

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 4, 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

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

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

PUBLIC HEARING

APPLICATION OF SLAPSHOTZ BAR & GRILL, INC. DBA SLAPSHOTZ BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 1245 LIBRA DRIVE, SUITE 110;
MANAGER APPLICATION OF JOSE S. RUIZ FOR SLAPSHOTZ BAR & GRILL, INC. DBA SLAPSHOTZ BAR & GRILL AT 1245 LIBRA DRIVE, SUITE 110 - Jose Ruiz, 6500 Cardinal Court, Denton, Nebraska, took the oath and came forward to answer any questions.

This matter was taken under advisement

MISC. NO. 03012 - ADOPTING THE CITY OF LINCOLN PROGRAM FOR PAYMENT OF ARTERIAL STREET IMPACT FEE TO PROMOTE ECONOMIC DEVELOPMENT. (IN CONNECTION W/04-179);

CHANGE OF ZONE 04058 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE IMPACT FEE ORDINANCE TO ADOPT A NEW METHOD FOR THE REIMBURSEMENT OF ARTERIAL STREET IMPACT FEES FOR QUALIFYING ECONOMIC DEVELOPMENT PROJECTS TO BE MADE IN CONFORMANCE WITH A SPECIFIC POLICY STATEMENT ADOPTED BY RESOLUTION OF THE CITY COUNCIL RATHER THAN BY A VOTE OF AT LEAST FIVE CITY COUNCIL MEMBERS.(IN CONNECTION W/04R-266) - Michaela Hansen, Public Works Dept., stated this impact fee amendment for Economic Development provides the City Council with the ability to pay an impact fee on behalf of the business. The amount the City would pay on behalf of that company would be the lessor of the two, the arterial street impact fee or two times the free cash flow. Discussion followed.

Dr. David Rosenbaum, University of Nebraska, came forward to explain the free cash flow process. Discussion followed.

Rick Peo, Assistant City Attorney, came forward to answer questions.

Dan Marvin, 2523 Woods Blvd., who was part of the Impact Fee Committee came forward in support.

Jon Carlson, no address given, who was, also, part of the Impact Fee Committee came forward in support. Discussion followed.

Bruce Bohrer, Lincoln Chamber of Commerce, who was also on the Impact Fee Committee came forward in support of. Discussion followed.

Craig Groat, 4935 Huntington Ave., came forward in opposition. Discussion followed.

Steve Hubka, City Budget Officer, came forward to answer questions.

Steve Henrichsen, Planning Dept., came forward to answer questions.

AMENDING CHAPTER 5.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO PEDDLERS TO CLARIFY THAT HEARINGS FOR THE REVOCATION OF A PEDDLER'S PERMIT SHALL BE HELD BEFORE THE PERMIT REVIEW BOARD, AND TO ESTABLISH THE PERMIT REVIEW BOARD, RATHER THAN THE CITY COUNCIL, AS THE BOARD TO HEAR THE APPEAL OF AN APPLICANT DENIED A PEDDLER PERMIT - Annette McRoy, Council Member, asked why the City Council would not hear the appeal of a denied peddler permit anymore.

Dana Roper, City Attorney, stated it was more of a Police matter and felt this would be a simpler process. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 3.04.040 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE FEES CHARGED BY THE CITY FOR PHOTOSTATIC COPIES, TYPEWRITTEN COPIES OF ANY RECORD, AND USE OF THE CORPORATE SEAL ON ANY ATTESTATION, ACKNOWLEDGMENT OR OTHER CERTIFICATE - Don Herz, Finance Director, stated this increase for copying was to attempt to recover costs up to 50%.

Dana Roper, City Attorney, stated this increase complies with the State Record Law and includes part of our time as well as the paper expenses. Discussion followed.

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

Marvin Krout, Director of Planning Department, came forward to state that some of their information can be found at the City Libraries. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04042 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED SIGNS IN THE H-3 ZONING DISTRICT TO CLARIFY LANGUAGE AND TO ALLOW ON-PREMISES POLE SIGNS LOCATED WITHIN 660 FEET OF THE DESIGNATED INTERSTATE TO INCLUDE ELECTRONIC CHANGEABLE COPY UP TO 240 SQUARE FEET IN THE SIGN AREA, AND RELATING TO PERMITTED SIGNS IN NON-RESIDENTIAL DISTRICT TO ALLOW AN EXCEPTION TO THE MAXIMUM CHANGING SIGN AREA - Mike Morrow, 201 N. 8th St., Ste 300, came forward representing the applicant, Anderson Ford, asking for a special permit to allow them to keep their electronic sign. Discussion followed.

Craig Groat, 4935 Huntington Ave., came forward in opposition. Discussion followed.

Mike DeKalb, Planning Department, came forward to answer questions. Discussion followed.

Chuck Zimmerman, Building and Safety Dept., came forward to answer questions. Discussion followed.

Mr. Morrow, came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 3:45 P.M.

RECONVENED 3.55 P.M.

CHANGE OF ZONE 04044 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.07.040 TO ELIMINATE THE REQUIREMENT THAT A COMMUNITY UNIT PLAN IN THE AG DISTRICT SHALL CONTAIN A MINIMUM AREA OF 75 ACRES; BY AMENDING SECTION 27.65.020 TO PROVIDE PROVISIONS REGARDING APPROVAL OF A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT WITH UNDERLYING AG OR AGR ZONING TO REQUIRE THAT IN THE BTA OVERLAY DISTRICT THE LAND WITHIN A COMMUNITY PLAN BE DIVIDED INTO TWO COMPONENTS, AN ACREAGE DEVELOPMENT COMPONENT AND AN URBAN RESERVE COMPONENT, TO PROVIDE DENSITY BONUS, AND TO PROVIDE FOR THE TIMING OF SUBDIVISION AND DEVELOPMENT OF EACH COMPONENT; BY AMENDING SECTION 27.65.030 TO PROVIDE THAT THE APPLICATION FOR A COMMUNITY UNIT PLAN SHALL BE FILED WITH THE PLANNING DEPARTMENT RATHER THAN THE DEPARTMENT OF BUILDING AND SAFETY AND TO REQUIRE THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE PERMITTEE FOR DEVELOPMENT OF A COMMUNITY UNIT PLAN LOCATED IN THE BTA OVERLAY DISTRICT; BY AMENDING SECTION 27.65.070 TO PROVIDE FOR THE FORM OF COMMUNITY PLAN IN THE R-1 THROUGH R-6 ZONING DISTRICTS AND IN THE AG AND AGR ZONING DISTRICTS NOT WITHIN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.65.075 TO PROVIDE FOR THE FORM OF A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.010 TO PROVIDE REGULATIONS FOR THE BTA BUILD THROUGH ACREAGE OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.020 TO DESCRIBE THE PURPOSE OF THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.030 TO ESTABLISH THE DISTRICT BOUNDARIES FOR THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.040 TO ESTABLISH USE REGULATIONS FOR THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.050 TO PROVIDE PROVISIONS GOVERNING THE USE OF AN UNDERSIZED LOT FOR A SINGLE FAMILY DWELLING PURSUANT TO A SPECIAL PERMIT FOR A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.060 TO ESTABLISH AREA, HEIGHT, GRADING AND LAND USE DISTURBANCE, PARKING, AND SIGN REGULATIONS FOR THE BTA OVERLAY DISTRICT. (IN CONNECTION W/04-183, 04-184, 04R-267);

MISC. NO. 04008A - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.037 TO ELIMINATE THE PROVISION THAT A PRELIMINARY PLAT SHALL ONLY BE EFFECTIVE FOR A PERIOD OF TEN YEARS FROM THE DATE OF THE CITY'S APPROVAL; BY AMENDING SECTION 26.11.038 TO PROVIDE PROVISIONS REGARDING THE INSTALLMENT OR CONSTRUCTION OF UTILITIES WITHIN THE ACREAGE DEVELOPMENT

