

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 11, 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 E. 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

FRIENDT Having been appointed to read the minutes of the City Council proceedings of April 4, 2005, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng came forward to present the Mayor's Award of Excellence for February. They were Joanne Farrell & Kimberly Widicker of the Department Of Aging in the category of Productivity. Mayor Seng also presented the Mayor's Award of Excellence for March to Pam Gruber & Kristy Bassett of Parks and Recreation Department in the category of Productivity.

PRAIRIE HILL LEARNING CENTER PRESENTATION

A presentation was made by the students of the Prairie Hill Learning Center Civics Education Program. The subject presented was "Project Citizen". Ben Eigbrett and Reed Brodersen each made a presentation on recycling with Claire Briney, Alec Dugas, Maddie Joutras, and Jessie West assisting.

PUBLIC HEARING

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS - Ron Cane, Urban Development, came forward to answer questions.
This matter was taken under advisement.

APPROVING A TEN-YEAR LICENSE AGREEMENT BETWEEN THE CITY AND HOBBYTOWN UNLIMITED FOR THE USE OF A PORTION OF OAK LAKE PARK TO DEVELOP AND MAINTAIN A MODEL CAR RACE TRACK - Jerry Shorney, Parks and Recreation Dept., came forward to answer questions. Discussion followed.
This matter was taken under advisement.

CHANGE OF ZONE 05006 - APPLICATION OF LYLE MAYER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 84TH STREET AND WEST PIONEERS BLVD. (IN CONNECTION W/05R-74);

APPEAL OF HUB HALL AND LYLE MAYER FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 05003 TO DEVELOP MEADOW VIEW 2ND ADDITION COMMUNITY UNIT PLAN FOR 57 DWELLING UNITS IN SPLIT JURISDICTION, WITH REQUESTED WAIVERS OF THE REQUIRED ORNAMENTAL LIGHTING, SIDEWALKS, STREET TREES, LANDSCAPE SCREENS, BLOCK LENGTH, PRELIMINARY PLAT PROCESS, NON-PERPENDICULAR LOT LINES, LOT DEPTH TO WIDTH RATIO AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADE, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 84TH STREET AND WEST PIONEERS BLVD. (IN CONNECTION W/05-41) (ACTION DATE: 4/18/05)- Hub Hall, 2320 S. 48th St., stated the lagoon needs additional capacity to finish the Meadow View 1st Addition, but the land needed is not for sale.

Marc Palmer, Olsson Associates, came forward as the Engineer for this project. Discussion followed.

Jan Beal, 1955 S.W. 84th St., came forward with the concern of a traffic safety issue with the clustering of more homes in this area.

Lynnette Lewis, 7650 W. Van Dorn, came forward to express her concern of traffic and water issues.

Steve Beal, 1955 S.W. 84th St., came forward to express his concern with traffic problems in this area.

Mike DeKalb, Planning Dept., came forward to answer questions. Discussion followed.

Mr. Palmer came forward for rebuttal.

Mr. Hall came forward for rebuttal and to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING A CONTRACT INVOLVING THE EXPENDITURE OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE FISCAL YEAR OF CIP FUNDS FOR PINE LAKE ROAD FROM 40TH STREET TO 61ST STREET INCLUDING SOUTH 56TH STREET FROM SHADOW PINES DRIVE TO THOMPSON CREEK BOULEVARD, CITY PROJECT NO. 700014 - Nicole Fleck-Tooze, Public Works Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ACCEPTING AN OFFER OF DONATION IN THE AMOUNT OF \$5,000.00 FOR THE FUNDING OF THE STARTRAN RIDE FOR FIVE PROGRAM - Larry Worth, StarTran, came forward to report that the Lincoln Community Outreach Program donated \$5,000 to the Ride for Five Program. Discussion followed.

Beatty Brasch, Center for People in Need, came forward to report the importance of this program for the low income people.

This matter was taken under advisement.

TOOK BREAK 2:33 P.M.

RECONVENED 2:40 P.M.

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

MISCELLANEOUS BUSINESS

Sharon Buss, 7320 Seward, owner of Tuxedo Rose stated her business is down 65% compared to the first three months of 2004.

This matter was taken under advisement.

Laurie Anderson, 2424 N.W. 51st St., stated her employer Big Johns Billards will be closing due to the lack of revenue since the first of the year because of the smoking ban.

This matter was taken under advisement.

Jan Karst, 1403 E St., #302, came forward to request the smoking ban be revisited because of the loss of Keno revenue which is also a loss of revenue for the Parks and Recreation Department and the Libraries.

This matter was taken under advisement.

Sharon Glenn, 1805 Sumner, came forward to say thank you for passing the smoking ban.

This matter was taken under advisement.

