

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 24, 2004 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of January 10, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF JERRY AND SANDY IRWIN DBA FOXY LADY TO EXPAND THE BEER GARDEN AT ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 15 FEET BY 20 FEET TO THE SOUTH FOR A TOTAL DESCRIPTION BEING THE ENTIRE FIRST FLOOR OF THE BUILDING 24 FEET BY 92 FEET PLUS THE BEER GARDEN TO THE SOUTH MEASURING 32 FEET BY 20 FEET, AT 1823 O STREET - Jerry Irwin, 1980 Sewell, owner of Foxy Lady took oath and came forward to answer any questions.

Patte Newman, Council Member, asked if there would be entertainment in the back outside area.

Mr. Irwin answered there would be no entertainment outside.

This matter was taken under advisement.

APPLICATION OF CARPCORP DBA LIBATIONS, TOO TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 10 FEET BY 27 FEET TO THE WEST AT 5310 S. 56TH STREET, SUITE 1 - Michael Carpenter, 9131 Merryvale Dr., owner of Libations, Too, took oath and stated all the permits have been approved and asked if there were any questions.

This matter was taken under advisement.

APPLICATION OF LINCOLN NE LODGING, LLC DBA BEACON HILLS FOR A CLASS I LIQUOR LICENSE AT 5353 N. 27TH STREET;
MANAGER APPLICATION OF CAROLE L. REGAN FOR LINCOLN NE LODGING, LLC DBA BEACON HILLS AT 5353 N. 27TH STREET - Dan Klaus, 1201 Lincoln Mall, Ste. 102, attorney for Beacon Hills took oath and came forward to answer questions. Craig McVeigh, operator of Beacon Hills, was available for questions, also.

This matter was taken under advisement.

APPLICATION OF HY VEE INC. DBA HY VEE #5 FOR A CLASS C LIQUOR LICENSE AT 7151 STACY LANE;
MANAGER APPLICATION OF SCOTT A. SCHLATTER FOR HY VEE INC. DBA HY VEE #5 AT 7151 STACY LANE - Scott Schlatter, 7151 Stacy Lane, Manager of HyVee #5, came forward to answer any questions. Discussion followed.

APPLICATION OF GAS 'N SHOP, INC. DBA GAS 'N SHOP #81 FOR A CLASS D LIQUOR LICENSE AT ~~600~~ 601 WEST O STREET;
MANAGER APPLICATION OF CONNIE L. HYNEK FOR GAS 'N SHOP, INC. DBA GAS 'N SHOP #81 AT ~~600~~ 601 WEST O STREET - Dorothy Bocker, no address given, took oath and came forward representing Gas N Shop to answer any questions and to state the address should be 601 West O Street not 600 West O Street.

This matter was taken under advisement.

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);
SPECIAL PERMIT 04062 - APPLICATION OF THE RAPE/SPOUSE ABUSE CRISIS CENTER TO OPERATE A CRISIS CENTER IN A LANDMARK LOCATED AT 2541 N STREET - Marcy Metzger, Director of the Rape/Spouse Abuse Crisis Center came forward for the request of a change of zone and special permit at 2541 N Street.

Dave Johnson, 105 N. 8th, StudioNRG, came forward as the Architect for this project to answer questions.

Ed Zimmer, Planning Dept., stated the Historic Commission felt it was acceptable to add the connecting portion to the two houses and still preserve the historic value of the two houses. Discussion followed.

Michael James, 145 S. 28th Street, came forward as president of the Woods Park Association in favor of the plan.

Don Pearston, 229 S. 26th Street, came forward in opposition. Discussion followed.

This matter was taken under advisement.

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. - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Talent Plus to allow their driveway to be a private driveway and named One Talent Plus Way. Discussion followed.

Doug Rath, owner of Talent Plus, no address given, came forward to request permission to use One Talent Plus Way as their address which is also their company motto. Discussion followed.

Larry Loseke, 700 R Street, representing the Post Office came forward in opposition. Discussion followed.

Chief Tom Casady, Lincoln Police Department, stated there is a concern with deviating from the system of addressing properties and that more and more will request this type of address which could make it difficult to find these properties in emergency situations. Discussion followed.

Ray Hill, Planning Department, stated there will be no street sign at this address. A street is not being named, just picking an address.

Mr. Hunzeker came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

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);

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) - Ed Zimmer, Planning Department for Historic Preservation, came forward to state the Planning Department's approval of this plan.

Fernando Pages, Pages, LLC, came forward to request this Change of Zone and Special Permit be approved.

Glenn Cekal, 1420 C St., came forward to state he had called Fernando Pages but his calls were not returned.

This matter was taken under advisement.

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 - Marc Wullschleger, Director of Urban Development, came forward to request the approval of the lease with Cedars Youth Services to operate a child care facility downtown. Discussion followed.

Jim Blue, President of Cedars Youth Services, came forward to explain the operation of this child care facility and to answer any questions. Discussion followed.

Amy Pair, 5712 Morrill Avenue, came forward to explain the cost to clients who use the child care facility. Discussion followed.

This matter was taken under advisement.

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 - Don Herz, Finance Director, came forward to explain the basis for this proposed amendment. Discussion followed.

Steve Huggenberger, Ass't. City Attorney, came forward to answer questions. Discussion followed.

Frank Delgado, 3325 P Street, stated that minority businesses couldn't afford the proposed filing fee for bids.