COMPONENT OF A COMMUNITY UNIT PLAN LOCATED IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 26.15.050 TO REQUIRE A TRANSITIONAL PRELIMINARY PLAT FOR THE FUTURE CONVERSION OF THE ACREAGE DEVELOPMENT COMPONENT AND DEVELOPMENT OF THE URBAN RESERVE COMPONENT FOR COMMUNITY UNIT PLANS WITHIN THE BTA OVERLAY DISTRICT AND TO DELINEATE REQUIRED INFORMATION TO BE SHOWN ON THE TRANSITIONAL PRELIMINARY PLAT; BY ADDING A NEW SECTION NUMBERED 26.23.122 TO REQUIRE EASEMENTS AND DEDICATIONS FOR FUTURE USE OF LAND FOR STREETS AND PUBLIC UTILITIES UNDER THE FUTURE CONVERSION OF THE ACREAGE DEVELOPMENT COMPONENT OF A COMMUNITY UNIT PLAN TO BE INCLUDED AS PART OF ANY FINAL PLAT FOR THE ORIGINAL DEVELOPMENT OF THE ACREAGE DEVELOPMENT COMPONENT. (IN CONNECTION W/04-182, 04-184, 04R-267);

MISC. NO. 04008B - AMENDING CHAPTER 26.27 OF THE LINCOLN MUNICIPAL CODE RELATING TO MINIMUM IMPROVEMENTS BY AMENDING SECTIONS 26.27.020, SIDEWALKS; 26.27.070, STREET LIGHTING; 26.27.080, LANDSCAPE SCREENS; AND 26.27.090, TREES, TO WAIVE THE REQUIREMENT FOR THE INSTALLATION OF THE FOREGOING IMPROVEMENTS FOR SUBDIVISIONS LOCATED OUTSIDE THE CITY LIMITS WHERE ALL LOTS CONTAIN AN AREA OF ONE OR MORE ACRES. (IN CONNECTION W/04-182, 04-183, 04R-267);

MISC NO. 04011 - AMENDING THE DESIGN STANDARDS UNDER CHAPTER 2.20 - RURAL PUBLIC STREET DESIGN STANDARDS, TO REVISE THE TITLE TO RURAL PUBLIC AND INTERMEDIATE BTA PUBLIC STREET DESIGN STANDARDS; TO REVISE SECTION 1 TO INCLUDE PROVISIONS REGARDING PAVING OF PUBLIC STREETS IN AN AREA SUBJECT TO APPLICATION OF BTA BUILD THROUGH ACREAGE STANDARDS AND TO ESTABLISH DESIGN STANDARDS FOR RURAL STREETS WHICH INCLUDE ELEMENTS OF THE CITY'S DESIGN STANDARDS FOR BOTH URBAN AND RURAL PUBLIC STREETS WHICH WILL ENCOURAGE ULTIMATE TRANSITION TO AN ACCEPTABLE URBAN STREET CROSS SECTION; TO REVISE SECTION 2.3 TO REQUIRE STREET ALIGNMENTS SHOWN AS BEING EXTENDED IN THE TRANSITIONAL PLAT TO BE GRADED IN SUCH A WAY AS TO ENCOURAGE THE EVENTUAL EXTENSION OF THE STREET; TO REVISE SECTION 3.1 TO REDUCE THE MINIMUM DESIGN SPEED FOR LOCAL STREETS; TO REVISE SECTION 3.2 TO CLARIFY THAT OBSTRUCTIONS SHALL NOT BE PLACED IN PUBLIC STREET RIGHT-OF-WAY AS OPPOSED TO JUST THE PUBLIC STREET; TO REVISE SECTION 3.3.2 TO MODIFY THE TABLE WHICH SETS THE MINIMUM RADII FOR VARIOUS DESIGN SPEEDS; TO REVISE SECTION 3.4.1.B. TO PROVIDE THAT THE MAXIMUM LONGITUDINAL GRADE FOR LOCAL STREETS WILL BE 7%; TO REVISE SECTION 3.4.2 TO REVISE THE TABLE FOR MINIMUM LENGTH VERTICAL CURVES NECESSARY TO PROVIDE ADEQUATE SAFE ENTERING SIGHT DISTANCE; TO REVISE SECTION 3.5 TO PROVIDE FOR A RURAL CROSS SECTION DESIGNED FOR FUTURE CONVERSION TO AN URBAN CROSS SECTION; TO DELETE SECTION 3.5.2 RELATING TO GRANULAR SURFACING; TO ADD A NEW SECTION 3.10 TO PROVIDE FOR SIDEWALKS AND PEDESTRIAN ACCOMMODATIONS, TO PROVIDE FOR THE ELECTIVE CONSTRUCTION OF SIDEWALKS IN INITIAL ACREAGE SUBDIVISIONS IN BTA DEVELOPMENTS, AND TO REQUIRE SIDEWALKS WHEN ANNEXATION OF THE SUBDIVISION AND TRANSITION TO HIGHER DENSITIES OCCURS; AND TO SUBSTITUTE A NEW FIGURE RSI AS A TYPICAL CROSS SECTION FOR RURAL STREETS IMPROVEMENTS. (IN CONNECTION W/04-182, 04-183, 04-184)- Mike DeKalb, Planning Dept., came forward to talk about Build Through Acreages and to state that this does not apply to existing acreages. Discussion followed.

Dana Roper, City Attorney, came forward to state that Amendment #1 is correct.

Brian Carstens, 601 Old Cheney Rd., Suite C, came forward to state he was glad these projects are finally before the Council.

This matter was taken under advisement.

CHANGE OF ZONE 04045A - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.27.080(B), 27.28.090(B), 27.31.100(B), AND 27.37.070(E) TO DELETE "THE LOCATION OF PROPOSED FREE-STANDING SIGNS" FROM THE LIST OF INFORMATION TO BE INCLUDED WITH THE USE PERMIT APPLICATION IN THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND B-5 PLANNED REGIONAL BUSINESS DISTRICT; BY AMENDING SECTION 27.69.083 TO DELETE THE REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF ALL SIGNS BE SHOWN ON THE USE PERMIT APPLICATION AND THAT IT BE APPROVED AS PART OF SAID APPLICATION AND THAT THE SIGN BE IN KEEPING WITH THE CHARACTER OF THE AREA IN WHICH IT IS LOCATED; BY REPEALING SECTION 27.69.085 RELATING TO PERMITTED SIGNS IN A CORPORATE OFFICE PARK PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.69.160 TO ELIMINATE THE REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF SIGNS BE SHOWN ON THE SPECIAL PERMIT APPLICATION AND BE APPROVED AS PART OF SAID APPLICATION AND TO ELIMINATE THE REQUIREMENT THAT THE SIGN BE IN KEEPING WITH THE CHARACTER OF THE AREA IN WHICH IT IS LOCATED; BY AMENDING SECTION 27.69.220 TO ELIMINATE THE REQUIREMENT CONCERNING GROUND SIGNS WHEN PART OF A LANDSCAPE SCREEN

APPROVED BY THE PLANNING DIRECTOR; BY AMENDING SECTION 27.70.050 TO MODIFY THE REQUIREMENTS AFTER APPROVAL OF A USE PERMIT TO ALLOW BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND SUBDIVISION OF PROPERTY TO BE ISSUED OR APPROVED UPON SUBSTANTIAL COMPLIANCE WITH THE PLOT PLAN AS APPROVED AND TO GRANT THE PLANNING DIRECTOR THE AUTHORITY TO REVIEW AND DETERMINE IF A PROPOSAL IS IN SUBSTANTIAL CONFORMANCE WITH THE SPIRIT AND INTENT OF THE APPROVED PLAN. (IN CONNECTION W/04-186, 04-187, 04R-269);

CHANGE OF ZONE 04045B - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTIONS 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, AND 27.63.590 TO MODIFY PROVISIONS WITHIN SAID SECTIONS TO ALLOW SPECIAL PERMITS TO BE APPROVED BY THE PLANNING COMMISSION RATHER THAN THE CITY COUNCIL. (IN CONNECTION W/04-185, 04-187, 04R-269)

