

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 25, 2006 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross; Absent: None.

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

**READING OF THE MINUTES**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of September 18, 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**

CREATING WATER DISTRICT NO. 1195 IN N.W. 19TH STREET BETWEEN WEST Q AND WEST S STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Mike Smith, 633 Marina Bay Pl., came forward representing the applicants and to answer questions.

Sharon Mettscher, 415 N.W. 19<sup>th</sup> St., came forward in opposition to the water district. Discussion followed.

Elmer Cole, Public Works & Utilities - Engineering Services, came forward to answer Council questions. Discussion followed.

Mr. Smith came forward for rebuttal.

This matter was taken under advisement.

CREATING SEWER DISTRICT NO. 1182 IN SOUTH 15TH STREET BETWEEN MULBERRY AND PLUM STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Ronald Decker, 1927 S. 15<sup>th</sup> St., came forward in opposition to the sewer district. Discussion followed.

Lynn Stokke, 1449 Mulberry St., came forward in opposition.

Shannon Kiehn, 1945 S. 15<sup>th</sup>, came forward in opposition.

Mary Lou Jensen, 1926 S. 15<sup>th</sup>, came forward in opposition.

Lori Gottfried, 1927 S. 15<sup>th</sup>, came forward in opposition.

Susan Gottfried, 1927 S. 15<sup>th</sup>, came forward in opposition.

Leyla Hrustemovich, 1930 S. 15<sup>th</sup>, came forward in opposition.

Elmer Cole, Public Works & Utilities - Engineering Services, came forward to answer Council questions. Discussion followed.

This matter was taken under advisement.

CREATING WATER DISTRICT NO. 1196 IN ORCHARD STREET BETWEEN N. 67TH STREET AND N. 68TH STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - Brian Moore, 6708 Orchard St., came forward in support.

David Page, 6728 Orchard St., came forward with questions. Discussion followed.

Elmer Cole, Public Works & Utilities - Engineering Services, came forward to address questions of the homeowners and to explain how the process works. Discussion followed.

Steve Owen, Public Works & Utilities Dept., came forward to answer questions. Discussion followed.

Mr. Moore came forward for rebuttal asking if they could tap into 67<sup>th</sup> Street.

Mr. Owen came forward to respond that their policy encourages abutting connection as the non-abutting service involves too much liability to the City.

Amber Page, 6728 Orchard St., came forward in support.

Mr. Cole came forward to answer questions about the minimum and maximum costs involved to homeowners. Discussion followed.

This matter was taken under advisement.

ACCEPTING AND APPROVING A FOUR MONTH/400 HOUR SEASONAL LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA MACHINERY TO PROVIDE ONE MOTOR GRADER FOR USE BY THE PUBLIC WORKS & UTILITIES, STREET MAINTENANCE OPERATIONS, IN ARTERIAL AND RESIDENTIAL SNOW REMOVAL, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL SEASONS;

ACCEPTING AND APPROVING A FOUR MONTH/400 HOUR SEASONAL LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MURPHY TRACTOR AND EQUIPMENT TO PROVIDE THREE MOTOR GRADERS FOR USE BY THE PUBLIC WORKS & UTILITIES, STREET MAINTENANCE OPERATIONS, IN ARTERIAL AND RESIDENTIAL SNOW REMOVAL, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL SEASONS - Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain the lease agreement and to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 06040 - APPLICATION OF THE 40TH & A STREET NEIGHBORHOOD ASSOCIATION TO CHANGE THE ZONING ON APPROXIMATELY 36 BLOCKS WITHIN THE 40TH AND A STREET NEIGHBORHOOD FROM B-1 LOCAL BUSINESS DISTRICT, R-6, R-5 AND R-4 RESIDENTIAL DISTRICTS TO R-2 RESIDENTIAL DISTRICT AND FROM B-1 LOCAL BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED IN THE NORTH AND WEST PORTIONS OF AN AREA BOUNDED BY RANDOLPH, 33RD, 48TH AND A STREETS - Tracy Lines, 1001 S. 37<sup>th</sup> St., came forward representing the residents of the 40<sup>th</sup> & A Street Neighborhood Association stating that the change of zone will help preserve residential aspects of their neighborhood. Discussion followed.

Larry Zink, 4926 Leighton Ave., came forward in support.

Shawn Ryba, 4411 N. Park Blvd., came forward in support.

Discussion followed.

Martha McCullough, 881 S. 34<sup>th</sup> St., came forward in support.

Discussion followed.

Mike Morosin, 2055 "S" Street, came forward to comment.

Steve Henderson, Planning Dept., came forward to explain the zoning issues. Discussion followed.

Tracy Lines, came forward in rebuttal.

Mr. Henderson came forward to answer questions. Discussion followed.

This matter was taken under advisement.

**TOOK BREAK 7:08 P.M.**

**RECONVENED 7:22 P.M.**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2006 (9/18/06 - Claims of Loeske & Obst to have con't. Public Hearing w/Action 9/25/06) - Steve Owen, Public Works & Utilities Dept., came forward to respond to the claims.

Mark Loeske, 26500 S. 84<sup>th</sup> St., came forward to discuss his claim and to direct questions to Mr. Owen.

Dana Roper, City Attorney, came forward to answer questions of Mr. Loeske's claim and discuss Ms. Obst's claim. Discussion followed.

Roger Krull, Public Works Dept., came forward to answer questions. Discussion followed.

James Puls, Public Works - Wastewater, came forward to answer questions. Discussion followed.

Tim Hatcher, Public Works - Wastewater, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SPEEDWAY PROPERTIES TO USE THE PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF AN ACCESSIBLE RAMP AND LANDING ON PROPERTY AT 1644 P STREET - Harry Kroos, Public Works & Utilities Dept., came forward to clarify use of public right-of-way. Discussion followed.

Neal Grummert, 1644 P St., came forward representing the applicant and to answer questions. Discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 06001 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE LAND DESIGNATED AS AGRICULTURAL TO INDUSTRIAL AND COMMERCIAL BETWEEN N. 40TH AND N. 56TH STREET, NORTH OF INTERSTATE 80 AND SOUTH OF BLUFF ROAD; TO CHANGE LAND DESIGNATED AS AGRICULTURAL TO LOW DENSITY RESIDENTIAL ON THE SOUTH SIDE OF BLUFF ROAD, 1/4 MILE WEST OF N. 56TH STREET; AND TO DESIGNATE ALL OF THE LAND IN THE PROPOSAL AS TIER I, PRIORITY A, AND INSIDE THE FUTURE SERVICE LIMIT FOR LINCOLN;

COMPREHENSIVE PLAN CONFORMANCE 06008 - ADOPTING THE NORTH 56TH AND ARBOR ROAD REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY NORTH 40TH STREET ON THE WEST, NORTH 70TH STREET ON THE EAST, FROM BLUFF ROAD SOUTH TO THE SALT CREEK, EXCLUDING THE BLUFF ROAD LANDFILL - Darl Naumann, City/County Economic Development, came forward to explain the resolutions and answer questions. Discussion Followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200 came forward representing the applicant, Developments Unlimited, to answer questions and to present an amendment.