Mike Morosin, 2055 S St., recommended that it not be allowed to supercede the bid process.

Glenn Cekal, 1420 C St., came forward to express his opinion.

This matter was taken under advisement.

APPROVING A CONTRACT INVOLVING THE EXPENDITURES OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR A WASTEWATER PROJECT THAT PROVIDES FOR THE CONSTRUCTION OF THE NORTH 31ST STREET LIFTSTATION FORCEMAIN OUTFALL IMPROVEMENTS PROJECT FOR THE LINCOLN WASTEWATER SYSTEM - Gary Brandt, Utilities Coordinator for Waterwater Dept., stated the CIP funds will be funding this project. Discussion followed.

This matter was taken under advisement.

ASSESSING THE DEMOLITION AND REMOVAL OF THE DANGEROUS BUILDING EXPENSE INCURRED BY THE CITY AGAINST THE PROPERTY LOCATED AT 2420 P STREET - Dave Heffelbower, 1431 D Street, Apt. #4, came forward to ask questions.

Glenn Friendt, Council Member, asked to see a picture of the building that was demolished.

Dennis Ribeiro, Building & Safety Housing Inspector, stated the owner was given the opportunity to repair or tear down the garage on property at 2420 P Street. The owner didn't respond. Discussion followed.

This matter was taken under advisement.

USE PERMIT 04005 - APPLICATION OF RLM LLC TO DEVELOP BARONS RIDGE CONSISTING OF 38 DWELLING UNITS AND 10,000 SQUARE FEET OF OFFICE SPACE, WITH REQUESTED VARIANCES TO SANITARY SEWER DESIGN STANDARDS, MODIFICATIONS TO REDUCE THE SIDE YARD SETBACK, REAR YARD SETBACK, AND FRONTAGE, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF BARONS ROAD AND N.W. 1ST STREET - Marty Fortney, 1901 S.W. 5th Street, Regal Building Systems, came forward to request approval. Discussion followed.

Jason Smith, 5030 N.W. 2nd Street, came forward to express concerns of the traffic on N.W. 2nd street and request the left turn lane be constructed prior to the construction. Discussion followed.

Mr. Fortney stated he preferred to put the left turn lane in prior to any construction. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE SOCIAL SECURITY ADMINISTRATION TO ESTABLISH CONDITIONS TO DISCLOSE INFORMATION RELATING TO THE ELIGIBILITY FOR AND PAYMENT OF SOCIAL SECURITY BENEFITS AND/OR SUPPLEMENTAL SECURITY INCOME AND SPECIAL VETERANS BENEFITS - Kathy Cook, Lincoln-Lancaster County Health Dept., came forward to request approval of this agreement with the Social Security Administration and to explain how this will work.

This matter was taken under advisement.

USE PERMIT 04004 - APPLICATION OF CAMERON CORPORATION TO DEVELOP HIGHLANDS TOWNHOMES CONSISTING OF 94 DWELLING UNITS, ONE LOT FOR FUTURE DEVELOPMENT, AND ONE OUTLOT, WITH REQUESTED VARIANCES TO THE SANITARY SEWER DESIGN STANDARDS AND WAIVER OF THE PRELIMINARY PLAT PROCESS ON PROPERTY GENERALLY LOCATED AT W. FLETCHER AVE. AND N.W. 13TH STREET - Tom Huston, Cline Williams Law Firm, 233 S. 13th St., came forward representing Cameron Corporation and to answer any questions.

Blake Collingsworth, 9435 Hollow Tree Ct., of Cameron Corporation stated he asked for input from the neighborhood and is willing to accommodate them on certain issues. Discussion followed.

Donna Danielson, 6715 S. 89th St., is in favor of this project.

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 DECEMBER 1 - 31, 2004 - Dana Roper, City Attorney, asked that the claim of Tomas Gonzalez be deleted from this claim. This claim will be taken up at a later date.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-83068 TO CLARIFY THAT THE AMENDMENTS TO CHAPTER 3.75 OF THE CITY OF LINCOLN DESIGN STANDARDS ARE ONLY APPLICABLE WITH RESPECT TO APPLICATIONS FOR BUILDING PERMITS SUBMITTED ON OR AFTER NOVEMBER 1, 2004 - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Brighton Construction who is asking to accept the designs standards as he previously had planned before the Design Standards were changed. Discussion followed.

Michael James, Woods Park Assn., came forward to state Brighton Construction should not deviate from the new design standards.

Jayne Seby, 320 S. 29th St., came forward to state she felt the new design standards should be met because parking is an issue in this neighborhood.

Glenn Cekal, 1420 C St., stated this resolution should be upheld. Discussion followed.

Ed Zimmer, Planning Department, feels the design of the four plex fits in with the historic neighborhood.

Fernando Pages, Brighton Construction, reported there is no room for garages in the back of the four-plexes Discussion followed.

This matter was taken under advisement.

HEARING ON ADAMS ENTERPRISES, INC.'S NOTICE OF APPEAL APPEALING FROM THE IMPACT FEE DETERMINATION OF IMPACT FEES IMPOSED FOR THE SINGLE-FAMILY DWELLING LOCATED AT 7420 OTOE COURT AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - Michaela Hansen, Public Works Dept., came forward to answer any questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE PHASE I ENHANCED 9-1-1 SERVICE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR A THREE-YEAR TERM FOR IMPLEMENTATION OF PHASE I WIRELESS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION - Julie Righter, Communication Manager, stated this was for testing cell phone data and there will be no cost to the City.

This matter was taken under advisement.

TOOK BREAK 4:50 P.M.

RECONVENED 4:58 P.M.

MISCELLANEOUS BUSINESS - NONE

** END OF PUBLIC HEARING **

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF JERRY AND SANDY IRWIN DBA FOXY LADY TO EXPAND THE BEER GARDEN AT ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 15 FEET BY 20 FEET TO THE SOUTH FOR A TOTAL DESCRIPTION BEING THE ENTIRE FIRST FLOOR OF THE BUILDING 24 FEET BY 92 FEET PLUS THE BEER GARDEN TO THE SOUTH MEASURING 32 FEET BY 20 FEET, AT 1823 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83158 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 Jerry and Sandra Irwin dba The Foxy Lady to expand its licensed premises by the addition of an outside area measuring approximately 15 feet by 20 feet to the south for a total licensed description as the entire first floor of the building 24 feet by 92 feet plus the beer garden to the south measuring 32 feet by 20 feet located at 1823 O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF GEEMAX, INC. DBA THE N-ZONE TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 11 FEET BY 9 FEET TO THE NORTH AT 728 Q STREET - PRIOR to reading:

CAMP Moved to delay public hearing and action for one week to 1/31/05.

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

APPLICATION OF CARPCORP DBA LIBATIONS, TOO TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF AN OUTSIDE AREA MEASURING APPROXIMATELY 10 FEET BY 27 FEET TO THE WEST AT 5310 S. 56TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83159 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 Carpcorp dba Libations, Too to expand its licensed premises by the addition of an outside area measuring approximately 10 feet by 27 feet to the west at the presently licensed premises located at 5310 S. 56th Street, Suite 1, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LINCOLN NE LODGING, LLC DBA BEACON HILLS FOR A CLASS I LIQUOR LICENSE AT 5353 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83160 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 Lincoln NE Lodging, LLC dba Beacon Hills for a Class "I" liquor license at 5353 North 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF CAROLE L. REGAN FOR LINCOLN NE LODGING, LLC DBA BEACON HILLS AT 5353 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83161 WHEREAS, Lincoln NE Lodging, LLC dba Beacon Hills located at 5353 North 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Carole L. Regan be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF HY VEE INC. DBA HY VEE #5 FOR A CLASS C LIQUOR LICENSE AT 7151 STACY LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83162 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 Hy Vee Inc. dba Hy Vee #5 for a Class "C" liquor license at 7151 Stacy Lane, Lincoln, Nebraska, for the license period ending October 31, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The on premise consumption of alcohol shall be limited to samplings of two ounces or less of any alcoholic beverage.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SCOTT A. SCHLATTER FOR HY VEE INC. DBA HY VEE #5 AT 7151 STACY LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83163 WHEREAS, Hy Vee Inc. dba Hy Vee #5 located at 7151 Stacy Lane, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Scott A. Schlatter be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF GAS 'N SHOP, INC. DBA GAS 'N SHOP #81 FOR A CLASS D LIQUOR LICENSE AT ~~600~~ 601 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval with amendment to address of 600 West O Street to 601 West O Street:

A-83164 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 Gas 'N Shop Inc. dba Gas 'N Shop #81 for a Class "D" liquor license at 600 West O Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the conditions that the applicant obtains a valid special permit, and that the premise complies in every respect with the conditions of its special permit and all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF CONNIE L. HYNEK FOR GAS 'N SHOP, INC. DBA GAS 'N SHOP #81 AT ~~600~~ 601 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83165 WHEREAS, Gas 'N Shop, Inc. dba Gas 'N Shop #81 located at 600 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Connie L. Hynek be named manager;

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

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 second 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 second 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 second 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 second 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 second 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 second time.

RESOLUTIONS

APPROVING A CONTRACT INVOLVING THE EXPENDITURES OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR A WASTEWATER PROJECT THAT PROVIDES FOR THE CONSTRUCTION OF THE NORTH 31ST STREET LIFTSTATION FORCEMAIN OUTFALL IMPROVEMENTS PROJECT FOR THE LINCOLN WASTEWATER SYSTEM - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83166 WHEREAS, the City of Lincoln desires to enter into a contract for the wastewater project that provides for the construction of the North 31st Street Liftstation Forcemain Outfall Improvements Project for the Lincoln Wastewater System.

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the City Council.

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

That the Mayor is authorized to execute a contract between the City and the recommended, lowest bid contractor for construction of the North 31st Street Liftstation Outfall Forcemain improvements for the Lincoln Wastewater System.

AND FURTHER, BE IT RESOLVED by the City Council that the Mayor is authorized to execute a contract between the City and HDR, Inc. to provide construction phase services for this Wastewater System construction project.

The City Clerk is directed to return one fully executed copy of this Resolution to Steve Masters, Public Works Administrator, one for department records.

Introduced by Patte Newman

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

ASSESSING THE DEMOLITION AND REMOVAL OF THE DANGEROUS BUILDING EXPENSE INCURRED BY THE CITY AGAINST THE PROPERTY LOCATED AT 2420 P STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83167 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after hearing held before the City Council sitting as a Board of Equalization, the demolition and utility abandonment expense as shown on the report which is attached hereto as Attachment "A" and made a part of this resolution is hereby assessed against the property indicated in the report and shall constitute a lien against such property until paid. Said assessment shall be delinquent from and after 50 days and draw interest at the rate of 6.00% per annum.

Introduced by Patte Newman

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

USE PERMIT 04005 - APPLICATION OF RLM LLC TO DEVELOP BARONS RIDGE CONSISTING OF 38 DWELLING UNITS AND 10,000 SQUARE FEET OF OFFICE SPACE, WITH REQUESTED VARIANCES TO SANITARY SEWER DESIGN STANDARDS, MODIFICATIONS TO REDUCE THE SIDE YARD SETBACK, REAR YARD SETBACK, AND FRONTAGE, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF BARONS ROAD AND N.W. 1ST STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83168 WHEREAS, RLM, LLC has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04005 for authority to construct 38 dwelling units and 10,000 square feet of office space with requests to waive the Land Subdivision Ordinance, Zoning Code and Design Standards to reduce required side yard and rear yard setbacks, and minimum street frontage, to allow a variance

for the installation of sanitary sewer, and to waive the filing of a preliminary plat, on property generally located at N.W. 1st Street, and legally described to wit:

Lot 1, Highlands East 8th Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this development of 38 dwelling units and 10,000 square feet of office space 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 RLM, LLC. hereinafter referred to as "Permittee", to construct 38 dwelling units and 10,000 square feet of office space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 38 dwelling units and 10,000 square feet of office space.
2. The following waivers to the Zoning Code, Land Subdivision Ordinance and Design Standards are approved:
 - a. The requirements of the sanitary sewer design standards are amended to allow sewer to flow opposite street grades at the south end of W. Hampshire Lane provided that minimum and/or maximum sewer depths are not violated.
 - b. A reduction of the required side yard setback from 15 feet to 7.5 feet.
 - c. A reduction of the required rear yard setback from 40 feet to 30 feet.
 - d. A reduction of the required minimum street frontage for single-family attached lots from 50 feet to 20 feet.
 - e. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for a subdivision 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.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including 6 copies.
 - b. The Permittee shall grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
 - c. The construction plans must conform to the approved plans.
 - d. Final Plats will be approved by the Planning Director after:
 - i. The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the Permittee has submitted a bond or an escrow of security agreement to guarantee their completion.
 - ii. The Permittee has signed an agreement that binds the Permittee, its successors and assigns:
 - (1) to complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadway shown on the final plat within two (2) years following the approval of this final plat.
 - (2) to complete the installation of sidewalks along both sides of all interior private

roadways and streets abutting the use permit as shown on the final plat within four (4) years following the approval of this final plat.

- (3) to construct the sidewalk in the pedestrian way easement in Lots 10 and 11, Block 1 at the same time as W. Hampshire Lane (to be renamed) is paved and to agree that no building permit shall be issued for construction on Lots 10 and 11, Block 1 until such time as the sidewalk in the pedestrian way easement is constructed.
- (4) to complete the public water distribution system to serve this plat within two (2) years following the approval of this final plat.
- (5) to complete the public wastewater collection system to serve this plat within two (2) years following the approval of this final plat.
- (6) 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 this final plat.
- (7) 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 this final plat.
- (8) 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 this final plat.
- (9) to complete the installation of public and private street lights along the streets within this plat within two (2) years following the approval of this final plat.
- (10) to complete the planting of the street trees along the streets within this plat within four (4) years following the approval of this final plat.
- (11) to complete the planting of the landscape screen within this plat within two (2) years following the approval of this final plat.
- (12) to complete the installation of the street name signs within two (2) years following the approval of this final plat.
- (13) to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- (14) to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- (15) 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.
- (16) to complete the public and private improvements shown on the preliminary plat and Use Permit.

- (17) 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 Permittee 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 Permittee 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.
- (18) to continuously and regularly maintain the street trees along the private roadways and landscape screens.
- (19) to submit to the lot buyers and builders a copy of the soil analysis.
- (20) to pay all design, engineering, labor, material, inspection, and other improvement costs.
- (21) to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- (22) to perpetually maintain the sidewalks in the pedestrian way easements on Lots 10 and 11, Block 1 at their own cost and expense.
- (23) 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 land owner.
- (24) to relinquish the right of direct vehicular access from Outlot A to NW 1st Street.
- (25) to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

4. Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

6. The site plan accompanying 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 applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the 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, filling 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 Patte Newman

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY, AND UNITED WAY FOR IMPLEMENTATION OF THE COMMUNITY BASED HUMAN NEEDS ASSESSMENT IN CONJUNCTION WITH THE UNIVERSITY OF NEBRASKA PUBLIC POLICY CENTER - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83169 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, the County of Lancaster, and United Way of Lincoln for the implementation of the Community Based Human Needs Assessment in conjunction with the University of Nebraska Public Policy Center, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to forward four fully executed originals of said Interlocal Agreement to Kristy Mundt, Lancaster County Attorney's Office for placement on the County Board agenda.

Introduced by Patte Newman

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN PINE LAKE DEVELOPMENT LLC AND THE CITY OVER OUTLOT A, PINE LAKE PLAZA, FOR PRESERVATION OF THE EXISTING WETLANDS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83170 WHEREAS, Pine Lake Development, L.L.C. has offered to grant a conservation easement for preservation of the existing wetlands over an area generally located at S. 82nd Street and Pine Lake Road, and more particularly described as:

Outlot A, Pine Lake Plaza Addition, located in the Northeast Quarter of Section 22, Township 9 North, Range 7 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive Plan relating to wetlands.

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

That, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by Pine Lake Development, L.L.C. over a tract of land as legally described above and in the Conservation Easement Agreement, attached hereto and marked as Attachment "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Patte Newman

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

APPROVING AN AGREEMENT BETWEEN THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT AND THE SOCIAL SECURITY ADMINISTRATION TO ESTABLISH CONDITIONS TO DISCLOSE INFORMATION RELATING TO THE ELIGIBILITY FOR AND PAYMENT OF SOCIAL SECURITY BENEFITS AND/OR SUPPLEMENTAL SECURITY INCOME AND SPECIAL VETERANS BENEFITS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83171 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Social Security Administration and the State of Nebraska and the Lincoln-Lancaster

County Health Department to establish conditions under which the Social Security Administration agrees to disclose information relating to the eligibility for, and payment of, Social Security benefits and/or Supplemental Security Income and Special Veterans Benefits, including certain tax return information, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. The term of this Agreement is 18 months with one option of renewal. The Mayor is hereby authorized to execute this renewal on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Lincoln-Lancaster County Health Department, for transmittal and execution by the Social Security Administration.

Introduced by Patte Newman

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

USE PERMIT 04004 - APPLICATION OF CAMERON CORPORATION TO DEVELOP HIGHLANDS TOWNHOMES CONSISTING OF 94 DWELLING UNITS, ONE LOT FOR FUTURE DEVELOPMENT, AND ONE OUTLOT, WITH REQUESTED VARIANCES TO THE SANITARY SEWER DESIGN STANDARDS AND WAIVER OF THE PRELIMINARY PLAT PROCESS ON PROPERTY GENERALLY LOCATED AT W. FLETCHER AVE. AND N.W. 13TH STREET - PRIOR to reading:

CAMP Moved to amend Bill No. 05R-10 on page 1, lines 1 and 19 by deleting the words "Cameron Corporation" and inserting the words Highlands Townhomes, LLC.

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

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

A-83172 WHEREAS, ~~Cameron Corporation~~ Highlands Townhomes, LLC has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04004 for authority to construct 94 dwelling units in the O-3 Office Park District, one lot for future development, and one outlot for open space and private roadways with requests to allow sanitary sewers to flow opposite street grades, and to waive the filing of a preliminary plat, on property generally located at W. Fletcher Avenue and N.W. 13th Street, and legally described to wit:

Outlot F, Highlands Coalition located in Sections 3 and 4, Township 10 North, Range 6 East and Sections 33 and 34, Township 11 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this development of 94 dwelling units in the O-3 District 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 ~~Cameron Corporation~~ Highlands Townhomes, LLC, hereinafter referred to as "Permittee", to construct 94 dwelling units, one lot for future development and one outlot for open space on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 94 dwelling units and two outlots.
2. The following waivers to the Land Subdivision Ordinance and Design Standards are approved:
 - a. The requirement of Section 3.5 of the Sanitary Sewer Design Standards is waived to allow sewers to flow opposite street grades.
 - b. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for a subdivision 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 use permit is submitted five years or more after the effective date of the use permit, the City may require that a new use permit be submitted, pursuant to all the provisions of Section 26.31.015. A new use permit 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 use permit as originally approved does not comply with the amended rules and regulations.

3. Final plats will be approved by the Planning Director after:
 - a. The Permittee must submit a revised and reproducible final plan including 7 copies.
 - b. The sidewalks, streets, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the Permittee has submitted a bond or an escrow of security agreement to guarantee their completion.
 - c. The Permittee has signed an agreement that binds the Permittee, its successors and assigns:
 - i. To complete the street paving of all streets shown on the final plat within two (2) years following the approval of the final plat.
 - ii. To complete the installation of sidewalks along both sides of all internal streets and along the west side of NW 12th/13th Street and the south side of W. Fletcher Avenue as shown on the final plat within four years following the approval of the final plat.
 - iii. To complete the public water distribution system to serve this plat within two years following the approval of the final plat.
 - iv. To complete the public wastewater collection system to serve this plat within two years following the approval of the final plat.
 - v. To complete the enclosed drainage facilities shown on the approved drainage study to serve this plat within two years following the approval of the final plat.
 - vi. 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 years following the approval of the final plat.
 - vii. To complete the installation of private street lights along streets within this plat within two years following the approval of the final plat.
 - viii. To complete the planting of the street trees along streets within this plat within four years following the approval of the final plat.
 - ix. To complete the planting of the landscape screen within this plat within two years following the approval of the final plat.
 - x. To complete the installation of the street name signs within two years following the approval of the final plat.
 - xi. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - xii. To complete the public and private improvements shown on the preliminary plat and use permit.
 - xiii. 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 Permittee 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 Permittee 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.
- xiv. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
 - xv. To submit to the lot buyers and home builders a copy of the soil analysis.
 - xvi. To pay all design, engineering, labor, material, inspection, and other improvement costs.
 - xvii. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - xviii. 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 land owner.
 - xix. To timely complete the public and private improvements and facilities required by Chapter 26.23 of the Land Subdivision Ordinance which have not been waived including but not limited to the list of improvements described above.
 - xx. To post the required security to guarantee completion of the required improvements if the improvements are not completed prior to approval of the final plat.
 - xxi. To acknowledge that the land is within the airport environs noise district.
 - xxii. To acknowledge this parcel is adjacent a golf course and near one of the golf greens.
 - xxiii. To grant the city access to the city installed 8' high chain link fence for maintenance purposes.

4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans, including design criteria.

5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association 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.

Introduced by Patte Newman

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

31, 2004 - PRIOR to reading:

CAMP Moved to delete line 15, Tomas Gonzalez from Bill No. 05R-11.
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 Patte Newman, who
moved its adoption:

A-73173 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 January 3, 2005, 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> |
|------------------------------------|---------------------|------------------------------------|---------------------------|
| Melanie Nelson | \$ 206.94 | Sharon Mitchell | \$5,500.00 |
| Sarmite Pinney | NAS* | Charles Bacon | 5,000.00 |
| ZC Sterling Insurance Agency, Inc. | | Mark & Peggy Edwards | 9,950.00 |
| (Claim No. 04-08496) | 2,562.04 | Tom & Cindy Slocum | 4,909.77 |
| Paul Schupbach | NAS* | Gary & Charlotte Elliott | 5,343.65 |
| Tomas Gonzalez | 4,280.50 | Rachel Kaiser/Jim & Kay Wunderlich | 1,860.19 |
| Richard Moulton | 383.47 | Mary & Brian Egger | 497.86 |
| David D. & Lisa C. Cook | 892.75 | Kevin Thurmond | 10.00 |
| Lea Ann Mulloy | 809.85 | Gary Cook | 788.86 |
| John and Kit Keller | NAS* | Chris Wagner | 4,331.21 |

*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 Patte Newman

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

AMENDING THE INTERLOCAL AGREEMENT CREATING THE AGING AGENCY TO ALLOW THE MAYOR
TO EXECUTE LEASES FOR SENIOR CENTER SERVICE PURPOSES ON AGREEMENTS OF ONE YEAR OR
LESS - CLERK read the following resolution, introduced by Patte Newman, who
moved its adoption:

A-83174 WHEREAS, the City of Lincoln and County of Lancaster have previously
entered into a Revised Interlocal Agreement by Resolution No. A-81063 dated
August 27, 2001, which governs the Lincoln Area Agency on Aging; and

WHEREAS, the City and County are desirous of amending said Interlocal
Agreement for the Lincoln Area Agency on Aging to include language to allow the
Mayor to execute leases for senior center service purposes on agreements of one
year or less.

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

That the attached Revised Interlocal Agreement between the City of Lincoln
and the County of Lancaster is hereby accepted and approved, and the Mayor is
authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to transmit two fully executed copies of said
Revised Interlocal Agreement to Kristy Mundt, Lancaster County Attorney's Office
for placement on the County Board agenda.

Introduced by Patte Newman

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

AMENDING RESOLUTION NO. A-83068 TO CLARIFY THAT THE AMENDMENTS TO CHAPTER 3.75
OF THE CITY OF LINCOLN DESIGN STANDARDS ARE ONLY APPLICABLE WITH RESPECT TO
APPLICATIONS FOR BUILDING PERMITS SUBMITTED ON OR AFTER NOVEMBER 1, 2004 - PRIOR
to reading:

COOK Moved to continue public hearing & to have action on Bill No. 05R-13 to
February 14, 2004.

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

HEARING ON ADAMS ENTERPRISES, INC.'S NOTICE OF APPEAL APPEALING FROM THE
IMPACT FEE DETERMINATION OF IMPACT FEES IMPOSED FOR THE SINGLE-FAMILY DWELLING
LOCATED AT 7420 OTOE COURT AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES -
CLERK read the following resolution, introduced by Jonathan Cook, who moved its
adoption for denial:

A-83175 WHEREAS, Adams Enterprises Inc. dba Town & Country Homes, hereinafter
Appellant, is constructing a single-family dwelling located at 7420 Otoe Court;
and

WHEREAS, the Impact Fee Administrator calculated the impact fees for this use based upon the Impact Fee Schedules beginning January 1, 2004 for a single-family dwelling with a 1" water meter; and

WHEREAS, the Appellant filed its Notice of Appeal appealing the impact fee determination and requesting that the impact fees be waived or reduced as the Appellant's single-family dwelling is located in the Fox Hollow neighborhood which already has infrastructure improvements in place to serve the single-family dwelling and, therefore, the Appellant's development should be treated the same as those developments in other areas of the City which had infrastructure improvements in place and were granted category exemption from impact fees; and

WHEREAS, the City Council finds that the impact fees were correctly calculated as the requested waiver or reduction based upon the prior provision of infrastructure improvements within the Fox Hollow neighborhood does not meet any of the stipulations or conditions required for reduction in or exemption from 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 Adam Enterprises, Inc. dba Town & Country Homes on December 22, 2005 is hereby denied for the following reasons:

1. The requested exemption does not meet any of the stipulations or conditions required for reduction or exemption from arterial street impact fees.
2. The impact fees were correctly calculated.