CHANGE OF ZONE 04045C - AMENDING CHAPTER 27.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLANS BY AMENDING SECTION 27.65.020 TO AMEND THE GENERAL REQUIREMENTS TO GRANT THE PLANNING COMMISSION AUTHORITY TO APPROVE THE SPECIAL PERMIT AND TO ALLOW THE PLAN TO PROPOSE MODIFICATIONS TO THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH THE COMMUNITY UNIT PLAN IS LOCATED; BY AMENDING SECTION 27.65.030 TO ELIMINATE REFERENCES TO CITY COUNCIL APPROVAL OF COMMUNITY UNIT PLANS, ESTABLISHING STANDARDS FOR THE PLANNING COMMISSION TO FOLLOW IN APPROVING OR DENYING AN APPLICATION FOR A COMMUNITY UNIT PLAN, AND PROVIDING FOR AN APPEAL FROM THE PLANNING COMMISSION'S DECISION TO THE CITY COUNCIL BY AN AGGRIEVED PARTY; BY REPEALING SECTION 27.65.040 TO ELIMINATE CITY COUNCIL FINAL ACTION ON THE APPLICATION; BY AMENDING SECTION 27.65.050 TO REVISE PROVISIONS REGARDING DEVELOPMENT OF THE COMMUNITY UNIT PLAN AFTER ITS APPROVAL; BY AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR LIMITED AUTHORITY TO APPROVE MINOR INCREASES IN THE NUMBER OF DWELLING UNITS AND TO APPROVE MINOR INTERNAL CHANGES TO THE APPLICABLE SETBACK, YARD OR HEIGHT REQUIREMENTS WITHIN A COMMUNITY UNIT PLAN; BY AMENDING SECTION 27.65.070 TO DELETE THE NEED FOR THE CITY CLERK TO SIGN A CERTIFICATE SHOWING APPROVAL OR DISAPPROVAL BY THE CITY COUNCIL; BY AMENDING SECTION 27.65.090 TO ALLOW THE PLANNING COMMISSION TO MODIFY PARKING REQUIREMENTS UNDER SPECIFIED CONDITIONS. (IN CONNECTION W/04-185, 04-186, 04R-269)

MISC. NO. 04009 - AMENDING CHAPTER 3.35 OF THE CITY OF LINCOLN DESIGN STANDARDS FOR COMMUNITY UNIT PLANS TO SIMPLIFY THE DENSITY CALCULATION AND AMEND THE CLUSTER DENSITY. (IN CONNECTION W/04-185, 04-186, 04-187) - Marvin Krout, Director of Planning Dept., came forward to explain the set of proposed amendments is to implement the streamlining set forth by the Mayor's Streamlining Task Force. Discussion followed.

Rick Peo, Assistant City Attorney, came forward to answer questions.

Jonathan Cook, Council Member, requested the word "should" be changed to "shall" in the proposed amendment. Discussion followed.

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

Mike Morosin, 2055 S St., stated he felt the C.U.P. tends to destroy older neighborhoods and that low income homes are being destroyed.

This matter was taken under advisement.

ASSESSING NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 1534 N. 25TH, 4626 CALVERT, 820 C, 645 W. C, 2832 DUDLEY, 425 N. 28TH, 3015 N. 75TH ST COURT, 1412 ROSE, 1036 Y, 3000 MICKAELA LANE, 2744 STARR, 1427 SUMNER, 3335 N. 3RD, 1604 ROSELYN TERRACE, 6910 STARR, AND 1525 N. 58TH. Scott Holmes, Environmental Public Health Division Manager, came forward to state these assessments are for garbage left outside for a couple weeks or more and are cleaned up by the City. Discussion followed.

This matter was taken under advisement.

APPROVING THE 2004-05 WORK PLAN FOR THE STORMWATER INTERLOCAL AGREEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - Nicole Fleck-Tooze, Public Works Dept., came forward to answer questions and to state this annual Work Plan has been done since 1996. Discussion followed.

Craig Groat, 4935 Huntington Ave., came forward to disagree with these studies being done.

This matter was taken under advisement.

SPECIAL PERMIT 1654B - APPLICATION OF ROSS AND KARA PARDE TO AMEND PINE LAKE HEIGHTS COMMUNITY UNIT PLAN TO REDUCE THE REAR YARD SETBACK FROM 22 FEET TO 15 FEET TO ALLOW A GARAGE WITH A DECK ABOVE AT 3500 PELA VERDE CIRCLE - Kara Parde, 3500 Pela Verde Circle, came forward to answer any questions.

This matter was taken under advisement.

APPROVING THE ACQUISITION AND DEDICATION OF 0.21 ACRES OF PARK LAND BY THE CITY ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 19TH AND A STREETS (NEAR SOUTH PARK) - Lynn Johnson, Director of Parks and Recreation Dept., stated this project was a culmination of a 10 year commitment with the Near South Neighborhood Association and the City. Discussion followed.

This matter was taken under advisement.

WAIVER NO. 04010 - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION TO WAIVE THE REQUIREMENT OF THE LAND SUBDIVISION ORDINANCE THAT SIDEWALKS AND STREET TREES BE INSTALLED WITHIN FOUR YEARS OF FINAL PLAT APPROVAL, ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND W. HIGHLAND BLVD. - Mike Morosin, 2055 S St., came forward in opposition. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Ave., stated he was here to help the City. He stated the City needed to have a City Manager and a qualified City Traffic Engineer. He is concerned with the quality of life in the City of Lincoln.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

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 Ken Svoboda, who moved its adoption for approval:

A-83014 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 Slapshotz Bar & Grill, Inc. dba Slapshotz Bar & Grill for a Class "I" liquor license at 1245 Libra Drive, Suite 110, 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 Ken Svoboda

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

MANAGER APPLICATION OF JOSE S. RUIZ FOR SLAPSHOTZ BAR & GRILL, INC. DBA SLAPSHOTZ BAR & GRILL AT 1245 LIBRA DRIVE, SUITE 110 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83015 WHEREAS, Slapshotz Bar & Grill, Inc. dba Slapshotz Bar & Grill located at 1245 Libra Drive, Suite 110, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jose S. Ruiz be named manager;

WHEREAS, Jose S. Ruiz 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 Jose S. Ruiz be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

MISC. NO. 03012 - ADOPTING THE CITY OF LINCOLN PROGRAM FOR PAYMENT OF ARTERIAL STREET IMPACT FEE TO PROMOTE ECONOMIC DEVELOPMENT. (IN CONNECTION W/04-179.) - PRIOR to reading:

COOK Moved to delay action on Bill No. 04R-266 for one week to 10/11/04.

