

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 27, 2008 AT 5:30 P.M.

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of October 20, 2008 reported having done so, found same correct.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

PUBLIC HEARING

REQUEST FOR BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$932,000.00 CITY OF LINCOLN, NEBRASKA BLOCK 85 REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 08-148, 08R-268, 08R-269);

APPROVING THE BLOCK 85 REDEVELOPMENT AGREEMENT BETWEEN HAYMARKET SOUTH, LLC, WRK, LLC, AIRSPACE, LLC, AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS, AND M STREET TO ROSA PARKS WAY. (RELATED ITEMS: 08-148, 08R-268, 08R-269) (ACTION DATE: 11/3/08);

AMENDING THE FY 08/09 CIP TO AUTHORIZE AND APPROPRIATE \$932,000 IN TIF FUNDS FOR THE BLOCK 85 REDEVELOPMENT PROJECT GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS AND M STREET TO ROSA PARKS WAY. (RELATED ITEMS: 08-148, 08R-268, 08R-269) (ACTION DATE: 11/3/08) - Council Member Camp requested time to state his findings on the six items relating to redevelopment projects. As a property owner in the Haymarket, he obtained an Accountability & Disclosure Commission review to clarify if there would be any conflict of interest issues. He said based upon facts and circumstances, the review letter from the Commission stated he did not have a conflict of interest as to the Block 85 Redevelopment Agreement or the North Haymarket Arts & Humanities Project and he could participate and vote as he saw fit. Mr. Camp responded to fellow Council Member concerns in a previous matter where there was a question of conflict of interest in regards to a hotel. He said in that past situation he recused himself from voting because there was no opportunity to obtain an opinion letter from the Accountability & Disclosure Commission.

David Landis, Director of Urban Development, came forward as applicant to clarify that this \$9.1 million project involves the rehabilitation of three existing structures and creating one new building. In the event this project was to be built at the edge of the City without TIF help in the core, the City would have to provide large, up-to-date water mains, built-to-capacity sewer lines at the appropriate slope, and buried utilities, along with the added expense of building more roads at the same time. He explained there is now an opportunity to take an under-utilized block in downtown Lincoln where the grid and road supply is already existent and using TIF to create a contemporary set of buried utilities with two new transformers, increase the water main size in M Street to provide fire protection, update a flat-slope, 120-year old sanitary sewer, fill in buried vaults, site prep, reconfigure west street parking from 8 parallel to 16 angled spaces for greater efficiency.

Don Herz, Director of Finance, came forward to answer any Allocation Bond questions. He pointed out new language in Section 41 of the amended Redeveloper Agreement that evidences financial ability of the redeveloper designed to provide additional safeguards by allowing the City to determine the redeveloper's ability to meet their financial

commitments. He further stated that the Bond Ordinance provides for the Developer to purchase the bonds, transferring risk from the taxpayers to the Developer in the event the tax increment does not materialize.

Lauren Wismer, Gilmore & Bell, Bond Counsel, 1248 O St., Ste. 710, came forward to answer questions. He said the amendment to the Bond Ordinance takes into account a small revision in definition to the developer on page 4, revising the name Haymarket South LLC and WRK LLC to Block 85 LLC.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Block 85 LLC, an entity which was created from two related limited liability companies, came forward to present a letter regarding potential Council Member conflicts of interest. He explained that the State Community Development Law "But For" Test has been met. For further response of Council questions he requested continued public hearing in one week.

Robert Scott, WRK LLC, 440 N. 8th St., came forward to answer questions on the redevelopment plan. He hopes it will serve as a catalyst to stimulate investment in the area south of the Haymarket.

Josh Berger, WRK LLC, 440 N. 8th St., came forward to answer questions regarding gross square footage.

Charles Hull, 720 O St., came forward in support of the Block 85 project, representing himself as co-owner of Airspace LLC as well as co-owner of Archival Inc., a nationally recognized design firm founded 11 years ago employing 18 young, creative individuals who have chosen to privately invest \$1 million in their new commercial building in the modern progressive community of Lincoln rather than in such locations as Denver, Austin or Omaha.

Russ Bayer, 633 S. 112th St., adjacent property owner to the southeast, came forward in support of the redevelopment as he and his partners' goal is to create an environment to bring other small businesses into this area especially if the sewage grade is improved from .001 to at least a City standard of .005.

Tom Wilmoth, Attorney doing business at 206 S. 13th St., came forward in support of the project which will benefit the community.

Peter Hind, 5140 Valley Rd., Architect and Asst. Professor at the UNL College of Architecture, came forward as President of the Lincoln Haymarket Development Corporation (LHDC) in support of the project to raise awareness and raise the critical mass of people in the Haymarket.

Mr. Seacrest came forward to answer the Council question about resurfacing and removal of railroad tracks on 8th Street. He said although it is a lower priority, there is language to use TIF if funds can stretch that far.

Mr. Landis came forward in rebuttal. He stated for the record that the premise of this TIF project primarily focuses on the removal of blight. Job creation is a by-product, not the rationale, of the redevelopment project.

This matter was taken under advisement.

REQUEST FOR BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,800,000.00 CITY OF LINCOLN, NEBRASKA NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 08-149, 08R-270, 08R-271);
APPROVING THE NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT AGREEMENT BETWEEN BLOCK 21, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 8TH AND R STREETS;
AMENDING THE FY 08/09 CIP TO AUTHORIZE AND APPROPRIATE \$2.8 MILLION IN TIF FUNDS FOR THE NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT PROJECT GENERALLY LOCATED AT 8TH AND R STREETS - David Landis, Director of Urban Development, came forward as applicant to discuss the \$22.2 million project, due to the fact that one more floor is being added to the hotel. He stated this property, to be known as Sheldon Haymarket, was acquired from the University on a trade based on their appraisal at \$750,000. He said expenditures are not prioritized so as to allow public art to continue over time to compete for TIF generated by the project under the developer-purchased bond option. Further expenditures will consist of improvement of utilities including two water lines to be

consolidated into one modern appropriately-sized water main, buried utilities, relocation of a sanitary line for increased capacity, streetscape, construction of a south & west dock, creation of a plaza area for cultural improvement, re-paving of 8th Street, public façade, public art and granting parking garage stalls. In answer to parking garage questions, Mr. Landis said there are resources and a workable time line to build a downtown parking garage of which more details will be available following the parking demand study to be completed in November.

Ken Smith, City Parking Manager, came forward to answer questions on parking space occupancy which is typically 80-85% with peaks up to 93%.

