

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 28, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair: Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Joan E. Ross, City Clerk.

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of March 28, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF KWIK SHOP, INC. FOR A CLASS D LIQUOR LICENSE AT THE FOLLOWING KWIK SHOP LOCATIONS: #635 AT 2330 NORTH 1ST STREET, #634 AT 2940 NORTH 14TH STREET, #637 AT 2710 W STREET, #646 AT 3301 HOLDREGE STREET, #632 AT 5900 FREMONT STREET, #663 AT 4400 CORNHUSKER HIGHWAY, #618 AT 4750 CALVERT STREET, #620 AT 1111 NORTH COTNER BOULEVARD, #650 AT 5600 HOLDREGE STREET, AND #662 AT 2040 SOUTH 56TH STREET - Mary Hoage, Manager, 11120 N. 36th Street, Waverly, took oath and came forward for approval. Further discussion followed.

This matter was taken under advisement.

AMENDING SECTION 12.04.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PARK AND RECREATION ADVISORY BOARD MEMBERSHIP TO ALLOW GREATER FLEXIBILITY IN THE REQUIREMENTS FOR STUDENT APPOINTMENTS TO SERVE ON THE BOARD - Lynn Johnson, Director of Parks & Recreation Department, came forward for approval. Further discussion followed.

This matter was taken under advisement.

ANNEXATION 05001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 100.00 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE (IN CONNECTION W/05R-69, 05-34);

APPROVING THE 1ST AND FLETCHER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND CARLTON PAINE & JUDITH PAINE, GLENN UMBERGER & LOIS UMBERGER, AND UMBERGER FARMS LTD., RELATING TO THE ANNEXATION OF APPROXIMATELY 100.69 ACRES, GENERALLY LOCATED SOUTHEAST OF NORTH 1ST STREET AND FLETCHER AVE (IN CONNECTION W/05-33, 05-34) (ACTION DATE: 4/11/05);

CHANGE OF ZONE 05002 - APPLICATION OF LINDSEY MANAGEMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FLETCHER AVENUE; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT; AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR 612 DWELLING UNITS, A CLUBHOUSE, PRIVATE GOLF COURSE AND 60,000 SQUARE FEET OF COMMERCIAL FLOOR AREA (OR 696 DWELLING UNITS IF THE COMMERCIAL USE IS DELETED) IN THE UNDERLYING R-3 RESIDENTIAL DISTRICT WITH A REQUESTED WAIVER OF THE REQUIRED PRELIMINARY PLAT PROCESS (IN CONNECTION W/05R-69, 05-33) - Kim Fugitt, 1165 Joyce Blvd, Fayetteville, AR, came forward representing Lindsey Management Company to present a presentation of these items and asking for approval. Further discussion followed.

John Swartz, 7000 N. 1st Street, came forward in opposition. He stated his concerns regarding their limited amount of fresh water they get from their wells. He feels that the new site should use the City water since it is available. Further discussion followed.

Jim Christo, 6945 N. 7th Street, came forward in opposition. He stated his concerns regarding their limited amount of fresh water they get from their wells. Further discussion followed.

Shandra Bescheinen, 400 Humphrey Avenue, came forward in opposition. She stated her concerns with their limited amount of fresh water they get from their wells. She also stated that Lincoln has 19 golf courses and that another one isn't needed. Further discussion followed.

Greg Zimmer, 6320 N. 7th Street, came forward in opposition. He stated his concerns regarding their limited amount of fresh water they get from their wells. He also stated that there are around 35 families in that area that will be impacted if this new development used well water. Further discussion followed.

Mike Williams, 7301 N. 7th Street, came forward and stated his concerns with their limited amount of fresh water they get from their wells.

Tim Aschoff, 132 S. 13th Street, Attorney, came forward in support on behalf of two families, Robert and Karen Duncan and Chandra Clanton. He stated that these two neighbors do have an agreement with the landowners with respect to the water and to the use of 7th Street. Further discussion followed.

Annabelle Neemann, 7001 N. 7th Street, came forward in opposition. She also stated her concerns with their limited amount of fresh water they get from their wells.

Kent Seacrest, Attorney, came forward in support representing NEBCO Inc., the developer of Fallbrook, who is the neighbor to them. He stated that they have the use of city water so he won't be commenting on the issues of them using well water. He also stated that he appreciated their interest in developing out there.

Mike Morosin, 2055 "S" Street, came forward and stated his concerns with their limited amount of water wells out in that area, and he also stated that he feels there are already too many apartments in Lincoln.

Ray Hill, Planning Department, came forward for approval and to show an overhead of the future land hill map of the area. Further discussion followed.

Kim Fugitt, came forward for rebuttal and to help answer questions of the Council. Further discussion followed.