Dennis Van Horn, Lincoln Public School Board, came forward to answer questions and discuss school district concerns. Discussion followed.

Wynn Hjermland, Urban Development Dept., came forward to clarify the policy and answer questions. Discussion followed.

Nicole Fleck-Tooze, Public Works Dept., came forward to answer questions. Discussion followed.

Mr. Naumann came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

APPROVING THE NORTH BANK JUNCTION ANNEXATION & ZONING AGREEMENT BETWEEN THE CITY AND ROGER & ELDONNA SCHWISOW AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROX. 214 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD.;

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 214 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD.;

CHANGE OF ZONE 3398 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL FOR APPROX. 123 ACRES & H-4 GENERAL COMMERCIAL FOR APPROX. 21 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD.;

SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 SQ. FT. OF PLANNED SERVICE COMMERCIAL FLOOR AREA, WITH VARIANCES TO THE REAR & SIDE YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT N. 56TH ST. & ARBOR RD. - Peter Katt, came forward representing the applicants and to answer questions. Discussion followed.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF WILLIAM J. WAGNER FOR PLANET SUBS NEBRASKA, LLC, DBA PLANET SUBS AT 1332 P STREET - PRIOR to reading:

SVOBODA Moved to delay action one week to 10/2/06 for applicant to attend the meeting.

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

### **ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

CREATING WATER DISTRICT NO. 1195 IN N.W. 19TH STREET BETWEEN WEST Q AND WEST S STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1195, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING SEWER DISTRICT NO. 1182 IN SOUTH 15TH STREET BETWEEN MULBERRY AND PLUM STREETS AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Sewer District No. 1182, designating the real estate to be benefitted,

providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING WATER DISTRICT NO. 1196 IN ORCHARD STREET BETWEEN N. 67TH STREET AND N. 68TH STREET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1196, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

ACCEPTING AND APPROVING A FOUR MONTH/400 HOUR SEASONAL LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA MACHINERY TO PROVIDE ONE MOTOR GRADER FOR USE BY THE PUBLIC WORKS & UTILITIES, STREET MAINTENANCE OPERATIONS, IN ARTERIAL AND RESIDENTIAL SNOW REMOVAL, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL SEASONS - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a lease agreement between the City of Lincoln, Nebraska Machinery Company for the lease of one articulated frame four-wheel drive motor grader for a term from November 1, 2006 through February 28, 2007 with an option in the City to renew the lease for three additional seasons, the second time.

ACCEPTING AND APPROVING A FOUR MONTH/400 HOUR SEASONAL LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND MURPHY TRACTOR AND EQUIPMENT TO PROVIDE THREE MOTOR GRADERS FOR USE BY THE PUBLIC WORKS & UTILITIES, STREET MAINTENANCE OPERATIONS, IN ARTERIAL AND RESIDENTIAL SNOW REMOVAL, WITH AN OPTION TO RENEW FOR THREE ADDITIONAL SEASONS - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving equipment rental agreements between the City of Lincoln, Nebraska and Murphy Tractor & Equipment Company for the lease of three articulated frame four-wheel drive motor grader for a term from November 1, 2006 through February 28, 2007 with an option in the City to renew the lease for three additional seasons, the second time.

CHANGE OF ZONE 06040 - APPLICATION OF THE 40TH & A STREET NEIGHBORHOOD ASSOCIATION TO CHANGE THE ZONING ON APPROXIMATELY 36 BLOCKS WITHIN THE 40TH AND A STREET NEIGHBORHOOD FROM B-1 LOCAL BUSINESS DISTRICT, R-6, R-5 AND R-4 RESIDENTIAL DISTRICTS TO R-2 RESIDENTIAL DISTRICT AND FROM B-1 LOCAL BUSINESS DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED IN THE NORTH AND WEST PORTIONS OF AN AREA BOUNDED BY RANDOLPH, 33RD, 48TH AND A STREETS - CLERK read an ordinance, introduced by Ken Svoboda, 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.

#### RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF AUGUST 16 - 31, 2006. (9/18/06 - CLAIMS OF LOESKE & OBST TO HAVE CON'T. PUBLIC HEARING W/ACTION 9/25/06) - PRIOR to reading:

MARVIN Moved to amend Bill No. 06R-182C by splitting the claim amount submitted by Ms. Obst by half the amount.

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

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

A-84047 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 September 1, 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>	
	<u>2,657.20</u>		
Ava M. Obst	\$ <del>5,314.40</del>	<u>Ava M. Obst</u>	<u>\$2,657.20</u>
Mark Loseke	2,755.00		

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

APPLICATION OF SPEEDWAY PROPERTIES TO USE THE PUBLIC RIGHT-OF-WAY FOR  
CONSTRUCTION OF AN ACCESSIBLE RAMP AND LANDING ON PROPERTY AT 1644 P  
STREET - PRIOR to reading:

ESCHLIMAN Moved to amend MTA #1 to Bill No. 06R-187 in the following manner:  
1. On page 2, line 6, insert a new paragraph 4 to read as follows:  
4. The existing driveways (one to N. 17<sup>th</sup> Street, the other to P Street) must be removed closed and the curb and gutter reconstructed.  
2. Renumber the subsequent paragraphs accordingly.

Seconded by McRoy.

ESCHLIMAN Withdrew the amendment.

SVOBODA Moved to delay action 2 weeks to 10/9/06.

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

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

A-84048 WHEREAS, Speedway Properties has submitted an application for a permit to use the public right-of-way at 1644 P Street, for construction of an accessible ramp; and

WHEREAS, said applicant has submitted a letter of application and 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 above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 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 application aforesaid of Speedway Properties to use the public right-of-way at 1644 P Street for the purpose of constructing an accessible ramp, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, 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.

4. 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.

5. 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 applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant 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 thereupon automatically terminate.

