THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 24, 2011 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chair Carroll; Council Members: Camp, Cook, Emery, Eskridge, Hornung, Schimek; City Clerk, Joan E. Ross.

Council Chair Carroll announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

EMERY Having been appointed to read the minutes of the City Council proceedings of October 17, 2011 reported having done so, found same correct.
Seconded by Eskridge & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ADDRESS TO CITY COUNCIL

Council Chair Carroll welcomed members of the Youth Ambassadors in attendance at today's meeting. Katie Konold, Program Director at Brownell and Norwood Park Community Learning Centers, came forward to address the City Council and speak in support of quality after-school programs. She introduced three outstanding Youth After-School Ambassadors: Isaac Anno, Riley Elementary School; Alba Argueta, Saratoga Elementary School; and Madison Klutts, Mickle Middle School. Each student came forward to express appreciation and share their experience of CLC which provides a safe, enriching environment while their parents work late.

Council Chair Carroll thanked the Youth Ambassadors for participating in a great program.

RECOGNITION

Council Chair Carroll welcomed Boy Scout Troop 54 who were in attendance at the Council Meeting working on their citizenship badges.

PUBLIC HEARING

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY MOLEX, INC. FOR THE INSTALLATION OF PRIVATE CONDUIT FOR FIBER OPTIC CABLE ALONG WEST BOND STREET AND WEST BOND CIRCLE WEST AND EAST OF NORTHWEST 12TH STREET - Tim Pratt, Public Works & Utilities Department, came forward to address any questions relating to a money-saving agreement with Molex to install fiber in needed areas. Doug Badje, Facilities Manager of Molex, Inc., was on hand for questioning.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING RODNEY M. CONFER AS THE CITY ATTORNEY FOR A TWO-YEAR TERM EFFECTIVE NOVEMBER 1, 2011 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Rodney M. Confer as the City Attorney for a two-year term effective November 1, 2011 is hereby approved.

Introduced by DiAnna Schimek
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

REAPPOINTING BRITT C. MILLER TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR A TERM EXPIRING SEPTEMBER 1, 2014 - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:
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A-86550  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Britt C. Miller to the Community Health
Endowment Board for a term expiring September 1, 2014 is hereby approved.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPOINTING JAMES CROOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING
APRIL 24, 2014 - CLERK read the following resolution, introduced by DiAnna
Schimek, who moved its adoption:
A-86551  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of James Crook to the Parks and Recreation Advisory
Board for a term expiring April 24, 2014 is hereby approved.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPOINTING DIANNA SCHIMEK TO THE UTILITY BILLING CHECK OFF PROGRAM FOR A TERM EXPIRING
MAY 31, 2012 - CLERK read the following resolution, introduced by Jon Camp, who
moved its adoption:
A-86552  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of DiAnna Schimek to the Utility Billing Check Off
Program for a term expiring May 31, 2012 is hereby approved.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPOINTING DIANNA SCHIMEK TO THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR A TERM
EXPIRING MAY 31, 2012 - CLERK read the following resolution, introduced by Jon
Camp, who moved its adoption:
A-86553  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of DiAnna Schimek to the Railroad Transportation
Safety District for a term expiring May 31, 2012 is hereby approved.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPOINTING DOUG EMERY TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM
EXPIRING MAY 31, 2014 - CLERK read the following resolution, introduced by
DiAnna Schimek, who moved its adoption:
A-86554  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Doug Emery to the Lincoln-Lancaster County Board
of Health for a term expiring May 31, 2014 is hereby approved.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

APPOINTING DR. CHARLES WILSON, TOM BECKIUS, LOREN MESTRE-ROBERTS AND DR. MICHAEL
MOVAR TO THE COMMUNITY HEALTH ENDOWMENT BOARD FOR TERMS EXPIRING SEPTEMBER 1,
- CLERK read the following resolution, introduced by DiAnna Schimek, who moved
its adoption:
A-86555  BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Dr. Charles Wilson, Tom Beckius, Loren Mestre-
Roberts, and Dr. Michael Molvar to the Community Health Endowment Board for
terms expiring September 1, 2014, September 1, 2014, September 1, 2014 and
September 1, 2012, respectively, is hereby approved.
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll,
Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

LINCOLN WATER & WASTEWATER RECAPITULATION OF DAILY CASH RECEIPTS FOR SEPTEMBER 2011 -
CLERK PRESENTED SAID REPORT WHICH WAS PLACED ON FILE IN THE OFFICE OF THE CITY
CLERK. (8-71)

CLERK’S LETTER & MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCTOBER 10,
2011 - CLERK PRESENTED SAID REPORT WHICH WAS PLACED ON FILE IN THE OFFICE OF THE
CITY CLERK. (27-1)
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PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M. FOR THE APPLICATION OF WICKED SMOKE, INC. DBA WICKED SMOKE FOR A CLASS D LIQUOR LICENSE AT 1603 W. “O” STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86556  
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Wicked Smoke, Inc. dba Wicked Smoke for a Class D liquor license at 1603 W. O 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2011 AT 3:00 P.M. FOR THE APPLICATION OF BLUE BLOOD BREWING COMPANY, INC. DBA BLUE BLOOD BREWING FOR A CLASS L LIQUOR LICENSE AT 500 W. SOUTH STREET, SUITE 8 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-86557  
BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 2011 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Blue Blood Brewing Company, Inc. dba Blue Blood Brewing for a Class L liquor license at 500 W. South Street, Suite 8. 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 Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:
Administrative Amendment No. 11043 to Special Permit No. 04049, Fisherman’s Landing Community Unit Plan, approved by the Planning Director on October 13, 2011, requested by ESP, Inc., to increase lot size and extend lots into the pool of the pond, on property generally located at S. 176th St. and Firth Rd.
Administrative Amendment No. 11053 to Special Permit No. 2022C, Pine Lake Heights South Planned Service Commercial, approved by the Planning Director on October 17, 2011, requested by Olsson Associates, to update the site plan to show Lot 4, Block 2 subdivided into two lots and to update the land use table to reflect this change, on property generally located at S. 27th St. and Grainger Parkway.

REFERRALS TO THE PLANNING DEPARTMENT:
Change of Zone No. 11036 - Requested by ESP, Inc., from R-2 Residential District to R-5 Residential District, on property generally located at N. 40th Street and Turner Street.
Change of Zone No. 11037 - Requested by the Director of Planning, from R-4 Residential District to B-2 Planned Neighborhood Business District, on property generally located at N. 84th Street and Leighton Avenue.
Special Permit No. 11025 - Requested by ESP, Inc., Beautiful Day Acres Community Unit Plan, for 15 single family attached units; 1 lot for 12 future single family lots and 1 lot for 266 multi-family units, with requests to waive the right-of-way width from 60’ to 58’ on Frederick Street, storm water detention facilities, and sanitary sewer running opposite the street grades in Frederick Street, Turner Street and N. 39th Street, and the centerline grade more than one foot below the 50 year flood elevation, on property generally located at N. 40th Street and Turner Street.
Use Permit No. 11003 - Requested by Liberty First Credit Union for one commercial lot with 50,000 sq. ft. of commercial area proposed and one outlot over an existing private roadway on property generally located at N. 84th Street and Leighton Avenue.

MISCELLANEOUS - NONE

LIQUOR RESOLUTIONS - NONE
ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING - RESOLUTIONS

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY MOLEX, INC. FOR THE INSTALLATION OF PRIVATE CONDUIT FOR FIBER OPTIC CABLE ALONG WEST BOND STREET AND WEST BOND CIRCLE WEST AND EAST OF NORTHWEST 12TH STREET - CLERK read the following resolution, introduced by DiAnna Schimek, who moved its adoption:

WHEREAS, Molex, Inc. has submitted an application for a permit to use the public right-of-way along West Bond Street and West Bond Circle west and east of Northwest 12th Street for the purpose of installing fiber optic cable to connect their facility at 700 Kingbird Road and their secondary site at 1400 West Bond Circle; 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 14.53 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of $5,000 and the filing of a certificate of insurance evidencing a commercial or comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of $500,000 aggregate for any one occurrence and naming the City as additional insured.

