

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 31, 2005 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of January 24, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

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 - Mike McCarty, Manager/Supervisor of The N-Zone took oath and came forward to answer questions.

Jeff Lewis, adjacent property owner, took oath and came forward to ask where this addition is going to be located?

Mr. McCarty explained the location.

This matter was taken under advisement.

Chairman Werner acknowledged the attendance of the Boy Scout Troop 672 from Church of Jesus Christ of Latter Day Saints.

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;

CREATING PAVING UNIT NO. 139 WEST BENTON STREET FROM NORTH 1ST STREET WEST APPROXIMATELY 600 FEET AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - Vince Metzger, 130 W. Benton St., came forward in favor of this project.

Kim & Gary Deubelbeiss, 200 W. Benton St., came forward in favor of this project. Discussion followed.

Donna Tucker, 3901 N. 1ST Street, came forward in opposition.

This matter was taken under advisement.

HEARING ON DR. MARK WACHAL'S NOTICE OF APPEAL FROM THE IMPACT FEE DETERMINATION IMPOSED FOR THE WACHAL PET HEALTH CENTER AT 201 CAPITOL BEACH BLVD., SUITE 10, AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - Dr, Mark Wachal, 201 Capitol Beach Blvd., came forward to state the increased space of his clinic will only be for a lounge for his staff and therefore it would be a decrease in the usage of sewer, water, & street usage from the previous use of a Laundromat. He requests approval of his appeal from the impact fee. Discussion followed.

Tim Snyder, 1926 Holdrege Rd., Pleasant Dale, came forward as the contractor for this project to reiterate Dr. Wachal's statement.

Michaela Hansen, Public Works Dept., came forward to answer questions. Discussion followed.

Dr. Wachal came forward for rebuttal.

This matter was taken under advisement.

APPROVING THE INVESTMENT POLICY OF THE CITY FOR THE PURPOSE OF SETTING OBJECTIVES AND PARAMETERS FOR THE MANAGEMENT OF CITY FUNDS - Don Herz, Finance Director, stated this resolution will determine how to handle temporary funds. The objectives are safety, liquidity of funds and investment earnings.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING, THROUGH THE DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, FOR THE ANTELOPE VALLEY P AND Q STREET BRIDGES PROJECT (PROJECT NO. STPC-5236(1) CN 11215L, CITY NO. 780105;

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING, THROUGH THE DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, FOR THE ANTELOPE VALLEY N STREET BRIDGE PROJECT (PROJECT NO. STPC-5234(1) CN 11215H, CITY NO. 780112 - Nicole Fleck-Tooze, Public Works Dept., came forward to state that each of these agreements make the City of Lincoln eligible for federal aide if available. Discussion followed.

Mike Morosin, 2055 S St., stated he hopes the bridges will be built like the picture shows with bike paths on both side.

This matter was taken under advisement.

USE PERMIT 132A - APPLICATION OF LIVINGSTON INVESTMENTS TO ELIMINATE THE RESTRICTED HOURS OF OPERATION OF A SHOPPING CENTER TO ALLOW A 24-HOUR OPERATION FOR LOT 1, WILLOWBROOK, GENERALLY LOCATED SOUTHEAST OF S. 70TH STREET AND HIGHWAY 2 - Peter Katt, 1045 Lincoln Mall, Ste. 200, came forward representing Livingston Investments to request approval of this development application waiver. Discussion followed.

Don Kuhn, 6701 Almira Lane, came forward to show an amendment that was passed on December 12, 2000 which stated "no service station or convenience store shall be allowed. The hours of operation of the shopping center shall only be allowed between the hours of 5:00 a.m. to 12:00 midnight". He is in opposition. Discussion followed.

Harold Moser, no address given, came forward in opposition.

Kathleen Batterman, 6901 Almira Lane, came forward in opposition.

Royce Mueller, 6730 Ann's Court, came forward as president of the Country Meadows Association in opposition.

