

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 16, 2004 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of August 9, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF BCRT INC. DBA COYOTE WILLY TO EXPAND THEIR LICENSED PREMISE BY AN AREA MEASURING 45' BY 60' IN THE NORTHEAST CORNER OF THE BUILDING AT 2137-A CORNHUSKER HIGHWAY MAKING THE LICENSED PREMISE AS THE ONE STORY BUILDING APPROXIMATELY 100' BY 90' - Ron Tegtmeier, 1800 Kennedy Street, and Bonnie Charlesworth, 5015 N. 25th Street, took the oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART FOR A CLASS B LIQUOR LICENSE AT 1101 BELMONT STREET;
MANAGER APPLICATION OF TIMOTHY C. LICHTI FOR LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART AT 1101 BELMONT STREET;
APPLICATION OF LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART FOR A CLASS B LIQUOR LICENSE AT 6000 HAVELOCK AVE;
MANAGER APPLICATION OF TIMOTHY C. LICHTI FOR LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART AT 6000 HAVELOCK AVE - Timothy Lichti, 312 Road 7, Shickley, NE, took oath and came forward for approval. He also stated that the addresses on the applications he submitted have been changed. The address of 1101 Belmont is now 1107 Belmont, and the address of 6000 Havelock Avenue is now 6006 Havelock Avenue.

Billy Jo Buettgenbach, no address given, came forward stating that she is no longer the on-site Manager at Shell Food Mart as of July 16, 2004.

Council Member Friendt stated that they had received notice that she is no longer the Manger at that facility.

This matter was taken under advisement.

MANAGER APPLICATION OF GEOFFREY M. WEBB FOR BARRY GOOD INC. DBA BARRY'S BAR & GRILL AT 235 N. 9TH STREET - Geoffrey Webb, 235 N. 9th Street, took oath and came forward for approval. He also stated that he is registered for the hospitality training classes.

This matter was taken under advisement.

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER REVENUE FUND, SANITARY SEWER CONSTRUCTION FUND, STORM SEWER BOND FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION, AND PARKING FUND - Margaret Remmenga, Public Works & Utilities, came forward for approval. Further discussion followed.

Roger Figard, Public Works & Utilities, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

AMENDING SECTION 8.20.230 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE PERMIT FEE FOR LEVEL II FOOD HANDLER AND LEVEL II APPROVED INSERVICE FOOD HANDLER AND TO ESTABLISH A PERMIT FEE FOR LEVEL III APPROVED INSERVICE FOOD HANDLER - Scott Holmes, Health Department, came forward for approval.

This matter was taken under advisement.

SPECIAL PERMIT 04033 - APPLICATION OF STERLING HILLS LLC TO DEVELOP STERLING HILLS COMMUNITY UNIT PLAN FOR 119 DWELLING UNITS WITH REQUESTED WAIVERS OF THE LAND SUBDIVISION ORDINANCE AND ZONING CODE TO WAIVE PRELIMINARY PLAT PROCESS, TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, TO ALLOW LOTS TO EXCEED THE MAXIMUM LOT WIDTH TO DEPTH RATIO, TO ALLOW LOT LINES NOT AT RIGHT ANGLES TO THE STREET, TO ALLOW ADJUSTMENTS TO THE FRONT, SIDE AND REAR YARD SETBACKS, TO ADJUST THE MINIMUM LOT AREA, TO REDUCE THE REQUIRED ROADWAY WIDTH FROM 27' TO 23', AND TO ALLOW SIDEWALKS BEHIND THE HOMES AS OPPOSED TO ALONG THE STREET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF SOUTH 37TH STREET AND YANKEE HILL ROAD - Peter Katt, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of Sterling Hills LLC for approval. He also stated that the Planning Commission has recommended approval. Further discussion followed.

This matter was taken under advisement.

USE PERMIT 04002 - APPLICATION OF CAMERON CORPORATION TO DEVELOP 112 DWELLING UNITS AND TWO OUTLOTS IN THE O-3 OFFICE PARK DISTRICT WITH REQUESTED WAIVERS OF THE LAND SUBDIVISION ORDINANCE AND ZONING CODE TO WAIVE FRONT, SIDE AND REAR YARD SETBACKS, LOCATION OF SANITARY SEWER MAIN, LOCATION OF WATER MAIN, LOT DEPTH TO WIDTH RATIO, TO ALLOW SANITARY SEWER FLOWING OPPOSITE STREET GRADES, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT W. FLETCHER AVENUE AND N.W. 12TH/13TH STREETS - Tom Huston, Attorney, 233 S. 13th Street, Suite 1900, came forward on behalf of Cameron Corporation for approval. He also gave the Council Members a handout which shows the comparison of two possible layouts of the site. Both designs contain 112 dwelling units, however the first layout is the actual site plan that was submitted which has more aesthetic appeal. The second page is a straight line layout of the site plan, which they feel does not have the same aesthetics appeal. Further discussion followed.

