

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 25, 2004 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair: Werner; Council Members: Camp, Cook, Friendt, McRoy, Svoboda; Joan Ross, City Clerk; Newman Absent.

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

COOK Having been appointed to read the minutes of the City Council proceedings of October 18, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$45,000,000 CITY OF LINCOLN, NEBRASKA WATER REVENUE BONDS - Don Herz, Finance Director, stated the intent is to sell the revenue bonds fairly soon possibly through an internet type auction.

Dave Lucas, Gilmore and Bell, P.C., brought to the Council's attention that a Substitute Ordinance was prepared due to a correction of a typographical error that was made in Section 7.09 by changing 1.25% to read 125%. Discussion followed.

Mr. Herz stated if the bonds are bid at a discount more than \$40 million may be issued so the remainder of funds will be applied to the reserve and construction funds.

This matter was taken under advisement.

APPROVING THE MANAGEMENT AGREEMENT FOR CITY OF LINCOLN PARKING FACILITIES BETWEEN THE CITY AND REPUBLIC PARKING SYSTEM FOR A FOUR-YEAR TERM - Ken Smith, Public Works & Utilities Dept., came forward to answer questions. Discussion followed.

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

Frank Delgado, 3325 P Street, asked if the new contract isn't approved does the old contract stay in place until the new is approved?

Mr. Roper stated the contract terminates according to the terms of the contract. Discussion followed. This matter was taken under advisement.

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 OCTOBER 1 - 15, 2004 - See Miscellaneous Business after Ordinances - 3rd Reading for Public Hearing and action.

This matter was taken under advisement.

HEARING ON D&A PROPERTIES, LLC'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF ARTERIAL STREET IMPACT FEES FOR A CHILD CARE FACILITY AT 8310 WENDELL WAY AND REQUESTING A WAIVER OF SAID FEES - Michaela Hansen, Public Works & Utilities Dept., stated this project was an 8,800 sq. ft. facility. The impact fees were figured according to the ordinance.

This matter was taken under advisement.

SPECIAL PERMIT 04036 - APPLICATION OF BOB RENTFRO TO DEVELOP VILLAGE POINTE AT CAPITOL BEACH COMMUNITY UNIT PLAN FOR 18 DWELLING UNITS WITH REQUESTED WAIVERS TO THE REQUIRED LOT AREA, LOT WIDTH, STORMWATER DETENTION, RECREATION PLAN, AND THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT W. INDUSTRIAL LAKE DRIVE AND LAMONT DRIVE - Lyle Loth, ESP Engineering, stated the driveways have been revised and the garages will be in the back of the houses in this development. The neighbors are in

favor of the houses as they do not want the duplexes to continue to be built along that street due to so many cars being parked along the

street. Discussion followed.

Nicole Fleck-Tooze came forward to answer the question of storm water detention. There will be no drainage into Capitol Beach Lake. Discussion continued.

This matter was taken under advisement.

APPOINTING REV. S.T. WILLIAMS TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2007 - Bob Van Valkenburg, 7921 Reno Rd., came forward against the appointment.

Corrie Kielty, Mayors Office, stated the Mayor's office received good input in reference to this appointment. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" Street, presented documentation, for the record, of a court case involving Mr. Morosin 29 years ago.

This matter was taken under advisement.

Glenn Cekal, 1420 C Street, came forward to thank the Public Works Dept. and Allan Abbott for the new street from 13th to 17th on C Street. He would like to see the alleys in the older neighborhoods repaired.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

VACATION NO. 04003 - VACATING THE EAST-WEST ALLEY BETWEEN 21ST AND 22ND STREET, NORTH OF VINE STREET, AND VACATING THAT PORTION OF 21ST STREET BETWEEN VINE AND VACATED W STREET THAT HAS NOT ALREADY BEEN VACATED OR PURCHASED BY THE JOINT ANTELOPE VALLEY AUTHORITY, GENERALLY LOCATED AT 21ST AND VINE STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating the east-west alley between 21st and 22nd Streets, north of Vine Street, and vacating that portion of 21st Street between Vine and vacated W Streets that has not already been vacated or purchased by the Joint Antelope Valley Authority, generally located at 21st Street and Vine Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$45,000,000 CITY OF LINCOLN NEBRASKA WATER REVENUE BONDS - CLERK read an ordinance, introduced by Jonathan Cook, authorizing the issuance of Water Revenue Bonds, the second time.

