

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 7, 2005 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

CAMP Having been appointed to read the minutes of the City Council proceedings of January 31, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF CHEZ HAY CATERING, INC. DBA CHEZ HAY CATERING FOR A CLASS I WITH CATERING LIQUOR LICENSE AT 210 N. 14TH STREET;
MANAGER APPLICATION OF LYNN HAY FOR CHEZ HAY CATERING, INC. DBA CHEZ HAY CATERING AT 210 N. 14TH STREET - Christopher Heinrich, Attorney, 800 Lincoln Square 121 S. 13th, took oath and came forward representing the applicant for approval.

Lynn Hay, President and Manager, 6510 Westshore Drive, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF STEVEN LOHMEIER FOR WJP, L.L.C. DBA 1ST AVENUE AT 2310 N. 1st STREET - Steven Lohmeier, Manager, 2310 N. 1st Street, took oath and came forward for approval.

This matter was taken under advisement.

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" - Don Taute, Director of Personnel Department, came forward for approval and to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

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 - Lynn Johnson, Director of Parks & Recreation Department, came forward for approval and to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning Department, came forward for approval and to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning Department, came forward for approval and to help answer questions of the Council. Further discussion followed.

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

This matter was taken under advisement.

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;

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 LOCATED SOUTHEAST OF S. 56TH STREET AND PINE LAKE ROAD;

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 - Dick Campbell, 7000 S. 56th Street, came forward for approval and showed an overhead of what the "Village Gardens" development will look like. He discussed how this development will look more like a "traditional neighborhood development" with quality architecture, front porches, housing diversity, and alley-entrance garages. He also stated that the street names in this development will all be named after famous gardens around the world with the exception of the Boulevard. Further discussion followed.

Kent Seacrest, Attorney, 1111 Lincoln Mall, Suite 350, came forward for on behalf of the applicant to give thanks to all of the people and the departments who were involved with this development. Further discussion followed.

Charlie Humble, Attorney, 301 S. 13th Street, Suite 400, came forward in a neutral position on behalf of Lincoln Electric System. He stated the following for the record, "I received the exhibits of this annexation agreement this morning and I just wanted to point out that in connection with Attachment E to the Annexation Agreement it shows that 10 foot public utilities run along Pine Lake Road. The LES staff has entered into negotiations with the Campbell family for this unique development. Keep in mind that for about 20 years now we have taken 15 foot easements for not only LES but also for sharing our easement area with Alltel and Time Warner. Along Pine Lake Road, we have agreed primarily to 10 feet of public utility easements, but we will need 15 feet of easement at certain locations for what is called "switchgear" which is on the surface, and these are distribution easements. But of course, as the PUD, Phase I, and any additional Phases are developed, LES will need additional easements to be dedicated as the process goes through. We just wanted to supplement the record at this juncture so that there is no issue of us remaining silent should we have spoken. It's relatively a small matter, but still its one that we wanted to put on the record." Further discussion followed.

Mr. Seacrest came forward to help answer questions of the Council. Further discussion followed.

Mr. Campbell came forward for a rebuttal and stated that he has been in discussion with LES on this agreement from the beginning and will continue to do so.

This matter was taken under advisement.

APPEAL OF RISKY'S INC. FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT NO 04065 FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES FOR AN OUTSIDE BEER GARDEN AT RISKY'S SPORTS BAR AND GRILL GENERALLY LOCATED AT 4680 LEIGHTON AVENUE - Craig Wittstruck, Attorney, 1630 K Street, came forward representing the applicant for approval. He stated that this area would only be used for smoking. Further discussion followed.

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

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF CHEZ HAY CATERING, INC. DBA CHEZ HAY CATERING FOR A CLASS I WITH CATERING LIQUOR LICENSE AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83194 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearings 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 Chez Hay Catering Inc dba Chez Hay Catering for a Class "I" with Catering liquor license at 210 N. 14th Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF LYNN HAY FOR CHEZ HAY CATERING, INC. DBA CHEZ HAY CATERING AT 210 N. 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83195 WHEREAS, Chez Hay Catering, Inc. dba Chez Hay Catering located at 210 N. 14th Street, Lincoln, Nebraska has been approved for a Retail Class "I" and Catering liquor license, and now requests that Lynn Hay be named manager;

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF STEVEN LOHMEIER FOR WJP, L.L.C. DBA 1ST AVENUE AT 2310 N. 1ST STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83196 WHEREAS, WJP, L.L.C. dba 1ST Avenue located at 2310 N. 1st Street, Lincoln, Nebraska has been approved for Retail Class "I" liquor license, and now requests that Steven Lohmeier be named manager;

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & ASSOCIATED RESOLUTIONS

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 second 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 second 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 second 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 second 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 second 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 second 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 second time.

RESOLUTIONS

APPEAL OF RISKY'S INC. FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT NO 04065 FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES FOR AN OUTSIDE BEER GARDEN AT RISKY'S SPORTS BAR AND GRILL GENERALLY LOCATED AT 4680 LEIGHTON AVENUE - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83197 WHEREAS, University Place, LLC has submitted an application designated as Special Permit No. 04065 for authority to sell alcoholic beverages for consumption on the premises for a beer garden at Risky's Sports Bar and Grill generally located at 4680 Leighton Avenue, legally described as:

Lot 1, UPC First Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on January 5, 2005 and denied Special Permit No. 04065; and

WHEREAS, Craig D. Wittstruck, on behalf of University Place, L.L.C., has appealed the action of the Lincoln City-Lancaster County Planning Commission's denial of Special Permit No. 04065; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises 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; and

WHEREAS, the final action of the Lincoln City-Lancaster County Planning Commission denying Special Permit No. 04065 should be reversed.

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

That the application of University Place, LLC, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises for a beer garden at Risky's Sports Bar and Grill on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises at Lot 1, UPC First Addition, as shown on the revised site plan.
2. Before receiving building permits:
 - a. The Permittee must complete the following instruction and submit the documents and plans to the Planning Department for review and approval:
 - i. Six copies of a revised site plan approved by the Public Works & Utilities Department.
 - ii. The following notes added to the site plan:
 - (1) There shall be no amplified noise source associated with the beer garden.
 - (2) The access door shall remain closed at all times except when used to enter and exit the outdoor premises.
 - (3) Any lighting must be shielded so it does not shine directly on adjacent properties and must comply with the Design Standards for Parking Lot Lighting.
 - b. Submit a revised and completed ownership certificate prepared and signed by an attorney, title company, or abstractor. It must include the legal description of the subject property.
3. Before the sale of alcohol for consumption on the premises, all development and construction must conform to the approved plans.
4. 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.
5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Patte Newman

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

REAPPOINTING KIM TODD, MICHAEL ECKERT AND SCOTT SULLIVAN TO THE URBAN DESIGN COMMITTEE FOR A THREE-YEAR TERM EXPIRING FEBRUARY 1, 2008 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83198 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Kim Todd, Michael Eckert, and Scott Sullivan to the Urban Design Committee for a three-year term expiring February 1, 2008 is hereby approved.

Introduced by Jon Camp

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

APPOINTING ROBERT D. KUZELKA TO THE BOARD OF ZONING APPEALS FOR A FIVE-YEAR TERM EXPIRING FEBRUARY 1, 2010 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83199 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Robert D. Kuzelka to the Board of Zoning Appeals for a five-year term expiring February 1, 2010 is hereby approved.

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 28, 2005 AT 5:30 PM FOR THE MANAGER APPLICATION OF JOLENE BARTLING FOR WAL-MART STORES INC DBA WAL-MART SUPERCENTER #1943 LOCATED AT 4700 N. 27TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83200 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, February 28, 2005, at 5:30 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 Jolene Bartling for Wal-Mart Stores Inc dba Wal-Mart Supercenter #1943 located at 4700 N. 27th Street.

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

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 05002- Application submitted by Lindsey Co, the Links at Lincoln Planned Unit Development, from AG Agricultural District to R-3 Residential District, for approximately 696 dwelling units, 1000 square foot clubhouse, private golf course, and 60,000 square feet commercial, on property generally located at Highway 34 and Fletcher Avenue.

Change of Zone No. 05003 - Application submitted by Planning Director, to amend the additional height and area provisions of Chapter 27.71 of the Lincoln Municipal Code to address lighting trespass.

Change of Zone No. 05004 (Pine Garden Planned Unit Development) - Application submitted by Realty Trust Group Inc, for 28 multi-family units and 20,400 square feet of office, retail, and commercial area, on property generally located at S. 84th Street and Old Cheney Road.

Use Permit No. 145A - Application submitted by Pine Lake Development LLC, an amendment to modify the O-3 Park District sign requirements to allow additional signage and adjust allowed sign locations on property generally located at S. 84th Street and Pine Lake Road.

Special Permit No. 1816A - Application submitted by Ross Engineering, for an amendment to extend soil extraction, on property generally located at NW 40th Street and West Vine Street.

Special Permit No. 05002 (Foreman Ridge Addition Community Unit Plan) - Application submitted by Gary Pickering, for approximately 29 single family acreage lots, with requests to waive the preliminary plat process, sidewalks, street trees, street lighting, landscape screening, block length, storm water detention, sanitary sewer running opposite of street grade, and front and side yard setbacks, on property generally located at SW 12th Street and W Denton Road.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTION NUMBERS A-83182 AND A-83184 THROUGH A-83193 AND ORDINANCE NUMBERS 18490 THROUGH 18495 PASSED BY THE CITY COUNCIL ON JANUARY 31, 2005 - CLERK presented said report which was placed on file in the office of the City Clerk. (27-1)

MAYOR'S VETO MESSAGE OF RESOLUTION NO. A-83183 - 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 REQUESTED A WAIVER OR REDUCTION OF SAID FEES - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER FOR FRANCHISE FEES FROM TIME WARNER CABLE FOR THE QUARTER ENDING DECEMBER 31, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I, BOARD OF EQUALIZATION TO BE HELD ON MONDAY, FEBRUARY 14, 2005, 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REQUEST APPROVED FOR ASSESSMENT RESOLUTION FOR SPECIAL ASSESSMENT GROUP I, BOARD OF EQUALIZATION TO BE HELD MONDAY, FEBRUARY 14, 2005, 10:00 A.M.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JANUARY, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

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

A-83201 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2004, \$353,336.38 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF OCTOBER - DECEMBER, 2004: IONEX COMMUNICATIONS NORTH INC, COMTECH 21, Z-TEL COMM INC, TOUCH 1 COMM; NOVEMBER - DECEMBER, 2004: ACCERIS COMM; NOVEMBER, 2004: VOICECOM TELECOMM, CINCINNATI BELL ANY DISTANCE, TRACFONE WIRELESS, QWEST COMM, T-NETIX TELECOM, IBM GLOBAL SERVICES, QUANTUM SHIFT COMM, KDDI AMERICA, STAR NUMBER, GUARANTEED PHONE SERVICE, INTELLECALL OPERATOR SERVICES, GLOBAL CROSSING TELECOMM, CIII COMMUNICATIONS OPERATIONS, MCLEODUSA TELECOMM, PRIMUS TELECOMM, TRANS NATIONAL COMM, VERIZON SELECT SERVICES, WORKING ASSETS FUNDING SERVICE, ACN COMM SERVICES, ONSTAR CORPORATION, VIRGIN MOBILE USA, OCMC INC, NORSTAR NETWORK SERVICES, USCOC OF GREATER IOWA, BELL ATLANTIC COMM, UNC INC, XO LONG DISTANCE SERVICES, CRICKET COMM, AT&T COMMUNICATIONS OF MIDWEST; DECEMBER, 2004: ATS MOBILE TELEPHONE, AFFINITY NETWORK, VARTEC, EXCEL, LIGHTYEAR NETWORKS SOLUTIONS, TELECORP COMM, NOS COMM, TRI-M COMM, ZONE TELECOM, ASSOCIATION ADMINISTRATORS, GLOBALCOM INC, GTC TELECOM, LDMI TELECOM, NEXTEL WEST CORP, SOUTHWESTERN BELL COMM SERVICES, NOSVA LIMITED PARTNERSHIP, USA INC, ATT WIRELESS, SPRINT SPECTRUM, D&D COMM, NEXTEL PARTNERS, AMERIVISION COMM, AND CLARICOM NETWORKS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 2/14/05)

ANNEXATION 04002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 20 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF LEIGHTON AVENUE AND EAST OF N. 84TH STREET (IN CONNECTION W/05R-30, 05-17, 05R-31) - 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 SCOTT C. ANDERSON OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 19.41 ACRES ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND LEIGHTON AVENUE. (IN CONNECTION WITH 05-16, 05-17, 05R-31) (ACTION DATE: 2/28/05)

CHANGE OF ZONE 04011 - APPLICATION OF SCOTT ANDERSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT AND H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF LEIGHTON AVENUE AND EAST OF N. 84TH STREET (IN CONNECTION W/05R-30, 05-16, 05R-31) - amending the Lincoln Zoning District maps attached to and made a part of Title 27 fo the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 04009 - APPLICATION OF SCOTT ANDERSON TO DEVELOP ANDERSON'S PLACE PLANNED SERVICE COMMERCIAL CENTER FOR APPROXIMATELY 86,120 SQ. FT. OF FLOOR AREA, WITH REQUESTED WAIVERS OF THE REQUIRED FRONT YARD SETBACK ALONG N. 84TH STREET, TO ELIMINATE INTERNAL SETBACKS, AND TO REDUCE THE SIDE YARD SETBACK, ON PROPERTY GENERALLY LOCATED SOUTH OF LEIGHTON AVENUE AND EAST OF N. 84TH STREET. (IN CONNECTION W/05-16, 05R-30, 05-17) (ACTION DATE: 2/28/05)

CHANGE OF ZONE 04067 - APPLICATION OF HARTLAND HOMES FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT AND H-4 GENERAL COMMERCIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST A STREET AND S.W. 27TH STREET (IN CONNECTION W/05R-32) - amending the Lincoln Zoning District Maps attached to and made a part of Title 27 fo the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 04054 - APPLICATION OF HARTLAND HOMES TO DEVELOP HARTLAND HOMES SOUTHWEST 1ST ADDITION COMMUNITY UNIT PLAN FOR 382 SINGLE FAMILY DWELLING UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED LOT AREA, AVERAGE LOT WIDTH, BLOCK LENGTH, AND THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF WEST A STREET AND S.W. 27TH STREET. (IN CONNECTION W/05-18) (ACTION DATE: 2/28/05) (ACTION DATE: 2/28/05)

ORDINANCES - 3RD 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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18496**, is recorded in Ordinance Book #25.

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 the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83202 WHEREAS, the City of Lincoln, Nebraska, 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; and

WHEREAS, a portion of West Benton Street from North First Street west approximately 600 feet +/- is paved but does not meet or exceed the City's minimum standards for pavement.

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

That West Benton Street from North First Street west approximately 600 feet +/- is hereby designated as Paving Unit No. 139 and is hereby ordered paved to meet the City's minimum standards for street paving.

The roadway to be paved shall be 27 feet in width; grading to be from lot line to lot line, and the cost of grading, curbing, guttering, and paving the same; including the cost of grading, curbing, guttering, and paving the intersections and returns, and the cost of grading the sidewalk space and relaying the sidewalks, and all expenses incidental to all of said improvements shall be assessed against the real estate benefitted, to-wit: portions of lots 25, Lot 71, Lot 70, Lot 44 Irregular Tract; located in the Northeast Quarter of Section 10, Township 10 North, Range 6 East and portion of Lot 68, Irregular Tract in the Southeast Quarter of Section Township 10 North, Range 6 East of the Sixth Principal Meridian City of Lincoln, Lancaster County, Nebraska, the assessments against said property benefitted to be in proportion to the benefits, not exceeding the cost thereof, provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's Median income. In the event that easements or additional right-of-way must be acquired for the completion of this project, such property rights may be acquired by negotiation and purchase or by condemnation, if necessary, as provided by law.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Ken Svoboda

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

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18497, is recorded in Ordinance Book #25.

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 (1/31/05 - ACTION DELAYED TO 2/7/05) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83203 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC=5236(1) CN 11215L, City Project No. 780105 for Federal funding through the Department of Transportation, Federal Highway Administration, for the Antelope Valley P and Q Street Bridges Project, 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 City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Ken Svoboda

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 (1/31/05 - ACTION DELAYED TO 2/7/05) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-83204 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC=5234(1) CN 11215H, City Project No. 780112 for Federal funding through the Department of Transportation, Federal Highway Administration, for the Antelope Valley N Street Bridge Project, 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 City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Ken Svoboda

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

MISCELLANEOUS BUSINESS

PENDING -

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

ADJOURNMENT 3:05 P.M.

CAMP Moved to adjourn the City Council meeting of January 31, 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

Jamie Phillips, Senior Office Assistant