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

That the aforesaid application of Molex, Inc., hereinafter referred to as Permittee, to use the public right-of-way in West Bond Street and West Bond Circle west and east of Northwest 12th Street as shown on Exhibit "B", for the purpose of installing fiber optic cable be granted as a privilege only by virtue of and subject to substantial compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

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

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

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

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

The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental is currently $0.50 per lineal foot of space occupied underneath the public street, alley, sidewalk, or other public ground. Such rental is based upon the number of conduits being placed within the right-of-way.

All payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided, however, the amount of the initial payment shall be prorated from the date of approval of this permit to the 1st day of October, 2012 and payment shall be due and payable on October 1st thereafter.

Any such rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of 1% per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of 5% shall be added thereto in addition to said interest.

A-86558
6. Any additions, changes, modifications, or amendments of the uses permitted herein shall require a new permit or other authorization.

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

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

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

Introduced by DiAnna Schimek
Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

APPROVING A SALES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA FOUNDATION, ON BEHALF OF EDUCARE LINCOLN, FOR THE SALE OF APPROXIMATELY 90,000 SQ. FT. OF SURPLUS CITY PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF NORTH 14TH STREET AND MANATT STREET - CLERK read an ordinance, introduced by Jon Camp, approving a Real Estate Sales Agreement between the City of Lincoln and the University of Nebraska Foundation authorizing the sale of approximately 90,000 square feet of property generally located southwest of the intersection of North 14th Street and Manatt Street, the first time.

AMENDING ORDINANCE 19589 PASSED AUGUST 8, 2011 FOR THE WIDENING AND RECONSTRUCTION OF OLD CHENEY ROAD FROM 70TH STREET TO #2ND STREET TO ALLOW FOR THE DESIGN AND CONSTRUCTION OF RIGHT-TURN LANES AT THE INTERSECTION OF 70TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Jon Camp, amending Ordinance 19589, which amended Ordinance 18214, which authorized and directed the Department of Public Works and Utilities to proceed with the preparation of detailed plans and specifications for the widening, reconstruction, and improvement of Old Cheney Road from Nebraska Highway 2 to South #8th Street to acquire necessary right-of-way and easements relating thereto; and to proceed with construction thereof, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND SILVER PROPERTIES LLC FOR A LEASE OF SPACE FOR A FIVE-YEAR TERM FOR USE BY THE LINCOLN POLICE DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between Silver Properties, L.L.C. and the City of Lincoln for a lease of space for a term of November 1, 2011 through October 31, 2016, for use by the Lincoln Police Department, the first time.

APPROVING A LEASE AND OPERATING AGREEMENT BETWEEN THE CITY AND THE BOARD OF REGENTS OF UNL FOR LEASE OF SPACE AT THE WEST HAYMARKET ARENA - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease and Operating Agreement between the City of Lincoln and the Board of Regents of the University of Nebraska (Board of Regents) for the lease of basketball space and other defined leased improvements within the West Haymarket Arena by the Board of Regents for a term of 30 years commencing on September 1, 2013 or upon substantial completion of the Arena, whichever occurs first, the first time.

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

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT FOR HOLDREGE STREET AND IDYLWILD DRIVE BETWEEN KAPPA FOUNDATION AND THE CITY OF LINCOLN FOR A FRATERNITY LIMITED TO 58 STUDENTS IN 15 ROOMS, NOT COMPATIBLE WITH THE ADJACENT NEIGHBORHOOD, ON PROPERTY GENERALLY LOCATED AT HOLDREGE STREET AND IDYLWILD DRIVE (RELATED ITEMS: 11R-251, 11-159, 11R-249) (ACTION DATE: 10/24/11) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86599

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

That the agreement titled Holdrege Street and Idylwild Drive Development and Conditional Zoning Agreement which is attached hereto marked as Attachment “A” and made a part hereof by reference, between the City and Kappa Foundation, upon the terms and conditions contained in said Agreement for a fraternity
building generally located at Holdrege Street and Idylwild Drive on property legally described as the north 6 feet of the west 60 feet of Lot 46 and all of Lot 48, Block 1, University Park Addition, Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the Holdrege Street and Idylwild Drive Development and Conditional Zoning 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 Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Carl Eskridge

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

CHANGE OF ZONE 11032 - APPLICATION OF KAPPA FOUNDATION FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HOLDREGE STREET AND IDYLWILD DRIVE (RELATED ITEMS: 11R-251, 11-159, 11R-249) (ACTION DATE: 10/24/11) - CLERK read an ordinance, introduced by Carl Eskridge, 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 third time.

ESKRIDGE Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

The ordinance, being numbered #19639, is recorded in Ordinance Book #27, Page .

SPECIAL PERMIT 11021 - APPLICATION OF KAPPA FOUNDATION TO ALLOW PARKING LOT IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT IDYLWILD DRIVE AND STARR STREET (RELATED ITEMS: 11R-251, 11-159, 11R-249) (ACTION DATE: 10/24/11) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-86560

WHEREAS, Kappa Foundation has submitted an application designated as Special Permit No. 11021 to allow a parking lot in a residential district, together with adjustments to the required front yard setback from 25 feet to 20 feet on property generally located at Idylwild Drive and Starr Street, legally described as:

Lots 5 and 6, Block 1, Woods Bros. University Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot 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 Kappa Foundation, hereinafter referred to as "Permittee", to allow a parking lot in a residential district together with adjustments to the required front yard setback on property legally described above be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot in the R-2 Residential District and a reduction of the front yard setback to 20 feet.

2. Before receiving building permits the Permittee shall:
   a. Submit a revised and reproducible site plan including five copies showing the following revisions to the Planning Department for review and approval:
      i. Delete all notes except #9 and #16. The other notes are not pertinent to the parking lot or are required by other design standards.
      ii. Remove the change of zone legal description. This application is for a special permit only.
iii. Show parking lot landscaping along Idylwild Dr. that meets design standards. Add a five feet high earthen berm and shrubs or other plants along Idylwild St. in accordance with the attached drawing (Exhibit A).

iv. Add a note that a 5 feet tall (measured from the North 37th Street neighbors side of the wall) painted or colored brick formed concrete wall will be provided on or near the boundary line, along the south and east boundaries of the parking lot in accordance with the attached drawing (Exhibit B).

v. Add a cross section of the parking lot that shows the depression in conformance with the attached Exhibit A.

vi. Items 1.3 and 1.4 shall not be amended by the Administrative Amendment process, but shall only be amended by submittal to the Planning Commission in the same manner as an original special permit.

vii. Provide historic parking lot lighting fixtures as presented to and certified by the Historic Preservation Commission in compliance with the City design standards for parking lot lighting.

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

c. Prior to the issuance of a building permit the construction plans must substantially comply with the approved plans.

3. Before commencing use of the parking lot, all development and construction must be completed in substantial conformance with the approved plans.

4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

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 City's letter of acceptance to the City Clerk within 60 days following 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 Permittee.

This matter was taken under advisement.

Karen Anthony, 4930 Thomasbrook Lane, came forward to talk about the Comprehensive Plan. Having been informed that she could not speak on an item that had public hearing, Ms. Anthony directed her discussion to a comparison of the constitutional perspective vs. the sustainability perspective instead. This matter was taken under advisement.
MISCELLANEOUS BUSINESS

PENDING -
CAMP Moved to extend the Pending List to October 31, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

UPCOMING RESOLUTIONS
CAMP Moved to approve the resolutions to have Public Hearing on October 31, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.

ADJOURNMENT 5:59 P.M.
CAMP Moved to adjourn the City Council meeting of October 24, 2011. Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Schimek; NAYS: None.