feet to a point; thence along a curve in a clockwise direction, having a radius of 200.00 feet, arc length of 68.31 feet, delta angle of 19 degrees 34 minutes 10 seconds, a chord bearing of south 33 degrees 17 minutes 45 seconds west, and a chord length of 67.98 feet to a point, thence north 46 degrees 55 minutes 10 seconds west, a distance of 67.29 feet to a point, thence north 52 degrees 39 minutes 47 seconds west, a distance of 316.32 feet to a point, thence north 15 degrees 35 minutes 02 seconds west, a distance of 45.78 feet to a point of anon tangent curve; thence along a curve in a counter clockwise direction, having a radius of 50.00 feet, arc length of 52.65 feet, delta angle of 60 degrees 19 minutes 54 seconds, a chord bearing of north 45 degrees 45 minutes 00 seconds west, and a chord length of 50.25 feet to a point of tangency; thence north 75 degrees 54 minutes 57 seconds west, a distance of 173.43 feet to a point, thence south 89 degrees 57 minutes 52 seconds west, a distance of 55.43 feet to a point; thence south 00 degrees 29 minutes 28 seconds west, a distance of 60.80 feet to a point; thence south 89 degrees 57 minutes 52 seconds west, a distance of 238.59 feet to the point of beginning, said tract contains a calculated area of 198,213.46 square feet or 4.5504 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this office and commercial space 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 Ridge Development Company and Southview, Inc., hereinafter referred to as "Permittee", to construct approximately 44,875 sq. ft. of office floor area on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said office space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 44,875 square feet of office floor area.
2. A waiver of the required front, rear and side yard setbacks to allow 0' setbacks for all yards for Lots 5-8, Block 2 is hereby approved.
3. A waiver to reduce the front yard setback from 50 feet to 40 feet along South 27th Street is hereby approved.
4. 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.
 - c. Final plats within the area of this Use Permit must be

approved by the City.

5. Before occupying the buildings, all development and construction must be completed in conformance with the approved plans.

6. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

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

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

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

APPEAL OF DENIAL OF A PEDDLER PERMIT TO TOM E. NOOTZ BY THE POLICE DEPARTMENT
- CLERK requested a motion on the appeal.

COOK Moved to uphold the denial of a peddler permit.

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 24, 2003 @ 10:00 A.M. ON THE BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II FOR PUBLIC WORKS - CLERK requested a motion to set the hearing date of Mon., Nov. 24, 2003 at 10:00 a.m. (Application filed w/Licenses & Permits file in City Clerk's Office.)

COOK So moved.

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

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Use Permit 154 - App. of Lincoln Federal Bancorp Inc., Gerald Maddox, for development of office/commercial floor area, Wilderness Hills, at S. 27th St. and Yankee Hill Road.

Special Permit 1013J - App. of T.O. Haas Tire Store at 56th and Waltz Road for an amendment to S.P. 1013A.

Special Permit 1598A - App. of Cameron Corporation for the construction of Northern Lights Townhomes at North 84th and Holdrege Streets.

Special Permit 1999 - App. of Lincoln Federal Bancorp, Inc., Gerald Maddox, for the construction of Wilderness Hills at S. 27th and Yankee Hill Road.

Special Permit 2040 - App. of Sonic Restaurant for development in an O-3 zoning at 84th and Holdrege St.

Change of Zone 3423 - App. of Lincoln Federal Bancorp Inc., Gerald Maddox, for a change from AG to R-3/R-5/O-3/B-2 for the development of Wilderness Hills at S. 27th St. and Yankee hill Road.

Change of Zone 3425 - App. of Parks and Recreation Dept. for a change from P to O-3 for the possibility of future office park development in the southern portion of Highlands Golf Course at 5501 NW 12th Street.

REQUEST OF PETER KATT, IN BEHALF OF DOUG SCHMIDT, TO RECONSIDER SPECIAL PERMIT NO. 2029, BILL NO. 03R-302 - APPLICATION OF DOUG SCHMIDT AND MICHAEL THOMALLA TO DEVELOP SW 1ST STREET APARTMENTS COMMUNITY UNIT PLAN FOR 30 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT WEST A STREET SW 1ST STREET - CLERK read the request.

COOK Moved reconsideration to have Public Hearing & Action on 12/1/03, 7-0.

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 27, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FROM OCTOBER 20 THRU OCTOBER 24, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82444 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Glenn Friendt

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER 30, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82445 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended September 30, 2003, \$144,021.88 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Glenn Friendt

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

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER, 2003 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE 3RD QUARTER JULY THRU SEPT., 2003: FAST PHONES OF NEBRASKA, BIRCH TELECOM INC.; SEPT., 2003: NETWORK BILLING SYSTEMS, SPRING SPECTRUM, MCI WORLDCOM, EXCEL, WORLDXCHANGE, TELCO DEVELOPMENT, GTC TELECOM, LDMI, GLOBALCOM, TRI-M, ASSOCIATION ADMINISTRATORS, GLYPHICS, COMDATA, NOS COMM., NOSVA, LIGHTYEAR, ZONE, GUARANTEED PHONE SERVICE, AFFINITY NETWORK. (20)

ORDINANCES - 1ST READING

VACATING S.W. 12TH STREET SOUTH OF LAKE STREET AND EAST OF LOT 1, BLOCK 3, VESTECKA'S VILLA VAN DORN ADDITION - CLERK read an ordinance, introduced by Glenn Friendt, vacating a portion of S.W. 12th Street lying south of West Lake Street and east of Lot 1, Block 3, Vestecka's Villa Van Dorn Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD 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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered #18260, is recorded in Ordinance Book 25, Page

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 - PRIOR to reading:

COOK Moved to amend Bill No. 03-151 to delete R-4 and insert in lieu thereof R-2.

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

CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MCROY Moved to pass the ordinance as amended.

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

The ordinance, having **LOST**, was assigned File #38-4457, & was placed on file in the Office of the City Clerk.

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered #18261, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered #18262, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18263**, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18264**, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18265**, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18266**, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18267, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18268, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18269, is recorded in Ordinance Book 25, Page

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 third time.

WERNER Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18270, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to November 17, 2003.
Seconded by Werner & 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 17, 2003.
Seconded by Werner & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ADJOURNMENT 9:05 P.M.

REGULAR MEETING
NOVEMBER 3, 2003
PAGE 596

SVOBODA Moved to adjourn the City Council meeting of November 3, 2003.
 Seconded by Werner & 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