THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, MAY 23, 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, Snyder; 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

SNYDER Having been appointed to read the minutes of the City Council proceedings of May 16, 2011 reported having done so, found same correct.

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

PUBLIC HEARING

APPOINTING DR. SARAH CADA, APRIL RIMPLEY, KYLE MICHAELIS AND MARK HUNZEKER TO THE LINCOLN/LANCASHER COUNTY EMS OVERSIGHT AUTHORITY, INC. FOR FOUR-YEAR TERMS TO EXPIRE ON MAY 16, 2015 - Rick Hoppe, Mayor’s Chief of Staff, came forward to address any Council concerns regarding appointments to the EMS governing board. He explained that appointees were not asked to attend today’s meeting.

Council Member Camp expressed his concern that Mr. Michaelis maintains a fairly controversial web blog which disturbs him.

Mr. Hoppe spoke on behalf of the Mayor’s choice of appointments by saying that Mr. Michaelis is an outspoken, well-prepared attorney who challenges the status quo by asking tough questions and speaking his mind. He said it is an approach that works well in a number of settings.

Council Member Snyder reminded everyone that the EMS organizational board looked at these individuals and brought them forward as appointees.

Mark Hunzeker, attorney, came forward to answer questions. He stated that he understood his appointment was due to his representation of service providers.

This matter was taken under advisement.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SOLID WASTES BY AMENDING SECTION 8.32.010 TO ADD THE DEFINITION OF “DWELLING”; ADDING A NEW SECTION NUMBERED 8.32.205, GARBAGE SERVICE TO BE PROVIDED, AND AMENDING SECTIONS 8.32.210 AND 8.32.220 TO REQUIRE GARBAGE SERVICE FOR EVERY DWELLING IN THE CITY - Scott Holmes, Environmental Public Health Division Manager in the Department of Health, came forward to discuss garbage service issues. He said the existing solid waste ordinance has been in place for many years and currently requires garbage service for triplexes or above, all businesses and commercial operations. The requirement does not include duplex or single-family rental properties. Mr. Holmes said this does not change existing provisions in the ordinance that allow a homeowner who lives in their property to haul their own garbage to the landfill if they choose to do so. Out of 600 annual garbage complaints to the Health Department, he said 75% are on single-family & duplex rental properties in core neighborhoods creating the following issues: health & safety (flies, roaches, rats, mice), a negative quality of life and an impact in property values.

Shawn Ryba, 4411 N. Park Blvd., Belmont Neighborhood, came forward representing NeighborWorks Lincoln in support. He said he has worked the past nine years to keep Lincoln’s core neighborhoods clean, safe & attractive. As a member of Lincoln Policy Network which is comprised of residents, REOMA members, Realtors, Urban Development & Mayor’s Office representatives, Mr. Ryba said their group works diligently to find solutions for negative issues that impact neighborhoods. The ordinance will appropriately place responsibility on the 5% of property owners who are responsible for 95% of trash/sanitation problems.

Rick Tast, 4841 S. 76th St., came forward as a Lincoln rental property owner in opposition. While he is concerned about trash build-up, he stated the ordinance will force him to do business with a private contractor. Mr. Tast suggested that a law be in place to ticket violators on the spot.

Dianna Wright, 6151 NW 12th St., came forward in opposition stating that if this ordinance passes she will have to absorb the costs of tenants with 18 mo. leases.
Bob Reeves, 3236 Dudley St., Clinton Neighborhood, came forward in support as it addresses the problem in a good way.

Russ Irwin, 3274 Merritt St., came forward in support as it makes the environment healthier & cleaner.

Deb Kuwamoto, 339 S. 29th St., Woods Park Neighborhood Assn., came forward as a landlord herself, in support. She said after 20 years of dealing with an out-of-state property manager next door, her hope is to finally hold somebody accountable.

David Anderson, 1834 G St., came forward in support to pinpoint the responsible party.

Gary Eckhard, 7311 Starr St., came forward in opposition because it is an enforcement upon landlords who do take care of their property.

David Anderson, 1834 G St., came forward in support to pinpoint the responsible party.

Steve Hattan, 7400 Stevens Ridge Rd., co-owner of Paragon Sanitation, came forward in support. He stated that responsible offenders cause neighbors to be unintended victims of waste that is left outside. He said odors, animals and bugs know no property lines and the offense will migrate throughout the neighborhood. In response to Council questions, Mr. Hattan said his business makes special accommodations for emergencies when possible.

Stacey Carter, owner of Havelock & Carter, Inc., 2645 Washington St., came forward as a refuse hauler in support of the ordinance as it provides a solution to the problem. He said he provides polite service to the public but understands there are renters & landlords who cannot afford the cost of refuse service.

