

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 20, 2004 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of August 27, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF VAN EISER, LLC DBA VENUE FOR A CLASS I LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE;

APPLICATION OF VAN EISER, LLC DBA VENUE FOR A CLASS K LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE;

MANAGER APPLICATION OF GREGG ALAN VANIER FOR THE CLASS I AND K LIQUOR LICENSE OF VAN EISER, LLC DBA VENUE AT 4111 PIONEER WOODS DRIVE - Gregg Vanier, 8828 Sicily Lane and Wesley Heiser, 8025 Prescott Cr., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF KATCH LLC DBA LUCKIE'S LOUNGE FOR AN ADDITION OF THE AREA WHICH WAS PREVIOUSLY THE MOTEL POOL AREA TO ITS PRESENTLY LICENSED PREMISE AT 1101 WEST BOND - Kathy Hagge, 1109 W. Britt, took the oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF DEREK A. PIERSON FOR WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO AT 826 P STREET - Derek Pierson, 8410 Norval Rd., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF 1339 O STREET INC. DBA BROTHERS EST 1967 FOR AN ADDITION OF AN L-SHAPED OUTDOOR SIDEWALK CAFÉ AREA MEASURING 8' BY 59' AT THE NORTHEAST CORNER OF THE BUILDING TO ITS PRESENTLY LICENSED PREMISE AT 1339 O STREET - Charlie Humble, Attorney, 301 S. 13th St., Ste. 400, came forward representing Brothers Est. and stated they have worked with the Outdoor Dining Committee and have agreed to move the sidewalk café onto 14th Street. He, also, stated they would be willing to discontinue services in the sidewalk café at 10:00 p.m. Discussion followed.

Kevin Blazek, 950 Rutland Dr., came forward to answer questions. Discussion followed.

Danny Walker, 427 E St., asked if there would be smoking in this area? Discussion followed.

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

This matter was taken under advisement.

CHANGE OF ZONE 04054 - APPLICATION OF STEVEN MIERS FOR A CHANGE OF ZONE FROM R-5 TO I-1 ON APPROXIMATELY 1.6 ACRES GENERALLY LOCATED AT 66TH AND VINE STREETS - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Steven Miers to ask for approval. Discussion followed.

Ray Hill, Planning Department, came forward to answer questions.

This matter was taken under advisement.

STREET AND ALLEY VACATION 03017 - VACATING THE WEST 20' OF 24TH STREET BETWEEN U AND VINE STREETS AND THE NORTH 15' OF U STREET FROM 23RD TO 24TH

STREETS;
SPECIAL PERMIT 04025 - APPLICATION OF BRIGHTON CONSTRUCTION COMPANY TO DEVELOP LIBERTY VILLAGE COMMUNITY UNIT PLAN CONSISTING OF 16 SINGLE FAMILY DWELLINGS WITH REQUESTED WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, STORM WATER DETENTION, MINIMUM LOT AREA, AVERAGE LOT WIDTH, RECREATION FACILITIES, OPEN SPACE, AND UTILITY EASEMENT WIDTH, ON PROPERTY GENERALLY LOCATED AT 24TH AND VINE STREETS Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Brighton Construction asking for approval.

Fernando Pages, owner of Brighton Construction, stated these houses are part of a neighborhood revitalization project and will cater to the ethnic residents in the area. These houses are for owner occupants only and will sell for approximately \$125,000 or less.

Jeffrey Childs, Architect for Brighton Construction, came forward to explain the design of the houses. Discussion followed.

Glenn Cekal, 1420 C St., came forward to ask questions concerning owner/occupancy.

Ed Patterson, 2108 Q Street, came forward with concerns of ownership covenants, student rentals, play area, and parking.

Mike Morosin, 2055 S St., came forward in favor of this project. Discussion followed.

Terry Uland, Executive Director of Neighborhoods, Inc., came forward to explain how they are working with Brighton Construction on this project. He stated it fits well with the Antelope Valley Project. Discussion followed.

Danny Walker, 427 E St., asked if this area was ever in the flood plain?

Mark Hunzeker, came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN ACTION PROGRAM FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Director of Urban Development, came forward to state the continued need for this agreement with the Lincoln Action Program.

This matter was taken under advisement.

APPROVING A COMMUNICATIONS SITE SUBLEASE AGREEMENT BETWEEN THE CITY AND WIRELESS LAND LP FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN SAUNDERS COUNTY;

APPROVING AN ANTENNA SITE LEASE AGREEMENT BETWEEN THE CITY AND NORRIS PUBLIC POWER DISTRICT FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN HALLAM, NEBRASKA;

APPROVING A COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL WIP LEASE CORP. FOR THE PLACEMENT OF 911 FACILITIES ON CITY PROPERTY IN CERESCO, NEBRASKA - Raymond Ryan, Supervisor of Communications, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPEAL OF ALODIUM LLC TO THE ARTERIAL STREET IMPACT FEES IMPOSED FOR THE BUILDING LOCATED AT 6710 L STREET Larry Albers, 911 Evergreen Dr., came forward to state he paid the impact fees under protest and is appealing those fees. Discussion followed.

Michaela Hansen, Impact Fee Coordinator, came forward to answer questions. Discussion followed.

Glenn Cekal, 1420 C St., came forward to express his opinion on this matter. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

USE PERMIT 123C - APPLICATION OF NORTH 33RD LLC TO AMEND LANDMARK CORPORATE CENTER TO REDUCE THE REAR YARD SETBACK OF LOTS 11 AND 19, BLOCK 2 TO ACCOMMODATE DRIVING AISLES AND TO REDUCE THE SIDE YARD SETBACK BETWEEN LOTS 10 AND 11, BLOCK 2, FOR A SHARED ACCESS DRIVE, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BOULEVARD - DaNay Kalkowski, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, stated this affects three lots triangular in shape and at the end of a cul-de-sac. Ms. Kalkowski asked for approval of this project.
This matter was taken under advisement.