Gordon Bjorman, 1133 NW Gary Street, President of NW Highlands Home Owners Association, came forward in opposition. Further discussion followed.

Stan Kuta, 5733 NW 12th Street, came forward in opposition.

Tom Hiskey, 5727 NW 12th Street, came forward in opposition.

David Claus, 5615 NW 11th Street, came forward in opposition.

Mr. Huston came forward for rebuttal. Further discussion followed.

Marvin Krout, Planning Department, came forward to answer questions of the Council. Further discussion followed.

Steve Hiller, Parks and Recreation Department, came forward to answer questions of the Council. Further discussion followed.

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

This matter was taken under advisement.

DECLARING AN AREA GENERALLY BOUNDED BY M STREET ON THE SOUTH, 48TH STREET ON THE WEST, R STREET ON THE NORTH, AND 52ND STREET ON THE EAST AS BLIGHTED AND SUBSTANDARD - Wynn Hjermstad, Urban Development Department, came forward for approval and to help answer questions of the Council. Further discussion followed.

Lonnie Dixon, with Hanna:Keelan Associates, 3275 Holdrege Street, came forward for approval and to help answer questions of the Council. Further discussion followed.

Danny Walker, 427 "E" Street, came forward in opposition.

Mike Morosin, 2055 "S" Street, came forward in opposition.

Darl Naumann, Economic Development Coordinator, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AGING SERVICES AND POLK COUNTY TO PROVIDE PLANNING AND COORDINATION OF SERVICES FOR THE DEVELOPMENT, MANAGEMENT, AND OPERATION OF THE COUNTY'S AGING PROGRAMS, AND FOR INFORMATION AND REFERRAL SERVICES OF OLDER CITIZENS WITHIN POLK COUNTY - Denise Boyd, Aging Services Department, came forward in support.

This matter was taken under advisement.

STREET & ALLEY VACATION NO. 04004 - VACATING SOUTH 6TH STREET BETWEEN THE SOUTH LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AND THE NORTH LINE OF THE EAST/WEST ALLEY BETWEEN M AND L STREET, GENERALLY LOCATED AT 6TH AND M STREETS - Mike Rierden, Attorney, 645 M Street, Suite 200, came forward on behalf of applicant asking for approval.

This matter was taken under advisement.

APPEAL OF IMPACT FEE DETERMINATION ON BEHALF OF BEREAN FUNDAMENTAL CHURCH OF LINCOLN, NEBRASKA, COVERING BUILDING PERMIT APPLICATION NO. B0401352, ON PROPERTY LOCATED AT 6400 SOUTH 70TH ST - Chad Bowman, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of Berean Fundamental Church for approval.

Lynn Zabel, 7315 Thomasbrook Court, came forward for approval.

Michaela Hansen, Public Works & Utilities, came forward to answer questions of the Council.

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

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 1420 "C" Street, came forward and showed a photo on the overhead of an area near 12th and J Street that has damaged sidewalks. He suggested that the area be repaired.

Council Member Cook stated that he will submit this item as an RFI for Public Works & Utilities.

Nicole Fleck-Tooze, Public Works & Utilities, stated that she will look into this.

This matter was taken under advisement.

Mike Morosin, 2055 "S" Street, came forward to report some areas of Lincoln that need the City's attention. He stated that the grass needs cutting and a water leak needs to be fixed at 22nd and R Street.

Council Member McRoy stated that she and Nicole Fleck-Tooze with Public Works & Utilities will follow up on this.

This matter was taken under advisement.