RESOLUTIONS

APPROVING THE MANAGEMENT AGREEMENT FOR CITY OF LINCOLN PARKING FACILITIES BETWEEN THE CITY AND REPUBLIC PARKING SYSTEM FOR A FOUR-YEAR TERM - PRIOR to reading:

CAMP Moved to amend the agreement of Bill No. 04R-239 on page 1, change 100 North Centennial Mall to 100 South Centennial Mall and on page 4, Section V. delete Federal Parking Garage.

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

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

A-83049 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the "Management Agreement For City of Lincoln Parking Facilities" a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, under which Republic Parking System will manage the parking facilities of the City of Lincoln for a four-year term upon the terms and conditions as set forth in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of the executed original Agreement to Republic Parking System, Republic Centre Suite

200, Chattanooga, Tennessee 37450, and a copy of the Agreement to the City Parking Manager in the Public Works & Utilities Department.

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 1 - 15, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83050 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 October 14, 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>
Liberty Mutual Insurance (Claim No. WC413-732351)	NAS*	Nancy K. Carpenter	\$4,034.50
Albert Scheffert	\$1,070.00	Chris A. Kelley	3,250.00
Bill Hilton	3,876.23	Kevin C. Furr	1,750.00
Joshua D. Lahm	1,044.68	Donald M. Neary	1,207.67
Rayma Shrader	120.00	Francis Lucore	59.26
Norman L. Gutzmer	2,160.00		
Altha Janzen	98.78		
Liberty Mutual Insurance (Claim No. WC972-262323)	NAS*		
Katherine Irons	1,781.55		

* 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 Jonathan Cook

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

HEARING ON D&A PROPERTIES, LLC'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF ARTERIAL STREET IMPACT FEES FOR A CHILD CARE FACILITY AT 8310 WENDELL WAY AND REQUESTING A WAIVER OF SAID FEES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for denial:

A-83051 WHEREAS, D&A Properties, LLC, hereinafter Appellant, is constructing a child daycare building located at 8310 Wendell Way; and WHEREAS, said building contains 8,800 sq. ft. of gross floor area as defined in Lincoln Municipal Code § 27.82.040; and

WHEREAS, the Impact Fee Administrator calculated the arterial street impact fees for this use based upon the gross floor area using the arterial street impact fee schedule beginning January 1, 2004 for daycare center (\$2,702 per 1,000 sq. ft.); and

WHEREAS, the Appellant filed its notice of appeal appealing the impact fee determination and requesting that the arterial street impact fees be waived or reduced as Appellant's use will be a valuable economic development for the City which will be lost as the cost of paying the impact fees will over-extend the financial abilities of the Appellant and that strict application of the impact fee ordinance's calculations under these circumstances work an unjust and undue burden on the Appellant; and

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

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

That the impact fee notice of appeal filed by D&A Properties, LLC on September 30, 2004 is hereby denied for the following reasons:

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

2. Appellant's argument is no different than other users could make.

3. The arterial street impact fee schedule is based upon the ITE traffic generation manual. In the manual the most common characterization for uses is based upon gross floor area. The daycare center trip rate has been calculated based upon 61 traffic count studies nationwide for daycare center uses and accurately reflects the impact of the Appellant's proposed use.