Don Herz, Finance Director, came forward to answer questions regarding the bond ordinance and state the evidence of financial ability is in the redevelopment agreement.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Block 21 LLC, to present a letter regarding potential Council Member conflicts of interest and answer questions.

Walker Kennedy III, came forward representing the privately-held, family-based, 90+ year old Woodbury Corporation out of Salt Lake City as Vice President & General Counsel and to present his company's partnership in developing an art-themed hotel in the Haymarket.

Josh Berger, WRK LLC, came forward to clarify the time line of the hotel project would begin in March 2009 and open for business in summer/fall 2010.

Harvey Perlman, UNL Chancellor, came forward stating support of the redevelopment project as he feels it is very important for art collections which have been donated to the Sheldon Museum of Art to be displayed, not stored in a basement.

Terry Fairfield, Vice Chairman of the University Foundation, came forward representing the 2015 Vision in support of the project and other projects such as Union Plaza and Breslow Ice Center.

Peter Hind, UNL College of Architecture Asst. Professor, LHDC President and Principal with Studio 951 in the Haymarket, came forward in support stating development along 8th & 9th Streets is critical for the vibrancy of the Haymarket.

Mike Morosin, 1500 N. 15th St., came forward in support as the art is valuable to teachers and their lesson plans.

This matter was taken under advisement.

CHANGE OF ZONE 08017 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.05.020 TO DELETE REFERENCES TO THE DATES OF THE LINCOLN AIRPORT ZONING MAP AND THE AIRPORT ENVIRONS NOISE DISTRICT MAP; BY AMENDING SECTIONS 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, AND 27.24.040, TO DELETE EXPANSION OF NONSTANDARD SINGLE AND TWO-FAMILY DWELLINGS INTO REQUIRED YARDS AS A PERMITTED SPECIAL USE IN THE R-1 THROUGH R-8 ZONING DISTRICTS; BY AMENDING SECTION 27.27.020 TO DELETE THE RESTRICTION THAT TECHNOLOGY TRANSFER INDUSTRIES OR APPLICATIONS MUST BE IN AN AREA DESIGNATED IN THE COMPREHENSIVE PLAN AS A TECHNOLOGY PARK; BY AMENDING SECTION 27.51.030 TO DELETE A REFERENCE TO EMPLOYMENT CENTER; BY AMENDING SECTION 27.61.090 TO DELETE A REFERENCE TO REPEALED SECTION 27.63.540; BY AMENDING SECTION 27.63.260 TO DELETE A REFERENCE TO COUNTY LAND USE MAP (FIGURE 17); BY AMENDING SECTIONS 27.63.380, 27.70.050, AND 27.80.105 RELATING TO SPECIAL PERMITS FOR FLOOD PLAIN CONSTRUCTION, REQUIREMENTS AFTER APPROVAL OF FINAL PLOT PLANS, AND FLOOD PLAIN DEVELOPMENT PERMITS, RESPECTIVELY, TO DELETE REFERENCES TO REPEALED CHAPTER 27.55 (FLOOD PLAIN DISTRICT) AND TO ADD CORRECT REFERENCES TO THE LINCOLN MUNICIPAL CODE; BY REPEALING SECTION 27.63.540 RELATING TO SPECIAL PERMITS FOR EXPANSION OF NONSTANDARD SINGLE AND TWO-FAMILY DWELLINGS INTO REQUIRED YARDS; BY AMENDING SECTION 27.83.020 TO CHANGE A REFERENCE FROM THE CITY OF LINCOLN'S 2025 COMPREHENSIVE PLAN TO THE LINCOLN-LANCASTER COUNTY 2030 COMPREHENSIVE PLAN; AND REPEALING SECTIONS 27.05.020, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.27.020, 27.51.030, 27.61.090, 27.63.260, 27.63.380, 27.70.050, 27.80.105, AND 27.83.020 OF THE LINCOLN

MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Director of Planning, came forward to state this amendment primarily eliminates a conflicting limited provision thus allowing for more flexible expansion of set backs in residential districts.

This matter was taken under advisement.

MISC. 08011 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.037 TO DELETE THE PROVISIONS REGARDING EXPIRATION OF AN APPLICATION FOR A PRELIMINARY PLAT WHICH HAS BEEN PLACED ON PENDING; BY AMENDING SECTION 26.11.060 TO DELETE PROVISIONS REGARDING THE EXPIRATION OF FINAL PLATS; BY AMENDING SECTION 26.19.010 TO DELETE THE REQUIREMENT THAT SIGNATURES BE IN BLACK OPAQUE INK; BY AMENDING SECTION 26.31.010 TO DELETE THE PROVISION REGARDING THE EXPIRATION OF EXISTING REQUESTS FOR MODIFICATION OF THE REQUIREMENTS OF TITLE 26; BY CREATING A NEW CHAPTER 26.35 ENTITLED GENERAL PROVISIONS BY ADDING A NEW SECTION NUMBERED 26.35.010 TO PROVIDE PROVISIONS FOR AMENDING TITLE 26 AND ADDING A NEW SECTION NUMBERED 26.35.020 TO PROVIDE PROVISIONS FOR EXPIRATION OF APPLICATIONS; AND REPEALING SECTIONS 26.11.037, 26.11.060, 26.19.010, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Director of Planning, came forward stating the amendment clarifies simple issues such as time factors and color of ink.

This matter was taken under advisement.

CHANGE OF ZONE 08049 - REQUEST OF RJL DEVELOPMENT NORTH, LTD. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 7.75 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND OLD CHENEY ROAD. (08-152, 08R-273);

USE PERMIT 58G - APPLICATION OF RJL DEVELOPMENT NORTH, LTD. TO AMEND THE WILLIAMSBURG VILLAGE USE PERMIT TO SHOW A CHANGE OF ZONE FROM O-3 TO B-2 TO ACCOMMODATE THE EXPANSION OF THE EXISTING HYVEE STORE AND TO UPDATE THE LAND USE TABLE AND SITE LAYOUT, INCLUDING A REQUEST TO REDUCE SETBACKS WITHIN THE DESIGNATED BUILDABLE AREA TO ZERO, ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND OLD CHENEY ROAD. (08-152, 08R-273) (ACTION DATE: 11/3/08) - Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing the applicant whose property in Williamsburg Village will facilitate Hy-Vee's expansion to the north so business relocation will not be necessary.

This matter was taken under advisement.

AUTHORIZING ACCEPTANCE OF THE LOW BID WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR PAVING UNIT 141 ON Q STREET FROM 35TH TO 36TH STREET - Barbara Poole, 14700 Holdrege St., came forward in opposition due to the expense of paving a minimal-use street and expressed disappointment that Wyuka may not be sharing in the cost of street paving.