ADOPTING THE LES RATE SCHEDULES, SERVICE REGULATIONS AND COST ANALYSIS SUMMARY FOR RATES EFFECTIVE OCTOBER 1, 2004 - Terry Bundy LES Administrator, presented the rate increase history & comparisons and requested approval of this rate increase. Discussion followed.

Todd Hall, LES Representative, came forward to assist in the presentation and to answer questions. Discussion followed.

Ginny Wright, 814 Lyncrest Drive, came forward to ask questions of LES.

Glenn Cekal, 1420 C St., came forward to ask questions & state his opinion.

Mike Morosin, 2055 S St., came forward to ask questions.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward as a member of the Nebraska Public Power Review Board to speak in favor of LES and their request for a rate increase. Discussion followed.

Terry Bundy came forward for rebuttal and to answer questions presented to LES.

This matter was taken under advisement.

TOOK BREAK 4:40 P.M.

RECONVENED 4:51 P.M.

USE PERMIT 117A - APPLICATION OF SECURITY FIRST BANK TO AMEND HORIZON BUSINESS CENTER TO ALLOW A GROUND SIGN MORE THAN THIRTY FEET FROM THE BUILDING ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND GARRETT LANE - Susie Twiehaus, no address given, came forward representing Security First Bank to answer questions.

This matter was taken under advisement.

SPECIAL PERMIT 04035 - APPLICATION OF CHRIS KODAD AND BELIEVER'S FELLOWSHIP CHURCH TO DEVELOP ANDREA'S COURT COMMUNITY UNIT PLAN CONSISTING OF 32 TOWNHOUSE UNITS AND A CHURCH, WITH REQUESTED WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS, DETENTION/RETENTION STORAGE FOR STORM WATER, SIDEWALKS ON BOTH SIDES OF THE PRIVATE ROADWAY, MINIMUM LOT AREA, CUL-DE-SAC GEOMETRY, AND THE REQUIRED YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 40TH AND SUPERIOR STREETS - Ron Ross, Ross Engineering, 201 N. 8th, Suite 401, came forward representing Believer's Fellowship Church and Chris Kodad, in requesting approval for this project. Discussion followed.

Tom Zimmerman, 4701 Van Dorn, came forward representing Sunset Acres Homeowners Association to state he feels the development is being rushed and proposed a study be done on this area.

Duane Wendelin, 4110 N. 42nd St. Circle, acting president of Sunset Acres Neighborhood Assn. came forward in opposition. Discussion followed.

Bob Schmieding, 4101 N. 40th Street, came forward in opposition. Discussion followed.

Danny Walker, 427 E St., came forward in opposition.

Judy Ward, 4035 N. 40th Street, came forward in opposition. She, also, presented a letter from Robert Converse who lives at 3921 N. 42nd Street in opposition.

Glenn Cekal, 1420 C St., came forward to make comments on this project.

Nicole Fleck-Tooze, Public Works Dept., came forward to answer questions. Discussion followed.

Ron Ross came forward for rebuttal.

This matter was taken under advisement.

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT

APPLICATION TO THE FEDERAL RECREATIONAL TRAILS PROGRAM TO FUND THE .35 MILE PEDESTRIAN/BICYCLE TIERRA CONNECTOR TO CONNECT THE ROCK ISLAND TRAIL AT 27TH AND HIGHWAY 2 TO THE TIERRA WILLIAMSBURG TRAIL IN TIERRA PARK AT APPROXIMATELY 27TH AND TIERRA DRIVE;
APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT APPLICATION TO THE FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM TO FUND A 2.09 MILE PEDESTRIAN/BICYCLE TO CONNECT THE ANTELOPE CREEK TRAIL AT OLD CHENEY ROAD TO HIGHWAY 2 - Danny Walker, 427 E St., asked who keeps track of the money? Discussion followed.

Mike Morosin, 2055 S St., asked if a representative from Parks and Recreation was present to answer questions?

Nicole Fleck-Tooze, Public Works Dept., stated a representative of Parks and Recreation had been available earlier in the evening.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 S St., came forward to state there is a difference in what the homeowners already have to what they are being offered to move their homes to in the Antelope Valley Project area.

Glenn Cekal, 1420 C St., asked that the City install a priority system for projects such as the State has.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF VAN EISER, LLC DBA VENUE FOR A CLASS I LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82974 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 Van Eiser, LLC dba Venue for a Class "I" liquor license at 4111 Pioneer Woods Drive, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Patte Newman

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

APPLICATION OF VAN EISER, LLC DBA VENUE FOR A CLASS K LIQUOR LICENSE AT 4111 PIONEER WOODS DRIVE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82975 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 Van Eiser, LLC dba Venue for a Class "K" liquor license at 4111 Pioneer Woods Drive, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Patte Newman

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

MANAGER APPLICATION OF GREGG ALAN VANIER FOR THE CLASS I AND K LIQUOR LICENSE OF VAN EISER, LLC DBA VENUE AT 4111 PIONEER WOODS DRIVE - CLERK read the following resolution, introduced by Patte Newman, who moved its

adoption for approval:

A-82976 WHEREAS, Van Eiser, LLC, dba Venue located at 4111 Pioneer Woods Drive, Lincoln, Nebraska has been approved for a Retail Class "I" and "K" liquor license, and now requests that Gregg Alan Vanier be named manager;

WHEREAS, Gregg Alan Vanier 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 a 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 Gregg Alan Vanier 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 Patte Newman

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

APPLICATION OF KATCH LLC DBA LUCKIE'S LOUNGE FOR AN ADDITION OF THE AREA WHICH WAS PREVIOUSLY THE MOTEL POOL AREA TO ITS PRESENTLY LICENSED PREMISE AT 1101 WEST BOND - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82977 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 Katch LLC dba Luckie's Lounge to expand its licensed premises by the addition of an area which was previously the motel pool area to the presently licensed premises located at 1101 West Bond Street, 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 Patte Newman

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

MANAGER APPLICATION OF DEREK A. PIERSON FOR WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO AT 826 P STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82978 WHEREAS Wadsworth Old Chicago Inc. dba Old Chicago located at 826 P Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Derek A. Pierson be named Manager;

WHEREAS, Derek A. Pierson 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 Derek A. Pierson 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 Patte Newman

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

APPLICATION OF 1339 O STREET INC. DBA BROTHERS EST 1967 FOR AN ADDITION OF AN L-SHAPED OUTDOOR SIDEWALK CAFÉ AREA MEASURING 8' BY 59' AT THE NORTHEAST CORNER OF THE BUILDING TO ITS PRESENTLY LICENSED PREMISE AT 1339 O STREET - PRIOR to reading:

CAMP Moved to amend the Resolution to read services in the sidewalk

café will be discontinued at 10:00 p.m.