Dana Roper, City Attorney, came forward to help answer questions of the Council. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05010 - APPLICATION OF THOMPSON CREEK LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND THOMPSON CREEK BLVD (IN CONNECTION W/05R-67);

USE PERMIT 141A - APPEAL OF THOMPSON CREEK LLC FROM THE PLANNING COMMISSION ACTION CONDITIONALLY APPROVING USE PERMIT NO. 141A ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND THOMPSON CREEK BLVD. SUBJECT TO THE REQUIREMENT THAT THE PAVEMENT IN SOUTH 57TH STREET BE 33 FEET WIDE AND THAT ANGLE PARKING BE PROVIDED ALONG SOUTH 57TH STREET, AND THAT A TRAFFIC STUDY BE PROVIDED (IN CONNECTION W/05-35) (ACTION DATE: 4/11/05) - Jason Thiellen, with Engineering Design Consultants, came forward on behalf of Thompson Creek LLC for approval. Further discussion followed.

Bob Lewis, with Thompson Creek LLC, came forward asking for approval. Further discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to help answer questions of the Council. Further discussion followed.

Ray Hill, Planning Department, came forward to help answer questions of the Council. Further discussion followed.

Bob Lewis, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05014 - APPLICATION OF THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-7, R-6, R-5 AND R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN A AND SOUTH STREETS, 13TH TO 27TH STREETS; F AND A STREETS, 18TH TO 19TH STREETS; AND F AND A STREETS, 20TH TO 27TH STREET - Dave Witters, 1908 "C" Street, came forward as a member of the Near South Neighborhood Association in support. Further discussion followed.

Greg McCown, 1970 "B" Street, came forward and stated that he is speaking as a real estate agent, a landowner, and a renter, in support.

Doug Naegele, 1805 "B" Street, came forward in support.

Tim Francis, 2511 "T" Street, came forward in support and stated that he lives in another area but owns a property in the Near South Neighborhood in support.

Michael Rierden, Attorney, came forward on behalf of B & J Partnership in support. Further discussion followed.

Cathy Beecham, 2540 "C" Street, President of Neighborhood Association, came forward in support. Further discussion followed.

Marge Lib, 2600 "C" Street, came forward in support.

Tom Cabela, 1801 "B" Street, came forward in support but stated that he would like to see the Council address the natural disaster and fire provisions. Further discussion followed.

Sharon Glenn, 1805 Sumner Street, came forward in support.

Bob Kuzelka, 1935 "A" Street, came forward in support. Further discussion followed.

Mike Morosin, 2055 "S" Street, came forward in support be stated his concerns. Further discussion followed.

Marvin Krout, Director of Planning Department, came forward to help answer questions of the Council. Further discussion followed.

Dave Witters, came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:00 P.M.

RECONVENED 4:10 P.M.

CHANGE OF ZONE 05017 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF NORTH 26TH STREET AND OLD DAIRY ROAD - JD Burt, with Design Associates, 1609 "N" Street, came forward for approval on behalf of the applicant. Further discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA FOR LONG-TERM LOAN AND DISPLAY OF THE NEBRASKA LIBERTY BELL IN ANTELOPE PARK - Lynn Johnson, Director of Parks & Recreation, came forward for approval. Further discussion followed.

Mike Morosin, 2055 "S" Street, came forward in support and stated his concerns.

Lynn Johnson, came forward for rebuttal and to help answer questions. Further discussion followed.

This matter was taken under advisement.

USE PERMIT 04003 - APPLICATION OF MUFF-STETTINGER LLC TO DEVELOP ASHLEY HEIGHTS COMMERCIAL CENTER FOR 93,500 SQUARE FEET OF COMMERCIAL AREA IN AN EXISTING B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, WITH REQUESTED WAIVERS FOR SIDE AND FRONT YARD SETBACKS, TO ALLOW FREE STANDING SIGNS FOR PAD SITES TO BE MORE THAN 30 FEET FROM THE BUILDING, TO ALLOW LOTS THAT DO NOT FRONT UPON A PUBLIC OR PRIVATE STREET, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED NORTH OF WEST HUNTINGTON AVENUE AND EAST OF NORTHWEST 48TH STREET - Peter Katt, Attorney, came forward representing the applicant for approval. Further discussion followed.

This matter was taken under advisement.

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND BRIGHTON CONSTRUCTION COMPANY FOR AN AFFORDABLE HOUSING PROJECT LOCATED BETWEEN VINE, U, 23RD, AND 24TH STREETS - Wynn Hjermstad, Urban Development Department, came forward for approval. Further discussion followed.