Michael Kane, came forward to discuss the plight of the homeless.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF BCRT INC. DBA COYOTE WILLY TO EXPAND THEIR LICENSED PREMISE BY AN AREA MEASURING 45' BY 60' IN THE NORTHEAST CORNER OF THE BUILDING AT 2137-A CORNHUSKER HIGHWAY MAKING THE LICENSED PREMISE AS THE ONE STORY BUILDING APPROXIMATELY 100' BY 90'- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82908 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 BCRT Inc. dba Coyote Willy to expand its licensed premises by the addition of an area measuring 45 feet by 60 feet in the northeast corner of the building of the presently licensed premises located at 2137-A Cornhusker Highway, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

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APPLICATION OF LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART FOR A CLASS B LIQUOR LICENSE AT 1101 BELMONT STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82909 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 Lichti Bros. Oil Co. dba Shell Food Mart for a Class "B" liquor license at 1101 Belmont Street, 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 Jon Camp

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

MANAGER APPLICATION OF TIMOTHY C. LICHTI FOR LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART AT 1101 BELMONT STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82910 WHEREAS, Lichti Bros. Oil Co., Inc. dba Shell Food Mart located at 1101 Belmont Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Timothy C. Lichti be named manager;

WHEREAS, Timothy C. Lichti 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 Timothy C. Lichti 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 Jon Camp

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

APPLICATION OF LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART FOR A CLASS B LIQUOR LICENSE AT 6000 HAVELOCK AVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82911 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 Lichti Bros. Oil Co. dba Shell Food Mart for a Class "B" liquor license at 6000 Havelock Ave., 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 Jon Camp

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

MANAGER APPLICATION OF TIMOTHY C. LICHTI FOR LICHTI BROS. OIL CO., INC. DBA SHELL FOOD MART AT 6000 HAVELOCK AVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-82912 WHEREAS, Lichti Bros. Oil Co., Inc. dba Shell Food Mart located at 6000 Havelock Ave., Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Timothy C. Lichti be named manager;

WHEREAS, Timothy C. Lichti 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 Timothy C.

Lichti 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 Jon Camp

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

MANAGER APPLICATION OF GEOFFREY M. WEBB FOR BARRY GOOD INC. DBA BARRY'S BAR & GRILL AT 235 N. 9TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82913 WHEREAS, Barry Good Inc. dba Barry's Bar & Grill located at 235 N. 9th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Geoffrey M. Webb be named manager; WHEREAS, Geoffrey M. Webb 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 Geoffrey M. Webb 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 Annette McRoy

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

ORDINANCES - 2ND READING

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE WATER REVENUE FUND, SANITARY SEWER CONSTRUCTION FUND, STORM SEWER BOND FUND, LANDFILL REVENUE FUND, STREET CONSTRUCTION, AND PARKING FUND - CLERK read an ordinance, introduced by Glenn Friendt, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund, Sanitary Sewer Construction Fund, Landfill Revenue Fund, Storm Sewer Bond Issue Fund, Street Construction Fund, Vehicle Tax Fund, and Parking Lot Revolving Fund within the Public Works & Utilities Department, the second time.

AMENDING SECTION 8.20.230 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE PERMIT FEE FOR LEVEL II FOOD HANDLER AND LEVEL II APPROVED INSERVICE FOOD HANDLER AND TO ESTABLISH A PERMIT FEE FOR LEVEL III APPROVED INSERVICE FOOD HANDLER - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 8.20.230 of the Lincoln Municipal Code to increase the permit fees for Level II Food Handler and Level II Approved Inservice Food Handler and to establish a permit fee for Level III Approved Inservice Food Handler; and repealing Section 8.20.230 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 24.01 OF THE LINCOLN MUNICIPAL CODE TO CHANGE THE DEFINITION OF DIRECTOR TO REFER TO THE DIRECTOR OF BUILDING AND SAFETY, TO INCREASE THE SCHEDULE OF FEES, AND TO IMPOSE A MINIMUM FINE FOR VIOLATING THE PROVISIONS OF THIS CHAPTER - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 24.01 of the Lincoln Municipal Code relating to Lincoln Fire Suppression Systems by amending Section 24.01.010 to change the definition of Director to refer to the Director of Building and Safety; by amending Section 24.01.200 to increase the schedule of fees; by amending Section 24.01.380 to impose a minimum fine for violating the provisions of this Chapter; and repealing Sections 24.01.010, 24.01.200, and 24.01.380 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPLICATION OF ST. PATRICK SCHOOL AT 4142 N. 61ST STREET TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM THE DATE OF THE PERMIT THROUGH NOVEMBER 18, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82914 WHEREAS, St. Patrick's School 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 St. Patrick's School to conduct a raffle in the City of Lincoln in accordance with the application filed by Jeanne Vrbka. 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 Glenn Friendt