Mr. Katt came forward for rebuttal.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS

Danny Walker, 427 E St., President of South Salt Creek came forward to report problems in the 4th Street area.

Jonathan Cook, Council Member, requested staff to look into these issues.

Nicole Fleck-Tooze, Public Works Dept., stated the wastewater improvements have been completed and she will look into the other issues.

This matter was taken under advisement.

John McManus, Heidelberg's, came forward to state the revenue for the North Heidelberg's is down 12% and the South Heidelberg's is down 28% due to the public smoking ban ordinance.

Jeremy Arnhoft, 2324 W. Washington St., bartender at Heidelberg's, came forward to state his income from tips has been cut 40% since the first of the year due to the public smoking ban ordinance.

This matter was taken under advisement.

Barbara Bower, 1224 S. 8th Street, came forward to express her displeasure of the "open mike" restrictions.

This matter was taken under advisement.

Mike Morosin, 2055 S St., stated the information brought up at the "open mike" session is helpful to the Council. He stated he thought the noon meeting should be open to the public to know why the Council voted the way they did.

Chairman Werner answered that the meeting is open to the public to listen in, but not televised.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

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 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83182 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 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 the presently licensed premises located at 728 Q 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

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 second 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 second 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 second time.

RESOLUTIONS

HEARING ON DR. MARK WACHAL'S NOTICE OF APPEAL FROM THE IMPACT FEE DETERMINATION IMPOSED FOR THE WACHAL PET HEALTH CENTER AT 201 CAPITOL BEACH BLVD., SUITE 10, AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83183 WHEREAS, Wachal Pet Health Center, hereinafter Appellant, is expanding its pet health center by converting adjacent retail space into additional an office and employee breakroom for the pet health center located at 201 Capitol Beach Blvd., Suite 10; and

WHEREAS, said addition contains 611 sq. ft. of gross floor area as defined in Lincoln Municipal Code § 27.82.040; and

WHEREAS, under the Arterial Street Impact Fee Schedules a pet health center is classified as medical office space; and

WHEREAS, under the Arterial Street Impact Fee Schedules the former retail space was classified as shopping center under 100,000 sq. ft.; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.82.050(c)(4) the Impact Fee Administrator calculated the arterial street impact fees for the medical office space based upon the net increase in the fee for the medical office space as compared to its previous use as retail space using the arterial street impact fee schedule beginning January 1, 2004. Specifically, the fee was calculated by first multiplying the unit of measure for medical office space (\$4.160/ sq. ft.) x 611 sq. ft. = \$2,541.76. Then the credit for the existing retail space was calculated by multiplying the unit of measure for retail space (\$2.178/ sq. ft.) x 611 sq. ft. = \$1,330.70. The difference between the two calculations resulted in a net increase of \$1,211.00; and

WHEREAS, the Appellant filed its notice of appeal appealing the impact fee determination and requesting that the arterial street impact fees be waived or reduced as Appellant's new use of the former retail space will produce no additional demand for arterial street impact fee facilities as the expansion area does not include additional exam or veterinary procedure space or kennel space and that strict application of the impact fee ordinance's calculations under these circumstances work an unjust and undue burden on the Appellant; and

WHEREAS, the City Council finds that there are unusual circumstances of the development which demonstrate that the application of the fee to the development would be unfair or unjust.

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

That the impact fee Notice of Appeal filed by Wachal Pet Health Center, on December 20, 2004, is hereby approved and the arterial street impact fees are hereby waived.

Introduced by Ken Svoboda

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

APPROVING THE INVESTMENT POLICY OF THE CITY FOR THE PURPOSE OF SETTING OBJECTIVES AND PARAMETERS FOR THE MANAGEMENT OF CITY FUNDS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83184 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Lincoln Investment Policy dated January 31, 2005 for the purpose of setting objectives and parameters for the management of City funds, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved as the City's Investment Policy.

Introduced by Ken Svoboda

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING, THROUGH THE DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, FOR THE ANTELOPE VALLEY P AND Q STREET BRIDGES PROJECT (PROJECT NO. STPC-5236(1) CN 11215L, CITY NO. 780105 - Prior to reading:

NEWMAN Moved to delay action on Bill NO. 05R-18 for one week to 2/7/05.

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FEDERAL FUNDING, THROUGH THE DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, FOR THE ANTELOPE VALLEY N STREET BRIDGE PROJECT (PROJECT NO. STPC-5234(1) CN 11215H, CITY NO. 780112 - Prior to reading:

NEWMAN Moved to delay action on Bill NO. 05R-19 for one week to 2/7/05.

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

USE PERMIT 132A - APPLICATION OF LIVINGSTON INVESTMENTS TO ELIMINATE THE RESTRICTED HOURS OF OPERATION OF A SHOPPING CENTER TO ALLOW A 24-HOUR OPERATION FOR LOT 1, WILLOWBROOK, GENERALLY LOCATED SOUTHEAST OF S. 70TH STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

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

The resolution, having **LOST**, was assigned File #38-4496, & was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 1 - 15, 2005 - PRIOR to reading:

COOK Moved to amend Bill #05R-21 by deleting line 10, Homes by Hart \$3,328.78, to have further review.
 Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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

A-83185 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 18, 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>
Homes by Hart \$3,328.78	Timothy J. & Chastity A. Kriz \$18,452.99
Kidzone Child Care Center 3,700.00	Betty Maxfield 6,516.76
State Farm Insurance/Dean Hoy, Agent 369.15	Jessica Clem 2,500.00
Lewis & Mildred Hoobler 40.00	Russell Harford 642.34
Kirk & Virginia Sullivan NAS*	State Farm Insurance
Alan Kenwood 53.00	(Claim No. 27-7474-393) 1,525.40
	C.S. Guenzel Co. 938.11
	Diane Lindstrom 100.00
	Jerry L. Mayfield 266.22

*No Amount Specified

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

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

REAPPOINTING TOM LAGING, PATRICK O'DONNELL, AND JIM HEWITT TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR THREE YEAR TERMS EXPIRING JANUARY 9, 2007, JANUARY 9, 2007, AND JANUARY 9, 2008, RESPECTIVELY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83186 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Tom Laging, Patrick O'Donnell, and Jim Hewitt to the Nebraska Capitol Environs Commission for three-year terms expiring January 9, 2007, January 9, 2007, and January 9, 2008, respectively, is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING JEFFREY JENKINS TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING NOVEMBER 1, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83187 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jeffrey Jenkins to the Air Pollution Control Advisory Board for a three-year term expiring November 1, is hereby approved.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 14, 2005 AT 1:30 P.M. FOR APP. OF D.O. & J.O. DBA O'ROURKE'S FOR AN ADDITION TO THE LICENSED PREMISE AT 1329 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83188 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 14, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building,

555 S. 10th Street, Lincoln, NE, for the App. of D.O. & J.O., Inc. dba O'Rourke's Tavern for an addition to the licensed premises at 1329 O Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 14, 2005 AT 1:30 P.M. FOR APP. OF KKR ENTERPRISES, INC. DBA LANCASTER'S FOR AN ADDITION TO THE LICENSED PREMISE AT 3800 OLD CHENEY RD., STE. 105 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83189 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 14, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the App. of KKR Enterprises, Inc. dba Lancaster's for an addition to the licensed premises at 3800 Old Cheney Rd., Ste. 105.

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

Introduced by Jon Camp

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JANUARY 24, 2005 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

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

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

INVESTMENT OF FUNDS FROM JANUARY 3 THRU JANUARY 21, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83190 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 Jon Camp

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

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

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

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CREATE THE CLASSIFICATION OF UTILITIES SAFETY AND TRAINING SPECIALIST - CLERK read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18412 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by creating the job classification of Utilities Safety and Training Specialist, the first time.

AMENDING SECTION 2.78.020 OF THE LINCOLN MUNICIPAL CODE REGARDING MANAGEMENT COMPENSATION PLAN, ANNUAL LEAVE, TO CLARIFY THE USE OF VACATION LEAVE DURING PROBATION BY EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGE PREFIXED BY THE LETTER "M" - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.78.020 of the Lincoln Municipal Code relating to Management Compensation Plan, Annual Leave, to clarify the use of vacation leave during probation by employees whose classifications are assigned to pay ranges prefixed by "M"; and repealing Section 2.78.020 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$38,920.00 WITHIN THE PARKS AND RECREATION CIP FUND TO THE JOINT FACILITIES MAINTENANCE FUND FOR IMPROVEMENTS AT THE PARK MIDDLE SCHOOL TEEN CENTER - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Parks and Recreation Department to the FY 2004-05 operating budget to assist with improvements to mechanical systems at Park Middle School in conjunction with development of the Park Middle School Teen Center, the first time.

CHANGE OF ZONE 04083 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY REPEALING SECTION 27.69.085 RELATING TO PERMITTED SIGNS IN A CORPORATE OFFICE PARK PUD, AND BY AMENDING SECTION 27.70.050 TO MODIFY THE REQUIREMENTS AFTER APPROVAL OF A USE PERMIT TO ALLOW BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND SUBDIVISION OF PROPERTY TO BE ISSUED OR APPROVED UPON SUBSTANTIAL COMPLIANCE WITH THE PLOT PLAN AS APPROVED, AND TO GRANT THE PLANNING DIRECTOR THE AUTHORITY TO REVIEW AND DETERMINE IF A PROPOSAL IS IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED PLAN - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code by repealing Section 27.69.085 relating to permitted signs in a Corporate Office Park planned unit development; by amending Section 27.70.050 to modify the requirements after approval of a use permit to allow building permits, certificates of occupancy, and subdivision of property to be issued or approved upon substantial compliance with the plot plan as approved and to grant the Planning Director the authority to review and determine if a proposal is in substantial conformance with the spirit and intent of the approved plan; and repealing Section 27.70.050 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. NO. 04014 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE TO UPDATE AND STREAMLINE THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.07.135 TO REVISE THE DEFINITION OF OUTLOT; AMENDING SECTION 26.07.145 TO REVISE THE DEFINITION OF PRIVATE ROADWAYS TO ALLOW PRIVATE ROADWAYS IN PLANNED UNIT DEVELOPMENTS; AMENDING SECTION 26.07.190 TO REVISE THE DEFINITION OF MAJOR STREET TO ONLY INCLUDE THOSE STREETS SHOWN IN THE COMPREHENSIVE PLAN AS ARTERIALS; REPEALING SECTION 26.11.020; AMENDING SECTION 26.11.030 TO REQUIRE THE PLANNING DIRECTOR TO DISTRIBUTE COPIES OF PRELIMINARY PLATS AND ACCOMPANYING DATA TO DEPARTMENTS AND GOVERNMENTAL AGENCIES FOR REVIEW AND TO REDUCE DEPARTMENTAL OR GOVERNMENTAL AGENCY REVIEW OF PRELIMINARY PLATS FROM FIFTEEN DAYS TO TEN DAYS; AMENDING SECTION 26.11.032 TO ADD PROVISIONS FOR FILING PRELIMINARY PLATS AND SCHEDULING HEARINGS BEFORE THE PLANNING COMMISSION AND REPEALING THE PROVISION REQUIRING THE SUBDIVIDER TO PROVIDE A WRITTEN RESPONSE TO THE PLANNING DIRECTOR'S RECOMMENDATION ON THE PRELIMINARY PLAT; REPEALING SECTION 26.11.033 RELATING TO MODIFICATION OF THE PRELIMINARY PLAT PROCEDURES; AMENDING SECTION 26.11.036 TO DELETE A REFERENCE TO REPEALED SECTION 26.11.033; AMENDING SECTION 26.11.038 TO PROVIDE THAT APPROVAL OF THE PRELIMINARY PLAT ALSO ALLOWS THE SUBDIVIDER TO PROCEED WITH THE INSTALLATION OF STREET LIGHTING AND STREET NAME SIGNS; AMENDING SECTION 26.11.039 TO MODIFY THE REQUISITES FOR FINAL PLAT APPROVAL WITH RESPECT TO THE INSTALLATION OF IMPROVEMENTS OR PROVISION FOR THEIR INSTALLATION; AMENDING SECTION 26.11.040 TO MODIFY THE TIMING FOR THE INSTALLATION OF IMPROVEMENTS; AMENDING SECTION 26.11.060 TO REDUCE DEPARTMENTAL OR GOVERNMENTAL AGENCY REVIEW OF FINAL PLATS FROM FIFTEEN DAYS TO TEN DAYS; AMENDING SECTION 26.11.110 TO REPEAL PROVISIONS REQUIRING THE SUBDIVIDER TO BE RESPONSIBLE FOR THE EQUIVALENT COST OF LOCAL STREET PAVING IN A MAJOR STREET AND DELETING THE ANNOTATION APPEARING IN THE LINCOLN MUNICIPAL CODE FOLLOWING SECTION 26.11.110; AMENDING SECTION 26.15.015 TO REQUIRE THAT THE PROPOSED USE OF AN OUTLOT BE DESIGNATED ON THE PRELIMINARY PLAT; AMENDING SECTION 26.19.031 TO REQUIRE THAT THE PROPOSED USE OF AN OUTLOT BE DESIGNATED ON THE FINAL PLAT AND TO REQUIRE THAT A 2 ½" X 6 ½" BLANK SPACE BE LEFT AT THE TOP OF THE FIRST PAGE OF THE FINAL PLAT; AMENDING SECTION 26.19.035 TO REQUIRE THE NOTATION ON THE FINAL PLAT OF THE CERTIFIED LANDSCAPER SELECTED TO INSTALL STREET TREES; AMENDING SECTION 26.23.140 TO PROVIDE A MINIMUM LOT DEPTH FOR DOUBLE FRONTAGE LOTS ABUTTING A MAJOR STREET; AMENDING SECTION 26.23.170 TO PROVIDE PROVISIONS FOR THE PERMANENT MAINTENANCE OF PRIVATE IMPROVEMENTS; AMENDING SECTION 26.27.005 TO PROVIDE THAT THE PLANNING DIRECTOR MAY WAIVE THE MINIMUM IMPROVEMENTS REQUIRED IN A SUBDIVISION WHEN THERE ARE NO ADDITIONAL LOTS CREATED; AMENDING SECTION 26.31.015 TO AUTHORIZE THE APPROVAL OF A CUP, PUD, SPECIAL PERMIT, OR USE PERMIT TO VARY OR MODIFY THE REQUIREMENTS OF THE

LAND SUBDIVISION ORDINANCE SO AS TO PERMIT THE COORDINATED DEVELOPMENT OF A SUBDIVISION AND COMMUNITY UNIT PLAN, PLANNED UNIT DEVELOPMENT, SPECIAL PERMIT, OR USE PERMIT - CLERK read an ordinance, introduced by Jon Camp, amending Title 26 of the Lincoln Municipal Code to update and streamline the Land Subdivision Ordinance by amending Section 26.07.135 to revise the definition of outlot; amending Section 26.07.145 to revise the definition of private roadways to allow private roadways in planned unit developments; amending Section 26.07.190 to revise the definition of major street to only include those streets shown in the comprehensive plan as arterials; repealing Section 26.11.020; amending Section 26.11.030 to require the Planning Director to distribute copies of preliminary plats and accompanying data to departments and governmental agencies for review and to reduce departmental or governmental agency review of preliminary plats from fifteen days to ten days; amending Section 26.11.032 to add provisions for filing preliminary plats and scheduling hearings before the Planning Commission and repealing the provision requiring the subdivider to provide a written response to the Planning Director's recommendation on the preliminary plat; repealing Section 26.11.033 relating to modification of the preliminary plat procedures; amending Section 26.11.036 to delete a reference to repealed Section 26.11.033; amending Section 26.11.038 to provide that approval of the preliminary plat also allows the subdivider to proceed with the installation of street lighting and street name signs; amending Section 26.11.039 to modify the requisites for final plat approval with respect to the installation of improvements or provision for their installation; amending Section 26.11.040 to modify the timing for the installation of improvements; amending Section 26.11.060 to reduce departmental or governmental agency review of final plats from fifteen days to ten days; amending Section 26.11.110 to repeal provisions requiring the subdivider to be responsible for the equivalent cost of local street paving in a major street and deleting the annotation appearing in the Lincoln Municipal Code following Section 26.11.110; amending Section 26.15.015 to require that the proposed use of an outlot be designated on the preliminary plat; amending Section 26.19.031 to require that the proposed use of an outlot be designated on the final plat and to require that a 2 ½" x 6 ½" blank space be left at the top of the first page of the final plat; amending section 26.19.035 to require the notation on the final plat of the certified landscaper selected to install street trees; amending Section 26.23.140 to provide a minimum lot depth for double frontage lots abutting a major street; amending Section 26.23.170 to provide provisions for the permanent maintenance of private improvements; amending Section 26.27.005 to provide that the Planning Director may waive the minimum improvements required in a subdivision when there are no additional lots created; amending Section 26.31.015 to authorize the approval of a CUP, PUD, special permit, or use permit to vary or modify the requirements of the Land Subdivision ordinance so as to permit the coordinated development of a subdivision and community unit plan, planned unit development, special permit, or use permit, the first time.

ANNEXATION 04011 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 75 ACRES OF PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND SOUTH OF PINE LAKE ROAD. (IN CONNECTION W/05R-25, 05-15) - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the city of Lincoln, Nebraska established and shown thereon, the first time.

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND CAMPBELL FARM AND LAND CO. AND NORTHWOODS, L.L.C. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 75 ACRES OF PROPERTY GENERALLY LOCATES SOUTHEAST OF S. 56TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/05-14, 05-15) (ACTION DATE:2/14/05).

CHANGE OF ZONE 04075 - APPLICATION OF VILLAGE GARDENS LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL AND B-3 COMMERCIAL, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND SOUTH OF PINE LAKE ROAD, FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES A WAIVER OF THE REQUIRED PRELIMINARY PLAT PROCESS AND MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND LINCOLN DESIGN STANDARDS TO

ALLOW 348 DWELLING UNITS IN THE UNDERLYING R-3 ZONED AREA AND APPROXIMATELY 185,000 SQ. FT. OF COMMERCIAL FLOOR AREA IN THE UNDERLYING B-3 ZONED AREA. (IN CONNECTION W/05-14, 05R-25) - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the first time.

ORDINANCES - 3RD READING & ASSOCIATED RESOLUTIONS

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:

FRIENDT Moved to amend the Airport West Subarea Plan on page 21 by deleting under New Major Roadways, NW 40th/38th Street: North of West Holdrege Street, the alignment is shifted to approximately NW 38th Street to provide greater separation with residential subdivisions along the NW 40th Street section line, and to align with the NW 38th Street corridor within the Air Park West Industrial Park and to add after Nebraska Department of Roads: The alignment of NW 40th/38th Street, between West Vine Street and West Adams Street is generally east of NW 49th Street. This alignment will be reviewed as part of the design and evaluation of this roadway.

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-83191 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to adopt the Airport West Subarea Plan as an approved subarea plan on property generally located between N.W. 27th Street and 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; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Airport West Subarea Plan, on file in the office of the Planning Director and incorporated herein by reference, is adopted as an approved subarea plan.

BE IT FURTHER RESOLVED that one printed copy of the "Airport West Subarea Plan," shall be filed in the office of the Planning Director for use and examination by the public.

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

Amend the 2025 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Amend the "Lincoln/Lancaster County Land Use Plan" and Lincoln Area Detail figures on pages F 23 and F 25, to revise the land uses and future service limit as shown on Figure 2 of the Subarea Plan, and change other maps accordingly. Figure 2 is attached hereto marked as Exhibit A.

2. Amend the "Urban Growth Tiers", and associated figures on pages F 27, F 31 and F 33 to add a portion of land to the Tier I Priority B area as shown on Figure 2 of the Subarea Plan (Exhibit A), as described below and change other maps accordingly;

a. West of the Lincoln Water System water tower located on W. Superior, south of the proposed W. Superior to W. Cuming roadway.

3. Amend the "Existing and Proposed Industrial Centers" figure on page F 39 to change the "Moderate to Heavy Industrial (HI)" designation from New Proposed Center (General Location, Not Site Specific) to Unbuilt Approved Center (Site Specific) as shown on Figure 2 of the Subarea Plan (Exhibit A), and change other maps accordingly;

4. Amend the "Future Functional Classification: City Streets and Functional Classification: County Roads" figures on pages F 103 and F 104 as shown on Exhibit B attached hereto to reflect the below reclassifications, and change other maps accordingly;

- a. West Holdrege, NW 56th to NW 48th change to Minor Arterial
- b. West Adams, NW 48th to NW 38th change to Minor Arterial
- c. West Cuming, NW 56th to NW 38th change to Minor Arterial
- d. West Superior, NW 70th to NW 56th change to Minor Arterial
- e. NW 40th, West "O" to West Adams change to Minor Arterial
- f. NW 38th, West Adams to Air Park Road change to Urban Collector
- g. NW 56th, West Superior to West Cuming change to Minor Arterial
- h. NW 56th, West Cuming to West Fletcher change to Urban Collector
- i. West Fletcher, NW 56th to NW 48th change to Urban Collector
- j. NW 38th to US 34, West Cuming to West Webster to NW 31st change to Minor Arterial

5. Amend the "Projects & Studies: Lincoln Area Street & Roadway Improvements 2025", figure on page F 105 as shown on Exhibit C attached hereto and change other maps accordingly;

6. Amend the "Additional Urban Area System Improvements", section on pages F 109 to F 111 as follows:

(a) Add the following projects to the list of Proposed Projects:

<u>Huskerville Link: West Superior, NW 70th to West Cuming to NW 38th Street</u>	<u>2 lanes + turn lanes</u>
<u>NW 40th Street and Interstate 80 Grade Separation</u>	<u>Grade Separation</u>
<u>NW 40th Street, West "O" Street to West Adams</u>	<u>2 lanes + turn lanes</u>
<u>NW 38th Street, West Cuming to West Webster to NW 31st Street to US Highway 34</u>	<u>2 lanes + turn lanes</u>
<u>West Holdrege, NW 56th to NW 48th Street</u>	<u>2 lanes + turn lanes</u>

(b) Modify the West Adams Street project in the list of Proposed Projects to read as follows:

West Adams St, NW 70th to NW ~~48th~~38th Street ~~4~~2 lanes + turn lanes

7. Amend the "Proposed Studies" section on page F 111 as follows:

(a) Add the following study to the list of Proposed Studies:

- A study that encompasses the general area bounded by NW 48th Street and NW 27th Street, West Webster to US Highway 34. The study is to include north/south and east/west roadway needs and alignments, including the West Fletcher corridor and US Highway 34 access considerations.

(b) Remove the following study from the list of Proposed Studies:

- ~~Roadway alternative for connecting NW 70th and NW 48th Streets in the general location of West Superior Street~~

8. Amend the "Right of Way Standards" and "Tiers I & II Right of Way" figures on page F 112 and F 113 as shown on Exhibit D attached hereto and change other maps accordingly;

9. Amend the "Future Parks" figure on page F 134 to show a future Neighborhood Park in the general vicinity, between NW 56th to NW 70th, and West Adams to West Superior Streets, as shown on Exhibit E attached hereto;

10. Amend the "Future Lincoln School Sites" figure on page F 143 to show a "Future School" in the vicinity south of West Adams and west of NW 56th Street; and

11. Amend the "On-Going Comprehensive Plan Activities" section on page F 156 to add the following Plan to the list of approved subarea plans.

- Airport West Subarea Plan, 2004

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

Introduced by Annette McRoy

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

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 third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18490, is recorded in Ordinance Book 28, Page

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)- CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83192 WHEREAS, the Rape/Spouse Abuse Crisis Center has submitted an application designated as Special Permit No. 04062 for authority to use a landmark as a crisis center on property located at 2541 N Street, and legally described to wit:

Lots 46 I.T. and 59 I.T., in the Northeast Quarter of Section 25, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this crisis center 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 the Rape/Spouse Abuse Crisis Center, hereinafter referred to as "Permittee", to use a landmark as a crisis center, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that construction and operation of said crisis center be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the use of the Lally House at 2541 N Street by the Rape/Spouse Abuse Crisis Center as a human services office and counseling center.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, revised final plan including seven copies.
 - b. The construction plans must conform to the approved plans.
 - c. The landmark designation of 2541 N Street must be approved by the City Council.
3. Before occupying the building all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the Permittee.
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 Patte Newman

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

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18491, is recorded in Ordinance Book 28, Page

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #18492, is recorded in Ordinance Book 28, Page

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) - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83193 WHEREAS, Pages, L.L.C., has submitted an application designated as Special Permit No. 04063 for authority to preserve and reuse a historic landmark (the former Zimmer Grocery Store) as a residence and office on property located at 1941-1943 K Street, and legally described to wit:

McMurty's Addition, Block 2, Lot 3, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the Lincoln Lancaster County Planning Commission recommended approval of the use of the former Zimmer Grocery Store as a residence and office; and

WHEREAS, the real property adjacent to the area included within the site plan for this residence and office as recommended by the Planning Commission will not be adversely affected; and

WHEREAS, the 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 Pages, L.L.C., hereinafter referred to as "Permittee", to preserve and reuse a historic landmark as a residence and office on the above-described property be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that development and operation of said residence and office be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit authorizes the use of the former Zimmer Grocery at 1941-1943 K Street as an owner occupied office space and one residential unit.

2. Exterior modifications to the structure must receive a Certificate of Appropriateness from the Historic Preservation Commission.

3. Before receiving building permits:

a. The Permittee must submit an acceptable, revised final plan and seven copies.

b. The construction plans must conform to the approved plans.

4. Before occupying the building, 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.

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, and Permittee's

successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

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

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18493**, is recorded in Ordinance Book 28, Page

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 third time.

NEWMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18494**, is recorded in Ordinance Book 28, Page

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 - PRIOR to reading:

COOK Moved Amendment #3 to Bill No. 05-7 on page 1 after supplies or services add (3) Protester shall mean an interested party who has filed a protest pursuant to subsection (b) and renumber the remaining definition and on page 2, line 6 delete "or the closing date for receipt of proposals".

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

FRIENDT Moved Amendment #4 to Bill No. 05-7 on page 2, lines 18,19, & 20, strike the entire sentence beginning with the words "The City Purchasing Agent" and ending with "should be suspended". On page 2, line 20, strike the word "The" and insert Upon timely receipt of a protest the and on page 2, line 22, strike the remainder of the sentence after the words "if awarded" including all of lines 23 & 24 and insert "until the Mayor has made a decision on the protest".

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

CLERK Read an ordinance, introduced by Patte Newman, amending 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 third time.

NEWMAN Moved to pass the ordinance as amended.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18495, is recorded in Ordinance Book 28, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 7, 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 February 7, 2005.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 7:47 P.M.

CAMP Moved to adjourn the City Council meeting of January 31, 2005.
Seconded by Cook & 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