Introduced by Ken Svoboda

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

COMP. PLAN AMENDMENT 06001 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE LAND DESIGNATED AS AGRICULTURAL TO INDUSTRIAL AND COMMERCIAL BETWEEN N. 40TH AND N. 56TH STREET, NORTH OF INTERSTATE 80 AND SOUTH OF BLUFF ROAD; TO CHANGE LAND DESIGNATED AS AGRICULTURAL TO LOW DENSITY RESIDENTIAL ON THE SOUTH SIDE OF BLUFF ROAD, 1/4 MILE WEST OF N. 56TH STREET; AND TO DESIGNATE ALL OF THE LAND IN THE PROPOSAL AS TIER I, PRIORITY A, AND INSIDE THE FUTURE SERVICE LIMIT FOR LINCOLN. (RELATED ITEMS: 06R-188, 06R-189)- CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84049 WHEREAS, the Planning Director, on behalf of Mark Hunzeker, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to change the land use designation on the Land Use Map for the area between N. 40th Street and N. 56th Street, north of Interstate 80 and south of Bluff Road, from Agriculture to Industrial and Commercial, and to change the land use designation on the Land Use Map for the area on the south side of Bluff Road, 1/4 mile west of N. 56th Street from Agriculture to Low Density Residential, and to designate both areas as Tier I, Priority A and inside the Future Service Limit; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof.

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

1. Amend the Lincoln/Lancaster County Land Use Map on page F23 and the Lincoln Area Detail Map on page F25 to change the land use designation for the area between N. 40th Street and N. 56th Street, north of Interstate 80 and south of Bluff Road from Agriculture to Industrial and Commercial as shown on Exhibit "1".

2. Amend the Lincoln/Lancaster County Land Use Map on page F23 and the Lincoln Area Detail Map on page F25 to change the land use designation for the area on the south side of Bluff Road, 1/4 mile west of N. 56th Street from Agriculture to Low Density Residential as shown on Exhibit "1".

3. Amend the Urban Growth Tier, Tier I Priority Areas and Tier II Priority Areas, figures on pages F27, F31, and F33, respectively, to change the land on the northwest corner of N. 56th Street (US Highway 77) and Interstate 80 from Tier II to Tier I, Priority A and within the City's Future Service Limit, and amend other affected maps accordingly, to include the land shown as Commercial, Industrial and Low Density Residential on Exhibit "1".

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 with such specific amendments.

Introduced by Ken Svoboda

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

COMPREHENSIVE PLAN CONFORMANCE 06008 - ADOPTING THE NORTH 56TH AND ARBOR ROAD REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY NORTH 40TH STREET ON THE WEST, NORTH 70TH STREET ON THE EAST, FROM BLUFF ROAD SOUTH TO THE SALT CREEK, EXCLUDING THE BLUFF ROAD LANDFILL. (RELATED ITEMS: 06R-188, 06R-189) - PRIOR to reading:

COOK Moved to amend Bill No. 06R-189 by amending the North 56<sup>th</sup> & Arbor Road Redevelopment Plan attached to Bill No. 06R-189, marked as Attachment A as follows:

1. On page 22, amend the first sentence of paragraph 3 to read as follows: Support of commercial redevelopment efforts on the west side North 56<sup>th</sup> Street (Project Sub-Area A, Exhibit 4), south of Arbor Road at property generally described as Finigan Brothers Lot 2, Finigan Brothers Lot 1 in the East half of Section 32-11-7, and commercial development north of Arbor Road on property generally described as Lots 11, 27, 28 and 33 Irregular Tracts in Section 29-11-7.

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

MCROY Moved amendment #2 to Bill No. 06R-189 by amending the North 56<sup>th</sup> & Arbor Road Redevelopment Plan attached to Bill No. 06R-189, marked as Attachment A as follows:

1. On page 22, amend the first sentence of paragraph 3 and add two additional sentences to read as follows:

Support of commercial and residential redevelopment efforts on the west side North 56<sup>th</sup> Street (Project Sub-Area A, Exhibit 4), south of Arbor Road at property generally described as Finigan Brothers Lot 2, Finigan Brothers Lot 1 in the East half of Section 32-11-7, and commercial development north of Arbor Road on property generally described as Lots 11, 27, 28 and 33 Irregular Tracts in Section 29-11-7. Support of residential development shall be limited to the initial phase of a maximum of 115 lots in Project Sub-Area A. No internal roadways, utility collection or distribution facilities or other on-site improvements shall be made within and in support of residential development.

2. On page 22, amend the first sentence of paragraph 4 and add two additional sentences to read as follows:

Support of commercial and residential development efforts on the west side of North 56<sup>th</sup> Street (Project Sub-Area A, Exhibit 4), south of proposed Alvo Road at property generally described as Lots 20 and 21 I.T., Section 32-11-7. Support of residential development shall be limited to the initial phase of a maximum of 115 lots in Project Sub-Area A. No internal roadways, utility collection or distribution facilities or other on-site improvements shall be made within and in support of residential development.

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

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

A-84050 WHEREAS, the City's Urban Development Department has prepared the North 56th Street and Arbor Road Redevelopment Plan ("Redevelopment Plan") to cover an area generally bounded by North 40th Street on the west, North 70th Street on the east, from Bluff Road south to the Salt Creek, excluding the Bluff Road landfill; and

WHEREAS, the City Council, after consideration of the North 56th and Arbor Road Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on October 24, 2005; and

WHEREAS, the Director of Urban Development has filed with the City Clerk the Redevelopment Plan generally consisting of extending infrastructure to this area, enhancing arterial and collector streets and constructing sidewalks to provide construction ready industrial sites for large employers north and west of Interstate 80 and the North 56th Street interchange and to support commercial redevelopment efforts north and west of the intersection of Interstate 80 and North 56th Street and on the west side of North 56th Street south of Arbor Road and south of proposed Alvo Road. Said plan is attached hereto and marked Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on July 21, 2006 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on August 2, 2006 before the Lincoln City - Lancaster County Planning Commission regarding the Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on August 2, 2006 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 14, 2006 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on September 25, 2006 regarding the proposed Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on September 8, 2006 and September 15, 2006 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on September 25, 2006 regarding the proposed Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on January 10, 2005 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That for projects utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and Estimated Expenditures.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Redevelopment Plan attached hereto as Attachment "A" is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Redevelopment Plan.

Introduced by Ken Svoboda

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



PUBLIC HEARING ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS

APPROVING THE NORTH BANK JUNCTION ANNEXATION & ZONING AGREEMENT BETWEEN THE CITY AND ROGER & ELDONNA SCHWISOW AND HARTLAND HOMES, INC. RELATING TO THE ANNEXATION OF APPROX. 214 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) (9/18/06 - TO HAVE CON'T. P.H. & ACTION 9/25/06) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 04R-273 by substituting the North Bank Junction Conditional Annexation and Zoning Agreement attached to the Resolution with the North Bank Junction Conditional Annexation Agreement which is attached hereto and marked as Attachment "A".

