

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 30, 2006 AT 5:30 P.M.**

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

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

READING OF THE MINUTES

NEWMAN Having been appointed to read the minutes of the City Council proceedings of January 23, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF PARKER'S RIB RANCH INC. DBA RIB RANCH FOR A CLASS I LIQUOR LICENSE AT 6440 O STREET;

MANAGER APPLICATION OF JEFFERY W. PARKER FOR PARKER'S RIB RANCH INC. DBA RIB RANCH AT 6440 O STREET - Mike Rierden, 645 "M" Street, Suite 200, took oath and came forward representing Jeff Parker and Parker's Rib Ranch, Inc. to answer questions.

Jeff Parker, no address given, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05083 - APPLICATION OF THE NEBRASKA SCHOOL OF GYMNASTICS SOUTH, INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT 7545 PIONEERS BLVD. - Paula Hutchinson, 100 N. 12th St., #1002, came forward representing Nebraska School of Gymnastics South, Inc., formerly known as Pioneer Gymnastics Academy, to explain their request and to answer questions. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2006 - Phillip Mendoza and Lori Mendoza, 2115 S. 61st Street, came forward to report City Attorney Jim Faimon's unfavorable comments when discussing the claim over the phone and to request a portion of the denied claim be paid. Discussion followed.

Dana Roper, City Attorney, came forward to explain the reason the Police needed to break down the door and the legal authority to do so. Discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS

Glen Cekal, 1420 "C" Street, came forward to ask that the area close to the Near South Neighborhood be cleaned up. He would like landlords of apartments and duplexes be licensed, hard wire smoke alarms not battery operated ones be required and the word "blight" needs to be clarified.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF PARKER'S RIB RANCH INC. DBA RIB RANCH FOR A CLASS I LIQUOR LICENSE AT 6440 O STREET - - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-83716 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Parker's Rib Ranch Inc. dba Rib Ranch for a Class "I" liquor license at 6440 O Street, Lincoln, Nebraska, for the license period ending April 30, 2006, 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 A. Camp

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

MANAGER APPLICATION OF JEFFERY W. PARKER FOR PARKER'S RIB RANCH INC. DBA RIB RANCH AT 6440 O STREET - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption for approval:

A-83717 WHEREAS, Parker's Rib Ranch, Inc. dba Rib Ranch located at 6440 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeffrey W. Parker be named manager;

WHEREAS, Jeffrey W. Parker 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 Jeffrey W. Parker 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 A. Camp

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 05083 - APPLICATION OF THE NEBRASKA SCHOOL OF GYMNASTICS SOUTH, INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT 7545 PIONEERS BLVD - CLERK read an ordinance, introduced by Patte Newman, 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.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/LINCOLN FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2723 N. 50TH STREET - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2723 N. 50th Street, Lincoln, NE for a one-year term beginning September 1, 2005, the second time.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11th Street, Lincoln, NE for a one-year term beginning September 1, 2005, the second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 1 - 15, 2006 - PRIOR to reading:

NEWMAN Moved to accept a substitute resolution for Bill No. 06R-13 to add Phillip Mendoza II for denial and Ricky Austin for settlement.

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

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

A-83718 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 17, 2006, 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>
Ron Schied	\$ 933.89	Ricky Austin	\$ 9,000.00
Frank Marik	52.70	+ medicals in the amount of	<u>4,313.65</u>
Donna Beran	58.71		\$13,313.65
Jonathan Martin	66.99		
Lucas Hitch	1,320.00		
Garret Lomeli	100.00		
Phillip Mendoza II	1,571.50		

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

Introduced by Patte Newman

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

APPROVING THE LINCOLN- LANCASTER COUNTY HEALTH DEPARTMENT EXPANSION PARKING AND ACCESS AGREEMENT BETWEEN THE LINCOLN- LANCASTER COUNTY PUBLIC BUILDING COMMISSION AND B&J PARTNERSHIP FOR CONVEYANCE OF PROPERTY FOR A DRIVEWAY ENTRANCE AND DECELERATION LANE AND THE MAINTENANCE OF THE PARKING LOT ADJOINING THE HEALTH DEPARTMENT FACILITY GENERALLY LOCATED AT S. 31ST AND O STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83719 WHEREAS, the Lincoln Lancaster County Public Building Commission is expanding its Health Department to meet its needs at the facility located at S. 31st and O Streets; and