Roger Figard, Public Works & Utilities City Engineer, came forward to state that actual cost of paving is 65% over the estimate but the assessed cost is considered a reasonable bid from Constructors Inc.

This matter was taken under advisement.

AUTHORIZING ACCEPTANCE OF THE LOW BID WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR SANITARY SEWER DISTRICT 1183 IN L STREET AT SOUTH 37TH STREET FROM EXISTING MANHOLE EAST APPROXIMATELY 170 FEET - Roger Figard, Public Works & Utilities City Engineer, came forward to state that three property owners have been assessed and the Lincoln WasteWater System is picking up the overage cost.

Dave Bridger, 430 S. 37th St., came forward as petitioner to update a 1935 installation and shorten the distance of his sewer line.

This matter was taken under advisement.

APPROVING AN EXTENSION AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS TO EXTEND AN INTERLOCAL AGREEMENT WHEREBY PROPERTY ANNEXED BY THE CITY WHICH IS CURRENTLY SUBJECT TO PAY FOR BONDED INDEBTEDNESS OF ITS CURRENT SCHOOL DISTRICT WILL BE EXEMPT FROM LEVY FOR

BONDED INDEBTEDNESS OF LINCOLN PUBLIC SCHOOLS WHICH EXISTS AT THE TIME OF ANNEXATION - Marvin Krout, Director of Planning, came forward to state this agreement was initiated by the City Attorney.

This matter was taken under advisement.

SPECIAL PERMIT 08039 - APPLICATION OF LINCOLN FEDERAL BANCORP, INC. FOR AUTHORITY TO DEVELOP STONE BRIDGE VIEW COMMUNITY UNIT PLAN FOR 35 SINGLE-FAMILY LOTS AND 31 LOTS THAT MAY BE A COMBINATION OF SINGLE-FAMILY DETACHED, TWO-FAMILY OR TOWNHOUSES, TOGETHER WITH A REQUEST TO WAIVE THE REQUIREMENTS OF THE LAND SUBDIVISION ORDINANCE TO REDUCE THE AVERAGE LOT WIDTH FOR SINGLE FAMILY DETACHED DWELLINGS, MINIMUM LOT AREA REQUIREMENT AND DEPTH-TO-WIDTH RATIO, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF NORTH 14TH STREET AND HUMPHREY DRIVE - Mike Rierden, 645 "M" Street, Suite 200, came forward representing the applicant in an effort to develop affordable housing. He said townhomes will no longer be in the plan.

Lois Hartzell, 5540 N. 19th St., came forward representing Vistar Homes requesting the ability to build affordable homes on lots she owns.

For the record, Council Member Spatz expressed appreciation for the fact that Ms. Hartzell followed through with his request to meet with neighbors.

Doug Nagel, 6517 Elbert Dr., came forward in opposition stating that properties of reduced size will lower the standards of the community and its path to prosperity.

Brad Okamoto, 1650 Culbera St., came forward representing numerous neighbors in opposition expressing concerns about narrow areas between driveways and congested on-street parking. He feels reduced lot sizes will not attract long-term ownership.

Tysen Alegria, 6420 Grays Peak Dr., came forward in opposition to the small lots and crowded street parking.

Tina Nichols, Bellevue resident, came forward in support of affordable housing in this neighborhood as it fits her growing family's situation.

Marvin Krout, Director of Planning, came forward to answer questions and state the Comprehensive Plan allows for a mix of single family housing on lot sizes larger than 35 feet wide.

Mr. Rierden came forward in rebuttal stating they will complete paving of a street for access to 14th Street. He said lots cannot be combined to allow for townhomes.

Ms. Hartzell came forward in rebuttal presenting photos of her housing products in other neighborhoods.

This matter was taken under advisement.

USE PERMIT 154D - APPLICATION OF BUFFALO GRASS, LLC TO AMEND THE WILDERNESS HILLS USE PERMIT TO ALLOW TWO ADDITIONAL ON-PREMISE SIGNS BEYOND THE REQUIREMENTS OF THE B-2 ZONING DISTRICT, TO BE PLACED IN THE ROUNDABOUT ON S. 30TH STREET, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 27TH STREET AND YANKEE HILL ROAD - Mike Rierden, 645 "M" Street, Suite 200, came forward to answer questions.

This matter was taken under advisement.

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

TOOK BREAK 9:14 P.M.

RECONVENED 9:21 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 10, 2008 AT 5:30 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 13, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 3134D - App. of CaseyCo Inc. for an amendment to the Willow Springs Planned Unit Development to expand the boundary by approximately .41 acre and to allow approximately 3,500 square feet of additional office floor area on property generally located at Pioneers Boulevard and Lucile Drive.

Special Permit No. 08045 - App. of Evangelical Lutheran Church for an early childhood care facility on property generally located at Touzalin Avenue and Fremont Street. The Planning Commission action is final action unless appealed to the City Council.

Special Permit No. 08046 - App. of MCS Custom Homes for expansion of a nonstandard single family dwelling into the required side yard on property located at 1601 Cheyenne Street. The Planning Commission action is final action unless appealed to the City Council.

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 27.35 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW FIGURE 27.35.070(A) TO REFLECT MAXIMUM HEIGHTS WITHIN THE B-4 DISTRICT AT THE END OF CHAPTER 27.35 AS PROVIDED FOR IN SECTION 27.35.070 - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.35 of the Lincoln Municipal Code relating to the B-4 Lincoln Center Business District by adding a new Figure 27.35.070(a) to reflect maximum heights within the B-4 district, the second time.

REQUEST FOR BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$932,000.00 CITY OF LINCOLN, NEBRASKA BLOCK 85 REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 08-148, 08R-268, 08R-269) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 08-148 w/Action to November 3, 2008.

Seconded by Marvin & LOST by the following tie vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Spatz, Svoboda; ABSENT: Eschliman.

CAMP Moved to continue Public Hearing on Bill No. 08-148 limited to applicants' testimony w/Action to November 3, 2008.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin; NAYS: Spatz, Svoboda; ABSENT: Eschliman.

CLERK Read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2008, in a principal amount not to exceed \$932,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Block 85 Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

APPROVING THE BLOCK 85 REDEVELOPMENT AGREEMENT BETWEEN HAYMARKET SOUTH, LLC, WRK, LLC, AIRSPACE, LLC, AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS, AND M STREET TO ROSA PARKS WAY. (RELATED ITEMS: 08-148, 08R-268, 08R-269) (ACTION DATE: 11/3/08) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 08R-268 w/Action to November 3, 2008.

Seconded by Marvin & **LOST** by the following tie vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Spatz, Svoboda; ABSENT: Eschliman.

CAMP Moved to continue Public Hearing on Bill No. 08R-268 limited to applicants' testimony w/Action to November 3, 2008.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin; NAYS: Spatz, Svoboda; ABSENT: Eschliman.

AMENDING THE FY 08/09 CIP TO AUTHORIZE AND APPROPRIATE \$932,000 IN TIF FUNDS FOR THE BLOCK 85 REDEVELOPMENT PROJECT GENERALLY LOCATED ON BLOCK 85 FROM 8TH TO 9TH STREETS AND M STREET TO ROSA PARKS WAY. (RELATED ITEMS: 08-148, 08R-268, 08R-269) (ACTION DATE: 11/3/08) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 08R-269 w/Action to November 3, 2008.

Seconded by Marvin & **LOST** by the following tie vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Spatz, Svoboda; ABSENT: Eschliman.

CAMP Moved to continue Public Hearing on Bill No. 08R-269 limited to applicants' testimony w/Action to November 3, 2008.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin; NAYS: Spatz, Svoboda; ABSENT: Eschliman.

REQUEST FOR BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,800,000.00 CITY OF LINCOLN, NEBRASKA NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 08-149, 08R-270, 08R-271) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 08-149 w/Action to November 3, 2008.

Seconded by Marvin & **LOST** by the following tie vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Spatz, Svoboda; ABSENT: Eschliman.

CAMP Moved to continue Public Hearing on Bill No. 08-149 limited to applicants' testimony w/Action to November 3, 2008.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin; NAYS: Spatz, Svoboda; ABSENT: Eschliman.

CLERK Read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2008, in a principal amount not to exceed \$2,800,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's North Haymarket Arts and Humanities Phase II Redevelopment Project Area. Including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bond as the same become due; limiting payment of the bonds to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing, and related matters, the second time.

APPROVING THE NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT AGREEMENT BETWEEN BLOCK 21, LLC AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 8TH AND R STREETS. (RELATED ITEMS: 08-149, 08R-270, 08R-271) (ACTION DATE: 11/3/08) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 08R-270 w/Action to November 3, 2008.

Seconded by Marvin & **LOST** by the following tie vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Spatz, Svoboda; ABSENT: Eschliman.
CAMP Moved to continue Public Hearing on Bill No. 08R-270 limited to applicants' testimony w/Action to November 3, 2008.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin; NAYS: Spatz, Svoboda; ABSENT: Eschliman.

AMENDING THE FY 08/09 CIP TO AUTHORIZE AND APPROPRIATE \$2.8 MILLION IN TIF FUNDS FOR THE NORTH HAYMARKET ARTS AND HUMANITIES PHASE II REDEVELOPMENT PROJECT GENERALLY LOCATED AT 8TH AND R STREETS. (RELATED ITEMS: 08-149, 08R-270, 08R-271) (ACTION DATE: 11/3/08) - PRIOR to reading:

COOK Moved to continue Public Hearing on Bill No. 08R-271 w/Action to November 3, 2008.

Seconded by Marvin & **LOST** by the following tie vote: AYES: Cook, Emery, Marvin; NAYS: Camp, Spatz, Svoboda; ABSENT: Eschliman.
CAMP Moved to continue Public Hearing on Bill No. 08R-271 limited to applicants' testimony w/Action to November 3, 2008.

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin; NAYS: Spatz, Svoboda; ABSENT: Eschliman.

CHANGE OF ZONE 08017 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.05.020 TO DELETE REFERENCES TO THE DATES OF THE LINCOLN AIRPORT ZONING MAP AND THE AIRPORT ENVIRONS NOISE DISTRICT MAP; BY AMENDING SECTIONS 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, AND 27.24.040, TO DELETE EXPANSION OF NONSTANDARD SINGLE AND TWO-FAMILY DWELLINGS INTO REQUIRED YARDS AS A PERMITTED SPECIAL USE IN THE R-1 THROUGH R-8 ZONING DISTRICTS; BY AMENDING SECTION 27.27.020 TO DELETE THE RESTRICTION THAT TECHNOLOGY TRANSFER INDUSTRIES OR APPLICATIONS MUST BE IN AN AREA DESIGNATED IN THE COMPREHENSIVE PLAN AS A TECHNOLOGY PARK; BY AMENDING SECTION 27.51.030 TO DELETE A REFERENCE TO EMPLOYMENT CENTER; BY AMENDING SECTION 27.61.090 TO DELETE A REFERENCE TO REPEALED SECTION 27.63.540; BY AMENDING SECTION 27.63.260 TO DELETE A REFERENCE TO COUNTY LAND USE MAP (FIGURE 17); BY AMENDING SECTIONS 27.63.380, 27.70.050, AND 27.80.105 RELATING TO SPECIAL PERMITS FOR FLOOD PLAIN CONSTRUCTION, REQUIREMENTS AFTER APPROVAL OF FINAL PLOT PLANS, AND FLOOD PLAIN DEVELOPMENT PERMITS, RESPECTIVELY, TO DELETE REFERENCES TO REPEALED CHAPTER 27.55 (FLOOD PLAIN DISTRICT) AND TO ADD CORRECT REFERENCES TO THE LINCOLN MUNICIPAL CODE; BY REPEALING SECTION 27.63.540 RELATING TO SPECIAL PERMITS FOR EXPANSION OF NONSTANDARD SINGLE AND TWO-FAMILY DWELLINGS INTO REQUIRED YARDS; BY AMENDING SECTION 27.83.020 TO CHANGE A REFERENCE FROM THE CITY OF LINCOLN'S 2025 COMPREHENSIVE PLAN TO THE LINCOLN-LANCASTER COUNTY 2030 COMPREHENSIVE PLAN; AND REPEALING SECTIONS 27.05.020, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.27.020, 27.51.030, 27.61.090, 27.63.260, 27.63.380, 27.70.050, 27.80.105, AND 27.83.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Section 27.05.020 to delete references to the dates of the Lincoln Airport Zoning map and the Airport Environs Noise District map; by amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, and 27.24.040, to delete expansion of nonstandard single and two-family dwellings into required yards as a permitted special use in the R-1 through R-8 Zoning Districts; by amending Section 27.27.020 to delete the restriction that technology transfer industries or applications must be in an area designated in the Comprehensive Plan as a Technology Park; by amending Section 27.51.030 to delete a reference to Employment Center; by amending Section 27.61.090 to delete a reference to repealed Section 27.63.540; by amending Section 27.63.260 to delete a reference to County Land Use map (Figure 17); by amending Sections 27.63.380, 27.70.050, and 27.80.105 relating to Special Permits for flood plain construction, requirements after approval of final plot plans, and flood plain development permits, respectively, to delete references to repealed Chapter 27.55 (Flood Plain District) and to add correct references to the Lincoln Municipal Code; by repealing Section 27.63.540