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

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

A-84051 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled North Bank Junction 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 Roger and Eldonna Schwisow and Hartland Homes, Inc., outlining certain conditions and understandings relating to the annexation of approximately 214.69 acres of property generally located within an area north of Salt Creek on the south to the south line of Arbor Road on the north and from one-half mile west of North 56th Street on the west to North 56th Street on the east, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the City.

Introduced by Ken Svoboda

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

ANNEXATION 03001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROX. 214 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION 04R-273, 04-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) (9/18/06 - TO HAVE CON'T. P.H. & ACTION 9/25/06) - PRIOR to reading:

SVOBODA Moved to Amend Bill No. 04-188 in the following manner:

1. On page 1, lines 7 through 11 delete the legal description and insert in lieu thereof the attached legal description.

A portion of Lot 2, Finigan Brothers Addition, located in the Southeast Quarter of Section 29 and Lots 23 & 24 Irregular Tracts and a portion of 17.11± Acres Lower Platte South Natural Resources District, located in the East Half of Section 32, all located in Township 11 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Commencing at the South 1/4 corner of Section 29, Township 11 North, Range 7 East, and the POINT OF BEGINNING;

Thence North 00° 12' 36" West, on the West line of the Southeast Quarter of Section 29, a distance of 404.53 feet;

Thence North 89° 47' 13" East, a distance of 560.11 feet;

Thence North 00° 12' 47" West, a distance of 240.00 feet;

Thence North 21° 25' 43" East, a distance of 58.64 feet;

Thence North 29° 47' 13" East, a distance of 270.00 feet;

Thence South 60° 12' 47" East, a distance of 100.00 feet;

Thence North 29° 47' 13" East, a distance of 110.00 feet;

Thence South 60° 12' 47" East, a distance of 302.27 feet;

Thence South 00° 12' 47" East, a distance of 802.76 feet;

Thence South 89° 36' 40" East, a distance of 158.56 feet;

Thence North 89° 14' 35" East, a distance of 700.14 feet;

Thence South 89° 36' 40" East, a distance of 404.05 feet;  
Thence North 00° 42' 49" East, a distance of 1268.39 feet;  
Thence North 00° 54' 00" West, a distance of 551.53 feet;  
Thence South 89° 26' 19" East, a distance of 150.05 feet;  
Thence South 00° 54' 00" East, a distance of 549.81 feet;  
Thence South 00° 42' 49" West, a distance of 1319.66 feet;  
Thence South 02° 09' 17" West, a distance of 695.35 feet;  
Thence South 83° 55' 33" West, a distance of 1401.63 feet;  
Thence North 00° 23' 20" East, a distance of 547.03 feet;  
Thence South 35° 52' 55" West, a distance of 118.58 feet;  
Thence South 48° 04' 39" West, a distance of 114.64 feet;  
Thence South 67° 53' 46" West, a distance of 112.52 feet;  
Thence South 85° 44' 25" West, a distance of 99.26 feet;  
Thence North 89° 36' 40" West, a distance of 128.00 feet;  
Thence South 00° 23' 20" West, a distance of 50.44 feet;  
Thence South 01° 31' 39" East, a distance of 100.06 feet;  
Thence South 08° 58' 20" West, a distance of 400.39 feet;  
Thence North 81° 01' 40" West, a distance of 180.00 feet;  
Thence North 08° 58' 20" East, a distance of 22.20 feet;  
Thence North 81° 01' 40" West, a distance of 100.00 feet;  
Thence North 08° 58' 20" East, a distance of 66.75 feet;  
Thence North 06° 06' 49" East, a distance of 200.50 feet;  
Thence North 00° 23' 20" East, a distance of 418.66 feet;  
Thence South 89° 36' 40" East, a distance of 6.00 feet;  
Thence North 00° 23' 20" East, a distance of 173.00 feet;  
Thence North 89° 36' 40" West, a distance of 186.00 feet;  
Thence North 00° 23' 20" East, a distance of 56.25 feet;  
Thence North 89° 36' 40" West, a distance of 120.00 feet;  
Thence North 00° 23' 20" East, a distance of 63.75 feet;  
Thence North 89° 36' 40" West, a distance of 33.25 feet;  
Thence North 00° 01' 01" East, a distance of 36.00 feet to  
the POINT OF BEGINNING, and containing a calculated area of  
2,730,162.17 square feet or 62.68 acres more or less.

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

CLERK Read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as amended.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: None; ABSTAINING: Marvin. The ordinance, being numbered **#18806**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 3398 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL FOR APPROX. 123 ACRES & H-4 GENERAL COMMERCIAL FOR APPROX. 21 ACRES ON PROPERTY GENERALLY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) (9/18/06 - TO HAVE CON'T. P.H. & ACTION 9/25/06) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 04-189 in the following manner:

1. On page 1, line 9 through page 2, line 24, delete the legal description and insert in lieu thereof the attached legal description marked Attachment "A".

2. On page 2, line 31 through page 3, line 9, delete the legal description and insert in lieu thereof the attached legal description marked Attachment "B".

Attachment "A"

A portion of Lot 2, Finigan Brothers Addition, located in the Southeast Quarter of Section 29 and Lot 23 Irregular Tract, located in the East Half of Section 32, all located in Township 11 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows.

Commencing at the South 1/4 corner of Section 29, Township 11 North, Range 7 East, and the POINT OF BEGINNING;

Thence North 00° 12' 36" West, on the West line of the Southeast Quarter of Section 29, a distance of 404.53 feet;  
Thence North 89° 47' 13" East, a distance of 560.11 feet;  
Thence North 00° 12' 47" West, a distance of 240.00 feet;  
Thence North 21° 25' 43" East, a distance of 58.64 feet;  
Thence North 29° 47' 13" East, a distance of 270.00 feet;  
Thence South 60° 12' 47" East, a distance of 100.00 feet;  
Thence North 29° 47' 13" East, a distance of 110.00 feet;  
Thence South 60° 12' 47" East, a distance of 302.27 feet;  
Thence South 00° 12' 47" East, a distance of 838.76 feet;  
Thence South 89° 36' 40" East, a distance of 197.80 feet;  
Thence South 00° 23' 20" West, a distance of 830.13 feet;  
Thence South 83° 55' 33" West, a distance of 201.28 feet;  
Thence North 00° 23' 20" East, a distance of 547.03 feet;  
Thence South 35° 52' 55" West, a distance of 118.58 feet;  
Thence South 48° 04' 39" West, a distance of 114.64 feet;  
Thence South 67° 53' 46" West, a distance of 112.52 feet;  
Thence South 85° 44' 25" West, a distance of 99.26 feet;  
Thence North 89° 36' 40" West, a distance of 128.00 feet;  
Thence South 00° 23' 20" West, a distance of 50.44 feet;  
Thence South 01° 31' 39" East, a distance of 100.06 feet;  
Thence South 08° 58' 20" West, a distance of 400.39 feet;  
Thence North 81° 01' 40" West, a distance of 180.00 feet;  
Thence North 08° 58' 20" East, a distance of 22.20 feet;  
Thence North 81° 01' 40" West, a distance of 100.00 feet;  
Thence North 08° 58' 20" East, a distance of 66.75 feet;  
Thence North 06° 06' 49" East, a distance of 200.50 feet;  
Thence North 00° 23' 20" East, a distance of 418.66 feet;  
Thence South 89° 36' 40" East, a distance of 6.00 feet;  
Thence North 00° 23' 20" East, a distance of 173.00 feet;  
Thence North 89° 36' 40" West, a distance of 186.00 feet;  
Thence North 00° 23' 20" East, a distance of 56.25 feet;  
Thence North 89° 36' 40" West, a distance of 120.00 feet;  
Thence North 00° 23' 20" East, a distance of 63.75 feet;  
Thence North 89° 36' 40" West, a distance of 33.25 feet;  
Thence North 00° 01' 01" East, a distance of 36.00 feet to the POINT OF BEGINNING, and containing a calculated area of 1,476,722.56 square feet or 33.90 acres more or less.