Mr. Holmes came forward in rebuttal. He explained that the ordinance will be enforced on a complaint basis only. In response to Council questions, Mr. Holmes said the issue has to do with tenants - a tenant may move from one place to another with the problem following them. It doesn't necessarily follow a landlord. He said as evidenced tonight, there are landlords who watch their properties carefully and, if there is a trash problem on that property, they are over there immediately trying to figure out why.

This matter was taken under advisement.

APPROVING THE U.S. HWY. 34 & WEST FLETCHER AVENUE CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND PAR 5 PARTNERS, LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT, O-2 SUBURBAN OFFICE DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT AND TO CONTROL ACCESS TO WEST FLETCHER AVENUE, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND WEST FLETCHER AVENUE;

CHANGE OF ZONE NO. 10028 - APPLICATION OF PAR 5 PARTNERS, LLC, FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT, R-3 RESIDENTIAL DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT US HIGHWAY 34 AND WEST FLETCHER AVE. - Mark Hunzeker, Baylor Byven, 600 Wells Fargo Center, 1248 G St., came forward representing the applicant to answer questions. He said this is a parcel of land which abuts the existing Sandhills Publishing campus. His client, Par 5 Partners, LLC, has agreed to relinquish access to West Fletcher Avenue as part of the change of zone. He clarified that access will be relocated to West Harvest Drive.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11010 - APPLICATION OF JOHN MCArTHUR FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 39TH STREET AND CORNHUSKER HIGHWAY - Lyle Loth, SSP Engineering, came forward on behalf of the owner, John McArthur, to explain the change of zone. He said the primary purpose is to eliminate split zoning on a warehouse building that had problems with setback issues.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11011 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW AGRICULTURAL ATTRACTIONS IN THE AG AGRICULTURE DISTRICT BY AMENDING CHAPTER 27.03 TO ADD A NEW SECTION NUMBERED 27.03.043 TO DEFINE “AGRICULTURAL ATTRACTION,” AMENDING SECTION 27.07.030 TO ESTABLISH AN AGRICULTURAL ATTRACTION AS A CONDITIONAL USE IN THE AG AGRICULTURE DISTRICT, AND AMENDING SECTION 27.67.040 TO PROVIDE PARKING REQUIREMENTS FOR AGRICULTURAL ATTRACTIONS - Marvin Krout, Director of Planning, came forward to explain a young entrepreneur’s plan to develop a pumpkin patch with seasonal activities to draw a family audience on property within the three-mile jurisdiction of the city of Lincoln, about 1-2 miles north of town. Mr. Krout said the kind of use did not fit under any existing zoning regulations. He said this change of zone does not create a big carnival but allows for attractions on a seasonal basis under detailed rules by the County Board in their review & approval of the amusement licenses.
Josh Kadavy, Entrepreneur, 757 Bluff Rd., came forward representing JK’s Pumpkin Patch, requesting approval to operate an affordable agricultural attraction with general admission/concessions geared toward families. He explained that his business will operate three days a week during the time period of one month & one week out of the year.

Mr. Krout came forward to answer questions. He clarified to Council that County Clerk would handle notifications affecting neighboring properties and County Board would hold public hearings. He said there was a county road access issue that the applicant needed to work out with the County Engineer.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11012 - APPLICATION OF MARK BOUSEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND CLEVELAND AVENUE - Mark Hunzeker, Baylor Bymen, 600 Wells Fargo Center, 1248 O St., came forward representing Mark Bousek, owner of Villa Apartments, to answer questions. He said the applicant proposes to add 48 units to an existing 68-unit complex, increasing density from 6.3 units per acre to 11 units per acre. He said the existing comprehensive plan and the draft updated plan encourage properties to maximize the use of existing infrastructure and encourage affordable housing. Mr. Hunzeker said this project will require no new streets, sewer, water or any other public infrastructure. Construction will be compatible with the existing area, architectural aspects to be identical in style & materials and modifying to be ADA accessible. He assured Council that extensive measures were taken to address an existing neighborhood drainage problem.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11013 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND PINE LAKE ROAD - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Eiger Corporation to answer questions about the proposed building west of Walmart Supercenter.

This matter was taken under advisement.

CHANGE OF ZONE NO. 11014 - APPLICATION OF LARRY BULLER TO DESIGNATE THE PROPERTY AT 2843 GARFIELD STREET AS A HISTORIC LANDMARK;

SPECIAL PERMIT NO. 11007 - HISTORIC PRESERVATION APPLICATION OF LARRY BULLER TO ADJUST THE SIDE YARD AND PARKING REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 2843 GARFIELD STREET - Marvin Krout, Director of Planning, came forward to explain the designation and special permit allowing for modifications to protect the historic landmark built in 1916 as a grocery store with a dwelling unit on the upper level. Mr. Krout said the change in occupancy to duplex use is what triggered the non-standard building question. He said the applicant is asking for a waiver from four parking spaces to two.

Larry Buller, 1921 Prospect St., came forward as applicant requesting approval to renovate his building and answer any questions.

This matter was taken under advisement.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND KCI, INC. FOR FIBRE CHANNEL SWITCHES AND INSTALLATION, PURSUANT TO QUOTE 3479, FOR A TWO-YEAR TERM - Don Hers, Director of Finance, came forward to clarify that this agreement provides two years of maintenance on fibre switches for the IT department.

This matter was taken under advisement.

USE PERMIT NO. 569 - APPLICATION OF MENARD, INC., FOR AUTHORITY TO ADD A GARDEN CENTER AND OUTDOOR WAREHOUSE, WITH A WAIVER TO REDUCE THE REQUIRED PARKING RATIO, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CORNHUSKER HIGHWAY - Marvin Krout, Director of Planning, came forward to answer Council questions. He explained that this use permit to waive parking is unique and does not set a precedence. He said this business has a large warehouse area which does not generate the same kind of parking that a retail of the same square footage would have. Mr. Krout said this location may not always be a home-improvement store; therefore, as written in the use permit, another retail use must remove the constructed warehouse area and provide additional parking to meet normal parking requirements.

This matter was taken under advisement.

APPROVING THE FIBER AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE DISTRICT ENERGY CORPORATION AND UNITE PRIVATE NETWORKS, LLC, RELATING TO THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRIVATE
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

TO PROVIDE AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2010 - 2011 - Harry Kroos, Public Works & Utilities, came forward to clarify that the $205,000 agreement will provide six miles of fiber from City offices to the new correctional facility on the West 0 Street. He said of the five involved partners, two are City divisions: Information Services and Engineering Services. City's use for fiber will be for intelligent traffic systems replacing 30-year-old copper wiring.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING DR. SARAH CADA, APRIL KIMPLEY, KYLE MICHAELIS AND MARK HUNZEKER TO THE LINCOLN/LANCASTER COUNTY EMS OVERSIGHT AUTHORITY, INC. FOR FOUR-YEAR TERMS TO EXPIRE ON MAY 16, 2015 (5/9/11 - Introduction suspended 1 wk to 5/16/11) - PRIOR to reading:

CAMP
Moved to separate the question in Bill No. 11R-112.

SNYDER
Moved to approve the appointment of Dr. Sarah Cada.

SNYDER
Moved to approve the appointment of April Kimpley.

SNYDER
Moved to approve the appointment of Kyle Michaelis.

EMERY
Moved to approve the appointment of Mark Hunzeker.

CLERK
Read the following resolution, introduced by Jayne Snyder, who moved its adoption. Seconded by Cook.

APPROX. 142 FT. X 25 FT., INCLUDING BASEMENT, LOCATED AT 1211 O ST. - CLERK read

PROSPECTOR CT. TO A NEW LOCATION DESCRIBED AS AN ENTIRE TWO-STORY BUILDING
PREMISE OF THEIR EXISTING CLASS I LIQUOR LICENSE CURRENTLY LOCATED AT 640 WEST
FOR A CHANGE OF PREMISE OF THEIR EXISTING CLASS I LIQUOR LICENSE CURRENTLY LOCATED AT 640 WEST PROSPECTOR CT. TO A NEW LOCATION DESCRIBED AS AN ENTIRE TWO-STORY BUILDING.

This matter was taken under advisement.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF APRIL, 2011 - CLERK presented said report which was placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MONDAY, JUNE 13, 2011 AT 3:00 P.M. FOR THE APPLICATION OF BLACK BEAR ENTERPRISES, LLC DBA THE VIPER/THE DRUNKEN MONKEY FOR A CHANGE OF PREMISE OF THEIR EXISTING CLASS I LIQUOR LICENSE CURRENTLY LOCATED AT 640 WEST PROSPECTOR CT. TO A NEW LOCATION DESCRIBED AS AN ENTIRE TWO-STORY BUILDING APPROX. 142 FT. X 25 FT., INCLUDING BASEMENT, LOCATED AT 1211 O ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption. Seconded by Cook.

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

That the appointments of Dr. Sarah Cada, April Kimpley, Kyle Michaelis, and Mark Hunzeker to the Lincoln/Lancaster County EMS Oversight Authority, Inc. for four-year terms expiring May 16, 2015 are hereby approved.

This matter was taken under advisement.

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

That the appointments of Dr. Sarah Cada, April Kimpley, Kyle Michaelis, and Mark Hunzeker to the Lincoln/Lancaster County EMS Oversight Authority, Inc. for four-year terms expiring May 16, 2015 are hereby approved.

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

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

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

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

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

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

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

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

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

This matter was taken under advisement.

Introducing:

This matter was taken under advisement.
REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 11015 - Requested by Hutchinson Architects, P.C. from R-1 Residential District to R-3 Residential District on property generally located at S. 27th Street and Tierra Drive.

Change of Zone No. 11016 - Requested by Mark Hunzeker from R-6 Residential District to B-3 Commercial District on property generally located at S. 27th Street and N Street.

Change of Zone No. 11017 - Requested by Jennifer Strand from B-1 Local Business District to H-2 Highway Business District on property generally located at North 45th Street and Vine Street.

Change of Zone No. 11018 - Requested by Jennifer Strand amending Chapter 27.41 of the Lincoln Municipal Code relating to the H-2 Highway Business District by amending Section 27.41.020 to delete the square footage restriction on stores or shops for the sale of goods at retail not otherwise permitted in this chapter; amending Section 27.41.030 to add assembly facilities, including but not limited to the assembly of equipment, instruments, and appliances such as computers and musical instruments, as a permitted conditional use in the H-2 District, and repealing Sections 27.41.020 and 27.41.030 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 11019 - Requested by Kent Seacrest amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Chapter 27.03 to add the definition of "Entertainment Restaurant" as Section 27.03.218 and to renumber existing Section 27.03.218 (Existing Urban Area) as Section 27.03.219; amending Sections 27.31.040, 27.33.030, and 27.37.025 to allow entertainment restaurants as a conditional use in the B-2, B-3, and B-5 zoning districts, respectively; amending Section 27.47.020 to prohibit an entertainment restaurant as a permitted use in the I-1 Industrial District; and repealing Sections 27.03.218, 27.31.040, 27.33.030, 27.37.025, and 27.47.020 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 11010 - Requested by ESP, Inc. for authority to operate a limited landfill on property generally located at U.S. Highway 34 and NW 48th Street (6707 NW 48th Street).

MISCELLANEOUS REFERRALS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 11016 to Special Permit No. 450P, Madonna Health Center, approved by the Planning Director on May 10, 2011 requested by Erickson Sullivan Architects to revise the site plan to add parking stalls adjacent to S. 52nd St. and S. 56th St. on property generally located at S. 56th St. and South St.

Administrative Amendment No. 11012 to Change of Zone No. 05068A, The Woodlands at Yankee Hill, approved by the Planning Director on May 16, 2011 requested by ESP, Inc. to add conditions for the installation and operation of a sewer pump near the intersection of S. 80th St. and Yankee Woods Dr. on property generally located at S. 70th St. and Yankee Hill Rd.
ORDINANCE - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE RELATING TO SOLID WASTES BY AMENDING SECTION 8.32.010 TO ADD THE DEFINITION OF "DWELLING"; ADDING A NEW SECTION NUMBERED 8.32.205, GARBAGE SERVICE TO BE PROVIDED AND AMENDING SECTIONS 8.32.210 AND 8.32.220 TO REQUIRE GARBAGE SERVICE FOR EVERY DWELLING IN THE CITY - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.32 of the Lincoln Municipal Code relating to Solid Wastes by amending Section 8.32.010 to add the definition of "dwelling"; adding a new section numbered 8.32.205, Garbage Service to be Provided, and amending Sections 8.32.210 and 8.32.220 to require garbage service for every dwelling in the city; and repealing Sections 8.32.010, 8.32.210, 8.32.210 and 8.32.220 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE U.S. HWY. 34 & WEST FLETCHER AVENUE CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND PAR 5 PARTNERS, LLC FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT, O-2 SUBURBAN OFFICE DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT AND TO CONTROL ACCESS TO WEST FLETCHER AVENUE, ON PROPERTY GENERALLY LOCATED AT HIGHWAY 34 AND WEST FLETCHER AVENUE. (RELATED ITEMS: 11R-116, 11-61) (ACTION DATE: 6/6/11)

CHANGE OF ZONE NO. 10028 - APPLICATION OF PAR 5 PARTNERS, LLC, FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT, R-3 RESIDENTIAL DISTRICT AND AG AGRICULTURE DISTRICT TO I-2 INDUSTRIAL PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT US HIGHWAY 34 AND WEST FLETCHER AVE. (RELATED ITEMS: 11R-116, 11-61) (ACTION DATE: 6/6/11) - CLERK read an ordinance, introduced by Jon Camp, 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.

CHANGE OF ZONE NO. 11010 - APPLICATION OF JOHN MCAFTHUR FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 39TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Jon Camp, 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.

CHANGE OF ZONE NO. 11011 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW AGRICULTURAL ATTRACTIONS IN THE AG AGRICULTURE DISTRICT BY AMENDING CHAPTER 27.03 TO ADD A NEW SECTION NUMBERED 27.03.043 TO DEFINE "AGRICULTURAL ATTRACTION"; AMENDING SECTION 27.07.030 TO ESTABLISH AN AGRICULTURAL ATTRACTION AS A CONDITIONAL USE IN THE AG AGRICULTURE DISTRICT; AND AMENDING SECTION 27.67.040 TO PROVIDE PARKING REQUIREMENTS FOR AGRICULTURAL ATTRACTIONS - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, to allow Agricultural Attraction in the AG Agriculture District by amending Chapter 27.03 to add a new section numbered 27.03.043 to define "Agricultural Attraction"; amending Section 27.07.030 to establish an Agricultural Attraction as a conditional use in the AG Agriculture District; amending Section 27.67.040 to provide parking requirements for Agricultural Attractions; and repealing Sections 27.07.030 and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE NO. 11012 - APPLICATION OF MARK BOUSEK FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO K-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND CLEVELAND AVENUE - CLERK read an ordinance, introduced by Jon Camp, 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 district established and shown thereon, the second time.
CHANGE OF ZONE NO. 11013 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT TO B-5 PLANNED REGIONAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND PINES LAKE ROAD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE NO. 11014 - APPLICATION OF LARRY BULLER TO DESIGNATE THE PROPERTY AT 2943 GARFIELD STREET AS A HISTORIC LANDMARK (RELATED ITEMS: 11-66, 11R-114) (ACTION DATE: 6/6/11) - CLERK read an ordinance, introduced by Jon Camp, amending the City of Lincoln Zoning District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the second time.

SPECIAL PERMIT NO. 11007 - HISTORIC PRESERVATION APPLICATION OF LARRY BULLER TO ADJUST THE SIDE YARD AND PARKING REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 2943 GARFIELD STREET. (RELATED ITEMS: 11-66, 11R-114) (ACTION DATE: 6/6/11)

PUBLIC HEARING - RESOLUTIONS

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY AND KCI, INC. FOR FIBER CHANNEL SWITCHES AND INSTALLATION, PURSUANT TO QUOTE 3479, FOR A TWO-YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption: A-86341

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

That the attached Contract Agreement between the City of Lincoln and KCI, Inc., pursuant to Quote 3479, for Fibre Channel Switches and Installation for the City’s Information Services Division for a two-year period, upon the terms and conditions stated therein, is approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Jon Camp
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Raskridge, Hornung, Snyder; NAYS: None.

USE PERMIT NO. 56F - APPLICATION OF MENARD, INC., FOR AUTHORITY TO ADD A GARDEN CENTER AND OUTDOOR WAREHOUSE, WITH A WAIVER TO REDUCE THE REQUIRED PARKING RATIO, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption: A-86342

WHEREAS, Menard, Inc. has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 56F for authority to add a garden center and outdoor warehouse, and to reduce the required parking spaces to 473 stalls for Building A, on property generally located at North 27th Street and Cornhusker Highway, and legally described to wit:

Lots 1, 2 and 3, Cather Addition, and the remaining portions of Lots 2, Cornhusker Crossing 1st Addition, Lot 2, Cornhusker Crossing 2nd Addition, and Lot 1, Cornhusker Crossing 3rd Addition, all located in the Southwest Quarter of Section 7, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northeast corner of said Lot 2, Cather Addition, said point being the true point of beginning; thence on an assumed bearing of south 11 degrees 54 minutes 42 seconds west along the east line of said Lots 2 and 3, Cather Addition, a distance of 893.04 feet to a point of curvature; thence along a curve in a clockwise direction having a radius of 4015.50 feet, arc length of 1005.65 feet, delta angle of 14 degrees 20 minutes 57 seconds, a chord bearing of south 16 degrees 58 minutes 39 seconds west along the east line of said Lot 3, Cather Addition, and the east line of said remaining portion of Lot 1, Cornhusker Crossing, and a chord length of 1003.02 feet to a point of tangency; thence south 22 degrees 02 minutes 36 seconds west along the east line of said remaining portion of Lot 1, Cornhusker Crossing, a distance of 109.10 feet to a point of deflection; thence south 88 degrees 50 minutes 00 seconds west along the south line of said remaining portion of Lot 1, a distance of 265.24 feet to a point of deflection; thence south 01 degrees 10 minutes 00
seconds east along the east line of said remaining portion of Lot 1, a distance of 37.50 feet to a point of deflection; thence south 88 degrees 50 minutes 00 seconds west along the south line of said remaining portion of Lot 1, a distance of 402.24 feet to a point of deflection; thence south 28 degrees 59 minutes 02 seconds east along the east line of said remaining portion of Lot 1, a distance of 283.16 feet to the southeast corner of said remaining portion of Lot 1, said point being 61.00 feet north of the south line of the Southwest Quarter of said Section 7; thence south 88 degrees 50 minutes 00 seconds west along the south line of said remaining portion of Lot 1, said line being 61.00 feet north of and parallel with the south line of the Southwest Quarter of said Section 7, a distance of 128.26 feet to a point of deflection; thence north 88 degrees 40 minutes 28 seconds west, along the south line of said remaining portion of Lot 1, a distance of 260.32 feet to a point of deflection, said point being 72.32 feet north of and parallel with the south line of the Southwest Quarter of said Section 7; thence north 45 degrees 00 minutes 00 seconds east along the northwest line of said remaining portion of Lot 1, a distance of 56.95 feet to a point of deflection, said point being 63.00 feet east of the west line of the Southwest Quarter of said Section 7; thence north 00 degrees 00 minutes 00 seconds east along the west line of said remaining portion of Lot 1, said line being 63.00 feet east of and parallel with the west line of the Southwest Quarter of said Section 7, a distance of 35.36 feet to a point of deflection; thence south 90 degrees 00 minutes 00 seconds west along the south line of said remaining portion of Lot 1, a distance of 12.00 feet to a point of deflection; thence north 45 degrees 00 minutes 00 seconds west along the southwest line of said remaining portion of Lot 1, a distance of 670.72 feet to the true point of beginning, said tract contains a calculated area of 49.26 acres, or 2,145,959.92 square feet, more or less;

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

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

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

That the application of Menard, Inc., hereinafter referred to as "Permittee", to reduce the parking ratio and add an outdoor garden center and outdoor warehouse within the previously approved commercial space on the property legally described above be and the same is hereby granted under the provisions of
Section 27.37.070 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an adjustment to the required number of parking spaces to 473 for Building "A".

2. Before receiving building permits the Permittee must submit a revised and reproducible final plan including five copies with all required revisions as listed below:
   a. Update the legal description.
   b. Remove the planting schedule, notes and detail.
   c. In the land use table revise the waiver note to read, "Parking requirement for building A" is adjusted to 473 parking stalls for a home improvement store use. Any subsequent change in use shall comply with the applicable parking requirements per Lincoln Municipal Code Title 27. The construction plans must conform to the approved plans.
   d. Remove the Planning Director approval block.
   e. In the land use table change "video store" to "commercial."
   f. Add note to the land use table that was on the previous approved plan. "10,000 square feet to be used for the mezzanine addition, which will be used only for display and storage purposes." This applies to building A.
   g. In the land use table change 502 to 473 for the parking for building A and change the total parking to 2,256.

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

4. Before occupying the buildings all development and construction must be completed in substantial conformance with the approved plans.

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

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

7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

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

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however the terms and conditions of all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

APPROVING THE FIBER AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY, THE DISTRICT ENERGY CORPORATION AND UNITE PRIVATE NETWORKS, LLC, RELATING TO THE INSTALLATION, OPERATION AND MAINTENANCE OF A PRIVATE NETWORK WITHIN CERTAIN STREETS AND PUBLIC RIGHTS OF WAY WITHIN PUBLICLY OWNED FACILITIES OF THE PARTIES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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

That the attached Fiber and Conduit Sharing Agreement between the City of Lincoln, Lancaster County, the District Energy Corporation and Unite Private Networks, LLC, relating to the installation, operation and maintenance of a private network within certain streets and public rights of way within jointly owned facilities of the parties, for a 20 year term, upon the terms as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Approved by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

Seconded by Emery & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.
TO PROVIDE AUTHORITY TO ASSESS PROPERTY OWNERS FOR THE COST OF SNOW AND ICE REMOVAL BY THE CITY FROM SIDEWALKS ADJACENT TO THEIR PROPERTY DURING THE WINTER SEASON OF 2010 - 2011 - PRIOR to reading:
HORNUNG Moved to amend Bill No. 11R-118 by removing the assessment located at 7215 Whitewater Lane.
Seconded by Camp & LOST by the following vote: AYES: Hornung; NAYS: Camp, Carroll, Cook, Emery, Eskridge, Snyder.

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:
A-86144 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the snow removal costs for snow and ice removal off sidewalks for the 2010-2011 winter season as listed below be and the same hereby are assessed against the property listed opposite the amount.

<table>
<thead>
<tr>
<th>Location</th>
<th>Legal Description</th>
<th>Snow Removal Charges</th>
</tr>
</thead>
<tbody>
<tr>
<td>1948 N. 70th Street</td>
<td>Hillcrest Addition Lots 27 &amp; 28 &amp; W1/2 N/S alley adj</td>
<td>$232.00</td>
</tr>
<tr>
<td>1225 Lake Street</td>
<td>Van Dorn Park Block 2, Lot 1 W70 2/3'</td>
<td>$362.00</td>
</tr>
<tr>
<td>2501 S. 13th Street</td>
<td>Van Dorn Park, Block 2, Lot 1 E78 1/3'</td>
<td>$362.00</td>
</tr>
<tr>
<td>1037 ‘L’ Street</td>
<td>Lincoln Original Block 100 Lots 2-4 &amp; County Clerks Sub (of Lot 1 Block 100 Lincoln) Lots A-D</td>
<td>$232.00</td>
</tr>
<tr>
<td>7265 Whitewater Lane</td>
<td>Stone Bridge Creek 2nd Addition Block 1, Lot 9</td>
<td>$199.50</td>
</tr>
<tr>
<td>7251 Whitewater Lane</td>
<td>Stone Bridge Creek 2nd Addition Block 1, Lot 7</td>
<td>$199.50</td>
</tr>
<tr>
<td>7223 Whitewater Lane</td>
<td>Stone Bridge Creek 2nd Addition Block 1, Lot 3</td>
<td>$199.50</td>
</tr>
<tr>
<td>7215 Whitewater Lane</td>
<td>Stone Bridge Creek 2nd Addition Block 1, Lot 2</td>
<td>$199.50</td>
</tr>
<tr>
<td>7201 Whitewater Lane</td>
<td>Stone Bridge Creek 2nd Addition Block 2, Lot 1</td>
<td>$199.50</td>
</tr>
<tr>
<td>7209 Whitewater Lane</td>
<td>Stone Bridge Creek 1st Addition Block 1, Lot 1</td>
<td>$199.50</td>
</tr>
<tr>
<td>1015 Hill Street</td>
<td>South Park Add, Block 13</td>
<td>$232.00</td>
</tr>
<tr>
<td>6248 Holdrege Street</td>
<td>Sunset Meadow, Block 2, Lot 4 Capitol Beach Manor 4th Add</td>
<td>$594.00</td>
</tr>
<tr>
<td>550 NW 8th Street</td>
<td>Block 1, Lot 2</td>
<td>$594.00</td>
</tr>
<tr>
<td>219 S. 27th Street</td>
<td>NE 1/4 Section 25, Township 10 Range 6 east of the 6th Principal Meridian, Lot 137</td>
<td>$232.00</td>
</tr>
<tr>
<td>2445 'E' Street</td>
<td>Houtz Place, Block 8, Lots 1&amp;2 N 89'</td>
<td>$232.00</td>
</tr>
<tr>
<td>6955 S. 88th Street</td>
<td>Vintage Heights 17th Addition Block 1, Lot 4</td>
<td>$209.50</td>
</tr>
<tr>
<td>6954 S. 88th Street</td>
<td>Vintage Heights 17th Addition Block 2, Lot 1</td>
<td>$209.50</td>
</tr>
<tr>
<td>411 'E' Street</td>
<td>Lincoln Original, Block 194, Lot 5</td>
<td>$362.00</td>
</tr>
<tr>
<td>2045 East Manor Dr</td>
<td>NW 1/4 Section 33, Township 10 Range 7 East of the 6th Principal Meridian, Lot 136</td>
<td>$362.00</td>
</tr>
<tr>
<td>1701 S. 26th Street</td>
<td>Franklin Heights, Block 7, Lot 1 E 82' (A replat of Blks 1,5,6,7,8 &amp; Outlot 1 Original Franklin Heights)</td>
<td>$362.00</td>
</tr>
<tr>
<td>1339 S. 19th Street</td>
<td>Capitol Add, Block 11, Lots 11&amp;12 &amp; Jessie Smith’s Sub Lots 11&amp;12</td>
<td>$362.00</td>
</tr>
<tr>
<td>3701 Garfield Street</td>
<td>East Lawn Terrace, Block 13, Lot 12</td>
<td>$362.00</td>
</tr>
</tbody>
</table>

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

Hornung moved to amend Bill No. 11R-118 by removing the assessment located at 7215 Whitewater Lane.
ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY IN CONNECTION WITH IMPROVEMENTS TO THE CITY’S WATER SYSTEM

CLERK read an ordinance, introduced by Jonathan Cook, authorizing the execution and delivery of a loan contract between the City and the Nebraska Department of Environmental Quality (Project No. D311548) and a related promissory note in a principal amount not to exceed $15,000,000; and related matters, the first time.

VACATION NO. 11005 - VACATING THE RIGHT-OF-WAY STUB OF WINDMILL DRIVE ON THE EAST SIDE OF NORTH 84TH STREET BETWEEN ADAMS STREET AND LEIGHTON AVENUE

CLERK read an ordinance, introduced by Jonathan Cook, vacating the right-of-way stub of Windmill Drive on the east side of North 48th Street between Adams Street and Leighton Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYER GROUP BY CREATING THE CLASSIFICATION OF “BENEFITS CLERK”

CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 19290 passed August 10, 2009, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter “X,” by creating the job classification of “Benefits Clerk,” the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYER GROUP BY CREATING THE CLASSIFICATIONS OF “LIBRARY SERVICE ASSOCIATE,” “LIBRARY SERVICE SUPERVISOR,” “LIBRARIAN,” “LIBRARY MANAGER,” AND “LIBRARY COORDINATOR”

CLERK read an ordinance, introduced by Jonathan Cook, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter “A” by creating the job classifications of “Library Service Associate,” “Library Service Supervisor,” “Librarian,” “Library Manager”; and amending Section 3 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter “C” and by creating the job classification of “Library Coordinator,” the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYER GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIMONTHLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER “X” TO BE EFFECTIVE AUGUST 19, 2010

CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter “X” and repealing Ordinance No. 19290, passed by the City Council on August 10, 2009, the first time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY AGING PARTNERS FOR ITS PERSONAL & FAMILY SERVICES PROGRAM AT 137 NORTH 8TH STREET, GENEVA, NE 68351 FOR A TERM OF AUGUST 1, 2011 THROUGH JULY 31, 2012

CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space for the Aging Partners for its Aging Partners Personal & Family Services program located at 137 N. 8th Street, Geneva, NE 68361, for a term of August 1, 2011 through July 31, 2012, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - ACTION ONLY

SPECIAL PERMIT NO. 11005 - APPEAL OF JUDY AND JIM LERDAHL FROM THE CONDITIONAL APPROVAL ALLOWING A DOMICILIARY CARE FACILITY FOR UP TO 32 RESIDENTS ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WILDERNESS HILLS BOULEVARD. (5/8/11 - ACTION DELAYED 1 WK TO 5/16/11) (5/16/11 - ACTION DELAYED 1 WK TO 5/23/11) - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:
WHEREAS, Lincoln Federal Bancorp Inc. has submitted an application designated as Special Permit No. 11005 for authority to construct a domiciliary care facility for up to 32 residents on property generally located at South 27th Street and Wilderness Hills Boulevard, and legally described as: Lots 16 through 23, Block 2, Wilderness Hills Keystone Addition to Lincoln, Lancaster County, Nebraska; and
WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on said application and adopted Resolution No. FC-01228 conditionally approving the same; and
WHEREAS, Judy and Jim Lerdahl have filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Special Permit No. 11005; 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 domiciliary care facility will not be adversely affected by granting such a permit; and
WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Lincoln Federal Bancorp Inc., hereinafter referred to as "Permittee", to develop a domiciliary care facility for up to 32 residents be and the same is hereby granted under the provisions of Section 27.63.530 the Lincoln Municipal Code upon condition that construction of said domiciliary care facility be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a domiciliary care facility for a maximum of 32 residents.

2. Before receiving building permits or approval of a final plat:
   a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies showing the following revisions:
      i. The building exterior shall utilize gable or pitched roofs, residential style shingles, face brick or stone on a portion of all exterior walls, multiple roof forms to reduce the scale of the building, and residential style details. Design shall conform substantially to the elevations submitted by Permittee.
      ii. Make revisions to the site plan to the satisfaction of the Planning Director to clarify and label setback lines and easements.
      iii. Add a note that states, "Signs and accessory buildings need not be shown on the site plan but will be reviewed at the time of building permit."
      iv. Add a note that states, "Buildings can be constructed anywhere outside of setbacks."
   b. Show that the density bonus requirement as provided by the City Design Standards for Density Bonuses has been met.
   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.

3. Before occupying the building all development and construction must substantially comply 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 and obligatory upon the Permittee and the Permittee's 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.
8. The domiciliary care facility shall be licensed to comply with all state requirements for domiciliary and/or residential care facilities.
   Introduced by Doug Emery
   Seconded by Snyder & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

OPEN MICROPHONE

Jane Svoboda, no address given, came forward to present various issues of concern. She said in her past employment, she was an educator in Virginia and Nebraska where she taught and cared deeply for children of various ethnic backgrounds. She feels today that bad behavior is reason enough to send immigrant students back to their homeland. Ms. Svoboda expressed concern about China’s influence on our nation, whether witnessed in human rights violations, experienced in the passage of subliminal messages, observed by surveillance equipment, poisoned by impure food products or by the spreading of disease.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 6, 2011.
   Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on June 6, 2011.
   Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

ADJOURNMENT 7:31 P.M.

CAMP Moved to adjourn the City Council meeting of May 23, 2011.
   Seconded by Hornung & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Eskridge, Hornung, Snyder; NAYS: None.

Joan E. Koss, City Clerk

Sandy L. Dubas, Senior Office Assistant