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption for approval:

A-82979 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 1339 O Street Inc. dba Brothers Est 1967 to expand its licensed premises by the addition of an L-shaped outdoor area measuring 8 feet by 59 feet to the northeast corner of the presently licensed premises located at 1339 O Street, 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 Patte Newman

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

CHANGE OF ZONE 04054 - APPLICATION OF STEVEN MIERS FOR A CHANGE OF ZONE FROM R-5 TO I-1 ON APPROXIMATELY 1.6 ACRES GENERALLY LOCATED AT 66TH AND VINE STREETS - CLERK read an ordinance, introduced by Glenn Friendt, 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.

STREET AND ALLEY VACATION 03017 - VACATING THE WEST 20' OF 24TH STREET BETWEEN U AND VINE STREETS AND THE NORTH 15' OF U STREET FROM 23RD TO 24TH STREETS - CLERK read an ordinance, introduced by Glenn Friendt, vacating the west 20 feet of 24th Street between U and Vine Streets, and the north 15 feet of U Street from 23rd to 24th Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

SPECIAL PERMIT 04025 - APPLICATION OF BRIGHTON CONSTRUCTION COMPANY TO DEVELOP LIBERTY VILLAGE COMMUNITY UNIT PLAN CONSISTING OF 16 SINGLE FAMILY DWELLINGS WITH REQUESTED WAIVERS TO THE REQUIRED PRELIMINARY PLAT PROCESS, FRONT AND SIDE YARD SETBACKS, STORM WATER DETENTION, MINIMUM LOT AREA, AVERAGE LOT WIDTH, RECREATION FACILITIES, OPEN SPACE, AND UTILITY EASEMENT WIDTH, ON PROPERTY GENERALLY LOCATED AT 24TH AND VINE STREETS - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 04R-243 for one week to 9/27/04.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN ACTION PROGRAM FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving a Sublease Agreement between the City of Lincoln and Lincoln Action Program for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2004 through June 30, 2005 whereby the City of Lincoln is subleasing space to Lincoln Action Program at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

APPROVING A COMMUNICATIONS SITE SUBLEASE AGREEMENT BETWEEN THE CITY AND WIRELESS LAND LP FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN SAUNDERS COUNTY - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Wireless Land LP for the placement of City's emergency communications facilities upon a tower and tower property leased by Wireless Land and authorizing the Mayor to sign

such Sublease Agreement on behalf of the City, the second time.

APPROVING AN ANTENNA SITE LEASE AGREEMENT BETWEEN THE CITY AND NORRIS PUBLIC POWER DISTRICT FOR THE PLACEMENT OF 911 FACILITIES ON A CITY TOWER IN HALLAM, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Norris Public Power District for the placement of City's emergency communications facilities upon a tower and tower property leased by Norris Public Power District and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the second time.

APPROVING A COMMUNICATIONS SITE LICENSE AGREEMENT BETWEEN THE CITY AND NEXTEL WIP LEASE CORP. FOR THE PLACEMENT OF 911 FACILITIES ON CITY PROPERTY IN CERESCO, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Sublease Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corporation, hereinafter Nextel, for the placement of City's emergency communications facilities upon a tower and tower property leased by Nextel and authorizing the Mayor to sign such Sublease Agreement on behalf of the City, the second time.

RESOLUTIONS

APPLICATION OF ST. JOSEPH CATHOLIC CHURCH/SCHOOL, 1940 S. 77TH STREET, TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM OCTOBER 1, 2004 THROUGH NOVEMBER 14, 2004 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82980 WHEREAS, St. Joseph Catholic Church and School has made application for a permit to conduct a lottery 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. Joseph Catholic Church and School to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. Liam Barr. 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 lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Annette McRoy

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

APPEAL OF ALODIUM LLC TO THE ARTERIAL STREET IMPACT FEES IMPOSED FOR THE BUILDING LOCATED AT 6710 L STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82981 WHEREAS, Alodium LLC, hereinafter Appellant, is constructing a small office building with a basement located at 6710 L Street; and

WHEREAS, said building contains 5,267sq. ft. of gross floor area as defined in Lincoln Municipal Code § 27.82.040 and contains 3,750 sq. ft. of floor area as defined by Lincoln Municipal Code § 27.03.250; and

WHEREAS, the Impact Fee Administrator calculated the arterial street impact fees for this use based upon the gross floor area using the arterial street impact fee schedule beginning January 1, 2004 for general office (\$2,178 per 1,000 sq. ft.); and

WHEREAS, the Appellant filed its notice of appeal appealing the impact fee determination and requesting that the arterial street impact fees be calculated based upon the buildings "net" floor area of 3,750 sq. ft. as Appellant's building has a larger storage area when compared to other commercial office buildings and that strict application of the impact fee ordinance's calculations under these circumstances work an unjust and undue burden on the Appellant; and

WHEREAS, the City Council finds that the impact fee was correctly calculated and that there are no unusual circumstances of the development which demonstrate that the application of the fee to the development would be unfair or unjust as the requested reduction does not meet any of the stipulations or conditions required for reduction in or exemption from arterial street impact fees.

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

That the impact fee notice of appeal filed by Alodium LLC on July 29, 2004 is hereby denied for the following reasons:

1. The impact fee ordinance requires the arterial street impact fee to be calculated based upon the gross floor area of the building.