Introduced by Jonathan Cook

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

APPROVING THE PHASE I ENHANCED 9-1-1 SERVICE AGREEMENT BETWEEN THE CITY AND ALLTEL FOR A THREE-YEAR TERM FOR IMPLEMENTATION OF PHASE I WIRELESS REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83176 WHEREAS, the FCC has required that wireless phone carriers utilize a certain protocol when making 911 calls; and

WHEREAS, Alltel Nebraska, Inc. is the Local Exchange Carrier providing local exchange service in Lincoln; and

WHEREAS, the City of Lincoln is the entity in this area authorized to receive 9-1-1 calls and route them to emergency personnel; and

WHEREAS, the City and Alltel Nebraska, Inc. have negotiated a Phase I Enhanced Service Agreement needed for the 911 Communications Center.

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

That the Agreement between the City of Lincoln and Alltel Nebraska, Inc. to provide Phase I Enhanced 9-1-1 services which is attached hereto and marked as Exhibit "A" is hereby approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City. It is the intent of the parties that funding for all costs associated with this agreement will be provided by the Enhanced Wireless 911 Fund created by the State of Nebraska.

The City Clerk is directed to return a signed copy of the contract to Julie Righter for transmittal to Alltel Nebraska, Inc.

Introduced by Patte Newman

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

SETTING THE INTEREST RATE OF 6.25% AND LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP I (PAVING DISTRICT 2624) OF THE BOARD OF EQUALIZATION HELD JANUARY 10, 2005, AND ACCEPTING THE REPORT ON BOARD OF EQUALIZATION TO CITY COUNCIL ON SPECIAL ASSESSMENTS GROUP I (WATER DISTRICT 1190 AND PAVING DISTRICT 2624) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83177 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed *Dec. 13, 2004*, to pay the costs of the improvements in *Paving District 2624* are hereby levied and shall bear interest at **6.25%** per annum and that the period of time in which the assessments are to be paid shall be as follows:

20 years - Paving District 2624

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 7, 2005 AT 1:30 P.M. FOR THE APP. OF CHEZ HAY CATERING, INC. DBA CHEZ HAY CATERING FOR A CLASS I LIQUOR LICENSE WITH CATERING LOCATED AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-83178 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 7, 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 App. of Chez Hay Catering, Inc. dba Chez Hay Catering for a Class I liquor license with catering located at 210 N. 14th Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 7, 2005 AT 1:30 P.M. FOR THE MAN. APP. OF STEVEN LOHMEIER FOR WJP, LLC DBA 1ST AVENUE LOCATED AT 2310 N. 1ST STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83179 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 7, 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 Manager Application of Steven Lohmeier for WJP, LLC dba 1st Avenue located at 2310 N. 1st Street.

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

Introduced by Ken Svoboda

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

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 05001 - App. of Olsson Associates from AG to R-3 on property located at Lammle Circle and Gleneagle Court.

Special Permit 1386C - App. of Brian Carstens on behalf of Richard and Marti Ann Hudson to waive the preliminary plat process, sidewalks, street trees, street lighting, landscape screening, block length and stormwater detention requirements on property at S. 112th Street and Van Dorn Street.

Special Permit 05001 - App. of Gas N Shop, Inc. to sell alcoholic beverages for consumption off the premises on property located at West O Street and Sun Valley Boulevard.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 10, 2005 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 14, 2005, AT 10:00 A.M. ON THE BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I - City Clerk requested a motion for approval to set the hearing date of Monday, February 14, 2005 at 10:00 a.m.

SVODODA So moved.

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

REPEALING ORDINANCE NO. 18447 CREATING PAVING DISTRICT NO. 2629 IN WEST BENTON STREET FROM NORTH FIRST STREET WEST APPROXIMATELY 600 FEET, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Ken Svoboda, repealing Ordinance No. 18447 which created Paving District No. 2629, which paving district included all that portion of West Benton Street from North First Street west approximately 600 feet +/- describing the benefitted property and providing for the payment of the cost thereof, the first time.

CREATING PAVING UNIT NO. 139 IN WEST BENTON STREET FROM N. 1ST STREET WEST APPROXIMATELY 600 FEET AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, is authorized under Neb. Rev. State. §18-2001, et. seq., to pave any street when the paved street does not meet or exceed the minimum standards for pavement set by the City for it, paved street and to do so without petition or creating a street improvement district, the first time.

STREET NAME CHANGE 04010 - RENAMING N.W. 47TH STREET AS N.W. 47TH COURT, GENERALLY LOCATED AT N.W. 47TH STREET AND W. THATCHER LANE - CLERK read an ordinance, introduced by Ken Svoboda, changing the name of N.W. 47th Street to N.W. 47th Court located at N.W. 47th Street and W. Thatcher Lane, the first time.

ORDINANCES - 3RD 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 third time.

McRoy Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18489**, is recorded in Ordinance Book , Page

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) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83180 WHEREAS, Hampton Development Services, Inc. has submitted an application designated as Special Permit No. 04044 for authority to develop North Creek Villas Community Unit Plan for 52 dwelling units with requested waivers to the Land Subdivision Ordinance, Zoning Code, and City of Lincoln Design Standards to waive the requirement that lot lines be radial to the street, to waive private roadway design standards, to allow double frontage lots, to reduce the minimum lot depth along a major road, and to reduce the rear yard setbacks on property generally located south of Fletcher Avenue, east of N. 14th Street, and legally described to wit:

Lots 2 and 3, and a portion of Lots 1 and 4, Block 1, North Creek Business Park located in the Southeast and Southwest Quarters of Section 36, Township 11 North, Range 6 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska and being more particularly described as follows:

Beginning at the northeast corner of said Lot 3 also being on the south right-of-way line of Fletcher Avenue; thence on said south right-of-way line for the next four calls, easterly on a 1,740.00 foot radius curve to the right, an arc length of 56.57 feet (long chord bears north 78 degrees 53 minutes 31 seconds east, 56.56 feet); thence south 54 degrees 03 minutes

12 seconds east, 34.97 feet; thence south 08 degrees 02 minutes 55 seconds east, 10.96 feet; thence north 81 degrees 43 minutes 09 seconds east, 30.01 feet; thence south 08 degrees 24 minutes 11 seconds east, 259.86 feet to the south line of said Block 1; thence on the south line of said Block 1 for the next four calls, south 58 degrees 48 minutes 56 seconds west, 151.56 feet; thence south 79 degrees 22 minutes 21 seconds west, 262.39 feet; thence south 65 degrees 18 minutes 20 seconds west, 422.76 feet; thence south 42 degrees 35 minutes 22 seconds west, 135.48 feet; thence north 46 degrees 19 minutes 41 seconds west, 218.26 feet to the south right-of-way line of Fletcher Avenue; thence on said south right-of-way line for the next six calls, north 43 degrees 38 minutes 13 seconds east, 29.99 feet; thence north 46 degrees 27 minutes 33 seconds west, 17.01 feet; thence north 00 degrees 38 minutes 45 seconds west, 28.02 feet; thence northeasterly on a 1,740.00 foot radius curve to the right, an arc length of 292.32 feet (long chord bears north 50 degrees 08 minutes 30 seconds east, 291.97 feet); thence northeasterly on a 1,740.00 foot radius curve to the right, an arc length of 314.91 feet (long chord bears north 60 degrees 08 minutes 46 seconds east, 314.49 feet); thence easterly on a 1,740.00 foot radius curve to the right, an arc length of 383.52 feet (long chord bears north 71 degrees 37 minutes 38 minutes east, 382.75 feet) to the point of beginning, containing 313,430.14 square feet (7.20 acres) more or less;

WHEREAS, the Planning Commission has recommended conditional approval of the community unit plan and has further recommended approval of the requested waivers to the Land Subdivision Ordinance, Zoning Code, and Design Standards; and

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 Hampton Development Services, Inc., hereinafter referred to as "Permittee", to develop North Creek Villas 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 52 dwelling units and the following waivers to the Land Subdivision Ordinance, Zoning Code and Design Standards:

- a. The requirement of Lincoln Municipal Code § 26.23.140(c) that side lot lines be at right angles to the street or radial if the street is curved is waived to accommodate non-radial lot lines.
- b. The Private Roadway Design Standards requiring a transverse slope and concrete curbs are waived to allow Silver Brook, Haswell, Mad Creek, and Sharps Dale Drive to be constructed with an inverse slope and without curbs.
- c. The requirement of Lincoln Municipal Code § 26.140(e) prohibiting double frontage lots is waived to allow double frontage lots in Block 1 and 6.
- d. The requirement of Lincoln Municipal code § 26.23.140(a) that lots abutting a major street have a minimum lot depth of 120 feet is waived for the lots with frontage on Fletcher Avenue.
- e. The R-4 Residential District required rear yard setback is waived to allow a 10' setback for Blocks 3

- 5.

2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including six copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this Community Unit Plan must be approved by the Planning Director.
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 owner or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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:

COOK Moved to delay action for two weeks to February 7, 2005.

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

CAMP Moved to delay action for two weeks to February 7, 2005.

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

CAMP Moved to amend the Redevelopment Plan to have a 100 day limit and to prohibit land acquisition under the Redevelopment Plan.

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

FRIENDT Called the question.

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

A-83181 WHEREAS, the City's Urban Development Department has prepared the 48th and O Street Environs Redevelopment Plan ("Redevelopment Plan") to cover an area generally bounded by "R" Street on the north, 48th Street on the west, 52nd Street on the east, and "N" Street on the south. The boundaries of the project are more specifically set forth on the attached map; and

WHEREAS, the City Council, after consideration of the 48th and O Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on August 23, 2004; and

WHEREAS, the Director of Urban Development has filed with the City Clerk the Redevelopment Plan generally consisting of a possible connection of 50th Street to R Street, closing driveways and access points along 48th Street and O Street, building public alleys, replacement and repair of sidewalks, sanitary sewers, water mains, and storm sewers to support current and anticipated development and land assembly and site preparation to support new mixed use commercial development. Said plan is attached hereto and marked Attachment "A",

and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions

set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on November 24, 2004 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on December 8, 2004 before the Lincoln City - Lancaster County Planning Commission regarding the Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on December 8, 2004 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on December 22, 2004 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on January 10, 2005 regarding the proposed Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on December 24, 2004 and December 31, 2004 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on January 10, 2005 regarding the proposed Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on January 10, 2005 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That for projects utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and

Estimated Expenditures.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Redevelopment Plan attached hereto as Attachment "A" is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.

Introduced by Annette McRoy

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 31, 2005.
Seconded by Friendt & 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 31, 2005.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 6:42 P.M.

CAMP Moved to adjourn the City Council meeting of January 24, 2005.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
JANUARY 24, 2005
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