Attachment "B"

Lot 24 Irregular Tract and a portion of 17.11± Acres Lower Platte South Natural Resources District, located in the East Half of Section 32, Township 11 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the North Quarter Corner of Section 23;

Thence on the North line of the Northeast Quarter of said Section 32, on an assigned bearing of South 89° 36' 40" East, a distance of 1317.99 feet, to the POINT OF BEGINNING;

Thence continuing on assigned bearing of South 89° 36' 40" East, a distance of 1214.15 feet, to a point on the westerly right-of-way line of North 56<sup>th</sup> Street;

Thence on said westerly right-of-way line, South 02° 09' 17" West, a distance of 695.35 feet;

Thence South 83° 55' 33" West, a distance of 1200.35 feet;

Thence North 00° 23' 20" East, a distance of 830.13 feet, to the POINT OF BEGINNING, said tract containing an area of 916,988.18 square feet or 21.05 acres, more or less.

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

CLERK Read an ordinance, introduced by Ken Svoboda, 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.

SVOBODA Moved to pass the ordinance as amended.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: None; ABSTAINING: Marvin. The ordinance, being numbered #18807, is recorded in Ordinance Book #25, Page

SPECIAL PERMIT 2004 - APPLICATION OF HARTLAND HOMES, INC., RODGER & ELDONNA SCHWISOW TO DEVELOP 125,000 SQ. FT. OF PLANNED SERVICE COMMERCIAL FLOOR AREA, WITH VARIANCES TO THE REAR & SIDE YARD SETBACK REQUIREMENTS ON PROPERTY LOCATED AT N. 56TH ST. & ARBOR RD. (IN CONNECTION W/04-188, 04R-273, 04R-189, 04R-272) (10/11/04 - PLACED ON PENDING INDEFINITELY) (REQUEST TO WAIVE COUNCIL RULES TO REMOVE FROM PENDING FOR P.H. 9/18/06, WITH ACTION 9/25) (9/18/06 - TO HAVE CON'T. P.H. & ACTION 9/25/06) - PRIOR to reading:

SVOBODA Moved to amend Bill No. 04R-272 in the following manner:  
1. On page 1, lines 6 through 25, delete the legal description and insert in lieu thereof the attached legal description marked Attachment "A".

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 Ken Svoboda, who moved its adoption as amended:

A-84052 WHEREAS, Roger and Eldonna Schwisow and Hartland Homes, Inc. have submitted an application designated as Special Permit No. 2004 for authority to construct 125,000 sq. ft. of Planned Service Commercial floor area, with requested variances to the rear and side yard setbacks, on property located at North 56th Street and Arbor Road, and legally described to wit:

~~A portion of Lots 20 and 21 I.T., located in the East Half of Section 32, Township 11 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:~~

~~Commencing at the North Quarter corner of said Section 32; thence on the north line of the Northeast Quarter of said Section 32, on an assigned bearing of south 89 degrees 96 minutes 40 seconds east, a distance of 1317.99 feet to the point of beginning; thence continuing on assigned bearing of south 89 degrees 36 minutes 40 seconds east, a distance of 1214.15 feet to a point on the westerly right-of-way line of North 56th Street; thence on said westerly right-of-way line, south 02 degrees 09 minutes 17 seconds west, a distance of 695.35 feet to a point on the southerly line of said Lot 21; thence on said southerly line for the next four courses, south 83 degrees 55 minutes 33 seconds west, a distance of 1200.35 feet; thence north 00 degrees 23 minutes 20 seconds east, a distance of 830.13 feet to the point of beginning, said tract containing an area of 916,988.18 square feet or 21.05 acres, more or less;~~

Lot 24 Irregular Tract and a portion of 17.11± Acres Lower Platte South Natural Resources District, located in the East Half of Section 32, Township 11 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the North Quarter Corner of Section 23;

Thence on the North line of the Northeast Quarter of said Section 32, on an assigned bearing of South 89°36'40" East, a distance of 1317.99 feet, to the POINT OF BEGINNING;

Thence continuing on assigned bearing of South 89°36'40" East, a distance of 1214.15 feet, to a point on the westerly right-of-way line of North 56<sup>th</sup> Street;

Thence on said westerly right-of-way line, South 02°09'17" West, a distance of 695.35 feet;

Thence South 83°55'33" West, a distance of 1200.35 feet;

Thence North 00°23'20" East, a distance of 830.13 feet, to the POINT OF BEGINNING, said tract containing an area of 916,988.18 square feet or 21.05 acres, more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this planned service commercial area 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 Roger and Eldonna Schwisow and Hartland Homes, Inc., hereinafter referred to as "Permittee", to construct 125,000 sq. ft. of Planned Service Commercial floor area, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said commercial floor are be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 125,000 square feet of floor area and variances to the rear and side yard setback requirements from 50' to 20' and 10' respectively.
2. Before receiving building permits:
  - a. The Permittee must submit an acceptable, revised final plan including seven copies.
  - b. The construction plans must conform to the approved plans.
  - c. Final plats within the area of this Planned Service Commercial area must be approved by the City.
3. Before occupying, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established property 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. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, and the Permittee's successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Ken Svoboda

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

#### PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 9, 2006 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF RON SNOVER FOR LANCASTER CO. AGRICULTURAL SOCIETY, INC. DBA LANCASTER EVENT CENTER AT 4100 N. 84<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84053 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 9, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Manager Application of Ron Snover for Lancaster County Agricultural Society, Inc. dba Lancaster Event Center at 4100 N. 84<sup>th</sup> Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 9, 2006 AT 1:30 P.M. FOR THE APPLICATION OF LEAD DOG ENTERTAINMENT, INC. DBA COYOTE WILLY'S FOR A CLASS C LIQUOR LICENSE AT 2137 CORNHUSKER HIGHWAY, STE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84054 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set of Mon., October 9, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Lead Dog Entertainment, Inc. dba Coyote Willy's for a Class C liquor license at 2137 Cornhusker Highway, Ste. A.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 9, 2006 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF TROY FLANNIGAN FOR O'FOURTEEN, INC. DBA WOODY'S PUB AT 101 N. 14<sup>TH</sup> STREET, STE. 6 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84055 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 9, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Manager Application of Troy Flannigan for O'Fourteen, Inc. dba Woody's Pub located at 101 N. 14<sup>th</sup> Street, Ste. 6.