Mike Morosin, 2055 S. St., came forward to express his displeasure of past and present decisions made by leaders in the Lincoln community.

This matter was taken under advisement.

Barry Franzen, 317 S. 11th St., owner of Libations, a cigar bar, came forward to state the loss of his cigar business due to the smoking ban.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

APPROVING A CONTRACT BETWEEN THE CITY AND LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA, 7TH STREET FROM P TO Q STREETS AND P STREET FROM 7TH TO 8TH STREETS - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area, 7th Street from P to Q Streets and P Street from 7th to 8th Streets, from May 7, 2005 through October 29, 2005, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

APPROVING A TEN-YEAR LICENSE AGREEMENT BETWEEN THE CITY AND HOBBYTOWN UNLIMITED FOR THE USE OF A PORTION OF OAK LAKE PARK TO DEVELOP AND MAINTAIN A MODEL CAR RACE TRACK - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving a License Agreement between the City of Lincoln and HobbyTown Unlimited, Inc. for the use of a portion of Oak Lake Park to development and maintain a model car race track for a ten-year term is hereby approved and the Mayor is authorized to execute said License Agreement on behalf of the City, the second time.

CHANGE OF ZONE 05006 - APPLICATION OF LYLE MAYER FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 84TH STREET AND WEST PIONEERS BLVD (IN CONNECTION W/05R-74) - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

APPEAL OF HUB HALL AND LYLE MAYER FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 05003 TO DEVELOP MEADOW VIEW 2ND ADDITION COMMUNITY UNIT PLAN FOR 57 DWELLING UNITS IN SPLIT JURISDICTION, WITH REQUESTED WAIVERS OF THE REQUIRED ORNAMENTAL LIGHTING, SIDEWALKS, STREET TREES, LANDSCAPE SCREENS, BLOCK LENGTH, PRELIMINARY PLAT PROCESS, NON-PERPENDICULAR LOT LINES, LOT DEPTH TO WIDTH RATIO AND TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADE, ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTHWEST 84TH STREET AND WEST PIONEERS BLVD (IN CONNECTION W/05-41) (ACTION DATE: 4/18/05).

RESOLUTIONS

APPROVING A CONTRACT INVOLVING THE EXPENDITURE OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE FISCAL YEAR OF CIP FUNDS FOR PINE LAKE ROAD FROM 40TH STREET TO 61ST STREET INCLUDING SOUTH 56TH STREET FROM SHADOW PINES DRIVE TO THOMPSON CREEK BOULEVARD, CITY PROJECT NO. 700014 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83269 WHEREAS, The City of Lincoln desires to enter into contract(s) for the street improvement project that provides for construction of Pine Lake Road from 40th Street to 61st Street including South 56th Street from Shadow Pines Drive to Thompson Creek Blvd., City Project No. 700014.

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

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

That the Mayor is authorized to execute a contract between the City and the recommended, lowest bid contractor for construction of Pine Lake Road from 40th Street to 61st Street including South 56th Street from Shadow Pines Drive to Thompson Creek Blvd., City Project No. 700014.

The City Clerk is directed to return one fully executed copy of this Resolution to the Public Works and Utilities Department, for department records.

Introduced by Glenn Friendt

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

ACCEPTING AN OFFER OF DONATION IN THE AMOUNT OF \$5,000.00 FOR THE FUNDING OF THE STARTRAN RIDE FOR FIVE PROGRAM - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83270 WHEREAS, an Offer of Donation in the amount of \$5,000.00 has been made to the City of Lincoln for the purpose of funding the StarTran Ride for Five Program to off-set revenue loss of discounted fleet passports; and

WHEREAS, the City through its Public Works Department desires to accept the donation upon the stated condition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the acceptance of a \$5,000.00 donation to fund the revenue of discounted fleet passport bus tickets is hereby accepted and approved effective the date of its receipt, and that the sincere appreciation of the City of Lincoln to the Donor of this gift is hereby expressed and made a part of the records of the City of Lincoln.

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, APRIL 25, 2005 AT 5:30 P.M. FOR THE APP. OF SHOGUN RK, INC. DBA SHOGUN FOR A CLASS J LIQUOR LICENSE LOCATED AT 3701 S. 9TH ST., #2 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83271 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., April 25, 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 App. of Shogun RK, Inc. dba Shogun for a Class J liquor license located at 3701 S. 9th Street, #2.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, APRIL 25, 2005 AT 5:30 P.M. FOR THE APP. OF ALLEY, INC. DBA THE ALLEY FOR AN ADDITION TO PREMISES AT 1031 M STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83272 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon. April 25, 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 App. of Alley, Inc. dba The Alley for an addition of premises at 1031 M Street.

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

Introduced by Annette McRoy

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

PETITIONS

INFORMAL PAVING PETITION FOR A PAVING DISTRICT TO BE CREATED IN MANDARIN CIRCLE SIGNED BY ROSS D. WUNDERLICH AND DEAN FANDRICH - CLERK presented said petition which was referred to the Public Works Dept.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF MARCH 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON April 4, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF MARCH 14 THROUGH APRIL 1, 2005 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83273 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 Annette McRoy

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

SETTING A HEARING DATE OF MONDAY, MAY 2, 2005, AT 1:30 P.M. FOR BOARD OF EQUALIZATION FOR NORTH 27TH STREET MAINTENANCE DISTRICT - CITY CLERK requested approval of the hearing date of Monday, May 2, 2005 at 1:30 p.m.

MCROY So moved.

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

ORDINANCES - 1ST READING

CHANGE OF ZONE 05021 - APPLICATION OF THE UNIVERSITY PLACE COMMUNITY ORGANIZATION FOR A CHANGE OF ZONE ON APPROXIMATELY 18 BLOCKS WITHIN THE UNIVERSITY PLACE NEIGHBORHOOD FROM R-6, R-5, AND R-4 RESIDENTIAL DISTRICTS AND B-3 COMMERCIAL DISTRICT TO R-5, R-4, AND R-2 RESIDENTIAL DISTRICTS, GENERALLY LOCATED BETWEEN CLEVELAND AND HUNTINGTON AVENUES FROM 46TH TO 47TH STREETS, BETWEEN MADISON AVENUE AND ADAMS STREET FROM 49TH TO 56TH STREETS, AND BETWEEN GARLAND STREET AND HUNTINGTON AVENUE FROM 48TH TO 56TH STREETS - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, 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 05018 - APPLICATION OF RON TONNIGES FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 84TH STREET, SOUTH OF OLD CHENEY ROAD - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

MISC. NO. 05005 - AMENDING SECTIONS 26.11.032 AND 26.31.015 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THAT A PRELIMINARY PLAT IS NOT REQUIRED WHEN A COMMUNITY UNIT PLAN, PLANNED UNIT DEVELOPMENT, SPECIAL PERMIT, OR USE PERMIT IS SUBMITTED THAT CONTAINS ALL THE NECESSARY INFORMATION FOR A SUBDIVISION - CLERK read an ordinance, introduced by Annette McRoy, amending Title 26 of the Lincoln Municipal Code, the Land Subdivision Ordinance, by amending Section 26.11.032 relating to filing preliminary plats and scheduling hearings before the Planning Commission to provide that a preliminary plat is not required for subdivisions coordinated with a community unit plan, planned unit development, special permit, or use permit; by amending Section 26.31.015 relating to coordinating subdivisions and community unit plans, planned unit developments, special permits, and use permits to clarify that a preliminary plat is not required whenever the tract to be subdivided is included within a community unit plan, planned unit development, special permit, or use permit, and to further clarify that the coordinated development shall comply with the requirements of Title 26, except as specifically modified; and repealing Sections 26.11.032 and 26.31.015 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD 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 third time.

COOK 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 **#18519**, is recorded in Ordinance Book 202, Page

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 CMC REMODIFICATION 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 27.30.050 to correctly refer to Section 17.22.100; and repealing Section 17.30.050 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK 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 **#18520**, is recorded in Ordinance Book 202, Page

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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05-33 for one week to 5/18/05 w/public hearing limited to expert testimony.

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

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 third time.

APPROVING THE 1ST AND FLETCHER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND CARLTON PAINE & JUDITH PAINE, GLENN UMBERED & LOIS UMBERED, AND UMBERED FARMS LED., 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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-69 for one week to 5/18/05 w/public hearing limited to expert testimony.

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

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) - PRIOR to reading:

COOK Moved to delay action on Bill No. 05-34 for one week to 5/18/05 w/public hearing limited to expert testimony.

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

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 third 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 third time.

COOK 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 **#18521**, is recorded in Ordinance Book 202, Page

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) - PRIOR to reading:

MCROY Moved to accept a substitute resolution for approval.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

NEWMAN Moved to amend Bill No. 05R-67 in the following manner:
On page 1, delete lines 7 through 10 and insert in lieu thereof the following: Lot 7, Block 1, Lot 1, Block 2, Lots 13 and 15-30, Block 3, and Outlet A, Thompson Creek Addition; Lots 1-4, Block 1, and Outlots A and B, Thompson Creek Commercial Addition, and Units 1 and 2, Thompson Creek Boulevard Condominium Regime, Lincoln, Lancaster County, Nebraska.

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

COOK Moved to reconsider the substitute resolution motion.
Seconded by Friendt.

COOK Withdrew the motion.

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

A-83274 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 Street and Thompson Creek Blvd., and legally described as:

~~Lot 7, Block 1, Lot 1, Block 2, Lots 13-30, Block 3, and Outlet A, Thompson Creek Addition; Lots 1 through 4, Block 1, and Outlots A and B, Thompson Creek Commercial Addition, Lincoln, Lancaster County, Nebraska;~~

Lot 7, Block 1, Lot 1, Block 2, Lots 13 and 15-30, Block 3, and Outlet A, Thompson Creek Addition; Lots 1-4, Block 1, and Outlots A and B, Thompson Creek Commercial Addition, and Units 1 and 2, Thompson Creek Boulevard Condominium Regime, Lincoln, Lancaster County, Nebraska.

WHEREAS, the Lincoln City - Lancaster County Planning Commission conditionally approved Use Permit No. 141A including conditions requiring paving in S. 57th Street to be 33' wide, requiring angle parking along S. 57th Street, and requiring a traffic study and showing revisions based on the traffic study; and

WHEREAS, Thompson Creek, LLC has appealed from the above-mentioned conditions and is requesting their elimination; and

WHEREAS, the Department of Public Works & Utilities and Thompson Creek, LLC have reached a compromise regarding the above-mentioned conditions; and

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the community unit plan and use permit for commercial space will not be adversely affected; and

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

WHEREAS, the action of the Lincoln City - Lancaster County Planning Commission conditionally approving Use Permit No. 141A should be modified by eliminating the requirement that paving in S. 57th Street be 33' wide, by modifying the required angled parking along S. 57th Street, and by modifying the required traffic study.

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

That the application of Thompson Creek, LLC, hereinafter referred to as "Permittee", to remove two lots from the Thompson Creek Community Unit Plan and add them to the Thompson Creek Use Permit be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that the development of said Community Unit Plan and Use Permit be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 114,500 sq. ft. of office space which includes 37,000 sq. ft. of live-work office space and 16 dwelling units, along with all previously approved waivers of the required setbacks, a reduction of the required parking, and a reduction of the required open space for dwellings.

2. Before receiving building permits:

a. Revise the site plan to:

- i. Show Lot 1, Block 2 served with sanitary sewer.
- ii. Show 8" water mains serving the commercial area with connections to Thompson Creek Blvd. and Union Hill Rd.
- iii. Revise note 5 to reflect the current R-3 zoning designation.
- iv. Revise note 8 to show 8" water lines serving the commercial area.
- v. Revise note 14 to replace the name "Trego Drive" with "Crosslake Lane."
- vi. Label the 60' easement along South 57th Street "Public access, water main, and utility easement."
- vii. Show sidewalks along both sides of South 57th Street with connections to the commercial lots.
- viii. Revise the parking along South 57th Street to be angled such that vehicles can enter and leave parking stalls without crossing the centerline of South 57th Street.
- ix. Show additional right-of-way for the right turn lanes in 56th Street at Union Hill Road and Thompson Creek Boulevard.
- x. Add a note stating part of this development is located within the Country Acres Wellhead Protection Area. Best management practices will be utilized to decrease the risk of groundwater contamination, for example, being conscientious regarding the use of lawn chemicals/fertilizers and ensuring the proper storage of chemicals and/or fuels.

b. Provide horizontal curve data and a street grade profile for South 57th Street.

c. Submit a traffic study projecting anticipated peak hour traffic volumes and required lane configurations in Union Hill Road between 56th Street and Greycliff Drive and revise plans, if necessary, to meet recommendations of the approved study.

d. The permittee must submit a revised and approved final plan with 5 copies.

e. The construction plans shall comply with the approved plans.

f. Final plats within the area of this Use Permit shall be approved by the City.

g. Change of Zone #05010 must be approved.

h. An amendment to the Thompson Creek CUP must be approved removing these lots.

3. Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.

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

5. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns. The building officer shall report violations to the City Council which may revoke this use permit or take other such action as may be necessary to gain compliance.

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

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Annette McRoy

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

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 third time.

COOK 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 **#18522**, is recorded in Ordinance Book 202, Page

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 - PRIOR to reading:

MCROY Moved to amend Bill No. 05-37 by deleting the addresses of 2042 S. 15th St. and 2050 S. 15th St. from the maps attached to the ordinance.

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

CLERK Read n 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 third time.

COOK 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 **#18523**, is recorded in Ordinance Book 202, Page

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 third time.

COOK 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 **#18524**, is recorded in Ordinance Book 202, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 18, 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 18, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 3:26 P.M.

CAMP Moved to adjourn the City Council meeting of April 11, 2005.
Seconded by Svoboda & 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