2. Appellant's argument is no different than other users could make (i.e. discount store could try to exclude their storage area from the impact fee or state they have more back room storage than normal).

3. The arterial street impact fee schedule is based upon the ITE traffic generation manual. In the manual the most common characterization for uses is based upon gross floor area, not net area or leasable area. The general office trip rate has been calculated based upon 200 traffic count studies nationwide for general office uses. Those studies were based upon the gross area of a building by measuring outside walls and do not take into consideration the amount of storage area within the building.

4. The requested exemption does not meet any of the stipulations or conditions required for reduction or exemption from arterial street impact fees.

Introduced by Patte Newman

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

REAPPOINTING CAROL OTT SCHACHT TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2007 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82982 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Carol Ott Schacht to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2007 is hereby approved.

Introduced by Glenn Friendt

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

APPOINTING STUART R. LONG AND DAN SENSTOCK TO THE CABLE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2007 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82983 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Stuart R. Long and Dan Senstock to the Cable Advisory Board for a three-year terms expiring July 1, 2007 is hereby approved.

Introduced by Glenn Friendt

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

APPOINTING JAN GAUGER AND (MARY) LYNNE C. SCHROEDER TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR TERMS EXPIRING AUGUST 31, 2005 AND AUGUST 31, 2007, RESPECTIVELY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82984 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Jan Gauger and (Mary) Lynne C. Schroeder to the Community Development Task Force for terms expiring August 31, 2005 and August 31, 2007, respectively, is hereby approved.

Introduced by Glenn Friendt

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

USE PERMIT 123C - APPLICATION OF NORTH 33RD LLC TO AMEND LANDMARK CORPORATE CENTER TO REDUCE THE REAR YARD SETBACK OF LOTS 11 AND 19, BLOCK 2 TO ACCOMMODATE DRIVING AISLES AND TO REDUCE THE SIDE YARD SETBACK BETWEEN LOTS 10 AND 11, BLOCK 2, FOR A SHARED ACCESS DRIVE, ON PROPERTY GENERALLY LOCATED AT NORTH 33RD STREET AND FOLKWAYS BOULEVARD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82985 WHEREAS, North 33rd L.L.C. has submitted an application in accordance with Sections 27.31.100, 27.51.100, 27.69.046(e), and 27.69.081(f) of the Lincoln Municipal Code for authority to amend Use Permit No. 123B Landmark Corporate Center to reduce the rear yard setback

of Lots 11 and 19, Block 2 to accommodate driving aisles and to reduce the side yard setback between Lots 10 and 11, Block 2 for a shared access drive, on property generally located at North 33rd Street and Folkways Blvd. and legally described to wit:

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

WHEREAS, the real property adjacent to the area included within the site plan for this adjustment of the rear and side yard setbacks will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of North 33rd L.L.C., hereinafter referred to as "Permittee", to amend the use permit for Landmark Corporate Center to reduce the rear yard setback of Lots 11 and 19, Block 2 to accommodate driving aisles and to reduce the side yard setback between Lots 10 and 11, Block for a shared access drive, on the property legally described above be and the same is hereby granted under the above-described provisions of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a waiver of the 20' rear yard setback of Lots 11 and 19, Block 2 to accommodate driving aisles and a waiver of the 20' side yard setback between Lots 10 and 11, Block 2 for the location of a shared access drive.
2. Before receiving building permits:
 - a. The permittee must submit a final plan including 6 copies.
 - b. The construction plans must conform to the approved plans.
3. Before occupying the industrial buildings all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the owner 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 this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Glenn Friendt

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

ADOPTING THE LES RATE SCHEDULES, SERVICE REGULATIONS AND COST ANALYSIS SUMMARY FOR RATES EFFECTIVE OCTOBER 1, 2004 - PRIOR to reading:

Camp Moved to delay action on Bill No. 94R-238.

Seconded by Svoboda & carried by the following vote: AYES: Camp;

NAYS: Cook, Friendt, McRoy, Newman, Svoboda, Werner.

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

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

The resolution, having **LOST**, was assigned File #38-4484 & was placed on file in the Office of the City Clerk.

USE PERMIT 117A - APPLICATION OF SECURITY FIRST BANK TO AMEND HORIZON BUSINESS CENTER TO ALLOW A GROUND SIGN MORE THAN THIRTY FEET FROM THE BUILDING ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND GARRETT LANE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82986 WHEREAS, Security First Bank has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 117A to amend Horizon Business Center to allow a ground sign more than thirty feet from the building on property generally located at S. 14th Street and Garrett Lane, and legally described to wit:
A portion of Lots 9 I.T., 39 I.T., all of Lots 38 I.T., 23 I.T., and Lot 22 I.T., all located in Section 23, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Beginning at a northeast corner of said Lot 38 I.T., said point being on the south line of Lot 7 I.T., and the true point of beginning; thence on an assumed bearing of south 00 degrees 00 minutes 02 seconds east, along the east line of said Lot 38 I.T. and Lot 39 I.T., said line being 50 feet west of a parallel with the east line of said Section 23, a distance of 2199.65 feet to the southeast corner of said Lot 39 I.T.; thence south 00 degrees 05 minutes 00 seconds east, along the east line of said Lot 23 I.T., said line being 50 feet west of and parallel with the east line of said Section 23, a distance of 548.35 feet to the southeast corner of said Lot 23 I.T.; thence south 89 degrees 59 minutes 53 seconds east, along the north line of said Lot 22 I.T., a distance of 16.98 feet to the northeast corner of said Lot 22 I.T.; thence south 00 degrees 04 minutes 47 seconds east along the east line of said Lot 22 I.T., said line being 33 feet west of and parallel with the east line of said Section 23, a distance of 637.99 feet to the southeast corner of said Lot 22 I.T.; thence south 89 degrees 55 minutes 48 seconds west, along the south line of said Lot 22 I.T., a distance of 462.43 feet to the southwest corner of said Lot 22 I.T.; thence north 28 degrees 30 minutes 56 seconds west, along the west line of said Lot 22 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 725.40 feet to the northwest corner of said Lot 22 I.T.; thence north 28 degrees 30 minutes 24 seconds west, along the west line of said Lot 23 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 630.92 feet to the northwest corner of said Lot 23 I.T.; thence north 28 degrees 30 minutes 42 seconds west along a west line of said Lot 39 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 351.69 feet to a point of deflection; thence north 47 degrees 51 minutes 05 seconds west, along a west line of Lot 39 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 75.63 feet to a point of deflection; thence north 28 degrees 30 minutes 42 seconds west, along a west line of said Lot 39 I.T., and Lot 9 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 1319.59 feet to a point of deflection; thence north 14 degrees 07 minutes 38 seconds east, along a west line of said Lot 9 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 36.91 feet to a point of deflection; thence north 28 degrees 30 minutes 42 seconds west, along a west line of said Lot 9

I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 1062.35 feet to a point of deflection; thence south 61 degrees 29 minutes 18 seconds west, along a west line of said Lot 9 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe Railroad, a distance of 24.92 feet to a point of spiral curvature; thence along a spiral curve to the right, along a west line of said Lot 9 I.T., said line being the east right-of-way line of the Burlington Northern Santa Fe right-of-way, having a chord bearing of north 27 degrees 03 minutes 50 seconds west, a chord distance of 207.09 feet an "X" value of 207.03 and a "Y" value of 5.23 to a northwest corner of said Lot 9 I.T.; thence south 89 degrees 51 minutes 27 seconds east, along the north line of said Lot 9 I.T., and Lot 38 I.T., a distance of 2369.36 feet to a northeast corner of said Lot 38 I.T.; thence south 00 degrees 00 minutes 12 seconds west, along an east line of said Lot 38 I.T., a distance of 459.67 feet to a point; thence south 89 degrees 44 minutes 04 seconds east, along north line of said Lot 38 I.T., a distance of 189.88 feet to the true point of beginning; said tract contains a calculated area of 130.78 acres, or 5,697,102 square feet, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this sign location within the commercial development center 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 Security First Bank, hereinafter referred to as "Permittee", to amend Horizon Business Center to allow a ground sign more than thirty feet from the building on the property legally described above be and the same is hereby granted under the provisions of Section 27.69.081 of the Lincoln Municipal Code upon condition that construction and operation of said ground sign be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a modification to the sign requirement for the pad site ground sign to be located at 95 feet, rather than 30 feet, from the pad site building.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
3. Before installing the sign all development must be completed in conformance with the approved plans.
4. 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.

5. 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.

6. 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.

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

SPECIAL PERMIT 04035 - APPLICATION OF CHRIS KODAD AND BELIEVER'S FELLOWSHIP CHURCH TO DEVELOP ANDREA'S COURT COMMUNITY UNIT PLAN CONSISTING OF 32 TOWNHOUSE UNITS AND A CHURCH, WITH REQUESTED WAIVERS TO ELIMINATE THE PRELIMINARY PLAT PROCESS, DETENTION/RETENTION STORAGE FOR STORM WATER, SIDEWALKS ON BOTH SIDES OF THE PRIVATE ROADWAY, MINIMUM LOT AREA, CUL-DE-SAC GEOMETRY, AND THE REQUIRED YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT 40TH AND SUPERIOR STREETS - PRIOR to reading:

NEWMAN Moved to delay action w/Public Hearing on Bill No. 04R-241 for one week to 9/27/04.

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

APPROVING THE 2004 - 2005 CITY TAX RATE OF .29498 PER \$100 OF ASSESSED VALUATION WHICH REPRESENTS A 1.6% INCREASE IN THE TAX RATE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:
A-82987 A RESOLUTION establishing a final property tax levy for the City's 2004-2005 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 14, 2004, which date was at least five days prior to September 20, 2004 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 23, 2004 the tax rate was anticipated to be .29498 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2004-2005 fiscal year for a property tax request of \$38,755,993.00: \$.29498 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.04228
General	.17059
Library	.04896
Social Security	.01492
Police and Fire Pension	<u>.01823</u>
Total	.29498

BE IT FURTHER RESOLVED that Resolution No. A-82939 be amended by substituting the attached Exhibit A, made a part of this resolution as if set out fully.

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

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT APPLICATION TO THE FEDERAL RECREATIONAL TRAILS PROGRAM TO FUND THE .35 MILE PEDESTRIAN/BICYCLE TIERRA CONNECTOR TO CONNECT THE ROCK ISLAND TRAIL AT 27TH AND HIGHWAY 2 TO THE TIERRA WILLIAMSBURG TRAIL IN TIERRA PARK AT APPROXIMATELY 27TH AND TIERRA DRIVE - PRIOR to reading:

CAMP Moved to delay action w/Public Hearing on Bill No. 04R-244 for one week to 9/27/04.

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

APPROVING AN APPLICATION OF THE PARKS AND RECREATIONS DEPARTMENT FOR A GRANT

APPLICATION TO THE FEDERAL TRANSPORTATION ENHANCEMENT PROGRAM TO FUND A 2.09 MILE PEDESTRIAN/BICYCLE TO CONNECT THE ANTELOPE CREEK TRAIL AT OLD CHENEY ROAD TO HIGHWAY 2 - PRIOR to reading:

CAMP Moved to delay action w/Public Hearing on Bill No. 04R-244 for one week to 9/27/04.

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

APPOINTING R. LYNN WILSON TO THE AUDITORIUM ADVISORY BOARD FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2010 - - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82988 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of R. Lynn Wilson to the Auditorium Advisory Board for a six-year term expiring August 31, 2010 is hereby approved.

Introduced by Glenn Friendt

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

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

A-82989 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 September 1, 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>
United States Postal Service	NAS*	Williamsburg Partnership	
Cynthia Peters	\$ 228.71	d/b/a Williamsburg Apartments	\$35,000.00
Megan Murray	636.17	Dimitrij & Magdalena Krynsky	2,833.78
American Family Insurance Group		Jerry Taylor	477.79
(Claim #071-398571-233)	2,336.00	Leslie Buhl	354.83
Megan E. Brownson	100.00	Misha Ferguson	900.00
Andrew M. Yost	785.00		
Ryan Adams	NAS*		
William C. Jackson Jr.	NAS*		

* No Amount Specified.

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 4, 2004 AT 1:30 P.M. FOR APPLICATION OF SLAPSHOTZ BAR & GRILL, INC. DBA SLAPSHOTZ BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82990 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 4, 2004, 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 Application of Slapshotz Bar & Grill, Inc. Dba Slapshotz Bar & Grill for a Class I liquor license at 1245 Libra, Suite #110.

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

Introduced by Annette McRoy

Seconded by Svoboda & 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 RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 13, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF AUGUST 30 THRU SEPTEMBER 10, 2004 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-82991 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

INFORMAL PETITION FOR A WATER IMPROVEMENT DISTRICT TO ADDRESS THE NEEDS OF PROPERTIES FRONTING SOUTH 14TH STREET BETWEEN SUMNER AND GARFIELD SUBMITTED BY DON WRIGHT - CLERK presented said petition which was referred to the Public Works Dept.

REPORT OF CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JULY, 2004: ALLTELL SYSTEMS OF THE MIDWEST, ALLTEL COMMUNICATIONS OF NEBRASKA, INC., ALLTEL NEBRASKA, INC., USCOC OF GREATER IOWA, INC., TRANS NATIONAL COMM. INT'L., WORKING ASSETS, CRICKET, PRIMUS, VIRGIN MOBILE USA, QWEST, VERIZON SELECT, CIII COMM., GLOBAL CROSSING, BELL ATLANTIC, VCN, NEBRASKA TECHNOLOGY, ACN, ONSTAR, AT:&T, STAR NUMBER, 36ONETWORKS, MCLEODUSA, QUANTUM SHIFT, T-NETIX, UNITED SYSTEMS ACCESS, IBM GLOBAL, TRACFONE, VOICECOM, INELLICALL, CINCINNATI BELL, XO LONG DISTANCE, SHAFFER - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 9/20/04)

CREATING PAVING DISTRICT NO.2629 IN A PORTION OF WEST BENTON STREET FROM THE WEST CURB LINE OF NORTH FIRST STREET TO THE WEST APPROXIMATELY 600 FEET - CLERK read an ordinance, introduced by Annette McRoy, an ordinance creating Paving District No. 2629, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

AMENDING CHAPTER 5.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO MOTELS, HOTELS, ROOMING, LODGING, AND APARTMENT HOUSES TO ADD DEFINITIONS OF DWELLING UNIT AND ROOMING UNIT, TO PROVIDE FOR AN ANNUAL INSPECTION, TO PROVIDE FOR AN INTERIOR INSPECTION PROCEDURE, AND TO REQUIRE TENANT BROCHURES - CLERK read an ordinance, introduced by Annette McRoy, an ordinance amending Chapter 5.38 of the Lincoln Municipal Code relating to Motels, Hotels, Rooming, Lodging, and Apartment Houses by amending Section 5.38.010 to add definitions of dwelling unit and rooming unit; amending Section 5.38.040 to provide for an annual inspection; adding a new section numbered 5.38.0445 to provide for an interior inspection procedure; adding a new section numbered 5.38.085 to require tenant brochures; and repealing Sections 5.38.010 and 5.38.040 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING

STREET AND ALLEY VACATION 04008 - VACATING 21ST STREET BETWEEN Y STREET AND THE ABANDONED MISSOURI PACIFIC RAILROAD RIGHT-OF-WAY - CLERK read the ordinance, introduced by Jonathan Cook, vacating 21st Street between Y Street and the abandoned Missouri Pacific Railroad right-of-way, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda; NAYS: Werner.

The ordinance, being numbered #18436, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04032 - AMENDING CHAPTER 27.60 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PLANNED UNIT DEVELOPMENT DISTRICT BY REVISING THE STATEMENT OF INTENT OF THE PLANNED UNIT DEVELOPMENT DISTRICT; BY AMENDING SECTION 27.60.010 TO REVISE THE GENERAL PURPOSE; BY AMENDING SECTION

27.60.020 TO DELETE EXISTING USE REGULATIONS AND TO ADD GENERAL REQUIREMENTS AND DEVELOPMENT PLAN REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS; BY RENUMBERING SECTION 27.60.035 AS 27.60.030 AND AMENDING THE SAME TO DELETE EXISTING REQUIREMENTS REGARDING THE FORM OF A PRELIMINARY PLAN AND TO ADD REQUIREMENTS FOR THE FORM OF A FINAL PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.60.040 TO DELETE EXISTING REQUIREMENTS REGARDING PRELIMINARY PLAN PROCEDURES AND TO ADD A PROCESS FOR REVIEWING APPLICATIONS FOR A PLANNED UNIT DEVELOPMENT; BY ADDING A NEW SECTION NUMBERED 27.60.050 TO PROVIDE REQUIREMENTS FOR A PLANNED UNIT DEVELOPMENT FOLLOWING APPROVAL; BY REPEALING SECTION 27.60.055 REGARDING FINAL PLAN FORM; BY REPEALING SECTION 27.60.056 REGARDING FINAL PLAN PROCEDURE; BY AMENDING SECTION 27.60.060 TO DELETE THE EXISTING LANGUAGE REGARDING AMENDMENT TO PLANNED UNIT DEVELOPMENTS AND TO ADD NEW REQUIREMENTS; BY REPEALING SECTION 27.60.070 REGARDING ABANDONMENT OR FAILURE TO PROCEED WITH DEVELOPMENT OF A PLANNED UNIT DEVELOPMENT; AND ADDING A NEW SECTION NUMBERED 27.60.080 TO PROVIDE PROVISIONS REGARDING PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS - PRIOR to reading:

COOK Moved to amend page 7, line 8 by changing 3 acres to read 5 acres.
No second.

COOK Motion withdrawn.

CLERK Read an ordinance, introduced by Jonathan Cook, Change of Zone 04032 - Amending Chapter 27.60 of the Lincoln Municipal Code relating to the Planned Unit Development District by revising the statement of intent of the Planned Unit Development District; by amending Section 27.60.010 to revise the general purpose; by amending Section 27.60.020 to delete existing use regulations and to add general requirements and development plan requirements for planned unit developments; by renumbering Section 27.60.035 as 27.60.030 and amending the same to delete existing requirements regarding the form of a preliminary plan and to add requirements for the form of a final planned unit development; by amending Section 27.60.040 to delete existing requirements regarding preliminary plan procedures and to add a process for reviewing applications for a planned unit development; by adding a new section numbered 27.60.050 to provide requirements for a planned unit development following approval; by repealing Section 27.60.055 regarding final plan form; by repealing Section 27.60.056 regarding final plan procedure; by amending Section 27.60.060 to delete the existing language regarding amendment to planned unit developments and to add new requirements; by repealing Section 27.60.070 regarding abandonment or failure to proceed with development of a planned unit development; and adding a new section numbered 27.60.080 to provide provisions regarding previously approved planned unit developments, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #18437, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04043 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1, I-2 AND THE I-3 ZONING DISTRICTS BY AMENDING SECTION 27.47.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.47.035 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-1 INDUSTRIAL DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.47.040 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-1 INDUSTRIAL DISTRICT; AMENDING SECTION 27.49.020 TO DELETE CHURCHES FROM THE GENERAL USE REGULATIONS OF THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.49.030 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-2 INDUSTRIAL PARK DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.49.050 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-2 INDUSTRIAL PARK DISTRICT; AMENDING SECTION 27.51.040 TO ADD CHURCHES AS A PERMITTED CONDITIONAL USE IN THE I-3 EMPLOYMENT CENTER DISTRICT AND SPECIFYING CONDITIONS THEREFOR; AMENDING SECTION 27.51.060 TO PROVIDE THAT EARLY CHILDHOOD CARE FACILITIES AND SCHOOLS ARE NOT A PERMITTED ACCESSORY USE TO A CHURCH IN THE I-3 EMPLOYMENT CENTER DISTRICT - CLERK read an ordinance, introduced by Jonathan Cook, Change of Zone 04043 - Amending Title 27 of the Lincoln Municipal Code to allow churches as a permitted conditional use in the I-1, I-2 and the I-3 zoning districts by amending Section 27.47.020 to delete churches from the general use regulations of the I-1 Industrial District; amending Section 27.47.035 to add churches as

a permitted conditional use in the I-1 Industrial District and specifying conditions therefor; amending Section 27.47.040 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-1 Industrial District; amending Section 27.49.020 to delete churches from the general use regulations of the I-2 Industrial Park District; amending Section 27.49.030 to add churches as a permitted conditional use in the I-2 Industrial Park District and specifying conditions therefor; amending Section 27.49.050 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-2 Industrial Park District; amending Section 27.51.040 to add churches as a permitted conditional use in the I-3 Employment Center District and specifying conditions therefor; amending Section 27.51.060 to provide that early childhood care facilities and schools are not a permitted accessory use to a church in the I-3 Employment Center District, the third time.

COOK Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Newman.
The ordinance, being numbered #18438, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04047 - APPLICATION OF JEROME HITTNER, MICHAEL MCKEEMAN, AND MANETTE KIDNEY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT AND R-3 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND OLD CHENEY 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, by changing the boundaries of the districts established and shown thereon, the third time.

COOK 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 #18439, is recorded in Ordinance Book , Page

CHANGE OF ZONE 04048 - APPLICATION OF WILDERNESS RIDGE, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL 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, by changing the boundaries of the districts established and shown thereon, the third time.

COOK 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 #18440, is recorded in Ordinance Book , Page

SPECIAL PERMIT 1692C - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS RIDGE COMMUNITY UNIT PLAN TO EXPAND THE WILDERNESS RIDGE GOLF COURSE TO INCLUDE A PARKING LOT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82992 WHEREAS, Wilderness Ridge, L.L.C. has submitted an application designated as Special Permit No. 1692C for authority to amend Wilderness Ridge Community Unit Plan to expand the Wilderness Woods Golf Course to include a parking lot, on property generally located southwest of South 27th Street and Yankee Hill Road, legally described as:

Lots 1 through 70, Block 1, Wilderness Ridge Addition;
Lots 1 through 20 and Lots 23 through 65, Block 2, Wilderness Ridge Addition; Lots 1 through 40, Block 3, Wilderness Ridge Addition; Lot 1, Block 5, Wilderness Ridge Addition; Outlot A, Wilderness Ridge Addition; Outlot B, Wilderness Ridge Addition; the remaining portion of Outlot C, Wilderness Ridge Addition; Outlot F, Wilderness Ridge Addition; Outlot G, Wilderness Ridge Addition; Outlot H, Wilderness Ridge Addition; Outlot J, Wilderness Ridge Addition; Outlot M, Wilderness Ridge Addition; Lot 1, Wilderness Ridge 1st Addition; the remaining portion of Outlot A, Wilderness Ridge 1st Addition; Lots 1 and 2, Wilderness Ridge 2nd Addition; Outlot A, Wilderness Ridge 2nd Addition; Lots 1 through 22 and Lots 26 through 33, Block 1, Wilderness Ridge 3rd Addition; Lots 1 through 22, Block 2, Wilderness Ridge

3rd Addition; Lots 1 through 6, Block 3, Wilderness Ridge 3rd Addition; Lot 1, Block 4, Wilderness Ridge 3rd Addition; Lot 1, Block 5, Wilderness Ridge 3rd Addition; Lots 1 through 9, Block 6, Wilderness Ridge 3rd Addition; Lot 1, Block 7, Wilderness Ridge 3rd Addition; Outlot A, Wilderness Ridge 3rd Addition; Outlot B, Wilderness Ridge 3rd Addition; Lots 1 and 2, Wilderness Ridge 4th Addition; Lot 1, Lots 6 through 20, and Lots 24 through 27, Block 1, Wilderness Ridge 5th Addition; Lots 1 through 6 and Lots 11 through 18, Block 2, Wilderness Ridge 5th Addition; Outlot A, Wilderness Ridge 5th Addition; Outlot B, Wilderness Ridge 5th Addition; Lots 1 through 35, Block 1, Wilderness Ridge 6th Addition; Outlot A, Wilderness Ridge 6th Addition; Lots 1 through 3, Wilderness Ridge 7th Addition; Lots 1 through 3, Wilderness Ridge 8th Addition; Lots 1 through 22, Wilderness Ridge 9th Addition; Outlot A, Wilderness Ridge 9th Addition; Lots 1 and 2, Wilderness Ridge 10th Addition; the remaining portion of Outlot B, Wilderness Woods Office Park; the remaining portion of Outlot D, Wilderness Woods Office Park; together with a portion of Outlot A, Wilderness Woods Office Park, more particularly described as follows:

Beginning at a southeast corner of said Outlot A, said point also being the northeast corner of Lot 1, Wilderness Woods Office Park Addition; thence westerly along the north line of said Lot 1, on an assumed bearing of north 64 degrees 40 minutes 15 seconds west, a distance of 190.75 feet; thence north 32 degrees 36 minutes 24 seconds east, a distance of 23.57 feet; thence around a curve in a counter clockwise direction, having a radius of 264.00 feet, a delta angle of 32 degrees 36 minutes 24 seconds, an arc length of 150.24 feet, a chord bearing of north 16 degrees 18 minutes 12 seconds east and a chord length of 148.22 feet; thence north 00 degrees 00 minutes 00 seconds east, a distance of 41.94 feet; thence south 64 degrees 15 minutes 00 seconds east, a distance of 267.71 feet to the easterly line of said Outlot A; thence around a curve in a counter clockwise direction, along said easterly line, said line also being the westerly line of Lot 1, Wilderness Ridge 1st Addition, having a radius of 725.00 feet, a delta angle of 16 degrees 36 minutes 03 seconds, an arc length of 210.06 feet, a chord bearing of south 35 degrees 59 minutes 48 seconds west and a chord length of 209.33 feet to the point of beginning; and

Lot 85 I.T. in the Southwest Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, said tracts contain a calculated area of 16,818,448.81 square feet or 386.10 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 Wilderness Ridge, L.L.C., hereinafter referred to as "Permittee", to amend Wilderness Ridge Community Unit Plan to expand the Wilderness Woods Golf Course to include a parking lot on 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 development 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 expansion of the Wilderness Woods Golf Course to include a parking lot.
2. Before receiving building permits:
 - a. The Permittee must submit five copies of the final plan that are acceptable.

- b. The construction plans must conform to the approved plans.
3. Before use of the parking lot, 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 homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

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

USE PERMIT 126B - APPLICATION OF WILDERNESS RIDGE, LLC TO AMEND THE WILDERNESS WOODS OFFICE PARK TO REVISE THE BOUNDARIES BY REMOVING THE AREA OF THE PARKING LOT FROM THE USE PERMIT, WITH A WAIVER TO REDUCE THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF SOUTH 27TH STREET AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82993 WHEREAS, Wilderness Ridge, L.L.C. has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 126B for authority to amend the Wilderness Woods Office Park to revise the boundaries by removing the area of the parking lot from the use permit, together with a request to reduce the rear yard setback, on property generally located southwest of South 27th Street and Yankee Hill Road, and legally described to wit:

Lots 1 through 15, and Outlot A, Wilderness Woods Office Park Addition, located in the Northwest Quarter of Section 25, Township 9 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, except for that portion of said Outlot A more particularly described as follows:

Beginning at a southeast corner of said Outlot A, said point also being the northeast corner of Lot 1, Wilderness Woods Office Park Addition; thence westerly, along the north line of said Lot 1, on an assumed bearing of north 64 degrees 40 minutes 15 seconds west, a distance of 190.75 feet; thence north 32 degrees 36 minutes 24 seconds east, a distance of 23.57 feet; thence around a curve in a counter clockwise direction, having a radius of 264.00 feet, a delta angle of 32 degrees 36 minutes 24 seconds, an arc length of 150.24 feet, a chord bearing of north 16 degrees 18 minutes 12 seconds east and a chord length of 148.22 feet; thence north 00 degrees 00 minutes 00 seconds east, a distance of 41.94 feet; thence south 64 degrees 15 minutes 00 seconds east, a distance of 267.71 feet to the easterly line of said Outlot A; thence around a curve in a counter clockwise direction, along said easterly line, said line also being the westerly line of Lot 1, Wilderness Ridge 1st Addition, having a radius of 725.00 feet, a delta angle of 16 degrees 36 minutes 03 seconds, an arc length of 210.06 feet, a chord bearing of south 35 degrees 59 minutes 48 seconds west and a chord length of 209.33 feet to the point of beginning; said tracts contain a calculated area of 1,281,437.56 square feet or 29.42 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this office park to remove the area of the parking lot from the use permit and reduction of setback 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, morals, and general welfare.

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

That the application of Wilderness Ridge, L.L.C., hereinafter referred to as "Permittee", to amend the Wilderness Woods Office Park to revise the boundaries by removing the area of the parking lot from the use permit, and the requested waiver to reduce the rear yard setback 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 Wilderness Woods Office Park be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a waiver of the rear setback from 40' to 15' for Wilderness Woods Office Park.
2. Before receiving building permits:
 - a. The Permittee must submit five copies of the final site plan that are acceptable.
 - b. The construction plans must conform to the approved plans.
3. Before occupying this development all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, their successors and assigns.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Jonathan Cook

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to September 27, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on September 27, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

REGULAR MEETING
SEPTEMBER 20, 2004
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ADJOURNMENT 7:07 P.M.

CAMP Moved to adjourn the City Council meeting of September 20, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp, Cook,
 Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
 So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant