

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 9, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of June 2, 2008 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler's Award of Excellence for the Month of April 2008 was presented to Police Officer Matthew Franken of the Criminal Investigations Unit of the Police Department in the Categories of Productivity and Safety. Mayor Beutler stated that Officer Franken was credited with the greater share of the team leadership effort resulting in the arrest of five suspects and the clearing of more than 100 residential apartment burglaries occurring last fall in the City of Lincoln.

Chief Tom Casady came forward expressing appreciation for Officer Franken's coordinated investigation in solving this major case.

Matthew Franken came forward to accept his award in appreciation.

**PRESENTATION OF THE 2008 JUSTICE ASSISTANCE GRANT**

Tom Casady, Chief of Police, came forward to publicly accept the 2008 Justice Assistance Grant formerly known as the Local Law Enforcement Block Grant. He stated the proposed use of grant funds, which total \$99,071, will be used to support the operational expenses and continue the level of effort of the Lincoln/Lancaster County Drug Task Force as a result of the fact that other federal funding has been reduced.

**PUBLIC HEARING**

APPOINTING JAMES W. PARTINGTON TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION TO COMPLETE THE REMAINDER OF A TERM EXPIRING SEPTEMBER 24, 2013 - James W. Partington, 2600 N. 162<sup>nd</sup> St., came forward to answer Council questions on his past endeavors and future goals.

This matter was taken under advisement.

AMENDING RULE 3-3 "VOTE OF A MEMBER MANDATORY; EXCEPTION" OF THE RULES OF COUNCIL DECORUM TO ADD LANGUAGE RELATING TO COUNCIL MEMBERS ABSTAINING FROM VOTING ON A PENDING QUESTION - Council Member Emery spoke on behalf of the ordinance change clarifying that this change is not an attempt to allow a member to abstain from voting but rather an opportunity for those who believe they have a problem or the perception of a problem to not vote.

John V. Hendry, City Attorney, came forward to clarify the change as it relates to situations where there is not a clear financial conflict but rather a question of independent judgment and the ability to disclose that conflict, thereby not voting.

This matter was taken under advisement.

**REGULAR MEETING**

**June 9, 2008**

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ANNEXATION NO. 08003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 63.13 ACRES OF PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET;

CHANGE OF ZONE 08019 - APPLICATION OF ROBERT AND VICTORIA ROKEY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET - Charlie Humble, Erickson & Sederstrom, 301 S. 13<sup>th</sup> St., Ste. 400, attorney representing the applicants, came forward to request these items be placed on pending to allow counsel time to work through matters. He requested that public hearing be allowed following removal from pending.

This matter was taken under advisement.

CHANGE OF ZONE 08018 - APPLICATION OF GAMMA PHI BETA BUILDING ASSOCIATION AND THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO R-7 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 16TH STREET BETWEEN R AND S STREETS - Joan Kopf, 3910 S. 27<sup>th</sup> St., came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 08020 - APPLICATION OF VEYANCE TECHNOLOGIES, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BALLARD AVE. - Daniel Thompson, Olsson Associates, 1111 Lincoln Mall, came forward representing the applicant and to answer questions. He stated this change would place all of Veyance properties under one zone but could affirmatively answer Council Chair Eschliman's question if this change would create new jobs.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2008 - Bradley Hersel, 5024 Nebraska St., came forward to request the return of his money which was seized in an arrest in 2001 and was held in custody during his federal incarceration. He stated he was released from prison in December 2007.

John V. Hendry, City Attorney, came forward to clarify that the City did not handle the underlying criminal offense. He further clarified that this case was dismissed in August 2002 and the amount of \$570 was sent to the City Treasurer in April 2004 as it was no longer needed for pending litigation. He stated if Mr. Hersel's claim was in fact a claim against the City, he would have needed to file it by April 2005 or the tort claim would be barred. He stated that there is no duty for police, county or city government to notify someone if a claim needs to be made. In response to Council questions, he stated there are statutory procedures for someone to follow in an effort to ask for a court to give relief.

Mr. Hersel came forward in rebuttal stating that only upon his release did he discover he could reclaim his money.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$200,049 FROM THE CONTINGENCY FUND TO THE FIRE AND RESCUE ADMINISTRATION ACCOUNT TO FUND THE ROOF REPLACEMENT AT FIRE STATION #1 AT 18TH AND Q STREETS - Clerk stated there was a request to hold the public hearing open on this item to June 16, 2008.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08002 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND AS COMMERCIAL IN THE LAND USE PLAN AND DESIGNATE A COMMUNITY SIZE COMMERCIAL CENTER GENERALLY IN THE AREA OF S. 84TH STREET BETWEEN SOUTH STREET AND VAN DORN STREET - Steve Henrichsen, Planning Department, came forward to clarify the half-circle-shaped area is very generalized with no specific plan.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08004 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND AS COMMERCIAL IN THE LAND USE PLAN AND DESIGNATE A NEW "MIXED USE OFFICE CENTER" GENERALLY IN THE AREA OF S. 62ND STREET BETWEEN OLD CHENEY ROAD AND HIGHWAY 2 - Carl Sjulín, President of West Gate Bank and Managing Partner of Sydney Investments, 6003 Old Cheney Road, came forward to clarify the future development to be a low-density, low-rise, upscale office park in a 20-acre area east of West Gate Bank accessed by the traffic-controlled intersection at 64<sup>th</sup> & Highway 2. He said that due to an elevation change there is no plan for a connection from the office park to the Vandervoort Drive traffic light. He clarified that traffic could enter/exit on Old Cheney Road at 62<sup>nd</sup> Street. In answer to Council questions about a time frame, Mr Sjulín said the long term project could lead to a completion date into 2010 or sooner if demanded.

Council Member Cook stated for the record that it is not an expectation to ever have a traffic signal at the location of 62<sup>nd</sup> & Old Cheney Road following a traffic study provided to the City and found to be unwarranted.

Jerry Hines, 5801 Frontier Rd., property owner abutting the proposed development, came forward to state that the last neighborhood meeting was held two years ago. He said neighborhood concerns involve traffic and residential encroachment.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Bob Winters, property owner at 62 & Old Cheney Road. He stated while not opposed to the project, they recognize many issues that need to be addressed and look forward to working together with Mr. Sjulín and West Gate Bank.

Steve Henrichsen, Planning Department, came forward to answer questions about connecting Vandervoort over to 62<sup>nd</sup> Street so as to avoid two traffic signals in close proximity.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08005 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE 11 ACRES FROM URBAN RESIDENTIAL TO COMMERCIAL AND TO DESIGNATE A NEW NEIGHBORHOOD CENTER ON THE NORTHEAST CORNER OF N.W. 48TH STREET AND W. HOLDREGE STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward to answer questions.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08006 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE LAND FROM TIER II AND TIER I, PRIORITY B, TO TIER I, PRIORITY A, GENERALLY BETWEEN S.W. 12TH STREET TO S. CODDINGTON AVE., FROM W. DENTON ROAD SOUTH TO THE CARDWELL BRANCH CHANNEL - Mike Eckert, Civil Design Group, 8535 Executive Woods Dr., Suite 200, came forward to present a brief overview of the plan to bring sewer and water to the 100% urban residential area. He stated the developer will be paying for the sewer main not included in the CIP and third parties that tap in will pay a proportional share. Mr. Eckert said the developer would seek reimbursement on the water main when programmed in the CIP with similar best efforts language.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08009 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT TEXT AND MAP CHANGES TO THE ENVIRONMENTAL RESOURCES AND MOBILITY AND TRANSPORTATION CHAPTERS AS RELATED TO THE MULTI-USE TRAILS AND PUBLIC TRANSPORTATION SECTIONS - David Cary, Planning Department, came forward to answer questions.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08011 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY AMENDING VARIOUS SECTIONS REGARDING THE CITY'S POLICIES ON ANNEXATION AND PROVISION OF INFRASTRUCTURE CONCURRENT WITH DEVELOPMENT - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the Home Builders Association of Lincoln to create a more encouraging and purposeful annexation policy. He suggested by

modifying language it would discourage people from using the Greenbelt as a subsidized means of holding land away from development and to create an active market for raw land.

Marvin Krout, Director of Planning, came forward to answer questions about the current policy and equality of services in all parts of the community. He explained that the Greenbelt is a tax subsidy that allows for property owners outside the city limits to apply for and obtain such status, thereby paying lower taxes. Proposed new language would bring about an aggressive stance toward annexation, which in turn, would bring rural property into the development market.

Mr. Hunzeker came forward in rebuttal stating a change will facilitate a more purposeful annexation policy to seek out areas in Tier I to provide infrastructure to expand the City's tax base and will facilitate planning in a better more orderly way.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08012 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY AMENDING THE COUNTY RURAL ROAD ELEMENT AND THE NATIONAL FUNCTIONAL STREET AND ROAD CLASSIFICATIONS MAPS - Mike Brienzo, Planning Department, came forward to clarify three parts as being the following: 1) North 141<sup>st</sup> Street - included in the transportation plan for paving; 2) South 148<sup>th</sup> Street - NE Dept. of Roads for realignment to connect with 162<sup>nd</sup> St. as it approaches the future beltway system; 3) West Vine Street - transportation plan as an urban collector between NW 40<sup>th</sup> & NW 56<sup>th</sup> St. north of I-80.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY AND CARDWELL RESERVE HOMEOWNER'S ASSOCIATION, INC. FOR THE ACQUISITION OF APPROXIMATELY 31.48 ACRES IN THE CARDWELL BRANCH FLOODPLAIN SOUTH OF W. DENTON ROAD AND WEST OF S.W. 12TH STREET TO PRESERVE FLOOD STORAGE CAPACITY AND OTHER NATURAL RESOURCES OVER THE EASEMENT AREA;

APPROVING A CONSERVATION EASEMENT PURCHASE AGREEMENT BETWEEN CARDWELL RESERVE HOMEOWNER'S ASSOCIATION, INC., RESERVE DEVELOPMENT, LLC, THE CITY OF LINCOLN, AND THE LOWER PLATTE SOUTH NRD FOR THE PURCHASE OF A CONSERVATION EASEMENT IN THE CARDWELL RESERVE ADDITION AREA GENERALLY LOCATED AT S.W. 12TH STREET AND W. DENTON ROAD TO PRESERVE THE FLOOD STORAGE CAPACITY AND OTHER NATURAL RESOURCES OVER THE EASEMENT AREA - Devon Biesecker, Public Works & Utilities, came forward to answer questions and clarify that the money for the City portion for buying the easement comes from the 2005 Storm Water Bond Issue (City portion \$52,000/NRD portion \$48,000). He stated the easements are fairly flexible and maintenance is left to the owner of the property.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE HOME VISITATION PROJECT FOR THE HEALTH DEPARTMENT AND CEDARS YOUTH SERVICES FOR A CONTRACT TERM FROM MARCH 1, 2008 THROUGH JULY 30, 2009 WITH AN OPTION TO RENEW FOR ONE YEAR FROM JULY 1, 2009 TO JUNE 30, 2010 IN AN AMOUNT UP TO \$200,000.00 - Judy Halstead, Health Department, came forward to state that this is a 16-month contract and to clarify the date correction from July 30, 2009 to June 30, 2009.

This matter was taken under advisement.

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

TOOK BREAK 3:11 P.M.

RECONVENED 3:22 P.M.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING JAMES W. PARTINGTON TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION TO COMPLETE THE REMAINDER OF A TERM EXPIRING SEPTEMBER 24, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84878 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of James W. Partington to the Lincoln-Lancaster County Planning Commission to fill an unexpired term expiring September 24, 2013, is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING GEORGIA GLASS TO THE LINCOLN HOUSING AUTHORITY BOARD FOR A FIVE-YEAR TERM EXPIRING JULY 1, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84879 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Georgia Glass to the Lincoln Housing Authority Board for a five-year term expiring July 1, 2013 is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING DAN KUBR, TERRY CULWELL, JOHN SINCLAIR, VANCE BEHRENS, AND BRUCE FISCHER TO THE BUILDING CODE BOARD OF APPEALS FOR TERMS EXPIRING APRIL 1, 2009, APRIL 1, 2010, APRIL 1, 2010, APRIL 1, 2011, AND APRIL 1, 2011, RESPECTIVELY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84880 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of the following persons to the Building Code Board of Appeals or terms expiring as set out below, is hereby approved.

<u>Name:</u>	<u>Term Expires:</u>
Dan Kubr	April 1, 2009
Terry Culwell	April 1, 2010
John Sinclair	April 1, 2010
Vance Behrens	April 1, 2011
Bruce Fischer	April 1, 2011

Introduced by Jon Camp

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

REAPPOINTING ED WIMES TO THE CITY PERSONNEL BOARD FOR A FIVE-YEAR TERM EXPIRING JUNE 22, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84881 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ed Wimes to the City Personnel Board for a five-year term expiring June 22, 2013, is hereby approved.

Introduced by Jon Camp

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED APRIL 30, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84882 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended April 30, 2008, \$606,387.26 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF MAY 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR 1<sup>ST</sup> QUARTER 2008: RELIANCE, MATRIX, T-MOBILE CENTRAL, IDT, STARTEC GLOBAL OPERATING, CAUSED BASED COMMERCE, SOUTHWEST, PNG, ACCESSLINE, WHO'S CALLLING, AIR CELL, AIRE SPRING, COMTEL, HELIO; MARCH 2008: WINDSTREAM NEBRASKA #150, WINDSTREAM NEBRASKA #494, NEW CINGULAR, NEBRASKA TECHNOLOGY & TELECOMM., WINDSTREAM SYSTEMS OF THE MIDWEST #522, CRICKET, USCOC OF GREATER IOWA, TWC DIGITAL PHONE, VERIZON - BELL ATLANTIC, MCLEOD USA, VIRGIN MOBILE USA, VERIZON SELECT SERVICES, ONSTAR, CINCINNATI BELL ANY DISTANCE, BROADWING, VCN, TRANS NATIONAL, AIRNEX, GLOBAL CROSSING, QWEST, USCOC OF NE/KS, PRIMUS, ACN, BUSINESS PROD. SOLUTIONS, CIMCO, WORKING ASSETS FUNDING SERVICE, TELECORP, GUARANTEED PHONE SERVICE, NORSTAN NETWORK, KDDI AMERICA, IBM GLOBAL, TON SERVICES, QUATUM SHIFT, ANDIAMO, TRACFONE, ADVANCED TEL, INTELICALL OPERATOR, LDMI, XO COMM., NEW EDGE NETWORK, VOICECOM, GLOBAL STAR USA, BROADBAND DYNAMICS, EARTHLINK; APRIL, 2008: ALLTEL COMM. OF NEBRASKA, AT&T COMM. OF MIDWEST, MCI, SPRINT SPECTRUM, WWC LICENSE, D&D, NEXTEL, LIGHTYEAR NETWORK SOLUTIONS, TRI-M, ACCERIS, TALK AMERICA, FIRST COMMUNICATIONS, GLOBALCOM, NOSVA, NETWORK BILLING SYSTEMS, ZONE TELECOM, GTC TELECOM, ENHANCED COMM., TCG OMAHA, BT AMERICAS, 360NETWORKS, NOS, UNITE PRIVATE NETWORKS, SBC LONG DISTANCE, COVISTA, ATS MOBILE TELEPHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF E911 OCCUPATION TAX FOR THE 1ST QUARTER 2008: TWC DIGITAL PHONE; APRIL 2008: AT&T COMM. OF MIDWEST - NORTH PLATTE NEBRASKA, BUDGET PREPAY, QWEST, COMTEL TELCOM ASSETS, LEVEL 3 COMM., TWC DIGITAL PHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF APRIL 2008 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY JUNE 16, 2008 AT 1:30 P.M. FOR THE APPLICATION OF ROJO'S GOODS, INC. DBA ROJO'S GOODS FOR A CLASS D LIQUOR LICENSE LOCATED AT 824 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:  
A-84883 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 16, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Rojo's Goods, Inc. dba Rojo's Goods for a Class D liquor license at 824 P Street, Ste. 100.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY JUNE 23, 2008 AT 5:30 P.M. FOR THE APPLICATION OF SAPNA, INC. DBA SAPNA BAR FOR A CLASS I LIQUOR LICENSE LOCATED AT 1819 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84884 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 23, 2008 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Sapna, Inc. dba Sapna Bar for a Class I liquor license located at 1819 O Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY JUNE 23, 2008 AT 5:30 P.M. FOR THE APPLICATION OF SIDEWINDERS, INC. DBA SIDEWINDERS FOR A CLASS C LIQUOR LICENSE LOCATED AT 1644 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84885 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., June 23, 2008 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Sidewinders, Inc. dba Sidewinders for a Class C liquor license located at 1644 O Street.