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

Introduced Jonathan Cook

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

SPECIAL PERMIT 04036 - APPLICATION OF BOB RENTFRO TO DEVELOP VILLAGE POINTE AT CAPITOL BEACH COMMUNITY UNIT PLAN FOR 18 DWELLING UNITS WITH REQUESTED WAIVERS TO THE REQUIRED LOT AREA, LOT WIDTH, STORMWATER DETENTION, RECREATION PLAN, AND THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED AT W. INDUSTRIAL LAKE DRIVE AND LAMONT DRIVE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:
A-83052

WHEREAS, Bob Rentfro has submitted an application designated as Special Permit No. 04036 for authority to develop Village Pointe at Capitol Beach Community Unit Plan consisting of 18 dwelling units, with requested waivers to the lot area, lot width, stormwater detention and recreation plan requirements on property located at W. Industrial Lake Drive and Lamont Drive, and legally described to wit:

Lot 1 and 2, Block 3, Lincoln Saline Wetland Nature Center 1st Addition, Lots 3 through 13, Block 7, and Outlot A, Capitol Beach East Addition, and the east 30 feet of Lamont Drive adjacent thereto, all located in the East Half of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

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 Bob Rentfro, hereinafter referred to as "Permittee", to develop Village Point at Capitol Beach Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 18 dwelling units and the following waivers to the Land Subdivision Ordinance, Zoning Code and Design Standards:

- a. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for all subdivisions is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. This waiver is further subject to the requirement that if any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the

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

- b. The requirements of Lincoln Municipal Code § 27.15.080(a) which require a minimum lot area of 6,000 sq. ft. and an average lot width of 50 ft. are waived in

- order to create more lots within the CUP in order to provide affordable housing.
- c. The requirement of Lincoln Municipal Code § 26.23.105 for on-site stormwater detention to limit the peak rate of stormwater discharge from the subdivision is waived as the Department of Public Works & Utilities has determined stormwater detention is not necessary for this development.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this CUP must be approved by the City.
 3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
 4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
 5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and Permittee's successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

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

APPOINTING REV. S.T. WILLIAMS TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2007 - PRIOR to reading:

COOK Moved to delay Bill No. 04R-286 for one week to have Public Hearing & action on 11/1/04.

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

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

A-83053 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Rev. S.T. Williams to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2007 is hereby approved.

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 18, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER 30, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83054 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended September 30, 2004, \$296,424.76 was earned from the Investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such

balance bears to the total of all fund balances.

Introduced by Glenn Friendt

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

INVESTMENT OF FUNDS FOR THE WEEK OF OCTOBER 4 THRU 15, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:
A-83055 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

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

Introduced by Glenn Friendt

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF SEPT., 2004: NOSVA, EXCEL, AMERIVISION, VARTEC, CLARICOM NETWORKS, ACCESSLINE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 30, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 1, 2004 AT 1:30 P.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:
A-83056 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$248,354.06; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel or property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on _____ day of _____, 2004, at ____ m., and on the _____ day of _____, 2004 at _____ m., _____ with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Glenn Friendt

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 1, 2004 AT 1:30 P.M. - CLERK read the

following resolution, introduced by Glenn Friendt, who moved its adoption:
A-83057 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment for the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$185,104.37; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel or property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on _____ day of _____, 2004, at ____ m., and on the _____ day of _____, 2004 at _____ m., _____ with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Glenn Friendt

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

ASSESSMENT RESOLUTION FOR DOWNTOWN CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY
FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 1, 2004 AT 1:30 P.M. - CLERK
read the following resolution, introduced by Glenn Friendt, who moved its
adoption:

A-83058 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment for the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$154,513.68; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel or property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by

reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on _____ day of _____, 2004, at ____ m., and on the _____ day of _____, 2004 at _____ m., _____ with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Glenn Friendt

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

ORDINANCES - 1ST READING

(Resolutions listed hereunder advance to Public Hearing on 10/25/04)

