

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 10, 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; Teresa Meier, Deputy City Clerk.

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

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of December 20, 2004, reported having done so, found same correct.

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

PROCLAMATION GIVEN BY MAYOR

Mayor Coleen J. Seng came forward to read and present a Proclamation declaring the month of January as "National Mentoring Month". Mayor Seng also gave thanks and recognized two organizations who are involved in mentoring, which are Big Brothers/Big Sisters and Teammates. She also emphasized the importance of being a mentor and encouraged more people to volunteer to be mentors.

MAYOR'S AWARD OF EXCELLENCE

Mayor Coleen J. Seng came forward to present the Mayor's Award of Excellence for the month of December. The recipients are a team from the Public Works & Utilities Department: Rick Roberts, Lee Applebee, Bob Luedtke, Stan Roberts, Keith Baue, Ron Sanders, Bob Wischmann, Paul Furman, Dave Martinez, and Jim Boston all in the Category of Loss Prevention.

PUBLIC HEARING

APPLICATION OF AYR, INC. DBA EL POTRERO FOR A CLASS I LIQUOR LICENSE AT 247 N. 8TH STREET;

MANAGER APPLICATION OF ESTELA AYALA FOR AYR, INC. DBA EL POTRERO AT 247 N. 8TH STREET - Michael Rierdon, Attorney, 645 M Street, Suite 200, took oath and came forward representing the applicant for approval. Further discussion followed.

Alex Rodrigues, 3425 West State Street, Corporate Address, took oath and came forward on behalf of Estela Ayala for approval. He stated that Ms. Ayala is out of the country right now. Further discussion followed.

Russ Fosler, Lincoln Police Department, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

APPLICATION OF CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOTLE MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD;

MANAGER APPLICATION OF AARON MICHAEL DANSKY FOR CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOTLE MEXICAN GRILL AT 2801 PINE LAKE ROAD - John Boehm, Attorney, 811 S. 13th Street, took oath and came forward representing the applicant for approval.

Aaron Michael Dansky, 300 Hadkins Road, Malcolm, NE, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF ANNETTE M. ERHART FOR GRANNETTE, INC. DBA DELRAY BALLROOM AND LOUNGE AT 817 R STREET - Annette M. Erhart, no address given, took oath and came forward as the Owner and the Manager for approval.

This matter was taken under advisement.

CHANGE OF ZONE 04055 - APPLICATION OF HAMPTON DEVELOPMENT FOR A CHANGE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF FLETCHER AVE, EAST OF N. 14TH STREET;

SPECIAL PERMIT 04044 - APPLICATION OF HAMPTON DEVELOPMENT TO CONSTRUCT NORTH CREEK VILLAS COMMUNITY UNIT PLAN FOR 52 DWELLING UNITS AND REQUESTED WAIVERS THAT LOT LINES ARE RADIAL TO THE STREET, MODIFICATION TO THE DESIGN STANDARDS FOR PRIVATE ROADWAYS, ALLOWING DOUBLE FRONTAGE LOTS,

REDUCE THE MINIMUM LOT DEPTH ALONG A MAJOR ROAD, AND REDUCTION OF THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTH OF FLETCHER AVE., EAST OF N. 14TH STREET - Jason Thiellen, Engineering Design Consultants, 1135 "M" Street, came forward for approval.

J.R. Brown, 5501 Rockford Drive, came forward to state his concerns on how this development will have an impact on their neighborhood. Further discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1999A - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND WILDERNESS HILLS COMMUNITY UNIT PLAN TO ADJUST THE REAR SETBACK TO ZERO FEET FOR LOTS 9-23, BLOCK 2; ADJUST THE REAR SETBACK TO FIVE FEET FOR LOTS 8-34, BLOCK 7; WAIVE THE MAXIMUM LOT WIDTH TO DEPTH RATIO; WAIVE THE MINIMUM LOT DEPTH; AND TO ALLOW DOUBLE FRONTAGE LOTS FOR AN ATTACHED SINGLE FAMILY AND TOWN HOME DEVELOPMENT OF APPROXIMATELY 66 UNITS BETWEEN WILDERNESS HILLS BLVD. AND WHISPERING WIND BLVD., ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 27TH STREET AND WHISPERING WIND BLVD - Jason Thiellen, Engineering Design Consultants, 1135 "M" Street, came forward for approval. Further discussion followed.

Ray Hill, Planning Department, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 228K - APPLICATION OF LLOYD AND DONNA HINKLEY TO AMEND THE CAPITOL BEACH WEST COMMUNITY UNIT PLAN TO REDUCE THE FRONT YARD SETBACK ON LOT 24, BLOCK 1, CAPITOL BEACH WEST ADDITION, FROM 19.5 FEET TO 15.5 FEET FOR AN ATTACHED GARAGE, ON PROPERTY GENERALLY LOCATED AT 302 W. LAKESHORE DRIVE - Donna Hinkley, 302 W. Lakeshore Drive, came forward for approval.

Glenn Cekal, 1420 "C" Street, came forward and asked questions regarding where the guest parking would be if approved.

Donna Hinkey, came forward for rebuttal and to answer the questions of Mr. Cekal. Further discussion followed.

This matter was taken under advisement.

MISC. 04018 - AMENDING CHAPTER 2.20 OF THE CITY OF LINCOLN DESIGN STANDARDS TO ESTABLISH SIGHT DISTANCE STANDARDS FOR RURAL BUILD-THROUGH INTERSECTIONS - Craig Groat, 4935 Huntington Avenue, came forward to state his concerns regarding the quality of roads and the quality of our traffic engineer.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 04010 - ADOPTING THE 48TH AND O STREET REDEVELOPMENT PLAN GENERALLY BOUNDED BY R STREET ON THE NORTH, 48TH STREET ON THE WEST, 52ND STREET ON THE EAST, AND N STREET ON THE SOUTH, CONSISTING OF 41.7 ACRES - Wynn Hjermsstad, Urban Development Department, came forward for approval of this plan. Further discussion followed.

Darl Naumann, with the Mayor's Office, came forward for approval and to answer questions regarding the revenue based on square footage. Further discussion followed.

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

Allan Abbott, Public Works & Utilities Director, came forward to answer questions of the Council. Further discussion followed.

Russell Miller, 341 S. 52th Street, came forward on behalf of the Witherbee Neighborhood Association in support.

Craig Groat, 4935 Huntington Avenue, came forward in support.

Fred Freytag, 530 S. 38th Street, President of the Witherbee Neighborhood Association, came forward in support. Further discussion followed.

Erin Schmidt, 340 S. 40th Street, Vice President of the Witherbee Neighborhood Association, came forward in support. Further discussion followed.

Mark Hunzeker, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of his client, Julius Misle a property owner in the area, in opposition. Further discussion followed.

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

Joe Hampton, 3418 Cape Charles Road West, came forward and stated that he feels the City's primary concern should be to develop an infrastructure in the area first. Further discussion followed.

Wynn Hjermsstad, Urban Development, came forward to answer questions of the Council. Further discussion followed.

Allan Abbott, Public Works & Utilities, came forward to answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 04021 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY ADOPTING THE PROPOSED AIRPORT WEST SUBAREA PLAN FOR THE AREA GENERALLY FROM N.W. 27TH STREET TO N.W. 70TH STREET, FROM US HIGHWAY 34 TO US HIGHWAY 6, INCLUDING ASSOCIATED AMENDMENTS TO THE COMMUNITY FORM, BUSINESS AND COMMERCE, MOBILITY AND TRANSPORTATION, COMMUNITY FACILITIES, AND PARKS, RECREATION AND OPEN SPACE SECTIONS OF THE COMPREHENSIVE PLAN - Duncan Ross, Planning Department, came forward for approval of this plan. Further discussion followed.

Weston Furrer, 4130 N. 21st Street, came forward in support.

Barbara Erickson, 3900 W. Holdrege Street, came forward in opposition. Further discussion followed.

Mark Hunzeker, Attorney, 1045 Lincoln Mall, Suite 200, came forward on behalf of his client, KLH Retirement Planning, in support. He asked the Council to consider showing the highway as commercial and not industrial. Further discussion followed.

Duncan Ross, Planning Department, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, came forward to state his concerns on the new rule of having the "open mike" session only on the 2nd and last Monday of the month.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF AYR, INC. DBA EL POTRERO FOR A CLASS I LIQUOR LICENSE AT 247 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83142 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 Ayr, Inc. dba El Potrero for a Class "I" liquor license at 247 N. 8th 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF ESTELA AYALA FOR AYR, INC. DBA EL POTRERO AT 247 N. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83143 WHEREAS, Ayr, Inc. dba El Potrero located at 247 N. 8th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Estela Ayala be named manager;

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

APPLICATION OF CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOTLE MEXICAN GRILL FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83144 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 Chipotle Mexican Grill of Colorado, LLC dba Chipotle Mexican Grill for a Class "I" liquor license at 2801 Pine Lake Road, 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF AARON MICHAEL DANSKY FOR CHIPOTLE MEXICAN GRILL OF COLORADO, LLC DBA CHIPOTLE MEXICAN GRILL AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83145 WHEREAS, Chipotle Mexican Grill of Colorado, LLC dba Chipotle Mexican Grill located at 2801 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Aaron Michael Dansky be named manager;

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

MANAGER APPLICATION OF ANNETTE M. ERHART FOR GRANNETTE, INC. DBA DELRAY BALLROOM AND LOUNGE AT 817 R STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83146 WHEREAS, Grannette, Inc. dba DelRay Ballroom and Lounge located at 817 R Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Annette M. Erhart be named manager;

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

CHANGE OF ZONE 04055 - APPLICATION OF HAMPTON DEVELOPMENT FOR A CHANGE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF FLETCHER AVE, EAST OF N. 14TH STREET. (IN CONNECTION W/04R-328) - CLERK read an ordinance, introduced by Annette McRoy, 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 04044 - APPLICATION OF HAMPTON DEVELOPMENT TO CONSTRUCT NORTH CREEK VILLAS COMMUNITY UNIT PLAN FOR 52 DWELLING UNITS AND REQUESTED WAIVERS THAT LOT LINES ARE RADIAL TO THE STREET, MODIFICATION TO THE DESIGN STANDARDS FOR PRIVATE ROADWAYS, ALLOWING DOUBLE FRONTAGE LOTS, REDUCE THE MINIMUM LOT DEPTH ALONG A MAJOR ROAD, AND REDUCTION OF THE REAR YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTH OF FLETCHER AVE., EAST OF N. 14TH STREET. (In connection w/04-222) (Action Date: 1/24/05)

RESOLUTIONS

SPECIAL PERMIT 1999A - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND WILDERNESS HILLS COMMUNITY UNIT PLAN TO ADJUST THE REAR SETBACK TO ZERO FEET FOR LOTS 9-23, BLOCK 2; ADJUST THE REAR SETBACK TO FIVE FEET FOR LOTS 8-34, BLOCK 7; WAIVE THE MAXIMUM LOT WIDTH TO DEPTH RATIO; WAIVE THE MINIMUM LOT DEPTH; AND TO ALLOW DOUBLE FRONTAGE LOTS FOR AN ATTACHED SINGLE FAMILY AND TOWN HOME DEVELOPMENT OF APPROXIMATELY 66 UNITS BETWEEN WILDERNESS HILLS BLVD. AND WHISPERING WIND BLVD., ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 27TH STREET AND WHISPERING WIND BLVD - PRIOR to reading:

SVOBODA Moved to amend Bill No. 04R-329 in the following manner: on page 1, line 3, delete the word "zero" and insert in lieu thereof the word "five"; on page 3, line 2, delete the word "zero" and insert in lieu thereof the word "five"; and on page 3, line 12, delete the word "zero" and insert in lieu thereof the word "five".

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

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83147 WHEREAS, Lincoln Federal Bancorp, Inc. has submitted an application designated as Special Permit No. 1999A for authority to amend Wilderness Hills Community Unit Plan to adjust the rear setback to five ~~zero~~ feet for Lots 9-23, Block 2; adjust the rear setback to five feet for Lots 8-34, Block 7; waive the maximum lot width to depth ratio; waive the minimum lot depth; and to allow double frontage lots for an attached single family and town home development of approximately 66 units between Wilderness Hills Boulevard and Whispering Wind Boulevard, on property located northeast of the intersection of South 27th Street and Whispering Wind Boulevard, and legally described to wit:

Lots 5, 14, and 15, and portions of Lots 12, 16, 17, 20, 36, 37, 38, and 39, Irregular Tracts, located in the Northwest and Southwest Quarters of Section 30, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described as follows:

Referring to the north quarter corner of said Section 30; thence on the north line of said Section 30, south 88 degrees 46 minutes 00 seconds west, 99.88 feet; thence south 01 degrees 14 minutes 00 seconds east, 50.00 feet to the point of beginning; thence south 00 degrees 09 minutes 12 seconds east, 162.04 feet; thence south 08 degrees 06 minutes 52 seconds west, 135.60 feet; thence southerly on a 2,030.00 foot radius curve to the right, an arc length of 891.45 feet (long chord bears south 12 degrees 25 minutes 37 seconds west, 884.31 feet); thence south 25 degrees 00 minutes 27 seconds west, 151.66 feet; thence south 69 degrees 21 minutes 56 seconds east, 11.75 feet; thence south 20 degrees 38 minutes 04 seconds west, 87.05 feet; thence north 68 degrees 48 minutes 48 seconds west, 5.00 feet; thence north 69 degrees 21 minutes 56 seconds west, 10.70 feet; thence westerly on a 2,558.00 foot radius curve to the left, an arc length of 771.00 feet (long chord bears north 78 degrees 00 minutes 00 seconds west, 768.08 feet); thence south 13 degrees 28 minutes 51 seconds east, 221.71 feet; thence south 12 degrees 35 minutes 31 seconds east, 83.37 feet; thence south 02 degrees 58 minutes 55 seconds east, 79.47 feet; thence south 00 degrees 07 minutes 52 seconds east, 558.72 feet; thence south 89 degrees 56 minutes 50 seconds west, 120.00 feet; thence south 00 degrees 07 minutes 52 seconds east, 15.60 feet; thence south 89 degrees 52 minutes 08 seconds west, 360.00 feet; thence north 00 degrees 07 minutes 52 seconds west, 5.02 feet; thence south 89 degrees 52 minutes 08 seconds west, 120.00 feet; thence south 00 degrees 07 minutes 52 seconds east, 489.87 feet; thence westerly on a 1,970.00 foot radius curve to the left, an arc length of 77.65 feet (long

chord bears south 83 degrees 06 minutes 17 seconds west, 77.65 feet); thence south 81 degrees 58 minutes 32 seconds west, 319.63 feet; thence south 80 degrees 07 minutes 47 seconds west, 303.80 feet; thence north 89 degrees 57 minutes 32 seconds west, 220.27 feet; thence north 00 degrees 00 minutes 43 seconds west, 102.16 feet; thence north 00 degrees 02 minutes 55 seconds west, 1,352.52 feet; thence north 89 degrees 56 minutes 47 seconds east, 263.56 feet; thence easterly on a 400.00 foot radius curve to the left, an arc length of 104.72 feet (long chord bears north 82 degrees 20 minutes 48 seconds east, 104.42 feet); thence north 74 degrees 50 minutes 48 seconds east, 296.69 feet; thence easterly on a 1,286.72 foot radius curve to the right, an arc length of 325.25 feet (long chord bears north 82 degrees 36 minutes 18 seconds east, 324.38 feet); thence north 89 degrees 50 minutes 47 seconds east, 305.69 feet; thence easterly on a 2,600.00 foot radius curve to the right, an arc length of 361.29 feet (long chord bears south 86 degrees 10 minutes 21 seconds east, 361.00 feet); thence north 17 degrees 23 minutes 24 seconds east, 419.85 feet; thence northerly on a 530.00 foot radius curve to the left, an arc length of 162.28 feet (long chord bears north 08 degrees 37 minutes 06 seconds east, 161.65 feet); thence north 00 degrees 09 minutes 12 seconds west, 619.62 feet; thence north 88 degrees 46 minutes 00 seconds east, 707.81 feet to the point of beginning; containing 2,783,855.63 square feet (63.91 acres) more or less;

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

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

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

That the application of Lincoln Federal Bancorp, Inc., hereinafter referred to as "Permittee", to amend Wilderness Hills Community Unit Plan to adjust the rear setback to five ~~zero~~ feet for Lots 9-23, Block 2; adjust the rear setback to five feet for Lots 8-34, Block 7; waive the maximum lot width to depth ratio; waive the minimum lot depth; and to allow double frontage lots for an attached single family and town home development of approximately 66 units between Wilderness Hills Boulevard and Whispering Wind Boulevard, 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 the amendment to the Wilderness Hills CUP to adjust the rear setback to five ~~zero~~ feet for Lots 9-23, Block 2 and to five feet for Lots 8-34, Block 7, to waive the minimum lot depth for Lot 8, Block 2, and to allow Lots 1-5, Block 2 to have double frontage.
2. Final plats will be approved by the Planning Director after:
 - a. The Subdivider has completed or posted a surety to guarantee the completion of the public streets, private roadway improvements, sidewalks, sanitary sewer system, water system, drainage facilities, land preparation and grading, sediment and erosion control measures, storm water detention/retention facilities, drainage way improvements, street lights, landscaping screens, street trees, temporary turnarounds and barricades, and street name signs.
 - b. The Subdivider has posted a security to guarantee the required impact fee facility contributions required pursuant to the Annexation Agreement.
 - c. The Subdivider has signed an agreement that binds the Subdivider and Subdivider's successors and assigns:
 - i. To complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.
 - ii. To complete the paving of private roadways shown on the final plat within two (2) years following the approval of this final plat.

- iii. To complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) years following the approval of the final plat.
- iv. To construct the sidewalk in the pedestrian way easements in Outlots C and D at the same time as Keystone Drive is paved and to agree that no building permit shall be issued for construction on Lot 9, Block 2 and Lot 8, Block 7 until such time as the sidewalk in the pedestrian way easement is constructed.
- v. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- vi. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- vii. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- viii. To complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- ix. To complete land preparation including storm water detention/retention facilities and 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 the final plat
- x. To complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
- xi. To complete the installation of private street lights within this plat within two (2) years following the approval of the final plat.
- xii. To complete the planting of the street trees within this plat within four (4) years following the approval of the final plat.
- xiii. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- xiv. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- xv. To timely complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance which has not been waived, but inadvertently may have been omitted from the above list of required improvements.
- xvi. 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.
- xvii. To complete the public and private improvements shown on the Community Unit Plan.
- xviii. To retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.

- xix. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
 - xx. To submit to the lot buyers and home builders a copy of the soil analysis.
 - xxi. To pay all design, engineering, labor, material, inspection, and other improvement costs
 - xxii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - xxiii. To perpetually maintain the sidewalks in the pedestrian way easements on Outlots C and D at their own cost and expense.
 - xxiv. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Subdivider.
 - xxv. To relinquish the right of direct vehicular access to South 27th Street and Yankee Hill Road except as shown on the plat.
3. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the City.
 4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
 5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association of property owners approved by the City Attorney.
 6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
 9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Annette McRoy

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

SPECIAL PERMIT 228K - APPLICATION OF LLOYD AND DONNA HINKLEY TO AMEND THE CAPITOL BEACH WEST COMMUNITY UNIT PLAN TO REDUCE THE FRONT YARD SETBACK ON LOT 24, BLOCK 1, CAPITOL BEACH WEST ADDITION, FROM 19.5 FEET TO 15.5 FEET FOR AN ATTACHED GARAGE, ON PROPERTY GENERALLY LOCATED AT 302 W. LAKESHORE DRIVE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83148 WHEREAS, Lloyd and Donna Hinkley have submitted an application designated as Special Permit No. 228K for authority to amend the Capitol Beach West Community Unit Plan to reduce the front yard setback from 19.5 feet to 15.5 feet in order to construct a new dwelling with an attached garage that extends into the required front yard on property located at 302 W. Lakeshore Drive, and legally described to wit:
Lot 24, Block 1, Capitol Beach West Addition located in the NE 1/4 of Section 21, Township 10 North, Range 6 East, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the CUP to allow the attached garage 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 Lloyd and Donna Hinkley, hereinafter referred to as "Permittee", to construct an attached garage to their new dwelling 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 dwelling unit and garage be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction in the front yard from 19.5 feet to 15.5 feet, but not less than 22 feet from garage to curb.
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.
3. Before occupying this dwelling unit all development and construction must conform to the approved plans.
4. The site plans approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of 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.
7. The site plan 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 Annette McRoy

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

MISC. 04018 - AMENDING CHAPTER 2.20 OF THE CITY OF LINCOLN DESIGN STANDARDS TO ESTABLISH SIGHT DISTANCE STANDARDS FOR RURAL BUILD-THROUGH INTERSECTIONS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83149 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 and Intermediate BTA Public Street Design Standards; to revise Section 3.3.1.c to revise unobstructed sight distance design requirements for intersections on curvilinear streets to correspond with those for Urban Public Streets.

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

That Chapter 2.20, Section 3.3.1.c 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 Annette McRoy

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

COMP. PLAN CONFORMITY 04010 - ADOPTING THE 48TH AND O STREET REDEVELOPMENT PLAN GENERALLY BOUNDED BY R STREET ON THE NORTH, 48TH STREET ON THE WEST, 52ND STREET ON THE EAST, AND N STREET ON THE SOUTH, CONSISTING OF 41.7 ACRES - PRIOR to reading:

NEWMAN Placed on pending for 2 weeks to 1/24/05 with action only.
Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, Newman, Svoboda, Werner; NAYS: Camp, McRoy.

COMP. PLAN AMENDMENT 04021 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY ADOPTING THE PROPOSED AIRPORT WEST SUBAREA PLAN FOR THE AREA GENERALLY FROM N.W. 27TH STREET TO N.W. 70TH STREET, FROM US HIGHWAY 34 TO US HIGHWAY 6, INCLUDING ASSOCIATED AMENDMENTS TO THE COMMUNITY FORM, BUSINESS AND COMMERCE, MOBILITY AND TRANSPORTATION, COMMUNITY FACILITIES, AND PARKS, RECREATION AND OPEN SPACE SECTIONS OF THE COMPREHENSIVE PLAN - PRIOR to reading:

CAMP Placed on pending for 3 weeks to 1/31/05 with action only.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 24, 2005, AT 1:30 PM FOR APPLICATION OF JERRY AND SANDI IRWIN DBA FOXY LADY FOR AN ADDITION TO THEIR LICENSED PREMISE FOR A BEER GARDEN APPROXIMATELY 15 FEET BY 20 FEET ON THE SOUTH SIDE OF THEIR LICENSED PREMISE LOCATED AT 1823 "O" STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83150 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 24, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of Jerry and Sandra Irwin dba Foxy Lady for an addition to their licensed premise for a beer garden approximately 15 feet by 20 feet on the south side of their licensed premise located at 1823 "O" Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 24, 2005, AT 1:30 PM APPLICATION OF GEEMAX INC DBA THE N-ZONE FOR AN ADDITION TO THEIR LICENSED PREMISE FOR A BEER GARDEN APPROXIMATELY 11 FEET BY 9 FEET ON THE NORTH SIDE OF THEIR LICENSED PREMISE LOCATED AT 728 "Q" STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83151 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 24, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th ST., Lincoln, NE, for the Application of Geemax Inc dba The N-Zone for an addition to their licensed premise for a beer garden approximately 11 feet by 9 feet on the north side of their licensed premise located at 728 "Q" Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 24, 2005, AT 1:30 PM APPLICATION OF CARPCORP DBA LIBATIONS, TOO... FOR AN ADDITION TO THEIR LICENSED PREMISE FOR A BEER GARDEN APPROXIMATELY 10 FEET BY 27 FEET TO THE WEST SIDE OF THEIR LICENSED PREMISE LOCATED AT 5310 S. 56TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83152 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 24, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of Carpcorp dba Libations, Too...for an addition to their licensed premise for a beer garden approximately 10 feet by 27 feet to the west side of their licensed premise located at 5310 S. 56th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 24, 2005, AT 1:30 PM APPLICATION OF HYVEE INC DBA HYVEE #5 FOR A CLASS C LIQUOR LICENSE LOCATED AT 7151 STACY LANE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83153 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 24, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of HyVee Inc dba HyVee #5 for a Class C Liquor License located at 7151 Stacy Lane.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 24, 2005, AT 1:30 PM APPLICATION OF GAS N SHOP INC DBA GAS N SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 600 WEST "O" STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83154 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 24, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Application of Gas N Shop Inc dba Gas N Shop for a Class D Liquor License located at 600 West "O" Street.

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

Introduced by Patte Newman

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING ITEMS WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 04075 - Application submitted by Village Gardens LLC, Village Gardens Planned Unit Development, from AG Agricultural District to R-3 Residential PUD and B-3 Commercial PUD with a development plan which proposes to modify standards of the underlying zoning district, subdivision ordinance and design standards, on property located at S. 56th Street and south of Pine Lake Road.

Use Permit No. 132A - Application submitted by Livingston Investments Inc, an amendment to remove the restriction on the hours of operation on Lot 1, Willowbrook Addition, on property located at S. 70th Street and Highway 2.

Use Permit No. 04006 - Application submitted by Brian D. Carstens on behalf of Southview Inc and Highlands East Limited Partnership, for approximately 18 family dwelling units, and 11,000 sq. ft. of office, with requests to waive rear and side yard setbacks, lot depth to width ratio, required frontage, sanitary sewer, and water and sewer main location, on property located at NW 1st Street and West Highland Boulevard.

Change of Zone No. 04019 - Application submitted by Seacrest and Kalkowski, from AG Agricultural District to R-3 Residential District, on property located at N. 98th Street and Holdrege Street.

Change of Zone No. 04083 - Application submitted by the Director of the Planning Department, to amend Section 27.69.085 and to repeal Section 27.69.085 and to repeal Section 27.69.085, signs for Corporate Office Park planned unit development, of the Lincoln Municipal Code, to allow site plans in substantial conformance with the spirit and intent of the approved plan.

Change of Zone No. 04084 (Waterford Estates Planned Unit Development) Application submitted by Seacrest and Kalkowski, from AG Agricultural District to B-2 PUD, on property located at N. 98th and "O" Streets.

Use Permit No. 148 - Application submitted by Ross Engineering, for 3 lots, for property located at N. 27th Street and Folkways Boulevard.

Special Permit No. 838A - Application submitted by T.O. Haas LLC, an amendment to delete the restriction that the rear portion of premises be used only as an automotive and/or tire warehouse, on property located at 640 West "O" Street.

Special Permit No. 04073 - Application requested by St. Monica's Home, for a health care facility on property at Wedgewood Manor, located at 120 Wedgewood Drive.

REPORTS OF CITY OFFICERS

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR DECEMBER, 2004 - CLERK presented said report which was placed on file in the office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 13, 2004 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 20, 2004 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

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

AUDIT REPORTS OF LINCOLN WATER AND WASTEWATER SYSTEMS FOR FY 2003-2004 - CLERK presented said report which was placed on file in the office of the City Clerk. (8-71A)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNING ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED NOVEMBER, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83155 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended November 30, 2004, \$451,286.81 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on 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 Patte Newman

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

INVESTMENT OF FUNDS FOR THE WEEK OF DECEMBER 6 THRU DECEMBER 17, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83156 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 Patte Newman

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

INVESTMENT OF FUNDS FOR THE WEEK OF DECEMBER 20 THRU DECEMBER 31, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83157 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 Patte Newman

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

REPORT FROM CITY TREASURER TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF OCTOBER, 2004: VOICECOM TELECOM, QUEST COMM, XO LONG DISTANCE SERVICES, TRACFONE WIRELESS, NEXTEL WEST CORP, GUARANTEED PHONE SERVICE, INTELICALL OPERATOR SERVICE, USCOC OF GREATER IOWA, BELL ATLANTIC COMM, SHAFFER COMM, LIBERTY WIRELESS, ONE CALL COMM, KDDI AMERICA, T-NETIX TELECOM SERVICES, IBM GLOBAL SERVICES, QUANTUM SHIFT COMM, ACN COMM SERVICES, CINCINNATI BELL ANY DISTANCE, MCLEOD USA TELECOMM SERVICES, CIII COMM OPERATIONS, VERIZON SELECT SERVICES, ONSTAR CORP, UCN INC, GLOBAL CROSSING TELECOMM, WORKING ASSETS FUNDING SERVICE, TRANS NATIONAL COMM INTERNATIONAL, VIRGIN MOBILE USA, NORSTAN NETWORK SERVICES, AT&T COMM OF MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM, CRICKET COMM, ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL COMM OF NEBRASKA, ALLTEL NEBRASKA, CELLULAR ONE, AND PRIMUS TELECOMM; NOVEMBER, 2004: ZONE TELECOM, GTC TELECOM, GLOBALCOM, TRI-M COMM, LIGHTYEAR NETWORK SOLUTIONS, LDMI TELECOMM, AFFINITY NETWORK, ASSOCIATION ADMINISTRATORS,

SOUTHWESTERN BELL COMM, USA INC, ATS MOBILE TELEPHONE, NEXTEL WEST CORP, NOS COMM, NOSVA LIMITED PARTNERSHIP, TELECORP COMM, EXCEL TELECOM, D & D COMM, VARTEC TELECOM, AFFINITY NETWORK INC, NEXTEL PARTNERS, ATT WIRELESS PCS, SPRINT SPECTRUM, MCI WORLDCOM NETWORK SERVICES, SPRINT COMM, CELLULAR ONE, ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL NEBRASKA, AND ALLTEL COMM OF NEBRASKA - CLERK PRESENTED SAID REPORT WHICH WAS PLACED ON FILE IN THE OFFICE OF THE CITY CLERK. (20)

REQUEST APPROVED OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, JANUARY 31, 2005, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 05-4 REPEALING ORDINANCE NO. 18447 CREATING PAVING DISTRICT NO. 2629, WEST BENTON STREET FROM NO. 1ST ST. STREET WEST APPROXIMATELY 600 FEET, DUE TO LACK OF MAJORITY PETITIONS.
- 05R-2 CREATING A PAVING UNIT IN WEST BENTON STREET FROM N. 1ST STREET WEST APPROXIMATELY 600 FEET AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY.

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 1/24/05)

CHANGE OF ZONE 04078HP - APPLICATION OF THE RAPE/SPOUSE ABUSE CRISIS CENTER TO DESIGNATE THE LALLY HOUSE AT 2541 N STREET AS A LANDMARK (In connection w/05R-4) - CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

SPECIAL PERMIT 04062 - APPLICATION OF THE RAPE/SPOUSE ABUSE CRISIS CENTER TO OPERATE A CRISIS CENTER IN A LANDMARK LOCATED AT 2541 N STREET. (In connection w/05-1) (Action Date: 1/31/05)

APPLICATION OF ONE VISTA LLC TO ASSIGN THE ADDRESS OF "ONE TALENT PLUS WAY" TO ITS TALENT PLUS BUILDING GENERALLY LOCATED AT 65TH STREET AND PIONEERS BLVD - CLERK read an ordinance, introduced by Patte Newman, designating the address of the Talent + building generally located at 65th Street and Pioneers Boulevard as "One Talent Plus Way" as requested by One Vista LLC, the first time.

CHANGE OF ZONE 04076HP - APPLICATION OF PAGES LLC TO DESIGNATE THE ZIMMER GROCERY STORE AT 1941-1943 K STREET AS A LANDMARK (In connection w/05R-6) - CLERK read an ordinance, introduced by Patte Newman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

SPECIAL PERMIT 04063 - APPLICATION OF PAGES LLC TO OPERATE AN OFFICE AND A RESIDENCE IN A LANDMARK LOCATED AT 1941 - 1943 K STREET. (In connection w/05-3) (Action Date: 1/31/05)

MISC. 04004 - APPLICATION OF THE UNIVERSITY OF NEBRASKA BOARD OF REGENTS TO VACATE PORTIONS OF SEVERAL PLATS LOCATED WITHIN THE UNL EAST CAMPUS, INCLUDING VACATION OF PUBLIC RIGHTS-OF-WAY, GENERALLY LOCATED AT NORTH 40TH STREET AND LEIGHTON AVE - CLERK read an ordinance, introduced by Patte Newman, vacating a portion G.M. Barnes Subdivision, Pitcher and Baldwin's Second Addition to University Place, and University Place Addition located within the UNL East Campus and vacating portions of Leighton Avenue, north 40th Street, North 41st Street, North 42nd Street, North 43rd Street, North 44th Street, and Walker Avenue, generally located between North 33rd Street and North 45th Street and between Leighton Avenue and Huntington Avenue, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND CEDARS YOUTH SERVICES TO OPERATE A CHILD CARE FACILITY LOCATED IN CENTER PARK GARAGE AT 12TH AND N STREETS FOR A 10-YEAR TERM COMMENCING OCTOBER, 2003 - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and Cedars Youth Services to operate a child care facility located below the Center Park Garage at 12th and N Streets for a 10-Year term beginning October, 2003, the first time.

AMENDING SECTION 2.18.035 OF THE LINCOLN MUNICIPAL CODE, RELATING TO BID PROTESTS OF AWARDS MADE BY THE CITY FOR PURCHASES WHERE BIDS ARE REQUIRED, TO REVISE THE TIME FRAME UNDER WHICH BIDDERS MAY PROTEST TO BETTER CLARIFY WHEN THE OPPORTUNITY BEGINS AND ENDS, TO REVISE THE FILING FEE TO BETTER REFLECT THE CITY'S COSTS IN UNDERTAKING THE PROTEST EFFORT, AND TO CLARIFY THE ABILITIES OF THE CITY TO PROCEED WITH OR SUSPEND PURCHASES DURING THE TIME OF A PROTEST - CLERK read an ordinance, introduced by Patte Newman, amending Section 2.18.035 of the Lincoln Municipal Code, relating to bid protests of awards made by the City for purchases where bids are required, to revise the time frame under which bidders may protest to better clarify when the opportunity begins and ends; to revise the filing fee to better reflect the City's costs in undertaking the protest effort; and to clarify the abilities of the City to proceed with or suspend purchases during the time of a protest; and repealing Section 2.18.035 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING

CREATING WATER DISTRICT NO. 1194 FOR CONSTRUCTING A 6-INCH WATER MAIN OR MAINS IN S. 14TH STREET, GARFIELD TO SUMNER STREETS - CLERK read an ordinance, introduced by Glenn Friendt, creating Water District No. 1194 designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

FRIENDT 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 **#18488**, is recorded in Ordinance Book #25.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 24, 2005.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on January 24, 2005.

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

ADJOURNMENT 6:00 P.M.

CAMP Moved to adjourn the City Council meeting of January 10, 2005.

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

So ordered.

Teresa J. Meier, Deputy City Clerk

Jamie Phillips, Senior Office Assistant