relating to Special Permits for expansion of nonstandard single and two-family dwellings into required yards; by amending Section 27.83.020 to change a reference from the City of Lincoln's 2025 Comprehensive Plan to the Lincoln-Lancaster County 2030 Comprehensive Plan; and repealing Sections 27.05.020, 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.27.020, 27.51.030, 27.61.090, 27.63.260, 27.63.380, 27.70.050, 27.80.105, and 27.83.020 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. 08011 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.11.037 TO DELETE THE PROVISIONS REGARDING EXPIRATION OF AN APPLICATION FOR A PRELIMINARY PLAT WHICH HAS BEEN PLACED ON PENDING; BY AMENDING SECTION 26.11.060 TO DELETE PROVISIONS REGARDING THE EXPIRATION OF FINAL PLATS; BY AMENDING SECTION 26.19.010 TO DELETE THE REQUIREMENT THAT SIGNATURES BE IN BLACK OPAQUE INK; BY AMENDING SECTION 26.31.010 TO DELETE THE PROVISION REGARDING THE EXPIRATION OF EXISTING REQUESTS FOR MODIFICATION OF THE REQUIREMENTS OF TITLE 26; BY CREATING A NEW CHAPTER 26.35 ENTITLED GENERAL PROVISIONS BY ADDING A NEW SECTION NUMBERED 26.35.010 TO PROVIDE PROVISIONS FOR AMENDING TITLE 26 AND ADDING A NEW SECTION NUMBERED 26.35.020 TO PROVIDE PROVISIONS FOR EXPIRATION OF APPLICATIONS; AND REPEALING SECTIONS 26.11.037, 26.11.060, 26.19.010, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, Amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision ordinance by amending Section 26.11.037 to delete the provisions regarding expiration of an application for a Preliminary Plat which has been placed on pending; by amending section 26.11.060 to delete provisions regarding the expiration of Final Plats; by amending Section 26.19.010 to delete the requirement that signatures be in black opaque ink; by amending Section 26.31.010 to delete the provision regarding the expiration of existing requests for modification of the requirements of Title 26; by creating a new Chapter 26.35 entitled General Provisions by adding a new section numbered 26.35.010 to provide provisions for amending Title 26 and adding a new section numbered 26.35.020 to provide provisions for expiration of applications; and repealing Sections 26.11.037, 26.11.060, 26.19.010, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08049 - REQUEST OF RJL DEVELOPMENT NORTH, LTD. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 7.75 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND OLD CHENEY ROAD. (08-152, 08R-273) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 58G - APPLICATION OF RJL DEVELOPMENT NORTH, LTD. TO AMEND THE WILLIAMSBURG VILLAGE USE PERMIT TO SHOW A CHANGE OF ZONE FROM O-3 TO B-2 TO ACCOMMODATE THE EXPANSION OF THE EXISTING HYVEE STORE AND TO UPDATE THE LAND USE TABLE AND SITE LAYOUT, INCLUDING A REQUEST TO REDUCE SETBACKS WITHIN THE DESIGNATED BUILDABLE AREA TO ZERO, ON PROPERTY GENERALLY LOCATED AT SOUTH 40TH STREET AND OLD CHENEY ROAD. (08-152, 08R-273) (ACTION DATE: 11/3/08)

PUBLIC HEARING RESOLUTIONS

AUTHORIZING ACCEPTANCE OF THE LOW BID WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR PAVING UNIT 141 ON Q STREET FROM 35TH TO 36TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

COOK

So moved.

Seconded by Svoboda & **TIED** by the following vote: AYES: Camp, Marvin, Svoboda; NAYS: Cook, Emery Spatz; ABSENT: Eschliman.

The resolution, having tied, was carried over for one week to have Action Only on November 3, 2008.

AUTHORIZING ACCEPTANCE OF THE LOW BID WHICH IS IN EXCESS OF 25% OVER THE ESTIMATE FOR SANITARY SEWER DISTRICT 1183 IN L STREET AT SOUTH 37TH STREET FROM EXISTING MANHOLE EAST APPROXIMATELY 170 FEET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85097 WHEREAS, Resolution A-66194 requires that bids in excess of twenty-five percent (25%) over the preliminary cost estimate be approved by the City Council; and

WHEREAS, the bids for Sanitary Sewer District No. 1183 (L Street at S. 37th Street, from existing manhole east approximately 170 feet) are in excess of 25% over said estimate.

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

That the Public Works Director is hereby authorized to accept the low bid obtained from K2 Real Estate Development being \$36,218.76 for Sanitary Sewer District No. 1183.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85098 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 October 27, 2008, 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/SETTLED
Ted Reinwald	\$46.08	Mike Wolfe	\$5,336.56
		Keith Kirstine	4,290.60
		Jeff A. Schwarz	3,995.00
		Distribution, Inc.	4,100.00

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 Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

APPROVING AN EXTENSION AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN PUBLIC SCHOOLS TO EXTEND AN INTERLOCAL AGREEMENT WHEREBY PROPERTY ANNEXED BY THE CITY WHICH IS CURRENTLY SUBJECT TO PAY FOR BONDED INDEBTEDNESS OF ITS CURRENT SCHOOL DISTRICT WILL BE EXEMPT FROM LEVY FOR BONDED INDEBTEDNESS OF LINCOLN PUBLIC SCHOOLS WHICH EXISTS AT THE TIME OF ANNEXATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85099 WHEREAS, the City of Lincoln and Lancaster County School District 0001 (aka Lincoln Public Schools) on April 3, 1998, entered into an Interlocal Agreement which provided that property annexed by the City which is subject to pay for bonded indebtedness of its current school district will be exempted from levy for bonded indebtedness of Lincoln Public Schools which existed at the time of annexation; and

WHEREAS, said Agreement has expired and the parties desire to renew and extend the Agreement for an additional 10-year term expiring on April 3, 2018, upon the terms and conditions as set forth in the Extension Agreement which is attached hereto marked as Attachment "A".

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

That the Extension Agreement between the City of Lincoln and Lancaster County School District 0001 (aka Lincoln Public Schools) attached hereto and marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Extension Agreement on behalf of the City.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

SPECIAL PERMIT 08039 - APPLICATION OF LINCOLN FEDERAL BANCORP, INC. FOR AUTHORITY TO DEVELOP STONE BRIDGE VIEW COMMUNITY UNIT PLAN FOR 35 SINGLE-FAMILY LOTS AND 31 LOTS THAT MAY BE A COMBINATION OF SINGLE-FAMILY DETACHED, TWO-FAMILY OR TOWNHOUSES, TOGETHER WITH A REQUEST TO WAIVE THE REQUIREMENTS OF THE LAND SUBDIVISION ORDINANCE TO REDUCE THE AVERAGE LOT WIDTH FOR SINGLE FAMILY DETACHED DWELLINGS, MINIMUM LOT AREA REQUIREMENT AND DEPTH-TO-WIDTH RATIO, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF NORTH 14TH STREET AND HUMPHREY DRIVE MTA #1 ADOPTED, 6-0; MTA #2 ADOPTED, 6-0; ADOPTED AS AMENDED, 4-2; CAMP, EMERY, MARVIN, SVOBODA ASSENTING; COOK, SPATZ DISSENTING - PRIOR to reading:

MARVIN Moved MTA #1 amending Bill No 08R-272 in the following manner:

1. On page 1, lines 8 through 34, and page 2, lines 1 - 49, delete the entire legal description and insert in lieu thereof the following legal description:

Lots 7-13, Block 5; Lots 1-10, Block 6; and Lots 16-24, Block 7; Stone Bridge Creek 8th Addition, Lincoln, Lancaster County, Nebraska;

2. On page 3, on lines 18 and 19, delete the following language: "and 31 lots that may be a combination of single-family detached, two-family or townhouses".

3. On page 4, lines 1 and 2, delete the following language: "66 dwelling units (35 single-family lots and 31 lots that may be a combination of single-family detached, two-family lots and 31 lots that may be a combination of single-family detached, two-family or townhouses)," and insert a lieu thereof the following: 35 single-family lots.

4. On page 4, line 4, delete, "and 27.19.080".

5. On page 4, line 6, delete the following language: "and the R-5 Residential District".

6. On page 4, delete lines 19 through 23, and lines 29 through 33, being conditions a. ii, iii, and vii.

7. On page 5, delete lines 40 and 41, being condition e. iii.

8. On page 6, delete lines 19 through 40, being conditions e. xi. and xii.

Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

MARVIN Moved MTA #2 to Bill No. 08R-272 by inserting the following language on page 3, line 18 after the word "lots": and to pave Pennsylvania Avenue from North 14th Street to Whitewater Lane.

Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

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

A-85100 WHEREAS, Lincoln Federal Bancorp, Inc. has submitted an application designated as Special Permit No. 08039 for authority to develop Stone Bridge View Community Unit Plan for 35 single-family lots and 31 lots that may be a combination of single-family detached, two-family or townhouses, together with a request to waive the requirements of the Land Subdivision Ordinance to reduce the average lot width for single family detached dwellings, minimum lot area requirement, and

depth to width ratio, on property generally located southeast of N. 14th Street and Humphrey Drive and legally described as:

~~A portion of Stone Bridge Creek 8th Addition, located in the Southwest Quarter of Section 36, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska and more particularly described by metes and bounds as follows:~~

~~Commencing at the West Quarter corner of Section 36, Township 11 North, Range 6 East of the 6th Principal Meridian, Lancaster County, Nebraska, thence south 89 degrees 35 minutes 54 seconds east for a distance of 2638.19 feet to a point on the north line of the Southwest Quarter; thence south 38 degrees 54 minutes 07 seconds west for a distance of 610.28 feet; thence south 38 degrees 46 minutes 18 seconds west for a distance of 79.98 feet to the point of beginning; thence south 38 degrees 45 minutes 36 seconds west for a distance of 1130.98 feet, on the north right-of-way of Interstate 80; thence north 32 degrees 03 minutes 30 seconds west for a distance of 315.49 feet on the south line of Lot 48, Block 1 to the northwest corner of Lot 48, Block 1; thence on a curve to the right having a radius of 470.00 feet and an arc length of 24.75 feet, being subtended by a chord of north 73 degrees 15 minutes 21 seconds east for a distance of 24.74 feet to a point on the north line of Lot 48, Block 1; thence on a curve to the left having a radius of 630.00 feet and an arc length of 18.42 feet, being subtended by a chord of north 74 degrees 00 minutes 25 seconds east for a distance of 18.42 feet to a point on the north line of Lot 47, Block 1; thence north 29 degrees 38 minutes 21 seconds west for a distance of 61.70 feet to the southwest corner of Lot 13, Block 5; thence north 29 degrees 38 minutes 21 seconds west for a distance of 159.80 feet on the north line of Lots 1 and 2, Block 5, to the northeast corner of Lot 2, Block 5; thence north 40 degrees 33 minutes 00 seconds west for a distance of 130.97 feet on the north line of Lots 2-4, Block 5, to the northwest corner of Lot 4, Block 5; thence north 50 degrees 21 minutes 27 seconds west for a distance of 65.69 feet on the north line of Lot 5, Block 5, to the northwest corner of Lot 5, Block 1; thence north 54 degrees 01 minutes 03 seconds west for a distance of 78.88 feet on the north line of Lot 6, Block 5, to the northwest corner of Lot 6, Block 5; thence on a curve to the left having a radius of 1530.01 feet and an arc length of 117.76 feet, being subtended by a chord of north 33 degrees 43 minutes 55 seconds east for a distance of 117.73 feet to a point on the north line of Lot 7, Block 5; thence north 31 degrees 28 minutes 48 seconds east for a distance of 3.63 feet on the south right-of-way of Elbert Drive to the northwest corner of Lot 7, Block 5; thence along a curve to the right having a radius of 870.00 feet and an arc length of 74.24 feet, being subtended by a chord of south 54 degrees 03 minutes 15 seconds east for a distance of 74.22 feet to a point on the north line of Lot 7, Block 5; thence north 40 degrees 16 minutes 11 seconds east for a distance of 60.00 feet to the southeast corner of Lot 25, Block 7; thence north 40 degrees 33 minutes 23 seconds east for a distance of 10.70 feet on the north right-of-way of Belford Street to a point on the east line of Lot 7, Block 5; thence on a curve to the right having a~~

~~radius of 280.02 feet and an arc length of 64.25 feet, being subtended by a chord of north 46 degrees 56 minutes 44 seconds east for a distance of 64.12 feet to the northeast corner of Lot 25, Block 7; thence north 36 degrees 32 minutes 58 seconds west for a distance of 151.37 feet on the north line of Lot 25, Block 7, to the northeast corner of Lot 25, Block 7; thence north 72 degrees 57 minutes 11 seconds east for a distance of 143.84 feet on the south line of Lots 3-5, Block 7, to the southeast corner of Lot 5, Block 7; thence north 88 degrees 51 minutes 58 seconds east for a distance of 230.69 feet on the south line of Lots 6-9, Block 7 to the southeast corner of Lot 9, Block 7; thence south 68 degrees 43 minutes 10 seconds east for a distance of 87.28 feet on the south line of Lots 10-11, Block 7, to the southeast corner of Lot 11, Block 7; thence south 51 degrees 19 minutes 40 seconds east for a distance of 260.19 feet on the south line of Lots 12-15, Block 7, to the southeast corner of Lot 15, Block 7; thence south 51 degrees 19 minutes 40 seconds east for a distance of 60.07 feet to a point on the west line of Lot 26, Block 1; thence north 38 degrees 44 minutes 24 seconds east for a distance of 297.63 feet on the west line of Lots 18-26, Block 1, to the northwest corner of Lot 18, Block 1; thence south 51 degrees 22 minutes 21 seconds east for a distance of 133.68 feet to the northeast corner of Lot 18, Block 1; thence south 51 degrees 46 minutes 00 seconds east and the point of beginning, and containing a calculated area of 11.13 acres, more or less;~~

Lots 7-13, Block 5; Lots 1-10, Block 6; and Lots 16-24, Block 7; Stone Bridge Creek 8th Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission conditionally approved said application after holding a public hearing thereon; and

WHEREAS, Brad and Amy Okamoto on behalf of the Stone Bridge Creek homeowners filed a Notice of Appeal appealing the action of the Planning Commission's conditional approval of Special Permit No. 08039; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025 the action appealed from is deemed advisory and the City Council is authorized to take final action on the matter; 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 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; and

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

That the application of Lincoln Federal Bancorp, Inc., hereinafter referred to as "Permittee", to develop Stone Bridge View Community Unit Plan for 35 single-family lots ~~and 31 lots that may be a combination of single-family detached, two-family or townhouses~~ and to pave Pennsylvania Avenue from North 14th Street to Whitewater Lane, 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 development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves ~~66 dwelling units (35 single-family lots and 31 lots that may be a combination of single-family detached, two-family or townhouses)~~ 35 single-family lots, and grants the following adjustment to the Zoning Code and Land Subdivision Ordinance.

a. The requirement in Sections 27.15.080 and ~~27.19.080~~ of the Lincoln Municipal Code that single family dwelling (detached) lots in the R-3 Residential District ~~and the R-5 Residential District~~ have an average lot width of 50 feet is hereby reduced to 40 feet.

b. The requirement in Section 27.15.080 of the Lincoln Municipal Code that single-family dwelling lots in the R-3 Residential District have a minimum lot area of 6,000 square feet is hereby waived as shown on the site plan.

c. The requirement of Section 26.23.140(a) of the Lincoln Municipal Code that residential lots shall have a maximum depth of three times its width is waived for those lots which exceed said ratio as shown on the site plan.

2. Before receiving building permits:

a. Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including five copies showing the below required revisions.

i. Add the waivers for lot width and lot area to the Waiver Notes.

~~ii. Remove the tie lines from the townhouse lots.~~

~~iii. Show the Outlot at the rear of Lots 1-31, block 4, that was approved with the preliminary plat. Identify the landscape easement in the Outlot.~~

~~iv. ii. Show utility easements as requested by the Lincoln Electric System in the September 8, 2008 inter-department communication from Emily Koenig.~~

~~v. iii. Show the lot area for each lot.~~

~~vi. iv. Sign the Surveyor's Certificate.~~

~~vii. Revise Note #6 under Site Specific Notes to read, "Lots 1-31, Block 4, may be single-family detached, two-family or townhouses. Single-family detached shall have an average lot width of 40 feet. Two-family and townhouses shall meet the lot width and area of the R-5 district."~~

~~viii. v. Add Vistar Homes as an owner. Vistar Homes owns two lots within the boundary of the CUP.~~

b. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

c. The construction plans substantially comply with the approved plans.

d. Final plats 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, private roadway improvements, 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. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban

cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

e. Permittee shall enter into an agreement with the City wherein Permittee as subdivider agrees:

i. to complete the installation of sidewalks along both sides of Belford St., Blanca Dr., and Grays Peak Dr. as shown on the final plat within four (4) years following the approval of the final plat.

ii. to complete the planting of the street trees along both sides of Belford St., Blanca Dr., and Grays Peak Dr. within this plat within four (4) years following the approval of the final plat.

~~iii. to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.~~

~~iv. iii.~~ to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.

~~v. iv.~~ 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.

~~vi. v.~~ 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.

~~vii. vi.~~ to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.

~~viii. vii.~~ to complete the public improvements shown on the Community Unit Plan.

~~ix. viii.~~ to keep taxes and special assessments on the outlots from becoming delinquent.

~~x. ix.~~ to maintain private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.

~~xi. to maintain the landscape screens on a permanent and continuous basis.~~

~~xii. 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.~~

3. Before occupying the dwelling units all development and construction must substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding on the Permittee, its successors and assigns.

7. 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, filing fees therefor to be paid in advance by the applicant.

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

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Emery, Marvin, Svoboda; NAYS: Cook, Spatz; ABSENT: Eschliman.

USE PERMIT 154D - APPLICATION OF BUFFALO GRASS, LLC TO AMEND THE WILDERNESS HILLS USE PERMIT TO ALLOW TWO ADDITIONAL ON-PREMISE SIGNS BEYOND THE REQUIREMENTS OF THE B-2 ZONING DISTRICT, TO BE PLACED IN THE ROUNDABOUT ON S. 30TH STREET, GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF S. 27TH STREET AND YANKEE HILL ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85101 WHEREAS, Buffalo Grass, LLC, has submitted an application in accordance with Sections 27.28.080 of the Lincoln Municipal Code designated as Use Permit No. 154D to amend Wilderness Hills Use Permit in order to allow two additional on-premise signs beyond the requirements of the B-2 zoning district, to be placed in the roundabout on S. 30th Street, on property generally located southeast of the intersection of South 27th Street and Yankee Hill Road, and legally described as:

Outlots "B", "C", "E", "M" and "N", Lots 1 and 2, Block 1, Wilderness Hills Commercial Addition; Outlots "A", "B", "C", "F", and "H", Lots 1, 2, 3, 4, 5, and 6, Block 1, Wilderness Hills Commercial 1st Addition, Outlots "A", "B", "C", "D", and "E", Lots 1, 2, 3, 4, and 5, Wilderness Hills Commercial 2nd Addition, all located in the Northwest Quarter of Section 30, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the Wilderness Hills Use Permit 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 Buffalo Grass, LLC, hereinafter referred to as "Permittee", to amend Use Permit No. 154C in order to allow two additional on-premise signs beyond the requirements of the B-2 zoning district, to be placed in the roundabout on S. 30th Street on the property legally described above be and the same is hereby granted under the provisions of Section 27.28.080 of the Lincoln Municipal Code upon condition that construction and operation of said ground sign be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves two additional on-premise signs to be placed on the roundabout. One sign will face north and the other will face south and will generally conform with the elevation of the landscape/signage feature attached to the site plan.

2. Before receiving building permits the Permittee shall:

a. Cause to be prepared and submitted to the Planning Department for a review and approval a revised and reproducible final site plan including five copies which adds a note to the site plan stating: "This resolution #----- permits two additional on premise signs to be placed

on the roundabout on S. 30th Street. One sign will face north and the other will face south and will generally conform with the elevation of the landscape/signage feature attached to this site plan."

b. Provide information to the satisfaction of Public Works addressing their concerns in their September 8, 2008 Memo.

c. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

d. The construction plans substantially comply with the approved plans.

3. Before applying for a building permit all development and construction must substantially comply with the approved plans.

4. All privately-owned improvements, including landscaping are to be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said Items as shown on the approved site plan.

6. The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

7. 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 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 except as specifically amended by this resolution.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING ORDINANCE NO. 19110, PASSED BY THE CITY COUNCIL ON JULY 28, 2008, TO INCLUDE LOTS 14-19, BLOCK 3, MCMURTRY'S ADDITION, IN THE CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO O-1 OFFICE DISTRICT, ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 18TH STREET AND K STREET - CLERK read an ordinance, introduced by Doug Emery, amending Ordinance 19110 passed by the City Council of the City of Lincoln, Nebraska on July 28, 2008, for a change of zone from the R-6 and R-7 Residential Districts to the O-1 Office District on property generally located at South 18th and K Streets, to correct the legal description, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

AMENDING ORDINANCE NO. 19143, PASSED BY THE CITY COUNCIL ON SEPTEMBER 22, 2008, TO CORRECT THE LEGAL DESCRIPTION FOR THE SURPLUS PROPERTY GENERALLY LOCATED AT SOUTH 46TH STREET AND O STREET (COMP. PLAN CONFORMANCE 07023) - CLERK read an ordinance, introduced by Jon Camp, amending Ordinance 19143 passed by the City Council of the City of Lincoln, Nebraska on September 22, 2008, declaring approximately 2,739 square feet of City-owned property generally located at South 46th Street and O Street as surplus, to correct the legal description of the surplus property, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.
The ordinance, being numbered #19165, is recorded in Ordinance Book #26, Page

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER
10.55, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, TO DEFINE THE SAME,
TO REGULATE THE USE THEREOF, AND TO PROVIDE PENALTIES FOR VIOLATIONS -
PRIOR to reading:

COOK Moved MTA #1 to Bill No. 08-144 by inserting the following
language on page 3 between lines 12 and 13:

(h) It shall be unlawful for any person under sixteen years of
age to operate an electric personal assistive mobility device on any
highway, alley, sidewalk, or other premises open to the public.

(i) It shall be unlawful for any person to sell, loan, provide,
give away, or deliver or permit the sale, providing, loan, gift,
delivery, or procuring of an electric personal assistive mobility device
to any person under sixteen years of age.

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

CLERK Read an amended ordinance, introduced by Jon Camp, creating
Chapter 10.55 of the Lincoln Municipal Code, Electric Personal Assistive
Mobility Devices, to define the same, to regulate the use thereof, and
to provide penalties for violation, the third time.

CAMP Moved to pass the ordinance as amended.

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

The ordinance, being numbered #19166, is recorded in Ordinance Book #26, Page

APPROVING THE PINE WOODS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN
THE CITY AND REALTY TRUST GROUP RELATING TO THE ANNEXATION OF
APPROXIMATELY 4.87 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE
OF SOUTH 70TH STREET AND SOUTH OF PINE LAKE ROAD (RELATED ITEMS: 08-R-
260, 08-145, 08-146) (ACTION DATE: 10/27/08) - CLERK read the following
resolution, introduced by Jon Camp, who moved its adoption:

A-85102 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the agreement titled Pine Woods Conditional Annexation and
Zoning Agreement, which is attached hereto, marked as Attachment "A" and
made a part hereof by reference, between Realty Trust Group, Inc. and
the City of Lincoln, Nebraska, outlining certain conditions and
understandings relating to the annexation of approximately 4.87 acres of
property generally located on the west side of South 70th Street and
south of Pine Lake 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
one fully executed copy 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 Realty Trust Group, Inc.

BE IT FURTHER RESOLVED that the City Clerk is directed to forward
a copy of this Agreement to Michaela Hansen, Impact Fee Administrator.

Introduced by Jon Camp

Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

ANNEXATION NO. 08006 - APPLICATION OF REALTY TRUST GROUP TO AMEND THE LINCOLN
CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.87 ACRES OF PROPERTY
GENERALLY LOCATED AT SOUTH 70TH STREET AND PINE LAKE ROAD (RELATED
ITEMS: 08-R-260, 08-145, 08-146) - CLERK read an ordinance, introduced
by Jon Camp, annexing and including the below described land as part of
the City of Lincoln, Nebraska and amending the Corporate Limits Map

attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.
The ordinance, being numbered #19167, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08041 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT PUD AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR MODIFICATIONS TO THE ZONING AND LAND SUBDIVISION ORDINANCES TO DEVELOP APPROXIMATELY 11 DWELLING UNITS AND APPROXIMATELY 53,000 SQUARE FEET OF OFFICE, RETAIL AND/OR COMMERCIAL FLOOR AREA ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND PINE LAKE ROAD (RELATED ITEMS: 08-R-260, 08-145, 08-146) - 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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.
The ordinance, being numbered #19168, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Kevin Hopman, no address given, came forward to comment on the Antelope Valley Project. He also requested closure of Mr. Morosin's relocation issues and requested his garage be built.

Roger Figard, Public Works & Utilities City Engineer, came forward to clarify the ongoing process of JAVA.

This matter was taken under advisement.

Mike Morosin, 1500 N. 15th St., came forward stating HUD requirements were not met when he moved into a relocated house without smoke detectors installed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 3, 2008.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on November 3, 2008.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

REGULAR MEETING
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ADJOURNMENT 9:53 P.M.

CAMP Moved to adjourn the City Council meeting of October 27, 2008.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant