

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 28, 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; Teresa J. Meier, Deputy City Clerk.

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of March 21, 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

REPEALING ORDINANCE NO. 18398 CREATING SANITARY SEWER DISTRICT NO. 1180 IN SOUTH FOLSOM STREET AND WEST SOUTH STREET, SOUTH APPROXIMATELY 1250 FEET DUE TO CONSTRUCTION COSTS EXCEEDING THE ESTIMATED COST BY MORE THAN 25% - Elmer Cole, Public Works Engineering Dept., came forward to answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 1 - 15, 2005 -Barbara Ann King, 3136 N 75th Court, came forward to request reconsideration of denial of the claim submitted for damage done to her lawn by a snow plow.

This matter was taken under advisement.

APPEAL OF THE PLANNING AND PUBLIC WORKS DEPARTMENTS FROM THE PLANNING COMMISSION AMENDED APPROVAL OF USE PERMIT 148 TO DEVELOP 24,317 SQUARE FEET. OF COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET NORTH OF FOLKWAYS BLVD. - Ron Ross, Ross Engineering, 201 N. 8th, Suite 401, came forward representing Randy Haas of T.O. Haas on N. 27th & Folkways Blvd. and Dr. Rustad who owns the small tract of existing property to the north of T.O. Haas Tire Store to request a turn lane on North 27th Street for access to the T.O. Haas and Dr. Rustad's property. Discussion followed.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Dr. Elliott Rustad in requesting an access off from North 27th Street. Discussion followed.

Bill Olson, Attorney representing T.O. Haas, to state that the store has lost some business due to the inconvenience of access to the store and to request an approval of an access off from North 27th Street. Discussion followed.

Randy Haas, no address given, came forward to also request an access onto North 27th Street. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski Law Firm, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development Company who owns the property to the north of T.O. Haas and Dr. Rustad's. Discussion followed.

Randy Hoskins, City Traffic Engineer, came forward to explain the reason for appealing the Planning Commission's amended approval of Use Permit 148. Discussion followed.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 7:09 P.M.

RECONVENED 7:20 P.M.

COMP. PLAN AMENDMENT 05001 - AMENDING THE 2025 LINCOLN CITY-LANCASTER COUNTY COMPREHENSIVE PLAN AND THE FUTURE LAND USE PLAN TO INCLUDE THE STEVENS CREEK WATERSHED MASTER PLAN AS A SUBAREA PLAN - Mike DeKalb, Planning Dept., came forward to present a short synopsis of the amendment to the Comp Plan map.

Glenn Johnson, Lower Platte Natural Resource District, came forward to talk briefly about joint NRD/City projects.

Vicky Luther, Heartland Center for Leadership Development, came forward to explain their role in this process was to design, manage and help facilitate the participation of the public in the creation of this master plan.

Pat O'Neill, CDM, project manager for the consultant team, came forward to discuss the major goals and objectives of the study.

Nicole Fleck-Tooze, Public Works Dept., came forward to describe the site specific best management practices.

Richard Sutton, 1326 N. 38th Street, came forward in support.

Danny Walker, 427 E St., came forward in opposition.

Marilyn McNabb, 1701 W. Rose, came forward in support.

Barbara Bauer, 1225 S. A Street, came forward in opposition.

Marleen Rickertsen, 9259 Pioneer Court, came forward in support, but requested that an amendment be adopted to preserve the historic Stevens Creek Stock Farm, virgin prairie or any other portion of the historic farm and that the approximate location of the future trail remain on the edges of the historic Stevens Creek farm and the notation on the map be changed from opportunity area to historic area.

Jo Gutgsell, 2105 B Street, came forward in a neutral position representing Preservation Association of Lincoln and is in favor of an amendment to prevent the virgin prairie to be crossed or negatively impacted by a trunk sewer line.

Dick Esseks, 7011 Colby Street, came forward in support.

Mike Eckert, 3316 Willow Wood Cr., came forward in a neutral position. He stated he was a member of the Steven's Creek Advisory Committee. Discussion followed.

Russell Miller, 341 S. 57th St., came forward in support.

Peter Katt, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward as a local land use attorney in a neutral position with proposed amendments. Discussion followed.

Mary Roseberry Brown, President of Wilderness Park, came forward in support.

Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing the Lincoln Realtor Association in favor of storm water control but against imposing excessive costs. Discussion followed.

Foster Collins, 2100 Calvert Street, came forward in support.

Pat O'Neill, CDM, came forward for rebuttal.

Glen Johnson, NRD, came forward for rebuttal.

Nicole Fleck-Tooze, Public Works & Utilities Dept., came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS

Mary Rauner, 1820 Surfside Dr., came forward representing BC's to relate the decline of revenue due to the smoking ban.

This matter was taken under advisement.

John McManus, owner of Heidelberg's, to state he has had to layoff employees due to the decline in revenue because of the smoking ban.

This matter was taken under advisement.

Jan Karst, 1403 B Street, came forward to report that business is down in the bars since the smoking ban.

This matter was taken under advisement.

Eric Parde, 1824 M Street, #215, came forward as an employee of a local bar to relate that tips are down due to the smoking ban.

This matter was taken under advisement.

Kara Kugler, 210 S. 18th Street, came forward as the bartender of the Panic to report business is down more than it ever has been in 17 years due to the smoking ban.

This matter was taken under advisement.

Erin Stone, 1919 Prospect, came forward to request the smoking ban go to 40-60% and to state Keno funds are being lost which helps fund the Parks & Recreation programs.

This matter was taken under advisement.

Stephanie Maser, 2543 B Street, came forward asking that the smoking ban be repealed.

This matter was taken under advisement.

Roger Yant, 5640 Hunts Drive, came forward as a business owner to request the smoking ban ordinance be amended.

This matter was taken under advisement.

Katie Kohls, 2535 R Street, came forward as a part-time waitress at Critters to state she is losing hours due to the smoking ban.

This matter was taken under advisement.

Carol Price, 545 D Street, owner of West A Pub stated her business has declined 35-40% since the smoking ban.

This matter was taken under advisement.

Linda Mueller, 3921 Village Court, came forward as an employee of Critters to request a change of 40-60 to the smoking ban,

This matter was taken under advisement.

Mike Morosin, 2055 S St., came forward to recite some historic information.

This matter was taken under advisement.

Danny Walker, 427 E St., came forward to request the open mike be more than twice a month.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

REPEALING ORDINANCE NO. 18398 CREATING SANITARY SEWER DISTRICT NO. 1180 IN SOUTH FOLSOM STREET AND WEST SOUTH STREET, SOUTH APPROXIMATELY 1250 FEET DUE TO CONSTRUCTION COSTS EXCEEDING THE ESTIMATED COST BY MORE THAN 25% - CLERK read an ordinance, introduced by Jon Camp, an ordinance repealing Ordinance No. 18398 which created Sanitary Sewer District No. 1180, which Sanitary Sewer district included all that portion of South Folsom from West South Street, south approximately 125 feet +/-; Lot 210, 211, 153 and 155 Irregular Tract all in the Southeast Quarter of Section 34, Township 10, Range 6 east of the Sixth Principle Meridian, in the City of Lincoln, Lancaster County, Nebraska describing the benefitted property and providing for the payment of the cost thereof, the second time.

RESOLUTIONS

AMENDING RESOLUTION A-77032 TO EXTEND THE TIME TO CONSENT TO THE CONDITIONS OF APPROVAL OF SPECIAL PERMIT NO. 1577 IN ORDER TO ALLOW THE NEW OWNER OF THE PROPERTY TO USE THE PREMISES AS A HISTORIC STRUCTURE ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 10TH AND H STREETS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83255 WHEREAS, Resolution No. A-77032 adopted by the City Council on August 16, 1995, accepted and approved an application designated as Special Permit No. 1577 to authorize the preservation and reuse of a historic structure on property located at the southeast corner of 10th and H Streets and legally described as:

Lot 6, Block 147, Original Plat of Lincoln, Lancaster County, Nebraska; and

WHEREAS, condition 8 of the conditions of approval provided that 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; and

WHEREAS, the Permittee Carlos Monzon failed to timely return the City's letter of acceptance to the City Clerk; and

WHEREAS, James R. Hutchinson and Paula B. Hutchinson as successors in interest to Carlos Monzon desire to develop and use said historic structure as office space in accordance with the conditions of approval of Special Permit No. 1577 provided the time in which to file the letter of acceptance is waived; and

WHEREAS, the City Council is willing to allow such development and use of said historic structure to continue.

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

That condition 8 on page 3 beginning on line 7 be amended by deleting the words "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" and inserting in lieu there of the following words: before development and use of said historic structure as office space under this special permit may commence.

Introduced by Jon Camp

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

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

FRIENDT Moved to amend Bill No. 05R-63 by deleting the claim of Barbara A. King from the denied column and moving it to the allowed column.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83256 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 March 16, 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>	
Jeff Fisher & Amy Fisher	\$ 225.00	Homes by Hart	\$ 3,328.78
Richard Paulsen	NAS*	Andrea Helmkamp	11,000.00
Derek Bair	NAS*	Tanja Gilbertson	35.00
Jay DeGraw	64.20	James Chase	543.55
James Mahoney & Melissa Mahoney	NAS*	Bette Linville, Herb Linville	
Steven Haase & Sherry Haase	474.92	Robert Bartek	1,681.17
Barbara A. (Thieszen) King	124.75	Jennifer Miller	1,010.00
Karen Senkbile	100.00	Lora Nelson	535.60
Ralph S. Ervin	364.39	Mercy Services	277.18
American Family Insurance Group (Claim No. 00-071-389387-0527)	5,342.38	Frederic C. Lyford	412.58
Brian Kastl & Darlene Kastl	NAS*	Barbara A. (Thieszen) King	124.75
Brook Seacrest	400.00		

*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 Jon Camp

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

APPEAL OF THE PLANNING AND PUBLIC WORKS DEPARTMENTS FROM THE PLANNING COMMISSION AMENDED APPROVAL OF USE PERMIT 148 TO DEVELOP 24,317 SQUARE FEET. OF COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET NORTH OF FOLKWAYS BLVD. - PRIOR to reading:

COOK Moved to accept a Substitute Resolution for denial.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83257 WHEREAS, Elliott Rustad and Randy Haas have submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code

designated as Use Permit No. 148 to develop 24,317 square feet of commercial floor area, including requested waivers to the required storm water detention, front yard setbacks, minimum use permit area, and the preliminary plat process on property generally located at N. 27th Street and north of Folkways Blvd., legally described to wit:

Lot 48 I.T., and Lot 1, Block 1, King Ridge 1st Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on March 2, 2005 and adopted Resolution No. PC-00906 which conditionally approved Use Permit No. 148; and

WHEREAS, the conditions of approval eliminated the staff recommendation that the site plan be revised to relinquish the right of direct vehicular access from Outlot A to N. 27th Street; and

WHEREAS, the Planning Department and the Public Works & Utilities Department have appealed the action of the Lincoln City-Lancaster County Planning Commission and are requesting that condition 2.C. be amended to read as follows: "Revisions to the satisfaction of the Public Works and Utilities Department memo dated December 30, 2004, ~~except paragraph 4, "Access."~~ in order to require the site plan to be revised to relinquish the right of direct vehicular access from Outlot A to N. 27th Street; and

WHEREAS, the public street system adjacent to the area included within the site plan for this construction of commercial buildings will not be adversely affected if direct vehicular access is allowed from Outlot A to N. 27th Street; and

WHEREAS, the final action of the Lincoln City - Lancaster County Planning Commission approving Use Permit No. 148 should be affirmed; and

WHEREAS, said site plan together with the terms and conditions as approved by the Planning Commission 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:

Use Permit 148, approved by Planning Commission Resolution No. PC-00906 is hereby approved as adopted by the Planning Commission

Introduced by Jon Camp

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

COMP. PLAN AMENDMENT 05001 - AMENDING THE 2025 LINCOLN CITY-LANCASTER COUNTY COMPREHENSIVE PLAN AND THE FUTURE LAND USE PLAN TO INCLUDE THE STEVENS CREEK WATERSHED MASTER PLAN AS A SUBAREA PLAN - PRIOR to reading:

FRIENDT Moved to amend the Comp Plan Amendment 05001 by revising the watershed planning map on figure Es-5 and Figure 10.1 to eliminate the future wastewater trunk sewer line from the map.

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

CAMP Moved to amend the Comp Plan Amendment 05001 as follows: the future wastewater trunk sewer line is not to be built in or negatively impact the native prairie of the historic Stevens Creek Stock Farm.

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

CAMP Moved to amend Items 4 & 5 of the Comp Plan Amendment 05001 by #4 revising the Watershed Planning Map on Figure ES-5 and Figure 10.2 so the future trail is not built in the historic Stevens Creek Stock Farm and #5 to revise the notation on Figure 10.1 to read "Historic Area" instead of "Opportunity Area".

Seconded by Cook.

CAMP Withdrew said motion.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83258 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to incorporate the Stevens Creek Watershed Master Plan as a subarea plan and to adjust the Future Land Use Plan accordingly; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended amendments to the Stevens Creek Watershed Master Plan; and

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

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

That the 2025 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Amend the "Lincoln/Lancaster County Land Use Plan" figure on pages F23 and F25 to adjust the designation of "Green Space" and "Agricultural Stream Corridor" to the 100 year floodprone area as shown on the attached map and to appropriately reclassify areas no longer in the floodplain.
2. Add the "Stevens Creek Watershed Master Plan, 2005" to the list of approved subarea plans on Page F156.
3. Add a new section to the end of the Watershed Management section on page F81 as follows:
The following watershed studies are adopted in order to provide guidance to watershed management activities within the basin.
 - Stevens Creek Watershed Study and Flood Management Plan, 1998 (for rural watershed)
 - Beal Slough Stormwater Master Plan, May 2000
 - Southeast Upper Salt Creek Watershed Master Plan, 2003
 - Stevens Creek Watershed Master Plan, 2005

BE IT FURTHER RESOLVED that the Steven Creek Watershed Master Plan be amended as follows:

1. Revise the Executive Summary by adding a sentence to the end of the first paragraph on Page ES-8 as follows:
Two alternative methods were generated to install BMPs in the watershed based on a range of approaches discussed with the Citizen Advisory Committee. The methods included 1) Regional Structural BMPs, and 2) Site-Specific Structural BMPs. Advantages and disadvantages for each method were evaluated, which included an analysis of cost and effectiveness. The evaluation is described in Section 6 of the Master Plan and resulted in selecting site-specific structural BMPs as the recommended alternative. This method provides a cost-effective approach to maintain the integrity of the natural streams, preserve water quality, and can be efficiently integrated in the City's current development standards. The Master Plan includes guidance for revisions to the City's design standards for site-specific BMPs, which would be applied consistently to all new developments. Section 7 of the Master Plan provides further details on how to integrate structural BMPs into new development sites. When revised design standards are drafted, all low cost options providing the same or greater water quality benefits should be considered and included as options for the developer.

2. Revise Section 7, "Drainage Criteria Manual Review," to add a sentence to the first paragraph in 7.3, "Alternative Design Approaches," on page 7-19 as follows:
The design approach described above combines the water quantity (2-, 10-, and 100-year controls) requirements with the water quality component (structural BMP) into a single integrated facility. This integrated approach is one of many design concepts that can be employed to achieve the desired results. When revised design standards are drafted, all low cost options providing the same or greater water quality benefits should be considered and included as options for the developer. The following paragraphs provide other alternative design approaches that can be implemented to achieve the same overall goals and objectives.

3. Revise the Watershed Planning Map on figure ES-5 and Figure 10.1 so that the future wastewater trunk line, which is shown on the map as a reference for potential future infrastructure, is noted to be determined in the future in the vicinity of Stevens Creek Stock Farm, as shown on Attachment "A" attached hereto.

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

Introduced by Jon Camp

Seconded by McRoy & 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 ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 14, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY 28, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83259 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended February 28, 2005, \$690,883.37 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.

LES SUMMARY OF FINANCIAL AND OPERATING STATEMENTS FOR THE PERIOD JANUARY 1, 2004 THROUGH DECEMBER 31, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

ORDINANCES - 1ST READING

AMENDING SECTION 12.04.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PARK AND RECREATION ADVISORY BOARD MEMBERSHIP TO ALLOW GREATER FLEXIBILITY IN THE REQUIREMENTS FOR STUDENT APPOINTMENTS TO SERVE ON THE BOARD - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 12.04.010 of the Lincoln Municipal Code relating to the Park and Recreation Advisory Board Membership to allow greater flexibility in the requirements for student appointments to serve on the Board; and repealing Section 12.04010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 17.30.050 OF THE LINCOLN MUNICIPAL CODE TO CORRECT AN ERRONEOUS REFERENCE TO SECTION 17.22.095 FOUND IN SUBSECTION (B) OF SECTION 17.30.050 TO CORRECTLY REFER TO SECTION 17.22.100 BECAUSE SECTION 17.22.095 WAS RENUMBERED SECTION 17.22.100 DURING THE LMC RECODIFICATION PROCESS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 17.30.050 of the Lincoln Municipal Code relating to Discontinuance of Water Service to correct an erroneous reference to Section 17.22.095 found in subsection (b) of Section 17.30.050 to correctly refer to Section 17.22.100; and repealing Section 17.30.050 of the Lincoln Municipal Code as hitherto existing, the first time.

ANNEXATION 05001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 100.00 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE. (IN CONNECTION W/05R-69, 05-34) - CLERK read an ordinance, introduced by Jonathan Cook, 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 THE 1ST AND FLETCHER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND CARLTON PAINE & JUDITH PAINE, GLENN UMBERGER & LOIS UMBERGER, AND UMBERGER FARMS LTD., RELATING TO THE ANNEXATION OF APPROXIMATELY 100.69 ACRES, GENERALLY LOCATED SOUTHEAST OF NORTH 1ST STREET AND FLETCHER AVE. (IN CONNECTION W/05-33, 05-34) (ACTION DATE: 4/11/05) - CLERK read an ordinance, introduced by Jonathan Cook, that the agreement titled 1st and Fletcher Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Carlton Paine and Judith Paine, Glenn Umberger and Lois Umberger, and Umberger Farms, Ltd., ("Owners", outlining certain conditions and understandings relating to the annexation of approximately 100.69 acres of property generally located southeast of North 1st Street and Fletcher Avenue, is approved, the first time.

CHANGE OF ZONE 05002 - APPLICATION OF LINDSEY MANAGEMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FLETCHER AVENUE; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT; AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR 612 DWELLING UNITS, A CLUBHOUSE, PRIVATE GOLF COURSE AND 60,000 SQUARE FEET OF COMMERCIAL FLOOR AREA (OR 696 DWELLING UNITS IF THE COMMERCIAL USE IS DELETED) IN THE UNDERLYING R-3 RESIDENTIAL DISTRICT WITH A REQUESTED WAIVER OF THE REQUIRED PRELIMINARY PLAT PROCESS. (IN CONNECTION W/05R-69, 05-33) - CLERK read an ordinance, introduced by Jonathan Cook, 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.

CHANGE OF ZONE 05010 - APPLICATION OF THOMPSON CREEK LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND THOMPSON CREEK BLVD. (IN CONNECTION - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 141A - APPEAL OF THOMPSON CREEK LLC FROM THE PLANNING COMMISSION ACTION CONDITIONALLY APPROVING USE PERMIT NO. 141A ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND THOMPSON CREEK BLVD. SUBJECT TO THE REQUIREMENT THAT THE PAVEMENT IN SOUTH 57TH STREET BE 33 FEET WIDE AND THAT ANGLE PARKING BE PROVIDED ALONG SOUTH 57TH STREET, AND THAT A TRAFFIC STUDY BE PROVIDED. (IN CONNECTION W/05-35) (ACTION DATE: 4/11/05) - CLERK read an ordinance, introduced by Jonathan Cook, whereas, Thompson Creek, LLC has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 141A to remove two lots (Lot 1, Block 2, and Lot 7, Block 1, Thompson Creek Addition) from the Thompson Creek Community Unit Plan and add them to the Thompson Creek Use Permit on property generally located at South 56th and Thompson Creek Blvd., the first time.

CHANGE OF ZONE 05013 - APPLICATION OF THE STATE OF NEBRASKA DEPARTMENT OF LABOR FOR A CHANGE OF ZONE FROM O-1 OFFICE DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY LOCATED AT 16TH AND K STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 05014 - APPLICATION OF THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-7, R-6, R-5 AND R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN A AND SOUTH STREETS, 13TH TO 27TH STREETS; F AND A STREETS, 18TH TO 19TH STREETS; AND F AND A STREETS, 20TH TO 27TH STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 05017 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF NORTH 26TH STREET AND OLD DAIRY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING

STREET NAME CHANGE 05001 - RENAMING EXBURY ROAD AS EXBURY COURT LOCATED SOUTH FROM MONARCH CIRCLE AND GENERALLY LOCATED AT EXBURY ROAD AND THOMPSON CREEK BOULEVARD - CLERK read an ordinance, introduced by Ken Svoboda, changing the name of Exbury Road south from Monarch Circle to Exbury Court generally located at Exbury Road and Thompson Creek Boulevard, as recommended by the Street Name Committee, the third time.

SVOBODA 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 #18516, is recorded in Ordinance Book 202, Page

ORDINANCE APPROVING (1) FIRST AMENDMENT TO SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) FIRST AMENDMENT TO LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$27,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE REFUNDING BONDS, ALL WITH RESPECT TO THE COUNTY-CITY BUILDING AND HALL OF JUSTICE - CLERK read an ordinance, introduced by Ken Svoboda, approving (A) a first amendment to site lease among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska, jointly, as lessor, (B) a first amendment to lease agreement among the City and the County, jointly, as lessee, and the commission, as lessor, and (C) the issuance of not to exceed \$27,000,000 in aggregate principal amount of the commission's tax supported lease rental revenue refunding bonds; and related matters, the third time.

SVOBODA 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 #18517 is recorded in Ordinance Book 202, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 4, 2005.

Seconded by Svoboda & 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 April 4, 2005.

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

ADJOURNMENT 10:25 P.M.

CAMP Moved to adjourn the City Council meeting of March 28, 2005.

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

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
MARCH 28, 2005
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