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

Introduced by Jon Camp

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

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON SEPTEMBER 11, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON SEPTEMBER 18, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2007-2012 SURFACE TRANSPORTATION PROGRAM. - CLERK presented said report which was placed on file in the Office of the City Clerk. **(12)**

SETTING THE INTEREST RATE AND LEVYING THE ASSESSMENTS OF SPECIAL ASSESSMENT GROUP II (SIDEWALK DISTRICT NO. 94) FROM THE BOARD OF EQUALIZATION SEPTEMBER 18, 2006 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84056 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed September 11, 2006, to pay the costs of the improvements in Sidewalk District No. 94, except on the following properties:

Eastborough Swimming Pool Assoc.	Lots 11, 12 & 13, Eastborough 2 <sup>nd</sup> Add.
Edenton South Homeowners Assoc.	Outlot C, Edenton South Add.
Drewel, Kenneth W. & Deborah I.	I.T. 251, NE 1/4 Section 8-10-7

are hereby levied and shall bear interest at 6.05% per annum and that the period of time in which the assessments are to be paid shall be as follows:

Sidewalk Districts - 5 years

Introduced by Jon Camp

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

ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS

COMP. PLAN AMENDMENT 06004 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, NORTH 48TH STREET/UNIVERSITY PLACE PLAN TO SHOW A REDEVELOPMENT PROJECT SOUTHWEST OF 51ST AND GARLAND STREETS. (RELATED ITEMS 06R-143, 06-123, 06-171) (ACTION DATE: 10/9/06)

CHANGE OF ZONE 06035 - APPLICATION OF THE DIRECTOR OF PARKS & RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF 51ST AND GARLAND STREETS. (RELATED ITEMS 06R-143, 06-123, 06-171) - CLERK read an ordinance, introduced by Jon Camp, 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.

APPROVING A GROUND LEASE BETWEEN THE CITY AND THE LINCOLN/LANCASTER COUNTY CHILD ADVOCACY CENTER FOR THE PROPERTY LOCATED AT LOTS 1 THROUGH 12, BLOCK 128, UNIVERSITY PLACE, FOR THE CONSTRUCTION OF A FACILITY TO PROVIDE A SAFE, CHILD-FRIENDLY ENVIRONMENT FOR INTERVIEWS AND MEDICAL EXAMS OF CHILD VICTIMS FOR AN INITIAL 30-YEAR TERM. (RELATED ITEMS 06R-143, 06-123, 06-171) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Ground Lease Agreement between the City of Lincoln and the Lincoln/Lancaster County Child Advocacy Center for a lease of property generally located at North 51<sup>st</sup> and Garland Streets for the construction of a facility to provide a safe, child-friendly environment for interviews and medical exams of child victims, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 970 MONROE, BENNET, NE FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and American Legion Post #280 for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 970 Monroe, Bennet, NE for a term beginning September 1, 2006 through August 31, 2007, the first time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NE FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church/Waverly for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 14410 Folkestone Street, Waverly, NE for a term beginning September 1, 2006 through August 31, 2007, the first time.

CHANGE OF ZONE 06057 - APPLICATION OF RESTAURANTS SPACE 1997A, INC. AND DEEJAYS CORPORATION FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH STREET AND VAN DORN STREET. (RELATED ITEMS: 06-173, 06R-191) - CLERK read an ordinance, introduced by Jon Camp, 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.

PRE-EXISTING USE PERMIT 8F - APPLICATION OF RESTAURANTS SPACE 1997A, INC. AND DEEJAYS CORPORATION, TO EXPAND THE PRE-EXISTING USE PERMIT, INCLUDING REQUESTS TO ADJUST THE PARKING FROM ONE SPACE PER 100 SQUARE FEET OF FLOOR AREA TO ONE SPACE PER 150 SQUARE FEET OF FLOOR AREA AND TO ADJUST THE FRONT YARD SETBACK FROM 20 FEET TO 6 FEET FOR PARKING, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 48TH STREET. (RELATED ITEMS: 06-173, 06R-191) (ACTION DATE: 10/9/06)

CHANGE OF ZONE 06056 - AMENDING SECTION 27.67.020 OF THE LINCOLN MUNICIPAL CODE, PARKING MATRIX, TO CHANGE THE OFF-STREET PARKING REQUIREMENT IN THE H-2 HIGHWAY BUSINESS AND H-3 HIGHWAY COMMERCIAL ZONING DISTRICTS FROM ONE PARKING SPACE PER 200 SQUARE FEET OF FLOOR AREA TO ONE PARKING SPACE PER 300 SQUARE FEET OF FLOOR AREA - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.67.020 of the Lincoln Municipal Code to amend Figure 27.67.020, Parking Matrix, to change the off-street parking requirement in the H-2 Highway Business and H-3 Highway Commercial zoning districts from one parking space per 200 square feet of floor space (1/200) to one parking space per 300 square feet of floor area (1/300); and repealing Section 27.67.020 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 06054 - AMENDING SECTIONS 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 AND 27.24.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE R-1, R-2, R-3, R-4, R-5, R-6, R-7, AND R-8 ZONING DISTRICTS TO PROVIDE PROVISIONS REGARDING THE USE OF VACANT AND OCCUPIED LOTS WHICH HAVE LESS AREA OR WIDTH OR BOTH LESS AREA AND WIDTH THAN REQUIRED BY SAID DISTRICT REGULATIONS; AMENDING SECTION 27.61.090 TO LIMIT THE NUMBER OF DWELLING UNITS IN A NONSTANDARD MULTIPLE DWELLING WHICH IS ENLARGED, EXTENDED OR RECONSTRUCTED, AND AMENDING THE STATEMENT OF INTENT IN CHAPTERS 27.21, 27.23, AND 27.24 TO DELETE BOARDING AND LODGING HOUSES WHICH ARE NO LONGER PERMITTED USES IN THOSE DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 and 27.24.080 relating to the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, respectively, to provide provisions regarding the use of vacant and occupied lots which have less area or width or both less area and width than required by said district regulations; amending Section 27.61.090 to limit the number of dwelling units in a nonstandard multiple dwelling which is enlarged, extended or reconstructed; repealing Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal Code as hitherto existing; and amending the introductory statement of intent in Chapters 27.21, 27.23, and 27.24 to delete boarding and lodging houses which are no longer permitted in the R-6, R-7, and R-8 districts, respectively, the first time.

CHANGE OF ZONE 06045 - APPLICATION OF THE WITHERBEE NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON APPROXIMATELY 48 BLOCKS GENERALLY BETWEEN 33RD AND 48TH STREETS FROM O STREET TO RANDOLPH STREET, FROM B-1 LOCAL BUSINESS TO R-2 RESIDENTIAL AT 48TH AND RANDOLPH STREETS, AND FROM O-2 SUBURBAN OFFICE TO R-2 RESIDENTIAL FOR CALVARY CEMETERY AT 40TH AND O STREET - CLERK read an ordinance, introduced by Jon Camp, 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 06052 - AMENDING SECTION 27.65.020 OF THE LINCOLN MUNICIPAL CODE TO ADJUST THE MINIMUM COVERAGE AREA AND BONUS FOR AN AGRICULTURAL DISTRICT COMMUNITY UNIT PLAN, UTILIZING A COMMUNITY WASTEWATER SYSTEM IN THE BUILD-THROUGH AREA - CLERK read an ordinance, introduced by Jon Camp, amending Sections 27.65.020 and 27.65.075 of the Lincoln Municipal Code to allow the same "bonus" provision to be taken for acreage developments with community sewer systems regardless of lot size and to clarify the number of future lots shown for buildthrough, which would vary with the average site of the initial lots; and repealing Sections 27.65.020 and 27.65.075 of the Lincoln Municipal Code as hitherto existing, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)**

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE TO INCREASE LONGEVITY PAY FOR EMPLOYEES WITH A PAY RANGE PREFIXED BY "X" AND FOR PART-TIME NAGE EMPLOYEES AND TO ALLOW FOR ACCRUALS OF 80 HOURS OVER THEIR ANNUAL MAXIMUM VACATION ACCRUAL FOR EMPLOYEES IN A PAY RANGE PREFIXED BY "X" - Clerk read an ordinance, introduced by Annette McRoy, amending Chapter 2.76 of the Lincoln Municipal Code, the Personnel System, by amending



Section 2.76.155 relating to longevity to increase the longevity pay for employees with a pay range prefixed by "X" and for part-time NAGE employees; amending Section 2.76.395 relating to vacation leave with pay to allow for accruals of 80 hours over their annual maximum vacation accrual for employees in a pay range prefixed by "X"; and repealing Sections 2.76.155 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18808**, is recorded in Ordinance Book #25, Page

STREET VACATION 06001 - VACATING N.W. 6TH STREET AND N.W. 7TH STREET FROM THE SOUTH RIGHT-OF-WAY LINE OF BLUE SAGE BOULEVARD TO 50 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY OF FALLBROOK BOULEVARD, AND TO VACATE FALLBROOK BOULEVARD FROM 175 FEET EAST OF TALLGRASS PARKWAY ROUNDABOUT TO 50 FEET WEST OF STONEBROOK PARKWAY ROUNDABOUT - CLERK read an ordinance, introduced by Annette McRoy, vacating N.W. 6<sup>th</sup> Street and N.W. 7<sup>th</sup> Street from the south right-of-way line of Blue Sage Boulevard to 50 feet south of the south right-of-way line of Fallbrook Boulevard, and Fallbrook Boulevard from 175 feet east of Tallgrass Parkway roundabout to 50 feet west of Stonebrook Parkway roundabout, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18809**, is recorded in Ordinance Book #25, Page

ANNEXATION 06011 HARTLAND'S CARDINAL HEIGHTS 2ND - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 22 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185) - CLERK read an ordinance, introduced by Annette McRoy, 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.

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 **#18810**, is recorded in Ordinance Book #25, Page

COZ 06046 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND W. ADAMS STREET. (RELATED ITEMS: 06-158, 06-159, 06R-185) - 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18811**, is recorded in Ordinance Book #25, Page

APPEAL OF HARTLAND HOMES INC. FROM THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 2045A, FOR THE DEVELOPMENT OF HARTLAND'S CARDINAL HEIGHTS 2ND ADDITION COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED AT N.W. 56TH STREET AND PARTRIDGE LANE. (RELATED ITEMS: 06-158, 06-159, 06R-185) (ACTION DATE: 9/25/06) - PRIOR to reading:

MARVIN Moved to amend Bill No. 06R-185 in the following manner:

1. On page 6, line 30, after the word "elevation" delete the rest of that sentence and insert in lieu thereof the following: within 50 feet of the front lot line is 1284.

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

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

A-84057 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special Permit No. 2045A for authority to amend Hartland's Cardinal Heights 2nd Addition Community Unit Plan to expand the boundary of the CUP by approximately 12 acres and to increase the density from 56 dwelling units to 113, together with requested waivers of requirements in the Zoning Code, Land Subdivision Ordinance and Design Standards to allow the transfer of sanitary sewer from one drainage basin to another, to allow running sanitary sewer opposite street grades, to allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1, to allow lots with less than the minimum required lot width, and to allow lots with less than the minimum required area, on property generally located at N.W. 56th Street and Partridge Lane and legally described as:

Lots 1 through 18, Block 1; Lot 1, Block 2; Lots 1 through 17, Block 3; Lots 1 through 13, Block 4; Lots 1 through 6, Block 5; Lot 1, Block 6; Outlots A, B and C, Hartland's Cardinal Heights 7th Addition; a portion of Lot 23 I.T., located in the Southeast Quarter of Section 13, Township 10 North, Range 5 East; Lancaster County, Nebraska; more particularly described as: A part of the North Half of the Southeast Quarter of Section 13, Township 10 North, Range 5 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Beginning at the southeast corner of said North Half and extending thence north 00 degrees 00 minutes 00 seconds east, 1320.16 feet to the East Quarter corner of said Section 13; thence south 89 degrees 56 minutes 40 seconds west, 1090.71 feet; thence 00 degrees 00 minutes 00 seconds west, 555.12 feet; thence north 00 degrees 00 minutes 00 seconds east, 16.40 feet; thence south 00 degrees 00 minutes 00 seconds west, 190.00 feet; thence north 00 degrees 00 minutes 00 seconds east, 6.34 feet; thence south 00 degrees 00 minutes 17 seconds east, 574.07 feet; thence north 89 degrees 59 minutes 43 seconds east, 1080.59 feet to the point of beginning, containing 32.84 acres, more or less;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment to the community unit plan will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Hartland Homes, Inc., hereinafter referred to as "Permittee", to amend Cardinal Heights 2nd Addition Community Unit Plan to expand the boundary of the CUP by approximately 12 acres and to increase the density from 56 dwelling units to 113, together with waivers of requirements in the Zoning Code, Land Subdivision Ordinance and Design Standards to allow the transfer of sanitary sewer from one drainage basin to another, to allow running sanitary sewer opposite street grades, to allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1, to allow lots with less than the minimum required lot width, and to allow lots with less than the minimum required area, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 113 dwelling units and grants the following:
  - a. A waiver of the Sanitary Sewer Design Standards § 2.1 to allow the transfer of sanitary sewer from one drainage basin to another.
  - b. A waiver of the Sanitary Sewer Design Standards § 3.6 to allow running sanitary sewer opposite street grades.