WHEREAS, the expansion will necessitate access and parking requirements on property the Public Building Commission does not own; and

WHEREAS, B&J Partnership is the owner of the approximately 230 square feet of property generally located at South 31st Street and O Street and is agreeable to conveying said property to the City of Lincoln and County of Lancaster in order to allow the Public Building Commission to use this space for a deceleration lane and driveway entrance to the parking lot at the Health Department expansion site; and

WHEREAS, B&J Partnership and the Public Building Commission, have negotiated and are desirous of entering into the attached Expansion Parking and Access Agreement for said property.

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

1. That the attached Lincoln-Lancaster County Health Department Expansion Parking and Access Agreement between the Lincoln Lancaster County Public Building Commission and B & J Partnership, Ltd. for the conveyance of property to the City and County for a driveway entrance and deceleration lane to the parking lot at the Health Department expansion site and further providing, in return for the Commission to be responsible to maintain and operate the parking lot in accordance with the terms and conditions contained in said Agreement, is hereby approved.

Introduced by Patte Newman

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

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY FOR INSTALLATION OF THREE 3/4" UNDERGROUND CONDUITS IN CUSTER STREET BETWEEN N. 70TH STREET AND COTNER BLVD. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83720 WHEREAS, Big Red Storage has submitted an application for a permit to use the public right-of-way in Custer Street between North 70th Street and Cotner Blvd. for the installation of three 3/4" underground conduits for wiring a remote gate to an office; and

WHEREAS, said applicant has submitted a letter of application with a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as detailed in Exhibit B; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of Big Red Storage, hereinafter referred to as "Permittee," to use the public right-of-way related to in Custer Street between North 70th Street and Cotner Blvd. as shown on Exhibit "B" for the purpose of installing three 3/4" underground conduits be granted as a privilege only by virtue of and subject to strict compliance with the site plans, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance evidencing a commercial or comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one occurrence and naming the City as additional insured.

2. The work shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Utilities. The facilities, where they are underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, and nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable to require a change of location of said facilities as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the Permittee in a good and workmanlike manner.

3. The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental is currently \$1.50 per lineal foot of space occupied underneath the public street, alley, sidewalk, or other public ground. Such rental is based upon the number of conduits (three conduits at \$.50) being placed within the right-of-way.

Said rental payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided however, the amount of the initial payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st day of October of the next year and payments shall be due and payable on October 1st thereafter. Rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of five percent shall be added thereto in addition to said interest.

4. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

5. That said use shall conform to the application, the site plan filed therewith, and with all applicable City ordinances and regulations.

6. The Permittee, its successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

7. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

8. The terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

9. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall terminate.

Introduced by Patte Newman

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 13, 2006 AT 1:30 P.M. FOR THE APP. OF THE ISLES RECEPTION HALL FOR A CLASS I LIQUOR LICENSE AT 6224 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-83721 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 13, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of The Isles Reception Hall for a Class I liquor license at 6224 Havelock.

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

Introduced by Jon A. Camp

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 23, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS DECEMBER 31, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED DECEMBER 31, 2005 - CLERK read the following resolution, introduced by Jon A. Camp, who moved its adoption:

A-83722 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2005, \$450,710.71 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 Jon A. Camp

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

APPOINTING SHANNA BELSCHNER AND DWIGHT BROWN TO THE CITIZEN POLICE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 17, 2008 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83723 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Shanna Belschner and Dwight Brown to the Citizen Police Advisory Board for three-year terms expiring November 17, 2008 is hereby approved.

Introduced by Patte Newman

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

APPOINTING BRIAN STEVENSON TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2008 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83724 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Brian Stevenson to the Government Access and Information Committee for a two-year term expiring January 1, 2008 is hereby approved.

Introduced by Patte Newman

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

REQUEST OF PUBLIC WORKS TO SET A PUBLIC HEARING DATE OF MONDAY, FEBRUARY 27, 2006, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

06-12 To provide authority to create and construct an 8-inch sanitary sewer main serving the northeast corner of South 84th Street and Old Cheney Road and assess the cost thereof against the benefitted properties.

CAMP Moved to approve hearing date of Monday, February 27, 2006 at 5:30 p.m. and place on the formal City Council Agenda.

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

ORDINANCES - 1ST READING

CHANGE OF ZONE 05078 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.37.020 TO ADD INDOOR MOVIE THEATERS AS A PERMITTED USE IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT ON OR AFTER JANUARY 1, 2013; BY AMENDING SECTION 27.37.030 TO ADD INDOOR MOVIE THEATERS AS A SPECIAL PERMITTED USE IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT THROUGH DECEMBER 31, 2012; BY AMENDING SECTION 27.63.630 TO CLARIFY THAT ON OR AFTER JANUARY 1, 2013, PRE-EXISTING INDOOR MOVIE THEATERS APPROVED BY SPECIAL PERMIT IN THE B-5 DISTRICT SHALL AUTOMATICALLY BE CONVERTED TO INDOOR MOVIE THEATERS AS A PERMITTED USE IN THE B-5 DISTRICT, AND THAT THEREAFTER THERE SHALL BE NO RESTRICTION ON THE MAXIMUM NUMBER OF THEATER COMPLEXES IN EACH B-5 DISTRICT AND NO RESTRICTION ON THE MAXIMUM NUMBER OF MOVIE SCREENS IN EACH THEATER COMPLEX - Prior to reading:

CAMP Moved to delay the Public Hearing on Bill No. 06-10 to 2/27/06.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon A. Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2013; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 district through December 31, 2012; by amending Section 27.63.630 to clarify that on or after January 1, 2013, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 8.22 OF THE LINCOLN MUNICIPAL CODE RELATING TO LITTERING BY ADDING A NEW SECTION NUMBERED 8.22.175 TO PROVIDE THAT PERSONS OR BUSINESSES ADVERTISING THROUGH MATERIALS DISTRIBUTED IN A MANNER IN VIOLATION OF CHAPTER 8.22 SHALL BE EQUALLY LIABLE ALONG WITH THE PERSON DISTRIBUTING SUCH MATERIALS AND PROVIDING A REBUTTABLE PRESUMPTION THAT ANY PERSON OR BUSINESS ADVERTISED IN THE POSTING SHALL BE GUILTY OF VIOLATING THE SECTION; BY AMENDING SECTION 8.22.210, RELATING TO PENALTIES FOR VIOLATIONS, TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF CHAPTER 8.22 FROM \$100.00 TO \$500.00 - CLERK read an ordinance, introduced by Jon A. Camp, amending Chapter 8.22 of the Lincoln Municipal Code relating to Littering by adding a new section numbered 8.22.175 to provide that persons or businesses advertising through materials distributed in a manner in violation of Chapter 8.22 shall be equally liable along with the person distributing such materials and providing a rebuttable presumption that any person or business advertised in the posting shall be guilty of violating the section; by

amending Section 8.22.210, relating to penalties for violations, to increase the maximum fine for violations of Chapter 8.22 from \$100.00 to \$500.00; and repealing Section 8.22.210 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

AMENDING ORDINANCE NO. 18493, PASSED BY THE CITY COUNCIL ON JANUARY 31, 2005, TO CORRECT THE LEGAL DESCRIPTION FOR THE VACATION OF NORTH 44TH STREET TO MOVE THE BEGINNING POINT FOR THE VACATION OF WALKER AVENUE 50 FEET EAST OF THE EAST LINE OF N. 43RD STREET IN ORDER TO RETAIN ACCESS TO WALKER AVENUE FOR LOTS 6 AND 7, BLOCK 43, PITCHER & BALDWIN'S 2ND ADDITION TO UNIVERSITY PLACE - CLERK read an ordinance, introduced by Annette McRoy, amending Ordinance 18493 passed by the City Council of the City of Lincoln, Nebraska on January 31, 2005, as amended by Ordinance No. 18538 passed by the City Council of the City of Lincoln on May 16, 2005, vacating a portion G.M. Barnes Subdivision, Pitcher and Baldwin's Second Addition to University Place, and University Place Addition located within the UNL East Campus and vacating portions of Leighton Avenue, North 40th Street, North 41st Street, North 42nd Street, North 43rd Street, North 44th Street and Walker Avenue, generally located between North 33rd Street and North 45th Street and between Leighton Avenue and Huntington Avenue, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18668**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05042 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 06-3, 06R-8) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18669**, is recorded in Ordinance Book #25, Page

USE PERMIT 89C - APPLICATION OF RIDGE DEVELOPMENT COMPANY TO DEVELOP 183,980 SQ. FT. OF RETAIL, RESTAURANT, BANK AND OFFICE USES, WITH ADJUSTMENTS TO THE REQUIRED YARD SETBACKS AND TO ALLOW LOTS WITHOUT FRONTAGE TO A PUBLIC STREET OR PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND PINE LAKE ROAD. (RELATED ITEMS: 06-3, 06R-8) (ACTION DATE: 1/30/06) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83725 WHEREAS, Ridge Development Company has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 89C to develop 183,980 sq. ft. of retail, restaurant, bank and office uses, with adjustments to yard setbacks and to allow lots without frontage to a public street or private roadway, on property generally located at South 14th Street and Pine Lake Road, and legally described as:

Lots 1, 2, and 3, Block 2, and Outlot A, Block 3, Pine Ridge 1st Addition; Lots 1 and 2, Pine Ridge 2nd Addition; Lots 1, 2, 3, 4, and Outlot A, Pine Ridge 3rd Addition; Lot 1 and Outlot A, Pine Ridge 4th Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development will not be adversely affected; and

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

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

That the application of Ridge Development Company, hereinafter referred to as "Permittee", to develop 183,980 sq. ft. of retail, restaurant, bank and office uses, on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in strict compliance

with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 183,980 square feet of retail, restaurant, bank, and office uses (98,400 on Block 2); grants waivers to the B-2 district height and area regulations to reduce yard setbacks to 0' except as shown on the site plan; and waives the requirement of Lincoln Municipal Code § 26.23.140(g) to allow lots that do not front upon and have access to a public street or private roadway.
2. Before receiving building permits:
 - a. The Permittee must submit five copies of an acceptable revised final plan.
 - b. The construction plans shall comply with the approved plans.
 - c. Final Plats shall be approved by the City.
3. Before occupying the building 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 owners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
7. The Permittee 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 Permittee.
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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

STREET NAME CHANGE 05009 - RENAMING WILDRYE DRIVE AS WILDRYE ROAD IN FALLBROOK 12TH ADDITION - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Wildrye Drive to Wildrye Road located in Fallbrook 12th Addition as recommended by the Street Name Committee, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered #18670, is recorded in Ordinance Book #25, Page

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2005. (1/23/06 - Claims of Margaret Wehr and Laurie Colburn held over 1 wk. for Action on 1/30/06) - PRIOR to reading:

MCROY Moved to amend Bill No. 06R-6C to pay ½ of personal property damages of Margaret Wehr and Laurie Colburn.

Seconded by Camp.

COOK Moved to amend McRoy's motion to pay ½ of Colburn's personal property claim and zero compensation of Wehr's personal property claim.

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

McRoy's motion voted on and carried by the following vote:

AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman; NAYS: Svoboda.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83726 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated January 3, 2006, 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:

DENIED

ALLOWED OR SETTLED

Margaret Wehr	\$ 2,680.08	
Laurie Colburn	3,925.56	\$441.00
*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 Jonathan Cook

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

MISCELLANEOUS BUSINESS

PENDING -

MCROY Moved to remove Bill No. 05-107 from Pending for action only on 2/6/06.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CAMP Moved to extend the Pending List to February 6, 2006.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on February 6, 2006.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 6:31 P.M.

CAMP Moved to adjourn the City Council meeting of January 30, 2006.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
January 30, 2006
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