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

Introduced by Jonathan Cook

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08024 - App. of Ryan and Jennifer Omel for a change from P Public Use District to AG Agricultural District on property generally located at SW 9th Street and Rokeby Road.

Change of Zone No. 08025 - App. of Design Associates of Lincoln, Inc. for a change from AG Agricultural District to H-4 General Commercial District on property generally located at N. 84th Street and Havelock Avenue.

Special Permit No. 1748A - App. of Nebraska Nursery & Color Gardens for an amendment to delete the hours of operation for the garden center located at S. Coddington Avenue and W. Burnham Street. The Planning Commission action is final action unless appealed to the City Council.

Special Permit No. 08022 - App. of United Lutheran Church to increase parking area on property generally located at Hartley Street and Touzalin Avenue.

Special Permit No. 08023 - App. of Jacquelyn Wright dba Little Feet Academy for an early childhood care facility and a waiver request to reduce the number of required parking stalls on property generally located at S. 16th Street and Smith Street.

Special Permit No. 08024 - App. of Matt and Paige Roberts for expansion of a nonstandard dwelling on property generally located at Cedar Ave. and Woodsdale Blvd. (3121 Cedar Avenue). The Planning Commission action is final action unless appealed to the City Council.

Special Permit No. 08025 - App. of Design Associates of Lincoln, Inc. for a Planned Service Commercial development in the H-4 General Commercial District to allow a hotel, restaurant and retail space on property generally located at N. 84th Street and Havelock Avenue. The Planning Commission action is final action unless appealed to the City Council.

**LIQUOR RESOLUTIONS - NONE**

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

AMENDING RULE 3-3 "VOTE OF A MEMBER MANDATORY; EXCEPTION" OF THE RULES OF COUNCIL DECORUM TO ADD LANGUAGE RELATING TO COUNCIL MEMBERS ABSTAINING FROM VOTING ON A PENDING QUESTION - CLERK read an ordinance, introduced by Jon Camp, amending Section 2.04.010 of the Lincoln Municipal Code relating to Rules of the City Council by amending Rule 3-3 to allow a Council member to not vote on a question in which the Council member has a personal interest; and repealing Section 2.04.010 of the Lincoln Municipal Code as hitherto existing, the second time.

ANNEXATION NO. 08003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 63.13 ACRES OF PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET. (RELATED ITEMS: 08-63, 08-64) - PRIOR to reading:

COOK Moved to place Bill No. 08-63 on Pending, No Date Certain.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 08019 - APPLICATION OF ROBERT AND VICTORIA ROKEBY FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 35TH STREET AND SUPERIOR STREET. (RELATED ITEMS: 08-63, 08-64) - PRIOR to reading:

COOK Moved to place Bill No. 08-64 on Pending, No Date Certain.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 08018 - APPLICATION OF GAMMA PHI BETA BUILDING ASSOCIATION AND THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO R-7 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 16TH STREET BETWEEN R AND S STREETS - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 08020 - APPLICATION OF VEYANCE TECHNOLOGIES, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BALLARD AVE. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2008. (6/2/08 - CLAIM OF BRADLEY HERSEL CON'T. P.H. W/ACTION TO 6/9/08) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84886 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 1, 2008, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>	<u>ALLOWED/SETTLED</u>
Bradley Hersel	\$570.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$200,049 FROM THE CONTINGENCY FUND TO THE FIRE AND RESCUE ADMINISTRATION ACCOUNT TO FUND THE ROOF REPLACEMENT AT FIRE STATION #1 AT 18TH AND Q STREETS - PRIOR to reading:

CAMP Moved to continue Public Hearing on Bill No. 08R-108 in one week to 6/16/08.

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

COMP. PLAN AMENDMENT 08002 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND AS COMMERCIAL IN THE LAND USE PLAN AND DESIGNATE A COMMUNITY SIZE COMMERCIAL CENTER GENERALLY IN THE AREA OF S. 84TH STREET BETWEEN SOUTH STREET AND VAN DORN STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84887 WHEREAS, the Planning Director, on behalf of MJM Realty Trust Group, has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to designate land as Commercial in the Land Use Plan and designate a Community size Commercial center generally in the Area of east of S. 84th Street between South Street and Van Dorn Street; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof for a reduced area of land.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use map on page 17 and the Lincoln Area Future Land Use map on page 19 to change the land use designation on land east of S. 84th Street between South Street and Van Dorn Street from Urban Residential to Commercial use as shown on Attachment A.

2. Amend the Existing and Proposed Commerce Centers map on page 41 to eliminate the New Proposed Center (General Location, Not Site Specific) between 84th and 98th Street, from A to Van Dorn Street and instead show an Unbuilt Approved Center (Site Specific) east of S. 84th Street, between South Street and Van Dorn Street.

3. Amend the text on page 44 of Community Centers to add S. 84th Street and Van Dorn Street to the list of "Developing Centers" and eliminate 84th - 98th, A to Van Dorn Street from the list of "Proposed Location" as follows:

Developing Centers

Centers are planned or underway at:

- ◆ Vavrina Meadows, S. 14th and Yankee Hill Road
- ◆ Wilderness Hills, S. 27th and Yankee Hill Road
- ◆ Willowbrook, S. 70th and Highway 2
- ◆ Northern Lights, N. 84th & Holdrege, northwest corner
- ◆ S. 40th west side, 1/2 mile between Yankee Hill Road and Rokeby Road
- ◆ Waterford Estates, N. 98th and O Street, northeast corner

- ◆ S .84th between South Street and Van Dorn Street  
Proposed Locations

As urbanization occurs over the planning period, the demand for new, additional Community Centers will increase. Proposed generalized locations for the new Community Centers are as follows:

- ◆ S. 40th and Saltillo Road
- ◆ 98th - 112th, O to A Street
- ◆ ~~84th - 98th, A to Van Dorn Street~~
- ◆ 98th - 112th, Van Dorn Street to Pioneers Blvd.
- ◆ 84th and Adams, northeast corner

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

Introduced by Jon Camp

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

COMP. PLAN AMENDMENT 08004 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND AS COMMERCIAL IN THE LAND USE PLAN AND DESIGNATE A NEW "MIXED USE OFFICE CENTER" GENERALLY IN THE AREA OF S. 62ND STREET BETWEEN OLD CHENEY ROAD AND HIGHWAY 2 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84888 WHEREAS, the Planning Director, on behalf of Sydney Investments, has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to designate land as Commercial in the Land Use Plan and designate a new "Mixed Use Office Center" generally in the area of S. 62nd Street between Old Cheney Road and Highway 2; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend on the Lancaster County Future Land Use map on page 17 and the Lincoln Area Future Land Use map on page 19 to change the land use designation on land generally in the area of S. 62nd Street between Old Cheney Road and Highway 2 from Urban Residential to Commercial use as shown in Attachment "A".

2. Amend the "Existing and Proposed Commerce Centers" map on page 41 to show a new "Unbuilt Approved Center (Site Specific)" in the "Mixed Use Office" center category between Old Cheney Road and Highway 2 generally at 62nd Street.

3. Amend the text on page 46 of Mixed Use Office Centers to add S. 62nd Street between Old Cheney Road and Highway 2 to the list of "Locations" of centers that are existing, underway or planned as follows:

"Locations

Centers are existing, underway or planned at:

- ◆ S. 62<sup>nd</sup> between Old Cheney Road and Highway 2
- ◆ S. 84th & Pioneers Blvd., Pioneer Greens office park..."