Fernando Pages, Brighton Construction, came forward for approval and he also read a letter that was written to him by a pleased future resident of Liberty Village. Further discussion followed.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF KWIK SHOP, INC. FOR A CLASS D LIQUOR LICENSE AT THE FOLLOWING KWIK SHOP LOCATIONS: #635 AT 2330 NORTH 1ST STREET, #634 AT 2940 NORTH 14TH STREET, #637 AT 2710 W STREET, #646 AT 3301 HOLDREGE STREET, #632 AT 5900 FREMONT STREET, #663 AT 4400 CORNHUSKER HIGHWAY, #618 AT 4750 CALVERT STREET, #620 AT 1111 NORTH COTNER BOULEVARD, #650 AT 5600 HOLDREGE STREET, AND #662 AT 2040 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83260 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Kwik Shop, Inc. dba Kwik Shop for a Class "D" liquor license at the following locations: #635 at 2330 N. 1st Street, #634 at 2940 N. 14th Street, #637 at 2710 W Street, #646 at 3301 Holdrege Street, #632 at 5900 Fremont Street, #663 at 4400 Cornhusker Highway, #618 at 4750 Calvert Street, #620 at 1111 N. Cotner Blvd., #650 at 5600 Holdrege Street, and #662 at 2040 S. 56th Street, Lincoln, Nebraska, for the license period ending April 30, 2005, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING

AMENDING SECTION 12.04.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PARK AND RECREATION ADVISORY BOARD MEMBERSHIP TO ALLOW GREATER FLEXIBILITY IN THE REQUIREMENTS FOR STUDENT APPOINTMENTS TO SERVE ON THE BOARD - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 12.04.010 of the Lincoln Municipal Code relating to the Park and Recreation Advisory Board Membership to allow greater flexibility in the requirements for student appointments to serve on the Board; and repealing Section 12.04010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 17.30.050 OF THE LINCOLN MUNICIPAL CODE TO CORRECT AN ERRONEOUS REFERENCE TO SECTION 17.22.095 FOUND IN SUBSECTION (B) OF SECTION 17.30.050 TO CORRECTLY REFER TO SECTION 17.22.100 BECAUSE SECTION 17.22.095 WAS RENUMBERED SECTION 17.22.100 DURING THE LMC RECODIFICATION PROCESS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 17.30.050 of the Lincoln Municipal Code relating to Discontinuance of Water Service to correct an erroneous reference to Section 17.22.095 found in subsection (b) of Section 17.30.050 to correctly refer to Section 17.22.100; and repealing Section 17.30.050 of the Lincoln Municipal Code as hitherto existing, the second time.

ANNEXATION 05001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 100.00 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE. (IN CONNECTION W/05R-69, 05-34) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

APPROVING THE 1ST AND FLETCHER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND CARLTON PAINE & JUDITH PAINE, GLENN UMBERGER & LOIS UMBERGER, AND UMBERGER FARMS LTD., RELATING TO THE ANNEXATION OF APPROXIMATELY 100.69 ACRES, GENERALLY LOCATED SOUTHEAST OF NORTH 1ST STREET AND FLETCHER AVE. (IN CONNECTION W/05-33, 05-34) (ACTION DATE: 4/11/05) - CLERK read an ordinance, introduced by Jonathan Cook, that the agreement titled 1st and Fletcher Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Carlton Paine and Judith Paine, Glenn Umberger and Lois Umberger, and Umberger Farms, Ltd., ("Owners", outlining certain conditions and understandings relating to the annexation of approximately 100.69 acres of property generally located southeast of North 1st Street and Fletcher Avenue, is approved, the second time.

CHANGE OF ZONE 05002 - APPLICATION OF LINDSEY MANAGEMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND FLETCHER AVENUE; DESIGNATING SAID PROPERTY AS A PLANNED UNIT DEVELOPMENT; AND FOR APPROVAL OF A DEVELOPMENT PLAN FOR 612 DWELLING UNITS, A CLUBHOUSE, PRIVATE GOLF COURSE AND 60,000 SQUARE FEET OF COMMERCIAL FLOOR AREA (OR 696 DWELLING UNITS IF THE COMMERCIAL USE IS DELETED) IN THE UNDERLYING R-3 RESIDENTIAL DISTRICT WITH A REQUESTED WAIVER OF THE REQUIRED PRELIMINARY PLAT PROCESS. (IN CONNECTION W/05R-69, 05-33) - CLERK read an ordinance, introduced by Jonathan Cook, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the second time.