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

REAPPOINTING JAN GAUGER TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2009 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82915 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jan Gauger to the Lincoln Housing Authority Board for a five-year term expiring July 1, 2009 is hereby approved.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 04033 - APPLICATION OF STERLING HILLS LLC TO DEVELOP STERLING HILLS COMMUNITY UNIT PLAN FOR 119 DWELLING UNITS WITH REQUESTED WAIVERS OF THE LAND SUBDIVISION ORDINANCE AND ZONING CODE TO WAIVE PRELIMINARY PLAT PROCESS, TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, TO ALLOW LOTS TO EXCEED THE MAXIMUM LOT WIDTH TO DEPTH RATIO, TO ALLOW LOT LINES NOT AT RIGHT ANGLES TO THE STREET, TO ALLOW ADJUSTMENTS TO THE FRONT, SIDE AND REAR YARD SETBACKS, TO ADJUST THE MINIMUM LOT AREA, TO REDUCE THE REQUIRED ROADWAY WIDTH FROM 27' TO 23', AND TO ALLOW SIDEWALKS BEHIND THE HOMES AS OPPOSED TO ALONG THE STREET, ON PROPERTY GENERALLY LOCATED NORTHWEST OF SOUTH 37TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to Amend Bill No. 04R-199.

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

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

A-82916 WHEREAS, Sterling Hills LLC has submitted an application designated as Special Permit No. 04033 for authority to develop Sterling Hills Community Unit Plan for 119 dwelling units with requested waivers to the Land Subdivision Ordinance, Zoning Code, and City of Lincoln Design Standards to waive the preliminary plat process, to allow sanitary sewer to flow opposite street grades, to allow lots to exceed the maximum lot width to depth ratio, to allow lot lines not at right angles to the street, to adjust the front, side and rear yard setbacks, to waive the minimum lot area, to reduce roadway width from 27' to 23', and to allow sidewalks behind the homes as opposed to along the street, on property generally located northwest of South 37th Street and Yankee Hill Road, and legally described to wit:

Outlot E, Pine Lake Heights South 7th Addition,
Lancaster County, Nebraska;

WHEREAS, the Planning Commission has recommended conditional approval of the community unit plan and has further recommended approval of the requested waivers to the Land Subdivision Ordinance, Zoning Code, and Design Standards except for the waiver to allow sidewalks behind the homes as opposed to along the street; and

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 Sterling Hills LLC, hereinafter referred to as "Permittee", to develop Sterling Hills 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 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 119 dwelling units and the following waivers to the Land Subdivision Ordinance, Zoning Code and Design Standards:
 - a. The requirement of § 3.5 of the Sanitary Sewer Design Standards is waived to allow sewer to flow opposite street grades.
 - b. The requirement of Lincoln Municipal Code § 26.23.140(e) that a lot shall have a maximum 3 to 1 lot depth to width ratio is waived as more narrow lots are needed to accommodate the townhouse structures and the slope across the site.
 - c. The requirement of Lincoln Municipal Code § 26.23.240(c) that side lot lines be at right angles to the street is waived to accommodate non-radial lot lines designed for townhouse structures.
 - d. The required front, side and rear yard setbacks are waived to allow 0' front and rear yard setbacks on individual lots within the development and 0' side yard setback for common walls, a 20' perimeter setback along Grainger Parkway and South 37th Street and a 25' setback along Yankee Hill Road.
 - e. The requirement of Lincoln Municipal Code § 27.17.080(a) which requires a minimum lot area of 2500 sq. ft. is waived in order to allow lots of approximately 2000 sq. ft. in size.
 - f. The requirement of § 3.5 of the Private Roadway Design Standards is waived to allow private roadway widths to be reduced from 27' to 23'.
 - g. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for all subdivisions is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. This waiver is further subject to the requirement that 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.

2. 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 public streets, private roadway improvements, sidewalks, sanitary sewer system water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, 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. 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 continuously and regularly maintain the street trees along the private roadways and the landscape screen.
 - v. To submit to the lot buyers and home builders a copy of the soil analysis.
 - vi. To pay all improvement costs.
 - vii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - viii. To properly and continuously maintain and supervise the private facilities which have common use or benefit, 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, and that these are the responsibility of the land owner.
3. 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. Final plats within the area of this Community Unit Plan must be approved by the Planning Director.
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 circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up

to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

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

USE PERMIT 04002 - APPLICATION OF CAMERON CORPORATION TO DEVELOP 112 DWELLING UNITS AND TWO OUTLOTS IN THE O-3 OFFICE PARK DISTRICT WITH REQUESTED WAIVERS OF THE LAND SUBDIVISION ORDINANCE AND ZONING CODE TO WAIVE FRONT, SIDE AND REAR YARD SETBACKS, LOCATION OF SANITARY SEWER MAIN, LOCATION OF WATER MAIN, LOT DEPTH TO WIDTH RATIO, TO ALLOW SANITARY SEWER FLOWING OPPOSITE STREET GRADES, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT W. FLETCHER AVENUE AND N.W. 12TH/13TH STREETS - PRIOR to reading:

COOK Moved to continue Public Hearing and Action for 1 week to 8/23/04.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

DECLARING AN AREA GENERALLY BOUNDED BY M STREET ON THE SOUTH, 48TH STREET ON THE WEST, R STREET ON THE NORTH, AND 52ND STREET ON THE EAST AS BLIGHTED AND SUBSTANDARD - PRIOR to reading:

COOK Moved to continue Public Hearing and Action for 1 week to 8/23/04.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AGING SERVICES AND POLK COUNTY TO PROVIDE PLANNING AND COORDINATION OF SERVICES FOR THE DEVELOPMENT, MANAGEMENT, AND OPERATION OF THE COUNTY'S AGING PROGRAMS, AND FOR INFORMATION AND REFERRAL SERVICES OF OLDER CITIZENS WITHIN POLK COUNTY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82917 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln and Polk County entered into for the purposes of including Polk County as a participating agency in the Area Agency for the Lincoln Area on Aging, a copy of which Interlocal Agreement 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 hereby directed to return one fully executed copy of said Interlocal Agreement to the Polk County Clerk, P.O. Box 276, Osceola, NE 68651.

Introduced by Glenn Friendt

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

REAPPOINTING JONATHAN COOK TO THE PUBLIC BUILDING COMMISSION FOR A THREE-YEAR TERM EXPIRING AUGUST 1, 2007 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82918 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jonathan Cook to the Public Building Commission for a three-year term expiring August 1, 2007 is hereby approved.

Introduced by Glenn Friendt

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 16 - 31, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82919 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 August 2, 2004, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of,

are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Eugene Deeter	\$1,732.00	Steve & Lori Barham	\$ 70.00
Lynell E. Johnson	1,153.49	Tiffany Schneider	975.66
Jeff Hughes	NAS*	Steve Harris	325.00
Henry A. Johnson	NAS*	Shelly K. Becker	460.07
Mary Johnson	8,564.00	Jerry Taylor	1,748.11
Andre Lamont Jones	395.45		

* 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 Glenn Friendt

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

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN POLICE UNION EFFECTIVE AUGUST 12, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82920 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln Police Union, to be effective August 12, 2004, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 2, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 9, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENTS OF FUNDS FOR THE WEEK OF JULY 26 THRU AUGUST 6, 2004 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82922 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 Annette McRoy

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

REPORT FROM CITY TREASURER TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF APRIL THRU JUNE, 2004: AMERICAN FARM BUREAU INC, GE BUSINESS PRODUCTIONS SOLUTIONS; JUNE, 2004: ONE CALL COMMUNICATIONS, NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS INC, SHAFFER COMMUNICATIONS INC, LIBERTY WIRELESS, NETWORK BILLING SYSTEMS, UNITED SYSTEMS ACCESS TELECOM, T-NETIX TELECOM SERVICES, QUANTUM SHIFT COMM, IBM GLOBAL SERVICES; JULY, 2004: ATS MOBILE TELEPHONE CO INC - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 8/9/04)

CHANGE OF ZONE 04017 - APPLICATION OF GLEN HERBERT FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made apart 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.

SPECIAL PERMIT 04011 - APPLICATION OF GLEN HERBERT TO DEVELOP BOULDER RIDGE COMMUNITY UNIT PLAN FOR 189 SINGLE FAMILY UNITS, 48 SINGLE FAMILY ATTACHED UNITS, 224 MULTIPLE FAMILY UNITS, AND AN ADDITIONAL 240 UNASSIGNED UNITS ON PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Annette McRoy, whereas Glen Herbert has submitted an application designated as Special Permit No. 04011 for authority tot develop Boulder Ridge Community Unit Plan consisting of 190 single family units, 47 single family attached units and 224 multiple family units with an additional 240 unassigned units, on property located at S. 84th Street and Pine Lake Road, the first time.

APPEAL OF GLEN HERBERT FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF BOULDER RIDGE PRELIMINARY PLAT, CONDITION 1.1.14 REQUIRING CORRECTIONS TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PUBLIC WORKS AND UTILITIES DEPARTMENT MEMO, ON PROPERTY LOCATED AT S. 84TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Annette McRoy, whereas Glen Herbert has submitted for approval by the Lincoln City-Lancaster County Planning Commission, the preliminary plat of Boulder Ridge Addition, generally located at S. 84th Street and Pine Lake Road, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

STREET & ALLEY VACATION NO. 04004 - VACATING SOUTH 6TH STREET BETWEEN THE SOUTH LINE OF THE BURLINGTON NORTHERN SANTA FE RAILROAD RIGHT-OF-WAY AND THE NORTH LINE OF THE EAST/WEST ALLEY BETWEEN M AND L STREET, GENERALLY LOCATED AT 6TH AND M STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating South 6th Street between the south line of the Burlington Northern Santa Fe Railroad right-of-way and the north line of the east/west alley between M and L Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #18425, is recorded in Ordinance Book #25.

AUTHORIZING THE ACCEPTANCE OF THE DONATION OF ONE PIECE OF ARTWORK FOR INCLUSION IN THE CITY'S PUBLIC ART COLLECTION AND FOR DISPLAY ON PUBLIC PROPERTY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82923 WHEREAS, the artwork entitled "Real Hero" by Andrew Carson has been offered to the City for display at the northeast corner of 12th and P Streets; and

WHEREAS, the City through it Parks and Recreation Department, as well as the Urban Design Committee and the 12th Street Arts Corridor Advisory Board, desires to accept the donation of the art work and to install it at said intersection.

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

That the donation of one piece of artwork entitled "Real Hero" by Andrew Carson for display on public property is hereby accepted.

Introduced by Jonathan Cook

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

MISCELLANEOUS NO. 04006 - VACATING A PORTION OF THE PLAT OF RIVERSIDE ADDITION, A PORTION OF THE PLAT OF HALTERS SUBDIVISION, LOT 60 I.T., AND ALL OF THE PREVIOUSLY VACATED STREET AND ALLEY RIGHTS-OF-WAY ADJACENT THERETO, LOCATED ALONG SALT CREEK, NORTH OF MILITARY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of the plat of Halters Subdivision, Lot 60 I. T., and all the previously vacated street and alley rights-of-way adjacent thereto, located along Salt Creek, north of Military Road, Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance, being numbered **#18426**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04035 - APPLICATION OF MADONNA REHABILITATION HOSPITAL FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE 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 third time.

COOK Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.
The ordinance, being numbered **#18427**, is recorded in Ordinance Book #25.

SPECIAL PERMIT 1713C - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO AMEND THE ASPEN 3RD ADDITION COMMUNITY UNIT PLAN TO PERMIT 67 DWELLING UNITS, WITH A REQUESTED WAIVER OF THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Jonathan Cook, who moved for its adoption:

A-82924 WHEREAS, Madonna Rehabilitation Hospital has submitted an application designated as Special Permit No. 1713C for authority to amend the Aspen 3rd Addition Community Unit Plan to permit 67 dwelling units, with a request to waive the preliminary plat process, on property located at South 56th Street and Pine Lake Road, and legally described as:

Lots 2-6, Block 1, Lots 1-19, Block 2, Lots 1-12 and a portion of Outlot E, Block 4, all in Aspen 5th Addition; Lots 1, 2, 4, 6, 7, 8, Block 1, Lots 1-3, Block 2, Lots 2-4, 8 and 9, Block 3, all in Aspen 6th Addition; Lots 1-3, Aspen 7th Addition; Lots 2 and 3, Aspen 9th Addition; Lots 1 and 2, Aspen 12th Addition; and a portion of the vacated right-of-way of Allen Road, all located in the North Half of the Northeast Quarter of Section 20, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence south 89 degrees 43 minutes 49 seconds west on the north line of said Section 20, for a distance of 631.50 feet; thence south 00 degrees 16 minutes 11 seconds east, a distance of 626.19 feet to the point of beginning; thence continuing south 00 degrees 16 minutes 11 seconds east, for a distance of 206.13 feet along the west line of Stephanie Lane; thence south 89 degrees 53 minutes 36 seconds west, a distance of 45.86 feet; thence on a curve to the left having a radius of 348.00 feet and an arc length of 547.76 feet, being subtended by a chord of south 44 degrees 47 minutes 28 seconds west, for a distance of 492.94 feet to the point of tangency of said curve; thence south 00 degrees 18 minutes 04 seconds east, a distance of 63.87 feet; thence south 02 degrees 35 minutes 31 seconds east, a distance of 75.05 feet to the south line of the North Half of said Northeast Quarter; thence south 89 degrees 42 minutes 18 seconds west on said line, a distance of 1623.32 feet; thence north 00 degrees 04 minutes 25 seconds east, a distance of 377.84 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 113.87 feet; thence south 00 degrees 16 minutes 18 seconds east, a

distance of 19.81 feet; thence north 89 degrees 53 minutes 06 seconds east, a distance of 72.00 feet; thence north 00 degrees 16 minutes 11 seconds west, a distance of 27.00 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 110.17 feet; thence north 00 degrees 16 minutes 11 seconds west, a distance of 207.22 feet; thence north 18 degrees 39 minutes 17 seconds east, a distance of 189.26 feet; thence south 71 degrees 19 minutes 56 seconds east, a distance of 249.84 feet; thence south 43 degrees 40 minutes 07 seconds east, a distance of 335.94 feet; thence south 30 degrees 16 minutes 11 seconds east, a distance of 135.00 feet; thence north 59 degrees 43 minutes 49 seconds east, a distance of 110.00 feet; thence north 66 degrees 47 minutes 56 seconds east, a distance of 60.46 feet; thence north 30 degrees 16 minutes 11 seconds west, a distance of 20.00 feet; thence north 59 degrees 43 minutes 49 seconds east, a distance of 120.00 feet; thence north 30 degrees 16 minutes 11 seconds west, a distance of 85.00 feet; thence north 59 degrees 43 minutes 49 seconds east, a distance of 240.44 feet; to the point of curvature of a circular curve to the right having a radius of 212.58 feet and an arc length of 111.31 feet, being subtended by a chord of north 74 degrees 43 minutes 49 seconds east, for a distance of 110.04 feet to the point of tangency of said curve; thence north 89 degrees 43 minutes 49 seconds east, a distance of 75.38 feet; to a point of curvature of a circular curve to the left having a radius of 66.00 feet and an arc length of 15.93 feet, being subtended by a chord of north 19 degrees 40 minutes 05 seconds east, for a distance of 15.89 feet; to a point of curvature of a circular curve to the right having a radius of 30.00 feet and an arc length of 29.32 feet, being subtended by a chord of north 87 degrees 52 minutes 39 seconds east, for a distance of 2.00 feet; to a point of curvature of a circular curve to the right having a radius of 285.00 feet and an arc length of 88.05 feet, being subtended by a chord of south 81 degrees 21 minutes 27 seconds east, for a distance of 87.70 feet; thence on a curve to the left having a radius of 315.00 feet and an arc length of 97.66 feet, subtended by a chord of south 81 degrees 23 minutes 17 seconds east, for a distance of 97.27 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 338.75 feet; to a point of curvature to the left having a radius of 20.00 feet and an arc length of 0.50 feet, being subtended by a chord of south 89 degrees 33 minutes 12 seconds east, for a distance of 0.50 feet to the point of beginning and containing a calculated area of 23.41 acres, more or less; and

A portion of Outlot A, Aspen 10th Addition located in the North Half of the Northeast Quarter of Section 20, Township 9 North, Range 7 East, of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence south 89 degrees 43 minutes 49 seconds west on the north line of said Section 20, for a distance of 1219.80 feet; thence south 00 degrees 16 minutes 11 seconds east, a distance of 50.00 feet to the point of beginning; thence continuing south 00 degrees 16 minutes 11 seconds east, for a distance of 502.60 feet; thence south 89 degrees 43 minutes 49 seconds west, a distance of 16.55 feet; to the point of curvature of a circular curve to the left having a radius of 272.58 feet and an arc length of 83.57 feet, being subtended by a chord of south 80 degrees 56 minutes 52 seconds west, for a distance of 83.24 feet to the point of tangency of said curve; thence north 17 degrees 50 minutes 04 seconds west, a distance of