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

CHANGE OF ZONE 04058 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE IMPACT FEE ORDINANCE TO ADOPT A NEW METHOD FOR THE REIMBURSEMENT OF ARTERIAL STREET IMPACT FEES FOR QUALIFYING ECONOMIC DEVELOPMENT PROJECTS TO BE MADE IN CONFORMANCE WITH A SPECIFIC POLICY STATEMENT ADOPTED BY RESOLUTION OF THE CITY COUNCIL RATHER THAN BY A VOTE OF AT LEAST FIVE CITY COUNCIL MEMBERS - CLERK read an ordinance, introduced by Patte Newman, amending Section 27.82.110 of the Lincoln Municipal Code to adopt a new method by which the reimbursement of arterial street impact fees, for qualifying economic development projects, shall only be made in conformance with a specific policy statement adopted by resolution of the City Council, rather than by a vote of at least five City Council members; and repealing Section 27.82.110 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 5.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO PEDDLERS TO CLARIFY THAT HEARINGS FOR THE REVOCATION OF A PEDDLER'S PERMIT SHALL BE HELD BEFORE THE PERMIT REVIEW BOARD, AND TO ESTABLISH THE PERMIT REVIEW BOARD, RATHER THAN THE CITY COUNCIL, AS THE BOARD TO HEAR THE APPEAL OF AN APPLICANT DENIED A PEDDLER PERMIT - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 5.36 of the Lincoln Municipal Code relating to Peddlers by amending Section 5.36.110 to clarify that hearings for the revocation of a peddler's permit shall be held before the Permit Review Board; amending Section 5.36.120 to establish the Permit Review Board, rather than the City Council, as the board to hear the appeal of an applicant denied a peddler permit; and repealing Sections 5.36.110 and 5.36.120 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 9.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO LOTTERIES TO DEFINE THE PURPOSES TO WHICH LOTTERY AND RAFFLE PROFITS ARE TO BE DEVOTED, TO ALLOW THE CITY CLERK TO APPROVE OR DENY APPLICATIONS FOR LOTTERY AND RAFFLE PERMITS, TO ESTABLISH AN APPEAL PROCEDURE FOR DENIED APPLICATIONS, TO CREATE AN APPEALS BOARD, AND TO REVISE THE PROCEDURE ON REVOCATION OF PERMITS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 9.32 of the Lincoln Municipal Code relating to Lotteries by amending Section 9.32.030 to define the purposes to which lottery and raffle profits are to be devoted; amending Section 9.32.050 to allow the City Clerk to approve or deny applications for lottery and raffle permits; adding a new section numbered 9.32.050 to allow the City Clerk to approve or deny applications for lottery and raffle permits; adding a new section numbered 9.32.065 to establish an appeal procedure for denied applications and to create an appeals board; amending Section 9.32.070 to revise the procedure on revocation of permits; and repealing Sections 9.32.030, 9.32.050, and 9.32.070 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 3.04.040 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE FEES CHARGED BY THE CITY FOR PHOTOSTATIC COPIES, TYPEWRITTEN COPIES OF ANY RECORD, AND USE OF THE CORPORATE SEAL ON ANY ATTESTATION, ACKNOWLEDGMENT OR OTHER CERTIFICATE - CLERK read an ordinance, introduced by Patte Newman, amending Section 3.04.040 of the Lincoln Municipal Code to increase the fees charged by the City for photostatic copies, typewritten copies of any record, and use of the corporate seal on any attestation, acknowledgment or other certificate ; and repealing Section 3.04.040 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 10.06.160 OF THE LINCOLN MUNICIPAL CODE TO MAKE THE GENERAL CLASSIFICATION OF VIOLATIONS OF THE PROVISIONS OF TITLE 10 CONSISTENT WITH THE GENERAL CLASSIFICATION OF TRAFFIC VIOLATIONS OF THE NEBRASKA RULES OF THE ROAD - CLERK read an ordinance, introduced by Patte Newman, amending Section 10.06.160 of the Lincoln Municipal Code to make the general classification of violations of the provisions of Title 10 consistent with the general classification of violations of the Nebraska Rules of the Road, and repealing Section 10.06.160 of the Lincoln Municipal code as hitherto existing, the second time.

CHANGE OF ZONE 04042 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED SIGNS IN THE H-3 ZONING DISTRICT TO CLARIFY LANGUAGE AND TO ALLOW ON-PREMISES POLE SIGNS LOCATED WITHIN 660 FEET OF THE DESIGNATED INTERSTATE TO INCLUDE ELECTRONIC CHANGEABLE COPY UP TO 240 SQUARE FEET IN THE SIGN AREA, AND RELATING TO PERMITTED SIGNS IN NON-RESIDENTIAL DISTRICT TO ALLOW AN EXCEPTION TO THE MAXIMUM CHANGING SIGN AREA - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Section 27.69.049 relating to permitted signs in the H-3 zoning district to clarify language and to allow on premises pole signs located within 660 feet of the designated interstate to include electronic changeable copy up to 240 square feet in sign area; by amending Section 27.69.270 relating to other permitted signed in non-residential districts to allow an exception to the maximum changing sign area as provided in Section 27.69.049(d); and repealing Sections 27.69.049 and 27.69.270 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 04044 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.07.040 TO ELIMINATE THE REQUIREMENT THAT A COMMUNITY UNIT PLAN IN THE AG DISTRICT SHALL CONTAIN A MINIMUM AREA OF 75 ACRES; BY AMENDING SECTION 27.65.020 TO PROVIDE PROVISIONS REGARDING APPROVAL OF A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT WITH UNDERLYING AG OR AGR ZONING TO REQUIRE THAT IN THE BTA OVERLAY DISTRICT THE LAND WITHIN A COMMUNITY PLAN BE DIVIDED INTO TWO COMPONENTS, AN ACREAGE DEVELOPMENT COMPONENT AND AN URBAN RESERVE COMPONENT, TO PROVIDE DENSITY BONUS, AND TO PROVIDE FOR THE TIMING OF SUBDIVISION AND DEVELOPMENT OF EACH COMPONENT; BY AMENDING SECTION 27.65.030 TO PROVIDE THAT THE APPLICATION FOR A COMMUNITY UNIT PLAN SHALL BE FILED WITH THE PLANNING DEPARTMENT RATHER THAN THE DEPARTMENT OF BUILDING AND SAFETY AND TO REQUIRE THE EXECUTION OF AN AGREEMENT BETWEEN THE CITY AND THE PERMITTEE FOR DEVELOPMENT OF A COMMUNITY UNIT PLAN LOCATED IN THE BTA OVERLAY DISTRICT; BY AMENDING SECTION 27.65.070 TO PROVIDE FOR THE FORM OF COMMUNITY PLAN IN THE R-1 THROUGH R-6 ZONING DISTRICTS AND IN THE AG AND AGR ZONING DISTRICTS NOT WITHIN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.65.075 TO PROVIDE FOR THE FORM OF A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.010 TO PROVIDE REGULATIONS FOR THE BTA BUILD THROUGH ACREAGE OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.020 TO DESCRIBE THE PURPOSE OF THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.030 TO ESTABLISH THE DISTRICT BOUNDARIES FOR THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.040 TO ESTABLISH USE REGULATIONS FOR THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.050 TO PROVIDE PROVISIONS GOVERNING THE USE OF AN UNDERSIZED LOT FOR A SINGLE FAMILY DWELLING PURSUANT TO A SPECIAL PERMIT FOR A COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 27.83.060 TO ESTABLISH AREA, HEIGHT, GRADING AND LAND USE DISTURBANCE, PARKING, AND SIGN REGULATIONS FOR THE BTA OVERLAY DISTRICT - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.07.040 to eliminate the requirement that a community unit plan in the AG district shall contain

a minimum area of 75 acres; by amending Section 27.65.020 to provide provisions regarding approval of a community unit plan in the BTA Overlay District with underlying AG or AGR zoning to require that in the BTA Overlay District the land within a community plan be divided into two components, an Acreage Development Component and an Urban Reserve Component, to provide density bonus, and to provide for the timing of subdivision and development of each component; by amending Section 27.65.030 to provide that the application for a community unit plan shall be filed with the Planning Department rather than the Department of Building and Safety and to require the execution of an agreement between the City and the permittee for development of a community unit plan located in the BTA Overlay District; by amending Section 27.65.070 to provide for the form of community plan in the R-1 through R-6 zoning districts and in the AG and AGR zoning districts not within the BTA Overlay District; by adding a new section numbered 27.65.075 to provide for the form of a community unit plan in the BTA Overlay District; by adding a new section numbered 27.83.010 to provide regulations for the BTA Build Through Acreage Overlay District; by adding a new section numbered 27.83.020 to describe the purpose of the BTA Overlay District; by adding a new section numbered 27.83.030 to establish the district boundaries for the BTA Overlay District; by adding a new section numbered 27.83.040 to establish use regulations for the BTA Overlay District; by adding a new section numbered 27.83.050 to provide provisions governing the use of an undersized lot for a single family dwelling pursuant to a special permit for a community unit plan in the BTA Overlay District; by adding a new section numbered 27.83.060 to establish area, height, grading and land use disturbance, parking, and sign regulations for the BTA Overlay District; by repealing Sections 27.07.040, 27.65.020, 27.65.030, and 27.65.070 of the Lincoln Municipal Code as hitherto existing; and by codifying Sections 27.83.010 through 27.83.060 as Chapter 27.83 of the Lincoln Municipal Code, entitled "Build Through Acreage Overlay District", the second time.

MISC. NO. 04008A - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.037 TO ELIMINATE THE PROVISION THAT A PRELIMINARY PLAT SHALL ONLY BE EFFECTIVE FOR A PERIOD OF TEN YEARS FROM THE DATE OF THE CITY'S APPROVAL; BY AMENDING SECTION 26.11.038 TO PROVIDE PROVISIONS REGARDING THE INSTALLMENT OR CONSTRUCTION OF UTILITIES WITHIN THE ACREAGE DEVELOPMENT COMPONENT OF A COMMUNITY UNIT PLAN LOCATED IN THE BTA OVERLAY DISTRICT; BY ADDING A NEW SECTION NUMBERED 26.15.050 TO REQUIRE A TRANSITIONAL PRELIMINARY PLAT FOR THE FUTURE CONVERSION OF THE ACREAGE DEVELOPMENT COMPONENT AND DEVELOPMENT OF THE URBAN RESERVE COMPONENT FOR COMMUNITY UNIT PLANS WITHIN THE BTA OVERLAY DISTRICT AND TO DELINEATE REQUIRED INFORMATION TO BE SHOWN ON THE TRANSITIONAL PRELIMINARY PLAT; BY ADDING A NEW SECTION NUMBERED 26.23.122 TO REQUIRE EASEMENTS AND DEDICATIONS FOR FUTURE USE OF LAND FOR STREETS AND PUBLIC UTILITIES UNDER THE FUTURE CONVERSION OF THE ACREAGE DEVELOPMENT COMPONENT OF A COMMUNITY UNIT PLAN TO BE INCLUDED AS PART OF ANY FINAL PLAT FOR THE ORIGINAL DEVELOPMENT OF THE ACREAGE DEVELOPMENT COMPONENT - CLERK read an ordinance, introduced by Patte Newman, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision ordinance by amending Section 26.11.037 to eliminate the provision that a preliminary plat shall only be effective for a period of ten years from the date of the City's approval; by amending Section 26.11.038 to provide provisions regarding the installment or construction of utilities within the Acreage Development Component of a community unit plan located in the BTA Overlay District; by adding a new section numbered 26.15.050 to require a transitional preliminary plat for the future conversion of the Acreage Development Component and development of the Urban Reserve Component for community unit plans within the BTA Overlay District and to delineate required information to be shown on the transitional preliminary plat; by adding a new section numbered 26.23.122 to require easements and dedications for future use of land for streets and public utilities under the future conversion of the Acreage Development Component of a community unit plan to be included as part of any final plat for the original development of the Acreage Development Component; and repealing Sections 26.11.037 and 26.11.038 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. NO. 04008B - AMENDING CHAPTER 26.27 OF THE LINCOLN MUNICIPAL CODE RELATING TO MINIMUM IMPROVEMENTS BY AMENDING SECTIONS 26.27.020, SIDEWALKS; 26.27.070, STREET LIGHTING; 26.27.080, LANDSCAPE SCREENS; AND 26.27.090, TREES, TO WAIVE THE REQUIREMENT FOR THE INSTALLATION OF THE FOREGOING IMPROVEMENTS FOR SUBDIVISIONS LOCATED OUTSIDE THE CITY LIMITS WHERE ALL LOTS CONTAIN AN AREA OF ONE OR MORE ACRES - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 26.27 of the Lincoln Municipal Code relating to Minimum Improvements by amending Sections 26.27.020, Sidewalks; 26.27.070, Street Lighting; of the foregoing improvements for subdivisions located outside the city limits where all lots contain an area of one or more acres; and repealing Sections 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC NO. 04011 - AMENDING THE DESIGN STANDARDS UNDER CHAPTER 2.20 - RURAL PUBLIC STREET DESIGN STANDARDS, TO REVISE THE TITLE TO RURAL PUBLIC AND INTERMEDIATE BTA PUBLIC STREET DESIGN STANDARDS; TO REVISE SECTION 1 TO INCLUDE PROVISIONS REGARDING PAVING OF PUBLIC STREETS IN AN AREA SUBJECT TO APPLICATION OF BTA BUILD THROUGH ACREAGE STANDARDS AND TO ESTABLISH DESIGN STANDARDS FOR RURAL STREETS WHICH INCLUDE ELEMENTS OF THE CITY'S DESIGN STANDARDS FOR BOTH URBAN AND RURAL PUBLIC STREETS WHICH WILL ENCOURAGE ULTIMATE TRANSITION TO AN ACCEPTABLE URBAN STREET CROSS SECTION; TO REVISE SECTION 2.3 TO REQUIRE STREET ALIGNMENTS SHOWN AS BEING EXTENDED IN THE TRANSITIONAL PLAT TO BE GRADED IN SUCH A WAY AS TO ENCOURAGE THE EVENTUAL EXTENSION OF THE STREET; TO REVISE SECTION 3.1 TO REDUCE THE MINIMUM DESIGN SPEED FOR LOCAL STREETS; TO REVISE SECTION 3.2 TO CLARIFY THAT OBSTRUCTIONS SHALL NOT BE PLACED IN PUBLIC STREET RIGHT-OF-WAY AS OPPOSED TO JUST THE PUBLIC STREET; TO REVISE SECTION 3.3.2 TO MODIFY THE TABLE WHICH SETS THE MINIMUM RADII FOR VARIOUS DESIGN SPEEDS; TO REVISE SECTION 3.4.1.B. TO PROVIDE THAT THE MAXIMUM LONGITUDINAL GRADE FOR LOCAL STREETS WILL BE 7%; TO REVISE SECTION 3.4.2 TO REVISE THE TABLE FOR MINIMUM LENGTH VERTICAL CURVES NECESSARY TO PROVIDE ADEQUATE SAFE ENTERING SIGHT DISTANCE; TO REVISE SECTION 3.5 TO PROVIDE FOR A RURAL CROSS SECTION DESIGNED FOR FUTURE CONVERSION TO AN URBAN CROSS SECTION; TO DELETE SECTION 3.5.2 RELATING TO GRANULAR SURFACING; TO ADD A NEW SECTION 3.10 TO PROVIDE FOR SIDEWALKS AND PEDESTRIAN ACCOMMODATIONS, TO PROVIDE FOR THE ELECTIVE CONSTRUCTION OF SIDEWALKS IN INITIAL ACREAGE SUBDIVISIONS IN BTA DEVELOPMENTS, AND TO REQUIRE SIDEWALKS WHEN ANNEXATION OF THE SUBDIVISION AND TRANSITION TO HIGHER DENSITIES OCCURS; AND TO SUBSTITUTE A NEW FIGURE RSI AS A TYPICAL CROSS SECTION FOR RURAL STREETS IMPROVEMENTS - PRIOR to reading:

COOK Moved to delay action on Bill No. 04R-267 for one week to 10/11/04.

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

CHANGE OF ZONE 04045A - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.27.080(B), 27.28.090(B), 27.31.100(B), AND 27.37.070(E) TO DELETE "THE LOCATION OF PROPOSED FREE-STANDING SIGNS" FROM THE LIST OF INFORMATION TO BE INCLUDED WITH THE USE PERMIT APPLICATION IN THE O-3 OFFICE PARK DISTRICT, R-T RESIDENTIAL TRANSITION DISTRICT, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, AND B-5 PLANNED REGIONAL BUSINESS DISTRICT; BY AMENDING SECTION 27.69.083 TO DELETE THE REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF ALL SIGNS BE SHOWN ON THE USE PERMIT APPLICATION AND THAT IT BE APPROVED AS PART OF SAID APPLICATION AND THAT THE SIGN BE IN KEEPING WITH THE CHARACTER OF THE AREA IN WHICH IT IS LOCATED; BY REPEALING SECTION 27.69.085 RELATING TO PERMITTED SIGNS IN A CORPORATE OFFICE PARK PLANNED UNIT DEVELOPMENT; BY AMENDING SECTION 27.69.160 TO ELIMINATE THE REQUIREMENT THAT THE LOCATION, SIZE AND ILLUMINATION OF SIGNS BE SHOWN ON THE SPECIAL PERMIT APPLICATION AND BE APPROVED AS PART OF SAID APPLICATION AND TO ELIMINATE THE REQUIREMENT THAT THE SIGN BE IN KEEPING WITH THE CHARACTER OF THE AREA IN WHICH IT IS LOCATED; BY AMENDING SECTION 27.69.220 TO ELIMINATE THE REQUIREMENT CONCERNING GROUND SIGNS WHEN PART OF A LANDSCAPE SCREEN APPROVED BY THE PLANNING DIRECTOR; BY AMENDING SECTION 27.70.050 TO MODIFY THE REQUIREMENTS AFTER APPROVAL OF A USE PERMIT TO ALLOW BUILDING PERMITS, CERTIFICATES OF OCCUPANCY, AND SUBDIVISION OF PROPERTY TO BE ISSUED OR APPROVED UPON SUBSTANTIAL COMPLIANCE WITH THE PLOT PLAN AS APPROVED AND TO GRANT THE PLANNING DIRECTOR THE AUTHORITY TO REVIEW AND DETERMINE IF A PROPOSAL IS IN SUBSTANTIAL CONFORMANCE WITH THE SPIRIT AND INTENT OF THE APPROVED PLAN - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code by

amending Sections 27.27.080(b), 27.28.090(b), 27.31.100(b), and 27.37.070(e) to delete "the location of proposed free-standing signs" from the list of information to be included with the use permit application in the O-3 Office Park District, R-T Residential Transition District, B-2 Planned Neighborhood Business District, and B-5 Planned Regional Business District; by amending Section 27.69.083 to delete the requirement that the location, size and illumination of all signs be shown on the use permit application and that it be approved as part of said application and that the sign be in keeping with the character of the area in which it is located; by repealing Section 27.69.085 relating to permitted signs in a Corporate Office Park planned unit development; by amending Section 27.69.160 to eliminate the requirement that the location, size and illumination of signs be shown on the special permit application and be approved as part of said application and to eliminate the requirement that the sign be in keeping with the character of the area in which it is located; by amending Section 27.69.220 to eliminate the requirement concerning ground signs when part of a landscape screen approved by the Planning Director; by amending Section 27.70.050 to modify the requirements after approval of a use permit to allow building permits, certificates of occupancy, and subdivision of property to be issued or approved upon substantial compliance with the plot plan as approved and to grant the Planning Director the authority to review and determine if a proposal is in substantial conformance with the spirit and intent of the approved plan; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.69.083, 27.69.160, 27.69.220, and 27.70.050 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 04045B - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTIONS 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, AND 27.63.590 TO MODIFY PROVISIONS WITHIN SAID SECTIONS TO ALLOW SPECIAL PERMITS TO BE APPROVED BY THE PLANNING COMMISSION RATHER THAN THE CITY COUNCIL - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.63 of the Lincoln Municipal Code relating to special permits by amending Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 to modify provisions within said sections to allow special permits to be approved by the Planning Commission rather than the City Council; and repealing Sections 27.63.010, 27.63.070, 27.63.120, 27.63.130, 27.63.170, 27.63.210, 27.63.280, 27.63.400, 27.63.420, 27.63.430, 27.63.470, 27.63.530, 27.63.570, 27.63.580, and 27.63.590 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 04045C - AMENDING CHAPTER 27.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLANS BY AMENDING SECTION 27.65.020 TO AMEND THE GENERAL REQUIREMENTS TO GRANT THE PLANNING COMMISSION AUTHORITY TO APPROVE THE SPECIAL PERMIT AND TO ALLOW THE PLAN TO PROPOSE MODIFICATIONS TO THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH THE COMMUNITY UNIT PLAN IS LOCATED; BY AMENDING SECTION 27.65.030 TO ELIMINATE REFERENCES TO CITY COUNCIL APPROVAL OF COMMUNITY UNIT PLANS, ESTABLISHING STANDARDS FOR THE PLANNING COMMISSION TO FOLLOW IN APPROVING OR DENYING AN APPLICATION FOR A COMMUNITY UNIT PLAN, AND PROVIDING FOR AN APPEAL FROM THE PLANNING COMMISSION'S DECISION TO THE CITY COUNCIL BY AN AGGRIEVED PARTY; BY REPEALING SECTION 27.65.040 TO ELIMINATE CITY COUNCIL FINAL ACTION ON THE APPLICATION; BY AMENDING SECTION 27.65.050 TO REVISE PROVISIONS REGARDING DEVELOPMENT OF THE COMMUNITY UNIT PLAN AFTER ITS APPROVAL; BY AMENDING SECTION 27.65.060 TO GRANT THE PLANNING DIRECTOR LIMITED AUTHORITY TO APPROVE MINOR INCREASES IN THE NUMBER OF DWELLING UNITS AND TO APPROVE MINOR INTERNAL CHANGES TO THE APPLICABLE SETBACK, YARD OR HEIGHT REQUIREMENTS WITHIN A COMMUNITY UNIT PLAN; BY AMENDING SECTION 27.65.070 TO DELETE THE NEED FOR THE CITY CLERK TO SIGN A CERTIFICATE SHOWING APPROVAL OR DISAPPROVAL BY THE CITY COUNCIL; BY AMENDING SECTION 27.65.090 TO ALLOW THE PLANNING COMMISSION TO MODIFY PARKING REQUIREMENTS UNDER SPECIFIED CONDITIONS - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 27.65 of the Lincoln Municipal Code relating to community unit plans by amending Section 27.65.020 to amend the general requirements to grant the Planning Commission to approve the special permit and to allow the plan to propose modifications to the height and area regulations of the district in which the community unit plan is located; by amending

Section 27.65.030 to eliminate references to City Council approval of community unit plans, establishing standards for the Planning Commission to follow in approving or denying an application for a community unit plan, and providing for an appeal from the Planning Commission's decision to the City Council by an aggrieved party; by repealing Section 27.65.040 to eliminate City Council final action on the application; by amending Section 27.65.050 to revise provisions regarding development of the community unit plan after its approval; by amending Section 27.65.060 to grant the Planning Director limited authority to approve minor increases in the number of dwelling units and to approve minor internal changes to the applicable setback, yard or height requirements within a community unit plan; by amending Section 27.65.070 to delete the need for the City Clerk to sign a certificate showing approval or disapproval by the City Council; by amending Section 27.65.090 to allow the Planning Commission to modify parking requirements under specified conditions; and repealing Sections 27.65.020, 27.65.030, 27.65.050, 27.65.060, 27.65.070, and 27.65.090 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. NO. 04009 - AMENDING CHAPTER 3.35 OF THE CITY OF LINCOLN DESIGN STANDARDS FOR COMMUNITY UNIT PLANS TO SIMPLIFY THE DENSITY CALCULATION AND AMEND THE CLUSTER DENSITY - PRIOR to reading:

COOK Moved to delay action on Bill No. 04R-269 for one week to 10/11/04.

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

RESOLUTIONS

APPOINTING AND REAPPOINTING JOSE A. QUINTERO TO THE CITIZEN POLICE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING NOVEMBER 17, 2004 AND FOR A THREE-YEAR TERM EXPIRING NOVEMBER 17, 2007 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83016 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment and reappointment of Jose A. Quintero to the Citizen Police Advisory Board to fill an unexpired term expiring November 17, 2004 and for a three-year term expiring November 17, 2007 is hereby approved.

Introduced by Patte Newman

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

ASSESSING NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 1534 N. 25TH, 4626 CALVERT, 820 C, 645 W. C, 2832 DUDLEY, 425 N. 28TH, 3015 N. 75TH ST COURT, 1412 ROSE, 1036 Y, 3000 MICKAELA LANE, 2744 STARR, 1427 SUMNER, 3335 N. 3RD, 1604 ROSELYN TERRACE, 6910 STARR, AND 1525 N. 58TH - PRIOR to reading:

COOK Moved to amend Bill No. 04R-258 on the Exhibit A, Nuisance Abatement Costs Report from the Lincoln-Lancaster County Health Department and on the attached Property Information the address listed as 3015 N. 75th Street Circle is hereby amended to read as 3015 N. 75th Street Court.

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

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption as amended:

A-83017 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2004 and draw interest as provided for in Neb. Rev. Stat. § 45-104.1 for assessments.

Introduced by Patte Newman

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

APPROVING THE 2004-05 WORK PLAN FOR THE STORMWATER INTERLOCAL AGREEMENT BETWEEN THE CITY AND LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO ADDRESS STORMWATER QUALITY AND QUANTITY ISSUES - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83018 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2004-2005 Work Plan to the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2004-2005 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2004-2005 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Fiscal Year 2004-2005 Work Plan to the Interlocal Agreement to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, for transmittal to the Lower Platte South NRD.

Introduced by Patte Newman

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

APPOINTING KHAMISA E. ABDALLA AND DANIELLE M. NANTKES TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR A THREE-YEAR TERM EXPIRING AUGUST 31, 2007 PRIOR to reading:

FRIENDT Requested a division of the question.

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

A-83019 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Khamisa E. Abdalla ~~and Danielle M. Nantkes~~ to the Community Development Task Force for a three-year term expiring August 31, 2007, is hereby approved.

Introduced by Patte Newman

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

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

A-83019 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of ~~Khamisa E. Abdalla~~ and Danielle M. Nantkes to the Community Development Task Force for a three-year term expiring August 31, 2007, is hereby approved.

Introduced Patte Newman

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

APPOINTING CARL TESCH AND MARTHA M. HETTENBAUGH TO THE LINCOLN AREA AGENCY ON AGING ADVISORY COUNCIL FOR TWO-YEAR TERMS EXPIRING JULY 1, 2006 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83020 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Carl Tesch and Martha M. Hettenbaugh to the Lincoln Area Agency on Aging Advisory Council for a two-year term expiring July 1, 2006, is hereby approved.

Introduced by Patte Newman

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

APPOINTING ED CAUDILL TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2007 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83021 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Ed Caudill to the Community Forestry Advisory Board for a three-year term expiring August 17, 2007, is hereby approved.

Introduced by Patte Newman

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

REAPPOINTING CINDY M. WOSTREL AND GLENDA PETERSON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 17, 2007 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83022 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Cindy M. Wostrel and Glenda Peterson to the Community Forestry Advisory Board for three-year terms expiring August 17, 2007, is hereby approved.

Introduced by Patte Newman

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

SPECIAL PERMIT 1654B - APPLICATION OF ROSS AND KARAPARDE TO AMEND PINE LAKE HEIGHTS COMMUNITY UNIT PLAN TO REDUCE THE REAR YARD SETBACK FROM 22 FEET TO 15 FEET TO ALLOW A GARAGE WITH A DECK ABOVE AT 3500 PELA VERDE CIRCLE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83023 WHEREAS, Ross and Kara Parde have submitted an application designated as Special Permit No. 1654B for authority to amend Pine Lake Heights Community Unit Plan to reduce the rear yard setback from 22 feet to 15 feet to allow a garage with a deck above the garage at 3500 Pela Verde Circle, and legally described to wit:

Lot 14, Block 1, Pine Lake Heights 6th Addition,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reduction to the rear yard 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 Ross and Kara Parde, hereinafter referred to as "Permittee", to amend Pine Lake Heights Community Unit Plan to reduce the rear yard setback from 22 feet to 15 feet, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said garage and deck within 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 a reduction in the rear yard setback for a portion of a deck as shown on the approved site plan.

Introduced by Patte Newman

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

APPROVING THE ACQUISITION AND DEDICATION OF 0.21 ACRES OF PARK LAND BY THE CITY ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 19TH AND A STREETS (NEAR SOUTH PARK) - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83024 WHEREAS, the Near South Neighborhood Association has offered to dedicate approximately .21 acres of property located at the southeast corner of 19th and A Street for use by the Parks and Recreation Department as a neighborhood park to be known as Near South Park; and

WHEREAS, acquisition of this lot by the City would further accomplish the goals of the Comprehensive Plan relating to parks and open space.

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

That, on behalf of the City of Lincoln, Nebraska, the City Council hereby accepts the offer of dedication of a tract of land legally described as:

The north 82 feet of Lots 3 and 4, Block 1, Williams Subdivision, Lincoln, Lancaster County, Nebraska; for public park purposes, and the Director of Parks and Recreation is authorized to accept delivery of said deed on behalf of the City and cause the same to be filed in the office of the Register of Deeds for Lancaster County, Nebraska.

Introduced by Patte Newman

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

WAIVER NO. 04010 - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION TO WAIVE THE REQUIREMENT OF THE LAND SUBDIVISION ORDINANCE THAT SIDEWALKS AND STREET TREES BE INSTALLED WITHIN FOUR YEARS OF FINAL PLAT APPROVAL, ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND W. HIGHLAND BLVD. - PRIOR to reading:

CAMP Moved to delay action on Bill No. 04R-268 for one week to 10/11/04.

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

APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE UNIVERSITY OF NEBRASKA MEDICAL CENTER FOR THE KATIE BECKETT PROGRAM FOR NURSING SERVICES TO CHILDREN AND FAMILIES THROUGH THE NEBRASKA MEDICAID PLAN AMENDMENT - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83025 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the multi-year Agreement between the City of Lincoln and the University of Nebraska Medical Center for administration of the Katie Beckett Program for nursing services to children and families through the Nebraska Medicaid Plan Amendment, upon the terms and conditions as set forth in said Agreement, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

Introduced by Patte Newman

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPARTMENT:

Change of Zone 04061 - Application of E-S-P for a change from AGR to

R-3 on property at S.W. 27th and West Washington St.

Special Permit 1384E - Application of Michael Smith to reduce the rear yard setback on property at 633 Marina Bay Place.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 27, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF AUGUST, 2004 FROM AQUILA CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS TAXATION FOR THE MONTH OF AUGUST, 2004: EXCEL, NORSTON NETWORK, SPRINT COMM., ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL NEBRASKA INC., ALLTEL COMMUNICATIONS OF NEBRASKA, NEXTEL WEST, D & D COMM., SPRINT SPECTRUM, AERNEX COMM., LIGHTYEAR NETWORK SOLUTIONS, ASSOCIATION ADM., GLOBALCOM, LDMI, TRI-M, NOS, ZONE TELECOM., GTC, ACCERIS, AFFINITY NETWORK, ONE CALL, 360NETWORKS, NEXTEL PARTNERS, TELECORP, ATT WIRELESS, VARTEC, NOSVA LTD., ATS MOBILE - 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 10/4/04)

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 214 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ARBOR ROAD. (IN CONNECTION 04R-273, 04-189, 04R-272) - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING THE NORTH BANK JUNCTION ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND ROGER & ELDONNA SCHWISOW AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROXIMATELY 214 ACRES OR PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ARBOR ROAD. (IN CONNECTION W/04-188, 04-189, 04R-272).

CHANGE OF ZONE 3398 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL FOR APPROXIMATELY 123 ACRES AND H-4 GENERAL COMMERCIAL FOR APPROXIMATELY 21 ACRES ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ARBOR ROAD. (IN CONNECTION W/04-188, 04R-273, 04R-272) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 OF PLANNED SERVICE COMMERCIAL FLOOR AREA, WITH VARIANCES TO THE REAR AND SIDE YARD SETBACK REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ARBOR ROAD. (IN CONNECTION W/04-188, 04R-273, 04R-189, 04R-272).

ANNEXATION 04004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10.23 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/04R-274, 04-191, 04R-271) - CLERK read an ordinance, introduced by Ken Svoboda, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING THE VINTAGE HEIGHTS 4TH ADDITION ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND PINE LAKE DEVELOPMENT, L.L.C., RELATING TO THE ANNEXATION OF APPROXIMATELY 10.23 ACRES, GENERALLY LOCATED AT SOUTH 98TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/04-190, 04-191, 04R-271)

CHANGE OF ZONE 04021 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL AND AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL FOR APPROXIMATELY 10.23 ACRES GENERALLY LOCATED AT SOUTH 98TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/04-190, 04R-274, 04R-271)- CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 1762B - APPLICATION OF PINE LAKE DEVELOPMENT L.L.C. TO AMEND THE VINTAGE HEIGHTS COMMUNITY UNIT PLAN TO EXPAND THE BOUNDARY OF THE COMMUNITY UNIT PLAN AND WAIVERS TO THE PRELIMINARY PLAT PROCESS, WASTEWATER COLLECTION SYSTEM, SANITARY SEWER RUNNING OPPOSITE GREET GRADES IN VINE CLIFF DRIVE, TRANSFER OF SANITARY SEWER FROM ONE BASIN TO ANOTHER, DEAD-END STREET TO HAVE A 60' MINIMUM RADIUS TURNAROUND, LOTS EXCEEDING A MAXIMUM DEPTH OF THREE TIMES ITS WIDTH FOR LOTS 11 AND 12, BLOCK 33, AND MINIMUM LOT DEPTH OF LESS THAN 120 FEET FOR LOTS ABUTTING A MAJOR STREET FOR LOTS 8 AND 9, BLOCK 33, ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/04-190, 04R-274, 04-191)

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES TO BE LOCATED ON CITY PROPERTY AT MAX ROPER PARK - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Alltel Communications of Nebraska, Inc. for the placement of telecommunications facilities upon City property at Max Roper Park located at I-180 and Adams Street, and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES TO BE LOCATED ON CITY PROPERTY AT STAR CITY SHORES - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Alltel Communications of Nebraska, Inc. For the placement of telecommunications facilities upon City property at Star City Shores located at 27th and Highway 2, and authorizing the Mayor to sign such License Agreement on behalf of the City, the first time.

ORDINANCES - 3RD READING

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 third time.

MCROY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: Newman, Werner.
The ordinance, being numbered #18447, is recorded in Ordinance Book , Page

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 - PRIOR to reading:

NEWMAN Moved to amend Bill No. 04-173 in the following manner:
1. On page 3, between lines 13 and 14, add the following language:
(4) When a dwelling unit or rooming unit in a house has become vacant and is not occupied and the unit is available for rent. The owner or agent of the house shall contact the Building Official for an interior inspection of the vacant unit within five days after the vacancy has commenced. Said interior inspection of the unit shall not be conducted again until five years after the interior inspection date.
2. On page 3, line 16 after the word "units" and before the period insert the following language: "or vacant unit(s) as identified pursuant to Section 5.38.045(a)(4)".

Seconded by Friendt
CAMP Moved to change the word shall to read "may".
Seconded by Friendt & carried by the following vote: AYES: Camp, Friendt, McRoy, Newman, Svoboda; Nays: Cook, Werner.

COOK Requested a friendly amendment to previous amendment to Bill No. 04-173 to replace "within five days" to at any time. Camp interjected to add the word without cause after not to be conducted.

CLERK Read an ordinance, introduced by Annette McRoy, amending Chapter 5.38 of the Lincoln Municipal Code relating to Motels, Hotels, 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 5.38.045 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 third time.

MCROY Moved to pass the ordinance as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18448, is recorded in Ordinance Book , Page

RECONSIDERATION

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

COOK Moved to accept a substitute resolution.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved to adopt the substitute resolution:

A-83026 WHEREAS, rate schedules and service regulations for the use and services of Lincoln Electric System of the City of Lincoln, including the electric energy sold, furnished or supplied by said City of Lincoln, Nebraska, have been established by resolution from time to time, the last one being Resolution No. A-81770, adopted by the City Council on October 21, 2002; and

WHEREAS, the Administrative Board of the Lincoln Electric System has recommended to the City Council of the City of Lincoln, Nebraska, that the document entitled, "2004 Rate Schedules, Service Regulations and Cost Analysis Summary", which is attached hereto and fully incorporated herein, be adopted for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System; and

WHEREAS, the rate recommendation demonstrating the justification for a system average increase of 6.0% to be implemented in two steps consisting of a system average 3 percent rate increase effective October 1, 2004, and a second system average 3 percent rate increase effective October 1, 2005 has been approved by the Lincoln Electric System Administrative Board at its regular Board meeting of August 20, 2004, and is consistent with the City of Lincoln's Bond Ordinance for Lincoln Electric System regarding rates; and

WHEREAS, the City Council of the City of Lincoln, Nebraska, finds the justification for a system average 3.0% rate increase effective October 15, 2004 has been demonstrated and therefore said rates should be adopted.

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

That to satisfy immediate needs effective October 15, 2004, the attached "2004 Rate Schedules, Service Regulations and Cost Analysis Summary", for the use of Lincoln Electric System and the provision of services to ratepayers in the service area of Lincoln Electric System is hereby established and adopted as to that portion thereof that was to be effective beginning October 1, 2004; and

BE IT FURTHER RESOLVED that LES is hereby requested to prepare a recommendation for any additional rate changes that may be required during 2005; and

BE IT FURTHER RESOLVED that Resolution No. A-81770, adopted on October 21, 2002, is hereby superseded by this Resolution effective October 1, 2004.

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

MISCELLANEOUS BUSINESS

PENDING -

AMENDING CHAPTER 5.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO
PEDDLERS BY ADDING A NEW SECTION TO PROHIBIT USE BY PEDDLERS OF ANY
TRUCK OVER 21 FEET IN LENGTH IN ANY RESIDENTIAL ZONING DISTRICT, EXCEPT
FOR THE PURPOSE OF DELIVERY GOODS - PRIOR to reading:

COOK Moved to Withdraw Bill No. 01-182.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4485 & was
placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3429 - APPLICATION OF WILLIAM KREIN FOR A CHANGE OF ZONE FROM
R-4 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON
PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - PRIOR
to reading:

COOK Moved to Withdraw Bill No. 04-13.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4486 & was
placed on file in the Office of the City Clerk.

SPECIAL PERMIT 1713B - APPLICATION OF WILLIAM KREIN TO AMEND THE BOUNDARIES OF
ASPEN 3RD ADDITION COMMUNITY UNIT PLAN AND ADD TEN RESIDENTIAL LOTS FOR
A TOTAL OF 205 SINGLE FAMILY, TOWNHOUSE, AND MULTI-FAMILY UNITS ON
PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND PINE LAKE ROAD - PRIOR
to reading:

COOK Moved to Withdraw Bill No. 04R-12.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4487 & was
placed on file in the Office of the City Clerk.

USE PERMIT 155 - APPLICATION OF WILLIAM KREIN TO CONSTRUCT NINE 5,000 SQ. FT.
OFFICE BUILDINGS ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND
PINE LAKE ROAD. (IN CONNECTION W/04R-12, 04-13)- PRIOR to reading:

COOK Moved to Withdraw Bill No. 04R-12.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4488 & was
placed on file in the Office of the City Clerk.

COOK Moved to withdraw Bill No. 01-182 04-13, 04R-12, 04R-13.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CAMP Moved to extend the Pending List to October 11, 2004.
Seconded by Svoboda & 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
October 11, 2004.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

FRIENDT ANNOUNCED HIS REQUEST TO CHANGE HIS VOTE OF 9/27/04 FROM YES TO
"NO" ON BILL NO. 04R-255 (NEW SCHEDULE FOR WATER USE CHARGES.)
UNANIMOUS CONSENT.

ADJOURNMENT 5:45 P.M.

CAMP Moved to adjourn the City Council meeting of October 4, 2004.
 Seconded by Svoboda & 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

REGULAR MEETING
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