CHANGE OF ZONE 05010 - APPLICATION OF THOMPSON CREEK LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND THOMPSON CREEK BLVD. (IN CONNECTION - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 141A - APPEAL OF THOMPSON CREEK LLC FROM THE PLANNING COMMISSION ACTION CONDITIONALLY APPROVING USE PERMIT NO. 141A ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND THOMPSON CREEK BLVD. SUBJECT TO THE REQUIREMENT THAT THE PAVEMENT IN SOUTH 57TH STREET BE 33 FEET WIDE AND THAT ANGLE PARKING BE PROVIDED ALONG SOUTH 57TH STREET, AND THAT A TRAFFIC STUDY BE PROVIDED. (IN CONNECTION W/05-35) (ACTION DATE: 4/11/05) - CLERK read an ordinance, introduced by Jonathan Cook, whereas, Thompson Creek, LLC has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 141A to remove two lots (Lot 1, Block 2, and Lot 7, Block 1, Thompson Creek Addition) from the Thompson Creek Community Unit Plan and add them to the Thompson Creek Use Permit on property generally located at South 56th and Thompson Creek Blvd., the second time.

CHANGE OF ZONE 05013 - APPLICATION OF THE STATE OF NEBRASKA DEPARTMENT OF LABOR FOR A CHANGE OF ZONE FROM O-1 OFFICE DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY LOCATED AT 16TH AND K STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 05014 - APPLICATION OF THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-7, R-6, R-5 AND R-4 RESIDENTIAL DISTRICT TO R-2 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN A AND SOUTH STREETS, 13TH TO 27TH STREETS; F AND A STREETS, 18TH TO 19TH STREETS; AND F AND A STREETS, 20TH TO 27TH STREETS - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 05017 - APPLICATION OF BOYCE CONSTRUCTION FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF NORTH 26TH STREET AND OLD DAIRY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA FOR LONG-TERM LOAN AND DISPLAY OF THE NEBRASKA LIBERTY BELL IN ANTELOPE PARK - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83261 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the State of Nebraska and the City of Lincoln for the long term loan of the Nebraska Liberty Bell for display in Antelope Park, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Lynn Johnson, Parks and Recreation Department, for transmittal to the State Department of Administrative Services.

Introduced by Jonathan Cook

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

USE PERMIT 04003 - APPLICATION OF MUFF-STETTINGER LLC TO DEVELOP ASHLEY HEIGHTS COMMERCIAL CENTER FOR 93,500 SQUARE FEET OF COMMERCIAL AREA IN AN EXISTING B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT, WITH REQUESTED WAIVERS FOR SIDE AND FRONT YARD SETBACKS, TO ALLOW FREE STANDING SIGNS FOR PAD SITES TO BE MORE THAN 30 FEET FROM THE BUILDING, TO ALLOW LOTS THAT DO NOT FRONT UPON A PUBLIC OR PRIVATE STREET, AND TO WAIVE THE PRELIMINARY PLAT PROCESS, ON PROPERTY GENERALLY LOCATED NORTH OF WEST HUNTINGTON AVENUE AND EAST OF NORTHWEST 48TH STREET - PRIOR to reading:

FRIENDT Moved to Amend Bill No. 05R-68 on page 3, between lines 5 and 6, insert two new conditions to read as follows:

vii. Add a Note 12 to the General Notes to read as follows:

12. Owners agree that Owners shall be responsible for all costs associated with design and construction of the temporary traffic signal and turn lane improvements located at the intersection of NW 48th Street and West Huntington Avenue (as shown on the Site Plan). The turn lane improvements shall be completed prior to occupancy of any building.

viii. Add a Note 13 to the General Notes to read as follows:

13. The construction of the temporary traffic signal shall only occur when (1) Either Warrant #1 (eight hour vehicle volume), Warrant #2 (four hour vehicular volume) and/or Warrant #7 (crash experience) are met as identified in the "Manual on Uniform Traffic Control Devices"; and (2) the traffic signals are recommended by the City of Lincoln for installation.

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

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

A-83262 WHEREAS, Muff-Stettinger, LLC has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 04003 to develop 93,500 square feet of commercial floor area, including requested waivers to modify required side and front yard setbacks, to allow free standing signs for pad sites to be more than 30 feet from the building, to allow lots that do not front upon a public street or private roadway, and to waive the preliminary plat process, on property generally located north of W. Huntington Ave. and east of N.W. 48th Street, legally described to wit: Lot 1, Block 11, Ashley Heights Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this construction of commercial buildings 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 Muff-Stettinger, LLC, hereinafter referred to as "Permittee", to develop 93,500 square feet of commercial floor area be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 93,500 square feet of commercial floor area.
2. This permit approves the following waivers to the Zoning Code and Land Subdivision Ordinance:
 - a. Internal side yard setbacks are waived.
 - b. Front yard setbacks are waived along W. Huntington Avenue provided that those uses which encroach into the front yard setback provide a 90% landscape screen from 2' to 4' height along the entire perimeter of the encroachment.
 - c. The requirement that signs be located within 30 feet of the pad site building is waived provided a specific sign envelope acceptable to the Planning Director is indicated on the site plan.
 - d. The requirement that lots shall front upon public streets or private roadways is waived.
 - e. The requirement of Lincoln Municipal Code § 26.11.020 that a preliminary plat is required for a subdivision is waived, provided that if any final plat on all or a portion of the approved use permit is submitted five (5) years or more after approval of the use permit, the City may require that a new use permit be submitted, pursuant to all the provisions of § 26.31.015. A new use permit may be required if the subdivision ordinance, the Design Standards, the required improvements have been amended by the City; and as a result, the use permit as originally approved, does not comply with the amended rules and regulations.
3. Before receiving building permits:
 - a. The Permittee shall have submitted a revised and reproducible final plan including 7 copies showing the following revisions and the plans are acceptable:
 - i. Grant an avigation and noise easement to the Lincoln Airport Authority on all or that part of the land location within the Airport Environs Noise District.
 - ii. Show pedestrian walks to the satisfaction of the Planning Department.
 - iii. Remove the drive on the south side of the building on Lot 6 and reduce the encroachment of the drive way in the front yard setback of Lot 4.
 - iv. Make revisions to the satisfaction of the Public Works and Utilities Department requested in the department memo dated February 15, 2005.
 - v. Show utility easements as requested by the Lincoln Electric System memo dated October 19, 2004.
 - vi. Make revisions to the satisfaction of the Parks Department requested in the department memo dated October 19, 2004.
 - b. The construction plans shall comply with the approved plans.
 - c. Final Plats shall be approved by the City.
4. Before occupying the commercial buildings all development and construction shall have been completed in compliance with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.

vii. Add a Note 12 to the General Notes to read as follows:

12. Owners agree that Owners shall be responsible for all costs associated with design and construction of the temporary traffic signal and turn lane improvements located at the intersection of NW 48th Street and West Huntington Avenue (as shown on the Site Plan). The turn lane improvements shall be completed prior to occupancy of any building.

viii. Add a Note 13 to the General Notes to read as follows:

13. The construction of the temporary traffic signal shall only occur when (1) Either Warrant #1 (eight hour vehicle volume), Warrant #2 (four hour vehicular volume) and/or Warrant #7 (crash experience) are met as identified in the "Manual on Uniform Traffic Control Devices"; and (2) the traffic signals are recommended by the City of Lincoln for installation.

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

7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, and Permittee's successors and assigns.

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

Introduced by Jonathan Cook

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

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND BRIGHTON CONSTRUCTION COMPANY FOR AN AFFORDABLE HOUSING PROJECT LOCATED BETWEEN VINE, U, 23RD, AND 24TH STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83263 WHEREAS, the City Council, on July 21, 2003, adopted Resolution No. A-82222 finding an area generally bounded by C street on the south, 17th street on the west, the Burlington Northern Santa Fe Railroad on the north, and 28th street on the east and also including an area generally bounded by the Northern Santa Fe Railroad on the south, Interstate 180 on the west, Salt Creek on the north, and 14th street on the east, to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. §18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Antelope Valley Redevelopment Plan (Plan) including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law by Resolution No. A-83093 (November 29, 2004) providing for the sale, redevelopment and rehabilitation of the Vine Street Redevelopment Project on 23rd to 24th Streets, and U to Vine Streets, New Affordable Housing/First Time Homebuyer Project; and

WHEREAS, on October 15, 2004 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on October 27, 2004 before the Lincoln City - Lancaster County Planning Commission regarding the Plan; and

WHEREAS, said Plan was submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation, and said Planning Commission on October 27, 2004 found said Plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on November 12, 2004 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council held on November 29, 2004 regarding the Plan; and

WHEREAS, on November 5, 2004 and November 12, 2004, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing held on November 29, 2004 regarding the Plan; and

WHEREAS, on November 29, 2004 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Plan; and

WHEREAS, the City Council, after the hearing on November 29, 2004, duly considered all statements made and materials submitted relating to said Plan and specifically found that the costs and benefits of the Vine Street Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services were in the long-term best interest of the community impacted by the Project considering: (a) the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the Project; and

WHEREAS, The City Council directed that the Urban Development Director or his authorized representative to take all steps necessary to implement the provisions of said Plan; and

WHEREAS, on October 6, 2004 the City advertised for and requested redevelopment proposals for the Redevelopment of the Vine Street Redevelopment Project; and

WHEREAS, in October of 2004 the City received and reviewed the response to the requests selecting Brighton Construction (Brighton) as the redeveloper of record according to the Community Development Law; and

WHEREAS, Brighton and the City have negotiated and are desirous of entering into the attached "Liberty Village Redevelopment Agreement"; and

WHEREAS, the City hereby adopts its previous findings related to the Plan and the Vine Street Redevelopment Project.

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

1. That the attached Liberty Village Redevelopment Agreement is consistent with the Project as provided in the Plan and in the long-term best interest of the community considering the previous findings and the materials and testimony related to this resolution.

2. That the attached Liberty Village Redevelopment Agreement between the City of Lincoln and Brighton Construction Company, Inc. for the development of the Liberty Village Project in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

3. The City Clerk is directed to return one fully executed copy of the Agreement to Brighton Construction Company, Inc., 938 N. 70th Street, PBS 108, Lincoln, NE 68505 and one copy to the Urban Development Department.

Introduced by Jonathan Cook

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

APPROVING AN ADDENDUM EXTENDING THE TERM OF THE AGREEMENT BETWEEN THE CITY AND SAINT ELIZABETH HEALTH SYSTEMS AND ITS SUBSIDIARIES FOR MEDICAL SERVICES FOR THE TREATMENT OF WORKERS COMPENSATION INJURIES AND ILLNESSES TO EMPLOYEES OF THE CITY AND LES TO APRIL 10, 2006 AND TO REVISE THE FEE SCHEDULE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83264 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Addendum to the April 10, 2001 Agreement between the City of Lincoln and Saint Elizabeth Health System and its subsidiaries, Saint Elizabeth Regional Medical Center, Saint Elizabeth Company Care, and Linc Care, to extend the term of said Agreement for an additional one-year period to expire April 10, 2006, and to modify Exhibit B - Fees for Services, upon the terms and conditions as set forth in said Addendum, which is attached hereto 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 Addendum on behalf of the City.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 18, 2005 AT 1:30 P.M. ON THE APPLICATION OF THE GREEN HOUSE LLC DBA DISH FOR A CLASS I LIQUOR LICENSE INCLUDING A SIDEWALK CAFÉ DESCRIBED AS AN L-SHAPED AREA MEASURING APPROXIMATELY 53 FEET BY 61 FEET LOCATED AT 1100 "O" STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-83265 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 18, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Application of The Green House LLC dba Dish for a Class I Liquor License including a sidewalk café described as an L-Shaped area measuring approximately 53 feet by 61 feet located at 1100 "O" Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, APRIL 18, 2005 AT 1:30 P.M. ON THE APPLICATION OF BROCK ENTERPRISES LLC DBA THE BRISTO BALLROOM FOR A CLASS I LIQUOR LICENSE LOCATED AT 2112 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83266 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing set for Monday, April 18, 2005. At 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Application of Brock Enterprises LLC dba The Bristo Ballroom for a Class I Liquor License located at 2112 Cornhusker Highway.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, APRIL 18, 2005 AT 1:30 P.M. ON THE APPLICATION OF SEKIPS INC DBA SPIKES BEACH BAR & GRILLE FOR A CLASS C LIQUOR LICENSE LOCATED AT 2300 JUDSON STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83267 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 18, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Application of Sekipes Inc dba Spikes Beach Bar & Grille for a Class C Liquor License located at 2300 Judson Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, APRIL 18, 2005 AT 1:30 P.M. ON THE APPLICATION OF PLAYMAKERS INC DBA PLAYMAKERS FOR A CLASS C LIQUOR LICENSE INCLUDING AN OUTDOOR AREA MEASURING APPROXIMATELY 185 FEET BY 190 FEET LOCATED AT 640 W. PROSPECTOR COURT, SUITE 300 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-83268 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 18, 2005, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S.10th Street, Lincoln, NE, for the Application of Playmakers Inc dba Playmakers for a Class C Liquor License including an outdoor area measuring approximately 185 feet by 190 feet located at 640 W. Prospector Court, Suite 300.

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 04062 - Application of the Planning Director, to amend Title 27 of the Lincoln Municipal Code relating to Zoning by adding a new section defining alternative to imprisonment facility, child care facility, and disability; revising the definitions of group home and health care facility; adding special permits for alternative to imprisonment facility and child care facility in the AGR and R-1 through R-8 residential districts, and repealing certain other sections of the Lincoln Municipal Code.

Change of Zone 04066 - Application of the Planning Director, to amend Title 27 of the Lincoln Municipal Code relating to the Zoning Code by adding a new section numbered 27.03.417 to add a definition for major street; by amending Sections 27.31.090, 27.37.060, 27.45.070, and 27.51.090 to reduce the required front yard in the B-2, B-5, H-4 and I-3 zoning districts when the front yard abuts a major street; by amending Section 27.67.030 to prohibit parking in the front six feet of the required front yard in the B-1, H-1, H-2, and H-3 zoning districts; by amending Section 27.71.080 to require a fence installed on a double frontage lot that separates the double frontage lot from the abutting public property to have a gate or opening in the fence to facilitate routine care of such public property unless the public property is maintained by a homeowners association; and repealing Sections 27.31.090, 27.37.060, 27.45.070, 27.51.090, 27.67.030, and 27.71.080 of the Lincoln Municipal Code as hitherto existing.

Change of Zone 05020 - Application of Prairie Homes, from AG Agricultural District to R-3 Residential, R-5 Residential District, B-2 Planned Neighborhood Business District, and O-3 Office Park District, on property generally located at N. 84th Street and Adams Street.

Change of Zone 05023 - Application of Richard Evans, from R-2 Residential District to R-3 Residential District, on property generally located at N. Cotner Boulevard and Orchard Street.

Change of Zone 05024 - Application of Brain Carstens on behalf of Hartland Homes, from AG Agricultural District to R-3 Residential District, on property generally located at N. 14th Street and Humphrey Avenue.

Special Permit No. 05015 - Application of Brain Carstens on behalf of Hartland Homes, Hartland Homes, Hartland's Garden Valley Community Unit Plan, for approximately 326 dwelling units, with requests to waive the preliminary plat process, block length, average lot width, lot area, double frontage lots, pedestrian easements, and sanitary sewer running opposite of street grade, on property located at N. 14th Street and Humphrey Avenue.

Change of Zone 05025 - Application of Ironwood Estates LLC, from AG Agricultural District to R-3 Residential District, on property located at S. 93rd Street and Old Cheney Road.

Special Permit No. 05017 - Application of Ironwood Estates LLC, Ravenwood Community Unit Plan, for approximately 44 single family dwellings and 5 outlots, with requests to waive the preliminary plat process, allow sanitary sewer to run opposite the street grade, and greater than maximum block lengths, on property located at S. 93rd Street and Old Cheney Road.

Change of Zone No. 05026 - Application of Apple's Way LLC, Apple's Way Planned Unit Development, from AGR Agricultural Residential District to R-1 Residential District and B-2 Planned Neighborhood Business District, for 32 lots and 235,000 square feet of commercial floor area, on property located at S. 66th Street and Highway 2.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MARCH 28, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MARCH, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF FEBRUARY, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JANUARY, 2005: VERIZON SELECT SERVICES, KDDI AMERICA INC, QUANTUM SHIRT COMMUNICATIONS, XO COMMUNICATIONS SERVICES INC, VOICECOM TELECOMM, TRACFONE WIRELESS INC, QWEST COMMUNICATIONS CORP, T-NETIX TELECOM SERVICES INC, ONE CALL COMMUNICATIONS, GUARANTEED PHONE SERVICES, USA INC, IBM GLOBAL SERVICES, STAR NUMBERS INC, TRANS NATIONAL COMMUNICATIONS INTERNATIONAL INC, TELECORP COMMUNICATIONS, GLOBAL CROSSING TELECOMMUNICATIONS, UCN INC, CINCINNATI BELL ANY DISTANCE INC, WORKING ASSETS FUNDING SERVICE, MCLEODUSA TELECOMMUNICATIONS SERVICES, VIRGIN MOBILE USA, ON STAR CORPORATION, BELL-ATLANTIC COMMUNICATIONS, ACN COMMUNICATIONS SERVICES, CIII COMMUNICATIONS OPERATIONS, INTELICAL OPERATOR SERVICES, PRIMUS TELECOMMUNICATIONS, ECI COMMUNICATIONS INC, ALLTEL NEBRASKA INC, NEW CINGULAR WIRELESS, CRICKET COMMUNICATIONS INC, USCOC OF GREATER IOWA, AT&T COMMUNICATIONS OF MIDWEST, NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS; FEBRUARY, 2005: ATS MOBILE TELEPHONE INC, VARTEC, EXCEL, NOSVA LIMITED PARTNERSHIP, AFFINITY NETWORK INC, ASSOCIATION ADMINISTRATORS, TRI-M COMMUNICATIONS INC, LIGHTYEAR NETWORKS SOLUTIONS INC, LDMI TELECOMMUNICATIONS INC, GTC TELECOM CORP, NOS COMMUNICATIONS INC, ACCERIS COMMUNICATIONS CORP, ZONE TELECOM INC, GLOBALCOM INC, SOUTHWESTERN BELL COMM SERVICES, NEXTEL WEST CORP, GUARANTEED PHONE SERVICE, NEXTEL PARTNERS, SPRINT SPECTRUM, CELLULAR ONE, SPRINT COMMUNICATIONS, MCI WORLDCOM NETWORK SERVICES - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

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

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

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

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

ORDINANCES - 3RD READING

REPEALING ORDINANCE NO. 18398 CREATING SANITARY SEWER DISTRICT NO. 1180 IN SOUTH FOLSOM STREET AND WEST SOUTH STREET, SOUTH APPROXIMATELY 1250 FEET DUE TO CONSTRUCTION COSTS EXCEEDING THE ESTIMATED COST BY MORE THAN 25% - CLERK read an ordinance, introduced by Jon Camp, an ordinance repealing Ordinance No. 18398 which created Sanitary Sewer District No. 1180, which Sanitary Sewer district included all that portion of South Folsom from West South Street, south approximately 125 feet +/-; Lot 210, 211, 153 and 155 Irregular Tract all in the Southeast Quarter of Section 34, Township 10, Range 6 east of the Sixth Principle Meridian, in the City of Lincoln, Lancaster County, Nebraska describing the benefitted property and providing for the payment of the cost thereof, the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **#18518**, is recorded in Ordinance Book #25.

RECONSIDERATION OF RESOLUTION A-83258

COMP. PLAN AMENDMENT 05001 - AMENDING THE 2025 LINCOLN CITY-LANCASTER COUNTY COMPREHENSIVE PLAN AND THE FUTURE LANE USE PLAN TO INCLUDE THE STEVENS CREEK WATERSHED MASTER PLAN AS A SUBAREA PLAN (TO CLARIFY A MOTION TO AMEND) - PRIOR to reading:

CAMP Moved to reconsider Bill No. 05R-65.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Newman, Svoboda, Werner; NAYS: Friendt.

CAMP Moved to amend Bill No. 05R-65 as follows: change the word "of" to the word "or" in the following sentence: "the future wastewater trunk sewer line is not to be built in or negatively impact the native prairie or the historic Stevens Creek Stock Farm".

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

CAMP Moved to pass the resolution as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

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

A-83258 WHEREAS, the Planning Director has made application to amend the 2025 Lincoln/Lancaster County Comprehensive Plan to incorporate the Stevens Creek Watershed Master Plan as a subarea plan and to adjust the Future Land Use Plan accordingly; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended amendments to the Stevens Creek Watershed Master Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment as amended.

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

That the 2025 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Amend the "Lincoln/Lancaster County Land Use Plan" figure on pages F23 and F25 to adjust the designation of "Green Space" and "Agricultural Stream Corridor" to the 100 year floodprone area as shown on the attached map and to appropriately reclassify areas no longer in the floodplain.
2. Add the "Stevens Creek Watershed Master Plan, 2005" to the list of approved subarea plans on Page F156.
3. Add a new section to the end of the Watershed Management section on page F81 as follows:
The following watershed studies are adopted in order to provide guidance to watershed management activities within the basin.
 - Stevens Creek Watershed Study and Flood Management Plan, 1998 (for rural watershed)
 - Beal Slough Stormwater Master Plan, May 2000
 - Southeast Upper Salt Creek Watershed Master Plan, 2003
 - Stevens Creek Watershed Master Plan, 2005

BE IT FURTHER RESOLVED that the Steven Creek Watershed Master Plan be amended as follows:

1. Revise the Executive Summary by adding a sentence to the end of the first paragraph on Page ES-8 as follows:
Two alternative methods were generated to install BMPs in the watershed based on a range of approaches discussed with the Citizen Advisory Committee. The methods included 1) Regional Structural BMPs, and 2) Site-Specific Structural BMPs. Advantages and disadvantages for each method were evaluated, which included an analysis of cost and effectiveness. The evaluation is described in Section 6 of the Master Plan and resulted in selecting site-specific structural BMPs as the recommended alternative. This method provides a cost-effective approach to maintain the integrity of the natural streams, preserve water quality, and can be efficiently integrated in the City's current development standards. The Master Plan includes guidance for revisions to the City's design standards for site-specific BMPs, which would be applied consistently to all new developments. Section 7 of the Master Plan provides further details on how to integrate structural BMPs into new development sites. When revised design standards are drafted, all low cost options providing the same or greater water quality benefits should be considered and included as options for the developer.

2. Revise Section 7, "Drainage Criteria Manual Review," to add a sentence to the first paragraph in 7.3, "Alternative Design Approaches," on page 7-19 as follows:
The design approach described above combines the water quantity (2-, 10-, and 100-year controls) requirements with the water quality component (structural BMP) into a single integrated facility. This integrated approach is one of many design concepts that can be employed to achieve the desired results. When revised design standards are drafted, all low cost options providing the same or greater water quality benefits should be considered and included as options for the developer. The following paragraphs provide other alternative design approaches that can be implemented to achieve the same overall goals and objectives.

3. Revise the Watershed Planning Map on figure ES-5 and Figure 10.1 so that the future wastewater trunk line, which is shown on the map as a reference for potential future infrastructure, is noted to be determined in the future in the vicinity of Stevens Creek Stock Farm, as shown on Attachment "A" attached hereto.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform to such specific amendments.

Introduced by Jon Camp

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to April 11, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman. Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
April 11, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:50 P.M.

CAMP Moved to adjourn the City Council meeting of April 4, 2005.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Phillips, Senior Office Assistant

REGULAR MEETING
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