CHANGE OF ZONE 04061 - APPLICATION OF ASPEN BUILDERS, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF WEST A STREET AND EAST OF S.W. 27TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING CHAPTER 14.56 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING A PERMIT PROCESS FOR ISSUANCE OF A PERMIT TO PLACE PRIVATELY OWNED OUTDOOR ARTWORK IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLICLY OWNED PROPERTY - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 14.56 of the Lincoln Municipal Code relating to works of art by amending Section 14.56.030 to allow the issuance of permits for the placement of privately owned outdoor artwork in the public right-of-way or on publicly owned property in all zoning districts; amending Section 14.56.070 to provide that the permittee assumes all risk of loss in placing art on city property including damages, vandalism, and/or destruction of the work; amending Section 14.56.110 to provide such permits may be issued for a period of one to five years; and amending Section 14.56.120 to provide for an application fee rather than a permit fee and to provide that a collection of art intended to be a coordinated exhibit may be submitted under a single master application and be subject to a single application fee and subsequent annual renewal fee; and repealing Sections 14.56.030, 14.56.070, 14.56.110, and 14.56.120 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & ASSOCIATED RESOLUTIONS

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18459, is recorded in Ordinance Book , Page

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:

SVOBODA Moved to amend Bill No. 04R-274 by substituting the attached Substitute Vintage Heights 4th Addition Conditional Annexation Agreement" for the Vintage Heights 4th Conditional Annexation Agreement marked as Attachment A to Bill No. 04R-274.

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

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

A-83059 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Vintage Heights 4th Addition Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Pine Lake Development, L.L.C., outlining certain conditions and understandings relating to the annexation of approximately 10.23 acres of property generally located at South 98th Street and Old Cheney Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the City.

Introduced by Ken Svoboda

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

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18460, is recorded in Ordinance Book , Page

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. (IN CONNECTION W/04-190, 04R-274, 04-191) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83060 WHEREAS, Pine Lake Development, L.L.C. has submitted an application designated as Special Permit No. 1762B for authority to expand the boundary of Vintage Heights Community Unit Plan and increase the overall density by three units with requested waivers to waive the preliminary plat process, and to allow a wastewater collection system not meeting City design standards, sanitary sewer running opposite street grades, transfer of sanitary sewer from one basin to another, dead-end street to have 60' minimum radius turnaround, lots exceeding a maximum depth to width ratio, and minimum lot depth of less than 120' for lots abutting a major street, on property located at South 98th Street and Old Cheney Road, and legally described to wit:

A tract of land composed of Allegrini Terrace Addition, Allegrini Terrace 1st Addition, Vintage Heights 6th Addition, Vintage Heights 7th Addition, Vintage Heights 8th Addition, Vintage Heights 9th Addition, Vintage Heights 10th Addition, Vintage Heights 11th Addition, Vintage Heights 12th Addition, Vintage Heights 14th Addition, Vintage Heights 15th Addition, Vintage Heights 16th Addition, Vintage Heights 17th Addition, Lots 56 and 67 and a portion of Lot 17 and Vintage Heights 18th Addition, all located in Section 14, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska, and being more particularly described as follows:

Referring to the northeast corner of said Section 14; thence on the east line of said Section 14, south 00 degrees 11 minutes 08 seconds west (assumed bearing), 49.92 feet; thence north 89 degrees 48 minutes 52 seconds west, 50.00 feet to the point of beginning; thence south 00 degrees 11 minutes 08 seconds west, 100.00 feet; thence south 89 degrees 48 minutes 52 seconds east, 16.50 feet; thence south 00 degrees 11 minutes 08 seconds west, 300.60 feet; thence north 89 degrees 48 minutes 52 seconds west, 16.50 feet; thence south 00 degrees 11 minutes 09 seconds west, 1,250.91 feet; thence south 00 degrees 11 minutes 08 seconds west, 809.09 feet; thence south 00 degrees 11 minutes 29 seconds west, 126.58 feet; thence south 00 degrees 11 minutes 14 seconds west, 1,774.38 feet; thence north 89 degrees 55 minutes 58 seconds east, 17.00 feet; thence south 00 degrees 11 minutes 16 seconds west, 463.18 feet; thence north 89 degrees 48 minutes 49 seconds west, 17.00 feet; thence south 00 degrees 11 minutes 16 seconds west, 350.00 feet; thence south 89 degrees 52 minutes 59 seconds west, 1,458.33 feet; thence north 82 degrees 21 minutes 07 seconds west, 222.04 feet; thence south 83 degrees 46 minutes 02 seconds west, 281.60 feet; thence south 89 degrees 54 minutes 04 seconds west, 579.30 feet; thence north 89 degrees 30 minutes 37 seconds west, 69.59 feet; thence north 85 degrees 13 minutes 16 seconds west, 200.56 feet; thence south 86 degrees 12 minutes 02 seconds west, 200.56 feet; thence north 89 degrees 30 minutes 37 seconds west, 707.15 feet; thence south 00 degrees 14 minutes 46 seconds east, 17.00 feet; thence north 89 degrees 30 minutes 37 seconds west, 150.01 feet; thence north 00 degrees 14 minutes 46 seconds west, 1,288.98 feet; thence south 89 degrees 39 minutes 11 seconds east, 1,333.64 feet; thence north 00 degrees 40 minutes 35 seconds west, 1,325.56 feet; thence north 89 degrees 47 minutes 21 seconds west, 1,323.87 feet; thence north 00 degrees 27 minutes 10 seconds west, 440.17 feet; thence north 00 degrees 24 minutes 48 seconds west, 34.56 feet; thence south 86 degrees 32 minutes 50 seconds west, 93.42 feet; thence north 03 degrees 27 minutes 10 seconds west, 597.65 feet; thence north 19 degrees 44 minutes 29 seconds west, 153.65 feet; thence north 00 degrees 07 minutes 46 seconds east, 109.00 feet; thence south 89 degrees 52 minutes 26 seconds east, 174.81 feet; thence south 89 degrees 50 minutes 59 seconds east, 343.46 feet; thence south 08 degrees 18 minutes 44 seconds east, 119.18 feet; thence south 07 degrees 33 minutes 50 seconds east, 46.18 feet; thence south 16 degrees 01 minutes 11 seconds east, 44.97 feet; thence south 39 degrees 24 minutes 08 seconds west, 29.90 feet; thence south 49 degrees 54 minutes 57 seconds east, 99.67 feet; thence north 40 degrees 01 minutes 36 seconds east, 28.97 feet; thence south 48 degrees 03 minutes 17 seconds east, 215.97 feet; thence south 43 degrees 08 minutes 21 seconds east, 16.21 feet; thence south 42 degrees 57 minutes 07 seconds east, 40.63 feet; thence south 43 degrees 00 minutes 17 seconds east, 446.32 feet; thence south 42 degrees 59 minutes 45 seconds east, 339.78 feet; thence south 42 degrees 57 minutes 51 seconds east, 80.23 feet; thence south 42 degrees 59

minutes 31 seconds east, 118.30 feet; thence south 39 degrees 49 minutes 09 seconds east, 79.77 feet; thence south 28 degrees 52 minutes 11 seconds east, 33.72 feet; thence south 16 degrees 34 minutes 36 seconds east, 31.95 feet; thence south 03 degrees 30 minutes 22 seconds east, 23.76 feet; thence south 89 degrees 48 minutes 50 seconds east, 696.95 feet; thence north 00 degrees 10 minutes 56 seconds east, 130.00 feet; thence south 89 degrees 49 minutes 04 seconds east, 31.33 feet; thence north 00 degrees 10 minutes 56 seconds east, 379.00 feet; thence north 14 degrees 26 minutes 30 seconds west, 104.95 feet; thence north 16 degrees 17 minutes 11 seconds west, 88.48 feet; thence north 01 degrees 39 minutes 50 seconds west, 102.28 feet; thence south 65 degrees 34 minutes 11 seconds west, 76.00 feet; thence north 24 degrees 25 minutes 49 seconds west, 120.00 feet; thence north 65 degrees 34 minutes 11 seconds east, 29.00 feet; thence north 24 degrees 25 minutes 49 seconds west, 158.71 feet; thence north 29 degrees 33 minutes 43 seconds east, 36.21 feet; thence north 65 degrees 34 minutes 11 seconds east, 122.71 feet; thence north 24 degrees 25 minutes 49 seconds west, 73.45 feet; thence south 78 degrees 29 minutes 26 seconds east, 621.26 feet; thence south 89 degrees 48 minutes 52 seconds east, 195.52 feet; thence north 00 degrees 11 minutes 08 seconds east, 997.22 feet; thence north 89 degrees 43 minutes 02 seconds west, 200.00 feet; thence north 00 degrees 11 minutes 08 seconds east, 533.00 feet; thence south 89 degrees 43 minutes 02 seconds east, 1,272.17 feet to the point of beginning containing 13,222,115.25 square feet (303.54 acres) more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this expanded 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 Pine Lake Development L.L.C., hereinafter referred to as "Permittee", to expand the boundary of Vintage Heights Community Unit Plan and increase the overall density by three units, 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 964 dwelling units on 303.5 acres and the following waivers to the Land Subdivision Ordinance, Zoning Code and Design Standards:

- a. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for all subdivisions is waived, except that this waiver of the preliminary plat shall only be effective for a period of ten years from the date of the this approval, and shall be of no force or effect thereafter. This waiver is further subject to the requirement that if any final plat on all or a portion of the approved community unit plan is submitted five years or more after the effective date of the community unit plan, the City may require that a new community unit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.
- b. The requirement of § 3.6 of the Sanitary Sewer Design Standards that the slope of the sanitary sewer should parallel the slope of the street is waived to allow

- sewer to flow opposite street grades in Vine Cliff Drive provided the maximum and minimum allowable sewer depths are not exceeded.
- c. The requirement of Section 2.1 of the Sanitary Sewer Design Standards prohibiting the transfer of wastewater from one watershed to another is waived to allow the transfer of sanitary sewer from one basin to another provided that the Antelope Creek sewer has sufficient capacity for the added drainage area.
 - d. The requirement of Lincoln Municipal Code § 26.23.140(e) that a lot shall have a maximum 3 to 1 lot depth to width ratio is waived for Lots 11 and 12, Block 33.
 - e. The requirement of Lincoln Municipal Code § 26.23.140 that residential lots abutting a major street shall have a minimum depth of 120' is waived for Lots 8 and 9, Block 33.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including 5 copies and the plans are acceptable.
 - b. The construction plans shall conform to the approved plans.
 - c. Final Plats within the area of this community unit plan must be approved by the City.
 3. Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 4. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
 5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, and its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
 8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

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

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18461**, is recorded in Ordinance Book , Page

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18462**, is recorded in Ordinance Book , Page

RECONSIDERATION

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:

COOK Moved to delay action without Public Hearing on Bill No. 04R-241 for one week to November 1, 2004.
Seconded by McRoy & tied by the following vote: AYES: Cook, Friendt, McRoy; NAYS: Camp, Svoboda, Werner; ABSENT: Newman.

WERNER Moved to delay action with Public Hearing on Bill No. 04R-241 one week to November 1, 2004.
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Werner; NAYS: Camp, Svoboda; ABSENT: Newman.

MISCELLANEOUS BUSINESS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 1 - Jon Camp moved to reconsider Bill No. 04R-283.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Newman.

Katherine Irons, 6706 Colby St., came forward to state she hadn't heard her item called and requested to be heard at this time. She is requesting the decision for denial to be overturned on her claim for a door at her rental property being broken down by the Police Department.

Dana Roper, City Attorney, came forward to explain, to the best of his knowledge, the situation that occurred at the time the door was damaged. Discussion continued.

CAMP Moved to amend Bill No. 04R-283 to approve the resolution except for the Katherine Irons claim which was continued for Public Hearing and Action on 11/1/04.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Newman.

PENDING -

CAMP Moved to extend the Pending List to November 1, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Newman.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on November 1, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Newman.

ADJOURNMENT 7:25 P.M.

CAMP Moved to adjourn the City Council meeting of October 25, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Newman
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
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