82.72 feet; thence north 03 degrees 10 minutes 01 seconds east, a distance of 262.48 feet; thence north 32 degrees 07 minutes 44 seconds west, a distance of 205.37 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 216.44 feet to the point of beginning and containing a calculated area of 1.53 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this amended 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 Madonna Rehabilitation Hospital, hereinafter referred to as "Permittee", to amend the Aspen 3rd Addition Community Unit Plan to allow 67 dwelling units, with a request to waive the preliminary plat process, 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 change to the 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 67 dwelling units.
2. The requirement of Section 26.11.020 of the LMC that the special permit accompany the filing of a preliminary plat and that a preliminary plat be required for all subdivisions is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this 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.
3. 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 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 plan.
5. All privately-owned improvements must be permanently maintained by the Permittee 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 circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

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

USE PERMIT 04001 - APPLICATION OF MADONNA REHABILITATION HOSPITAL TO PERMIT A 110,000 SQ. FT. MEDICAL/OFFICE BUILDING, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Jonathan Cook, who moved for its approval:

A-82925 WHEREAS, Madonna Rehabilitation Hospital has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04001 for authority to develop 110,000 sq. ft. of medical/office space on property generally located at South 56th Street and Pine Lake Road, and legally described to wit:

A portion of Outlot E, Block 4, Aspen 5th Addition, a portion of Outlot A, Aspen 10th Addition, and the vacated right-of-way of Allen Road, located in the North Half of the Northeast Quarter of Section 20, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Section 20, and extending thence south 89 degrees 43 minutes 49 seconds west on the north line of said Section 20, for a distance of 628.50 feet; thence south 00 degrees 16 minutes 11 seconds east, a distance of 85.00 feet to the point of beginning; thence continuing south 00 degrees 16 minutes 11 seconds east, for a distance of 290.00 feet along the west line of Stephanie Lane; thence south 89 degrees 43 minutes 49 seconds west, a distance of 2.95 feet; thence south 00 degrees 16 minutes 11 seconds east, a distance of 251.19 feet; to the point of curvature of a circular curve to the left having a radius of 20.00 feet and an arc length of 0.50 feet, being subtended by a chord of north 89 degrees 33 minutes 12 seconds west, for a distance of 0.50 feet to the point of tangency of said curve; thence south 89 degrees 43 minutes 49 seconds west, a distance of 399.75 feet; thence north 84 degrees 23 minutes 42 seconds east, a distance of 132.92 feet; thence south 89 degrees 43 minutes 49 seconds west, a distance of 55.83 feet; thence north 00 degrees 16 minutes 11 seconds west, a distance of 552.58 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 291.25 feet; thence south 00 degrees 16 minutes 11 seconds east, a distance of 10.00 feet; thence north 89 degrees 43 minutes 49 seconds east, a distance of 275.00 feet; thence south 45 degrees 16 minutes 11 seconds east, a distance of 35.36 feet to the point of beginning and containing a calculated area of 7.62 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this use permit 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 Madonna Rehabilitation Hospital, hereinafter referred to as "Permittee", to develop 110,000 sq. ft. of medical/office space 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 medical/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 110,000 square feet of office and commercial floor area.
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.
 - c. Final plats within this use permit must be approved by the City.

3. Before occupying the medical/office space all development and construction must be completed in conformance with the approved plans.

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

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

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke 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.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

9. The applicant shall conduct a parking study after 18 months of operation and provide it to the City.

Introduced by Jonathan Cook

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

VACATION 04005 - VACATING ALLEN ROAD FROM THE WEST LINE OF STEPHANIE LANE WEST TO A POINT APPROXIMATELY 565 L.F. ALONG THE CENTERLINE OF ALLEN ROAD, GENERALLY LOCATED AT PINE LAKE ROAD AND STEPHANIE LANE - CLERK read an ordinance, introduced by Jonathan Cook, vacating Allen Road from the west line of Stephanie Lane west to a point approximately 565 l.f. along the centerline of Allen Road, generally located at Pine Lake Road and Stephanie Lane, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

FRIENDT Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner. The ordinance, being numbered **#18428**, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to August 30, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on August 23, 2004.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.

ADJOURNMENT 4:33 P.M.

CAMP Moved to adjourn the City Council meeting of August 16, 2004.
 Seconded by McRoy & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Werner.
 So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