- c. A waiver of Lincoln Municipal Code § 26.23.140 to allow lot depth to width ratio to exceed 3:1 for Lots 2-27, Block 1.
- d. A waiver of Lincoln Municipal Code § 27.15.080 to allow lots with less than the minimum required lot width.
- e. A waiver of Lincoln Municipal Code § 27.15.080 to allow lots with less than the minimum required area.

2. The City Council must approved the associated requests as follows:

- a. Change of Zone 06046.
- b. Annexation 06011.

3. Final plats within the area of this CUP must be approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

4. Before the approval of a final plat, the Permittee must enter into an Agreement with the City wherein Permittee as Subdivider agrees:

- a. To complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.
- b. To complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) years following the approval of the final plat.
- c. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- d. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- e. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- f. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- g. To complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.
- h. To complete the planting of the street trees along streets within this plat within four (4) years following the approval of the final plat.
- i. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.

- j. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- k. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- l. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- m. To complete the public and private improvements shown on the Community Unit Plan.
- n. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- o. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
  - (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
  - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- p. To maintain the outlots and private improvements on a permanent and continuous basis.
- q. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner
- r. To submit to the lot buyers and home builders a copy of the soil analysis.
- s. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- t. To protect the trees that are indicated to remain during construction and development
- u. To relinquish the right of direct vehicular access from Lots 1-27, Block 1 and Lot 1, Block 2 to NW 56<sup>th</sup> St.
- v. To inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

5. Before a final plat is approved:
  - a. The permittee shall submit a revised site plan including 5 copies showing the following revisions to the Planning Department office for review and approval.
    - i. Change Cardinal Heights Lane to W. Redberry Lane on Sheets 3-5.
    - ii. Change Cardinal Heights Cir. to NW 58<sup>th</sup> Cir. on sheets 3-5.
    - iii. Add "West" to Thatcher Lane on sheets 1-2.
    - iv. Add utility easements as required by LES memo of July 20, 2006.
    - v. Delete the City Council approval block.
    - vi. Delete waiver #1. A waiver to the preliminary plat is not required.
    - vii. Delete the R-3 zoning line and the note referencing the R-3 line on sheet 1.
    - viii. Add the following note: This area is located within the Airport Environs Noise District and is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.
    - ix. Add a note relinquishing direct vehicular access to NW 56<sup>th</sup> St.
    - x. The future street layout to the west will result in a block length that exceeds the maximum length. To lessen the block length show a future street to the west off of the future street.
    - xi. Revise the grading plan so the maximum elevation ~~of the main floor of a building is at or below elevation 1280~~ within 50 feet of the front lot line is 1284.
    - xii. Revise the utility plan to show the sanitary sewer for lots along W. Partridge flowing east to NW 58<sup>th</sup> St., or add a note stating that Lots 7-9, Blk 5 and Lots 2 & 3, Blk 6 shall not be final platted until they can be served with sanitary sewer from the south.
    - xiii. Remove the sanitary sewer mains from the future development area.
    - xiv. Make corrections to the satisfaction of Public Works and Utilities Department memo of August 1, 2006.
    - xv. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - b. Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
  - c. The construction plans comply with the approved plans.
  - d. Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District.
6. Before occupying the dwelling units all development and construction is to comply with the approved plans.
7. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the Subdivider or an appropriately established homeowners association approved by the City.
8. 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.
9. The terms, conditions, and requirements of this Resolution shall be binding and obligatory on Permittee and its successors and assigns.
10. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of

the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

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

APPROVING THE JENSEN PARK ESTATES CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND JENSEN PARK LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 44.50 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF S. 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) (ACTION DATE: 9/25/06) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84058 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Jensen Park Estates 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 Jensen Park LLC, outlining certain conditions and understandings relating to the annexation of approximately 44.50 acres of property generally located at the northeast corner of South 84th Street and Yankee Hill Road, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Annette McRoy

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

ANNEXATION 04012 JENSEN PARK - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 66 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) - CLERK read an ordinance, introduced by Annette McRoy, 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.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18812**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 04079 - APPLICATION OF JENSEN PARK LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 AND R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 06R-186, 06-160, 06-161) - 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18813**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06055 - APPLICATION OF THE CITY OF LINCOLN URBAN DEVELOPMENT DEPARTMENT FOR A CHANGE OF ZONE FROM H-2 HIGHWAY BUSINESS DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT 5000 O STREET - 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered #18814, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06050 - APPLICATION OF THE CATHOLIC BISHOP OF LINCOLN FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL DISTRICT TO R-1 RESIDENTIAL DISTRICT PUD ON PROPERTY GENERALLY LOCATED AT A STREET AND ELDON DRIVE - 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered #18815, is recorded in Ordinance Book #25, Page

APPROVING AN 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 FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Annette McRoy, 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. 11<sup>th</sup> Street, Lincoln, NE for a term beginning September 1, 2006 through August 31, 2007, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered #18816, is recorded in Ordinance Book #25, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION**

Bob Reynolds, 4700 S. 47<sup>th</sup> St., came forward to confront Council Member Camp about a statement spoken by him and quoted in the September 20<sup>th</sup> Lincoln Journal Star regarding the Lincoln firefighters at the site of the World Trade Center tragedy.

This matter was taken under advisement.

Mike Morosin, 2055 "S" Street, came forward to comment on the wheel tax issue.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to October 2, 2006.  
Seconded by Svoboda & 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 October 2, 2006.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

**REGULAR MEETING**  
**September 25, 2006**  
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**ADJOURNMENT 9:40 P.M.**

CAMP            Moved to adjourn the City Council meeting of September 25, 2006.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
                  Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk, CMC

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Sandy L. Dubas, Senior Office Assistant