

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 11, 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of October 4, 2004, reported having done so, found same correct.

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

MAYORS AWARD OF EXCELLENCE

Mayor Coleen J. Seng came forward to present the Mayor's Award of Excellence for the month of August to Koren Erickson of the Fire Department in the category of Customer Relations. The Mayor also presented the Mayor's Award of Excellence for the month of September to Randy Clark of the Lincoln Police Department in the category of Productivity.

PUBLIC HEARING

APPLICATION OF PREMIER CATERING DBA LINCOLN STATION GREAT HALL FOR A CK WITH CATERING LIQUOR LICENSE AT 201 N. 7TH STREET;
MANAGER APPLICATION OF THOMAS W. HARRISON FOR PREMIER CATERING DBA LINCOLN STATION GREAT HALL AT 201 N. 7TH STREET - Tom Harrison, 900 Cobblestone Drive, took oath and came forward for approval.
This matter was taken under advisement.

MANAGER APPLICATION OF RICKY J. REZAC FOR MOOSE LOYAL ORDER 175 DBA MOOSE LODGE 175 AT 4901 N. 56TH STREET - Ricky Rezac, 1009 Benton Street, took oath and came forward for approval.
This matter was taken under advisement.

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 214 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ARBOR ROAD;
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;
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;
SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 SQ. FT. 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 - Peter Katt, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of the applicant requesting to place all items on pending. Further discussion followed.
This matter was taken under advisement.

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;
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;

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;

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 STREET 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 - Brian Corzine, 2202 Fletcher Avenue, with Engineering Design Consultants, came forward on behalf of the developer for approval. Further discussion followed.

Dennis Summers, 5801 South 88th Street, Secretary of Vintage Heights Home Owners Association, came forward in opposition and to express the neighborhoods concerns with this proposed change. Further discussion followed.

Bob McLean, 6031 South 88th Street, resident of Vintage Heights, came forward in opposition and to express his concerns with this proposed change. Further discussion followed.

Glenn Cekal, 1420 "C" Street, came forward in opposition and to express his concerns on this matter.

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

Brian Corzine, came forward for rebuttal. Further discussion followed.

Bob Lewis, 3801 Union Drive, with Hampton Development Services, came forward to help answer questions regarding the proposed lift station. Further discussion followed.

This matter was taken under advisement.

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;

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

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 and Gus Ponstingl, with Ross Engineering, came forward on behalf of the applicant for approval. Further discussion followed.

Dan Thompson, 4926 Greenwood Street, Pastor of Believer's Fellowship Church, came forward in support.

Almon Conover, 4100 N. 44th Street, came forward in opposition.

Marion Casburn, 3820 N. 42nd Street, came forward in opposition.

David Tinius, 4121 N. 42nd Street, came forward in opposition.

Glenn Cekal, 1420 "C" Street, came forward in opposition.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to help answer questions of the Council. Further discussion followed.

Ron Ross and Gus Ponstingl came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF SEPTEMBER 16 - 30, 2004 - Elizabeth Fitzgerald, 1340 N. 44th Street, Apartment 5, came forward regarding her claim against the city and expressed her concerns regarding this matter. Further discussion followed.

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

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morrison, 2055 "S" Street, came forward to express his concerns regarding people not being able to pay their property taxes and their houses being seized by the City. Further discussion followed.

This matter was taken under advisement.

Glenn Cekal, 1420 "C" Street, came forward to express his concerns with the recent bond issue, blighted areas in Lincoln, and also of the LES rate increase.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF RIB RANCH, INC. DBA RIB RANCH FOR A CLASS I LIQUOR LICENSE AT 6440 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83027 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 Rib Ranch, Inc. dba Rib Ranch for a Class "I" liquor license at 6440 O Street, 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 Jon Camp

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

MANAGER APPLICATION OF TODD S. CARKOSKI FOR RIB RANCH, INC. DBA RIB RANCH AT 6440 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83028 WHEREAS, Rib Ranch, Inc. dba Rib Ranch located at 6440 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Todd S. Carkoski be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF PREMIER CATERING DBA LINCOLN STATION GREAT HALL FOR A CK WITH CATERING LIQUOR LICENSE AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-83029 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 Premier Catering dba Lincoln Station Great Hall for a Class "CK" with catering liquor license at 201 N. 7th Street, Lincoln, Nebraska, for the license period ending October 31, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF THOMAS W. HARRISON FOR PREMIER CATERING DBA LINCOLN STATION GREAT HALL AT 201 N. 7TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-83030 WHEREAS, Premier Catering dba Lincoln Station Great Hall located at 201 N. 7th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" with catering liquor license, and now requests that Thomas W. Harrison be named manager;

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF RICKY J. REZAC FOR MOOSE LOYAL ORDER 175 DBA MOOSE LODGE 175 AT 4901 N. 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83031 WHEREAS, Moose Loyal Order 175 dba Moose Lodge 175 located at 4901 N. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ricky J. Rezac be named manager;

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

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) - PRIOR to reading:

COOK Moved to place on pending.

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

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 second 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) - PRIOR to reading:

COOK Moved to place on pending.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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) - PRIOR to reading:

COOK Moved to place on pending.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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 second 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) - PRIOR to reading:

COOK Moved to place on pending.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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 second 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) - PRIOR to reading:

COOK Moved to delay action for 1 week to 10/18/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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 second 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) - PRIOR to reading:

COOK Moved to delay action for 1 week to 10/18/04.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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 second 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 second time.

RESOLUTIONS

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

SVOBODA Moved to Amend Bill No. 04R-241.
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp.

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

A-83032 WHEREAS, Chris Kodad and Believer's Fellowship Church have submitted an application designated as Special Permit No. 04035 for authority 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, and legally described to wit:

The remaining portion of Lot 1, Hanson-Jordan Addition, located in the Northeast Quarter of Section 7, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at a found 3/4" pipe, being the southeast corner of the remaining portion of Lot 1, Hanson-Jordan Addition to the City of Lincoln or the northeast corner of Lot 75 I.T., all located in the Northeast Quarter of Section 7, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and said point is on the west right-of-way line of North 40th Street; thence north 89 degrees 43 minutes 34 seconds west (an assumed bearing) and on the south line of the remaining portion of Lot 1 of said Hanson-Jordan Addition or the north line of Lot 75 I.T. of said Section 7, a distance of 719.18 feet to a found 1" pipe being the point of non-tangent

curvature; thence on a curve to the right, and on the south line of the remaining portion of Lot 1 of said Hanson-Jordan Addition or the north line of Lot 75 I.T. of said Section 7, having a radius of 256.48 feet, an arc length of 111.10 feet and a central angle of 24 degrees 49 minutes 05 seconds, with a chord bearing of north 77 degrees 01 minutes 27 seconds west, a chord distance of 110.23 feet to a found 1" pipe, being the southwest corner of the remaining portion of Lot 1 or the southeast corner of Outlot "A" of said Hanson-Jordan Addition; thence north 37 degrees 28 minutes 14 seconds east, and on the west line of the remaining portion of Lot 1 or the east line of Outlot "A" of said Hanson-Jordan Addition, a distance of 867.79 feet to a found 1" pipe, being the northwest corner of the remaining portion of Lot 1 or the northeast corner of Outlot "A" of said Hanson-Jordan Addition and also said point is on the south right-of-way line of Superior Street; thence north 89 degrees 29 minutes 57 seconds east, and on the north line of the remaining portion of Lot 1 of said Hanson-Jordan Addition or the south right-of-way line of said Superior Street, a distance of 289.73 feet to a found 1" pipe, being the point of non-tangent curvature; thence on a curve to the right, and on the northerly line of the remaining portion of Lot 1 of said Hanson-Jordan Addition or the southerly right-of-way line of said Superior Street, having a radius of 20.00 feet, an arc length of 24.18 feet, and a central angle of 69 degrees 15 minutes 33 seconds, with a chord bearing of south 34 degrees 12 minutes 59 seconds east, a chord distance of 22.73 feet to a found 1" pipe, being a point on the west right-of-way line of said North 40th Street; thence south 00 degrees 18 minutes 48 seconds west, and on the east line of the remaining portion of Lot 1 of said Hanson-Jordan Addition or the west right-of-way line of said North 40th Street, a distance of 700.67 feet to the point of beginning and containing a calculated area of 410,046.25 square feet or 9.413 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

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

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

That the application of Chris Kodad and Believer's Fellowship Church, hereinafter referred to as "Permittee", to develop Andrea's Court Community Unit Plan consisting of 32 townhouse units and a church, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 32 dwelling units and a church and the following variances to the Land Subdivision Ordinance and Design Standards:
 - i. Detention/Retention storage for storm water.
 - ii. Cul-de-sac geometry.
 - b. The requirement that the Permittee submit a preliminary plat is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the

subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

2. Final plats will be approved by the Planning Director after:
 - a. You have completed or posted a surety to guarantee the completion of the private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosions control measures, drainageway improvements, street lights, landscaping screens, street trees, and street name signs.
 - b. The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - i. to complete the street paving of the private roadway shown on the final plat within two (2) years following the approval of this final plat.
 - ii. to complete the installation of sidewalks along both sides of the private roadway, the west side of North 40th Street, the south side of Superior Street, and the connector sidewalk to the recreational area shown on the final plat within four (4) years following the approval of this final plat.
 - iii. to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
 - iv. to complete the private wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
 - v. to complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
 - vi. to complete land preparation including open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of this final plat
 - vii. to complete the installation of street lights along the private roadway within this plat within two (2) years following the approval of this final plat.
 - viii. to complete the planting of the street trees along the private roadway, North 40th Street, and Superior Street within this plat within four (4) years following the approval of this final plat.
 - ix. to complete the installation of the street name signs within two (2) years following the approval of this final plat.
 - x. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards).
 - xi. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - xii. to complete the public and private improvements shown on the preliminary plat.
 - xiii. to submit to the lot buyers and home builders a copy of the soil analysis.
 - xiv. to pay all design, engineering, labor, material, inspection, and other improvement costs.
 - xv. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - xvi. to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
 - xvii. to relinquish the right of direct vehicular access from Lots 1 and 32 North 40th Street, and from Lot 33

- to Superior Street, and North 40th Street except as shown.
- xviii. to timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
 - xix. to post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of this final plat.
 - xx. to contribute the equivalent cost of a 42-inch culvert, or equivalent combination of grading & drainage improvements, toward the improvement of the Salt Creek drainage structure, provided the City uses its best efforts to get a proportionate contribution from other property owners having an impact on Turner Ditch drainage.
5. Before receiving building permits:
 - a. The permittee must submit an acceptable, revised final plan including 5 copies.
 - b. Submit a Written Notice of Intent and Stormwater Pollution Prevention Plan for approval to the Lower Platte South NRD.
 - c. Submit an approved Section 404 permit, or a letter from the US Army Corps of Engineers stating such permit is not required.
 - d. The construction plans must conform to the approved plans.
 - e. Final Plats within the area of this community unit plan must be approved by the City.
 - f. Obtain a floodplain fill permit from the Building and Safety Department.
 6. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
 7. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 8. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 10. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Glenn Friendt

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY FOR THE CONSTRUCTION AND MAINTENANCE OF THE YANKEE HILL ROAD PROJECT NO. 701596 FROM 27TH STREET TO 40TH STREET AND 40TH STREET FROM SAN MATEO TO SOUTH OF YANKEE HILL ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83033 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the City of Lincoln and Lancaster County to provide for the construction, and maintenance of City Project No. 701596 in Yankee Hill Road from 27th Street to South 40th Street and South 40th Street from San Mateo to south of Yankee Hill Road, 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 Ken Svoboda

Seconded by Newman & 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 SEPTEMBER 16 - 30, 2004 - PRIOR to reading:

NEWMAN Moved to Amend Bill No. 04R-276.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Werner; NAYS: Friendt, Svoboda.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83034 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 30, 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>
Lisa Fitzgerald	\$ 58.00	Stanley Shaw	\$1,467.07
State Farm Insurance Co. (Claim No. 27-7478-271)	NAS*	Jeanne Jackson	100.00
Peggy Confer	31.35	State Farm Insurance Co. (Claim No. 27-7473-804)	931.63
Fleet Systems, Inc./William Dugan	1,705.65	Hank Arkulari	3,207.72
Alecia Edington	479.19	Tom Bade	53.00
Christopher Pascoe	2,000.00	Lisa Fitzgerald	58.00

* 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 Ken Svoboda

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

APPOINTING KIM PHELPS, BEATTY BRASCH, AND NYE BOND TO THE STARTRAN ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING OCTOBER 20, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83035 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kim Phelps, Beatty Brasch, and Nye Bond to the StarTran Advisory Board for a three-year term expiring October 20, 2007, is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING RODNEY GRIESS TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83036 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Rodney Griess to the StarTran Advisory Board for a three-year term expiring October 20, 2007, is hereby approved.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 1, 2004 AT 1:30 P.M. FOR THE BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Jon Camp, who moved its approval.

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

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 7, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS TAXATION FOR THE MONTH OF AUGUST, 2004: ECI COMM INC, MCI WORLDCOM NETWORK SERVICES, NETWORK BILLING SYSTEMS, GUARANTEED PHONE SERVICES, CELLULAR ONE, TELECOMMUNICATION CO, QWEST COMM, VERIZON LONG DISTANCE, TRACFONE WIRELESS INC, XO LONG DISTANCE SERVICE INC, GLOBAL CROSSING TELECOMM, CINCINNATI BELL ANY DISTANCE INC, CIII COMMUNICATIONS OPERATIONS, ACN COMM, CRICKET COMM, PRIMUS TELECOMM, VIRGIN MOBILE USA, AT&T COMM OF MIDWEST, USCOC OF GREATER IOWA INC, WORKING ASSETS FUNDING SERVICES, UCN INC, INTELICALL OPERATOR SERVICES, VOICECOM TELECOMM, TRANS NATIONAL COMM, ONSTAR CORP, VERIZON SELECT SERVICES, IBM GLOBAL SERVICES, UNITED SYSTEMS ACCESS TELECOM, QUANTUM SHIFT COMM, T-NETIX TELECOM SERVICES, LIBERTY WIRELESS, NEBRASKA TECHNOLOGY & TELECOMM; SEPTEMBER, 2004: ATS MOBILE TELEPHONE CO INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

INVESTMENT OF FUNDS FOR THE WEEK OF SEPTEMBER 27 THRU OCTOBER 1, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83037 BE IT 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 Jon Camp

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

ORDINANCES - 1ST READING

(Resolutions listed hereunder advance to Public Hearing on 10/18/04)

STREET NAME CHANGE NO. 04007 - RENAMING A PORTION OF NORTH 16TH STREET AS "ROCKFORD DRIVE" IN THE NORTH HILLS 2ND ADDITION, GENERALLY LOCATED AT NORTH 16TH STREET AND MORTON STREET - CLERK read an ordinance, introduced by Jon Camp, changing the name of North 16th Street to Rockford Drive located in North Hills 2nd Addition, as approved by the Preliminary Plat, the first time.

ACCEPTING A WARRANTY DEED FOR THE RIGHT-OF-WAY FOR BLANCHARD BOULEVARD FROM NORTHWOODS, LLC - CLERK read an ordinance, introduced by Jon Camp, accepting Northwoods, L.L.C.'s offer by deed to dedicate Blanchard Boulevard right-of-way, the first time.

ORDINANCES - 3RD READING & ASSOCIATED RESOLUTIONS

COMP. PLAN AMENDMENT 04020 - AMENDING THE MOBILITY AND TRANSPORTATION ELEMENT OF THE LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN, TO UPGRADE EXISTING US HIGHWAY 77/WEST BYPASS FROM AN EXPRESSWAY TO A FREEWAY BEGINNING AT THE PLANNED SOUTH BELTWAY INTERCHANGE JUST SOUTH OF SALTILLO ROAD AND ENDING AT INTERSTATE 80, TO CONSTRUCT NEW INTERCHANGES AT PIONEERS BOULEVARD AND WARLICK BOULEVARD, TO CLOSE ACCESS TO US-77 AT ROKEBY ROAD, YANKEE HILL ROAD AND OLD CHENEY ROAD, AND TO CHANGE THE FUTURE FUNCTIONAL CLASSIFICATION OF US-77 FROM I-80 TO THE SOUTH BELTWAY INTERCHANGE, THE SOUTH BELTWAY AND THE EAST BELTWAY TO FREEWAY STATUS - PRIOR to reading:

NEWMAN Stated for the record, "That the State needs to look long and hard and help the city and the county out down the road if we need some help out there."

CAMP Moved to amend Bill No. 04R-228.

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

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

A-83038 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the Mobility and Transportation section to upgrade existing US Highway 77/West Bypass from an expressway to a freeway beginning at the planned South Beltway interchange just south of Saltillo Road and ending at Interstate 80; to construct new interchanges at Pioneers Boulevard and Warlick Boulevard; to close access to US-77 at Rokeby Road, Yankee Hill Road and Old Cheney Road; and to change the future functional classification of US-77 from I-80 to the South Beltway interchange, the South Beltway and the East Beltway to freeway status;

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Mobility and Transportation element of the Comprehensive Plan to indicate the following proposed updates and additions to the Comprehensive Plan by amending the Lincoln Area Street and Road Improvements 2025 map on page F105 as shown on Attachment A to:
 - a. Replace the US-77 and Pioneers Boulevard "Overpass/Interchange Study" designation with an "Interchange" designation.
 - b. Remove the "Overpass/Interchange Study" designation for the US-77 and Old Cheney Road intersection.
 - c. Add a "Study" symbol at US-77 and Old Cheney Road, Yankee Hill Road, and Rokeby Road reflecting the intent to "Study" for a potential overpass at project development stage and prior to closure.
2. Amend the Mobility and Transportation element of the Comprehensive Plan to indicate the proposed updates and additions to the Comprehensive Plan by amending the Future Functional Classification: City Streets map on page F103 and the Future Functional Classification: County Roads map on page F104 as shown on Attachments B and C respectively to:
 - a. Change the classification of US-77 from I-80 to the planned South Beltway interchange, the South Beltway, and the East Beltway to freeway classification from their current principal arterial classification.
3. Amend the Mobility and Transportation element of the Comprehensive Plan to update the status of the Nebraska Department of Roads' US-77 study by amending the text under Federal and State Improvements on page F106 to read as follows:

! "The Nebraska Department of Roads is presently studying has completed study of portions of State US Highway 77 as it passes through Lincoln. This study will give gave consideration to upgrading the facility to freeway status from its present classification as an expressway. This upgrade would will require eliminating existing at-grade intersections. These intersections could be replaced with interchanges, overpasses or underpasses, or the road connection could be eliminated all together and with no crossing provided. Additional review and study will be conducted, as needed, at project development stage for the potential of adding an overpass at the intersections recommended for US-77 access closure. These intersections include Rokeby Road, Yankee Hill Road, and Old Cheney Road. As part of the implementation of this project to upgrade US-77 to freeway status the needs of pedestrians and bicyclists will be addressed. It was affirmed during the study process that the proposed pedestrian and bicycle crossing points at the planned Pioneers Boulevard interchange and at the abandoned railroad right-of-way south of the planned Warlick interchange would be provided. The existing US-77 bridge structures over the abandoned railroad right-of-way are intended to remain and be used to separate US-77 traffic from pedestrians and bicyclists, and the design of the new Pioneers interchange is to contain a multi-use trail facility. An extensive system of trail facilities is planned within this area extending along both the east and west side of the US-77 corridor. The US-77 trail connections will allow pedestrians and bicyclists between the new growth area to the west and the existing urban area and the Wilderness Park Trails system to the east of US-77. Also, the City, County, and State will work together to resolve bicycle access issues that will result from the upgrading of this segment of US-77 to freeway status. The City, County, and State will collectively work together to provide a comparable alternative for cyclists."

4. Amend Mobility and Transportation element of the Comprehensive Plan to add proposed projects and studies that relate to the findings of the US-77 study by amending the text on page F111 to:

- a. Add to the list of Proposed Projects the following:
! US-77/West Beltway Upgrade to Freeway Status - Upgrade to Freeway from I-80 to South Beltway
- ▶ Construct new interchange at Pioneers Blvd. - Interchange
 - ▶ Construct new interchange at Warlick Blvd. - Interchange
 - ▶ Close access to US-77 at Rokeby Rd., - Access Closure Yankee Hill Rd., and Old Cheney Road

- b. Add to the list of Proposed Studies the following:
! As part of the US-77/West Beltway project, study for a potential overpass at project development stage and prior to closure at US-77 and Old Cheney Road, Yankee Hill Road, and Rokeby Road.

- c. Remove from the list of Proposed Studies the following:

! ~~Old Cheney Rd. And US-77: Overpass/Interchange Study~~

! ~~US-77 and Pioneers Blvd.: Overpass/Interchange Study~~

BE IT FURTHER RESOLVED that this Comp. Plan Amendment shall in no way preclude future consideration of an overpass for Old Cheney Road over US-77 (West By-Pass), should future needs of the City of Lincoln and the County of Lancaster so justify. This Amendment shall also not absolve any government entity of its responsibility to participate in the funding of such Old Cheney overpass should one be constructed.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, and they hereby are amended to conform with such specific amendment.

Introduced by Jonathan Cook

Seconded by McRoy & 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:

COOK Moved to accept the Substitute Resolution.

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

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

A-83039 WHEREAS, the Final Plats of University of Nebraska Technology Park Original Addition and University of Nebraska Technology Park 1st Addition have previously been approved by the City of Lincoln on property generally located at N.W. 1st Street and W. Highland Boulevard; and

WHEREAS, the conditions of approval of said Final Plats required that the subdivider install sidewalks and street trees within said Final Plats within four years following approval of the final plat; and

WHEREAS, the subdivider has requested a modification to extend said requirements for an additional four years pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has recommended approval of the extension of time for installation of sidewalks and street trees for the west lot line of Lot 1, Block 1 only in University of Nebraska Technology Park Original Addition and approval of the extension of time for installation of sidewalks within University of Nebraska Technology Park 1st Addition except for sidewalks along W. Highland Blvd., Lot 1, Block 1 and Lot 5, Block 1 and approval of the extension of time for installing street trees except for street trees along W. Highland Blvd., N.W. 1st Street, Lot 1, Block 1, and Lot 5, Block 1; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

1. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision within four years following final plat approval is hereby extended for four years from the date of this Resolution along the west lot line of Lot 1, Block 1, University of Nebraska Technology Park Original Addition and along all streets within University of Nebraska Technology Park 1st Addition except for sidewalks along W. Highland Blvd., and along streets abutting Lot 1, Block 1, and Lot 5, Block 1.

2. The requirement of Section 26.27.090 of the Lincoln Municipal Code that street trees be installed along both sides of all streets within the subdivision within four years following final plat

approval is hereby extended for four years from the date of this Resolution along the west lot line of Lot 1, Block 1, University of Nebraska Technology Park Original Addition and along all streets within University of Nebraska Technology Park 1st Addition except for street trees along W. Highland Blvd., N.W. 1st Street, and streets abutting Lot 1, Block 1, and Lot 5, Block 1.

All other conditions for approval of the Final Plat of University of Nebraska Technology Park Original Addition and University of Nebraska Technology Park 1st Addition shall remain in full force and effect.

Introduced by Patte Newman

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

MISC. NO. 03012 - ADOPTING THE CITY OF LINCOLN PROGRAM FOR PAYMENT OF ARTERIAL STREET IMPACT FEE TO PROMOTE ECONOMIC DEVELOPMENT - PRIOR to reading:

COOK Moved to amend Bill No. 04R-266.

Seconded by Newman & 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-83040 WHEREAS, in order to promote the economic development of the community and the Lincoln/Lancaster County Comprehensive Plan, the Impact Fee Ordinance as amended by Change of Zone No. 04058 authorizes the City to reimburse the Impact Fees for economic development based on a set of criteria adopted by the City Council; and

WHEREAS, the City of Lincoln Program for Payment of Arterial Street Impact Fee to Promote Economic Development has been created to provide an incentive to new or existing business that create jobs and pay an arterial street impact fee as part of their building project; and

WHEREAS, the proposed policy is found to be in conformance with the 2025 Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the City of Lincoln Program for Payment of Arterial Street Impact Fee to Promote Economic Development which is attached hereto and marked as Attachment "A" be and is hereby adopted pursuant to the Section 27.82.110 of the Lincoln Municipal Code as amended by Change of Zone No. 04058.

Introduced by Patte Newman

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

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 - PRIOR to reading:

CAMP Moved to amend Bill No. 04-179.

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

NEWMAN Moved to pass the ordinance as read.

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

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 third time.

The ordinance, being numbered **#18449**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN 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 **#18450**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN 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 **#18451**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18452**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#18453**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File #38-4489 & was placed on file in the Office of the City Clerk.

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 third time.

NEWMAN 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 **#18454**, is recorded in Ordinance Book #25.

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 - PRIOR to reading:

SVOBODA Moved to accept Substitute Motion to Amend on Bill No. 04-183.
Seconded by Newman & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

NEWMAN Moved to pass the ordinance as amended.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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 third time.
The ordinance, being numbered **#18455**, is recorded in Ordinance Book #25.

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 third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18456**, is recorded in Ordinance Book #25.

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 amend Bill No. 04R-269.

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

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

A-83041 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and

WHEREAS, a text change to the Design Standards is necessary 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 for 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 RS1 as a typical cross section for rural street improvements.

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

That Chapter 2.20 of the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same is hereby amended to read as shown on Attachment "A" which is attached hereto and incorporated herein by reference.

Introduced by Patte Newman

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

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File #38-4490 & was placed on file in the Office of the City Clerk.

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 - PRIOR to reading:

COOK Moved to amend Bill No. 04-186.

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

COOK Moved to place on pending.

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

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 third 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 - PRIOR to reading:

COOK Moved to amend Bill No. 04-187.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COOK Moved to place on pending.
Seconded by Newman & carried by the following vote: AYES: Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: Camp.

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 18, 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 18, 2004.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 5:23 P.M.

CAMP Moved to adjourn the City Council meeting of October 11, 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

Jamie Phillips, Senior Office Assistant