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

Introduced by Jon Camp

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

COMP. PLAN AMENDMENT 08005 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN FUTURE LAND USE MAP TO CHANGE 11 ACRES FROM URBAN RESIDENTIAL TO COMMERCIAL AND TO DESIGNATE A NEW NEIGHBORHOOD CENTER ON THE NORTHEAST CORNER OF N.W. 48TH STREET AND W. HOLDREGE STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84889 WHEREAS, the Planning Director, on behalf of Mark Hunzeker, has made application to amend the 2030 Lincoln-Lancaster County

Comprehensive Plan to designate approximately 11 acres of land as Commercial in the Land Use Plan and designate a new Neighborhood Center on the northeast corner of N.W. 48th Street and W. Holdrege Street; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Lancaster County Future Land Use map on page 17 and the Lincoln Area Future Land Use map on page 19 to change the land use designation on approximately 11 acres of land on the northeast corner of N.W. 48th and W. Holdrege Streets from Urban Residential to Commercial as shown on Attachment "A".

2. Amend "Existing and Proposed Commerce Centers" map on page 41 to show an "Unbuilt Approved Center (Site Specific)" in the Neighborhood Center category on the northeast corner of NW 48th & W Holdrege Streets.

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

Introduced by Jon Camp

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

COMP. PLAN AMENDMENT 08006 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO CHANGE LAND FROM TIER II AND TIER I, PRIORITY B, TO TIER I, PRIORITY A, GENERALLY BETWEEN S.W. 12TH STREET TO S. CODDINGTON AVE., FROM W. DENTON ROAD SOUTH TO THE CARDWELL BRANCH CHANNEL - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84890 WHEREAS, the Planning Director, on behalf of Reserve Development, LLC, has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to change land from Tier II and Tier I, Priority B, to Tier I, Priority A, generally between S.W. 12th Street to S. Coddington Ave., from W. Denton Road south to the Cardwell Branch channel; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the "Urban Growth Tiers with Priority Areas", map on page 21, to change the designation from Tier II and Tier I, Priority B, to Tier I, Priority A, as shown on the map attached hereto as Attachment "A".

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

Introduced by Jon Camp

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

COMP. PLAN AMENDMENT 08009 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT TEXT AND MAP CHANGES TO THE ENVIRONMENTAL RESOURCES AND MOBILITY AND TRANSPORTATION CHAPTERS AS RELATED TO THE MULTI-USE TRAILS AND PUBLIC TRANSPORTATION SECTIONS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84891 WHEREAS, the Planning Director, on behalf of the Parks and Recreation Department and StarTran, has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to adopt text and map changes to the Environmental Resources and Mobility and Transportation Chapters as related to the multi-use trails and public transportation sections; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the text in the first paragraph on page 60 under **Greenways and Open Space: Salt Valley Heritage Greenway** to read as follows:

The Salt Valley Heritage Greenway would provide connectivity with current and future green corridors that extend out from Lincoln such as the MoPac Trail corridor, Murdock Trail corridor, Antelope Valley, Dietrich Bikeway, and ~~Antelope Creek~~ Billy Wolff Trail Corridor. It would provide a destination for additional trails as Lincoln continues to grow.

2. Amend the Salt Valley Heritage Greenway & Future Countywide Trails map on page 60 to show completed and planned trails since adoption of the 2030 Comprehensive Plan including the completion of the Homestead Trail from approximately Saltillo Road south to the County line, and the addition of a future trail loop from the terminus of the Murdock Trail through Waverly as shown on Attachment "A".

3. Amend the Multi-Use Trails & Bicycle Facilities Plan map on page 95 to show completed trail facilities, future trail removals, and additional future trail facilities since the last update to the 2030 Comprehensive Plan including the addition of a future trail connecting the terminus of the Murdock Trail to the planned Waverly trail system as well as an additional trail loop in the Cardwell Branch Watershed as shown on Attachment "B".

4. Amend the text on page 96 under **Strategies: Multi-Use Trails and Bicycle Facilities Standards for Existing Areas** to add the following strategy:

◆ Develop an Activity/Trail Center that promotes active and healthy living;

5. Amend the text in the last paragraph on page 98 under **Public Transportaion** to read as follows:

To achieve viable long range transit service for the City of Lincoln and Lancaster County in the year 2030, a number of broad policies and actions are needed to guide successful implementation and expansion of public transit. These policies and action items are ~~quided by anticipated~~ from the results of the approved recently initiated 2006 Transit Development Plan (TDP) Study. The TDP is the guide for near and mid-term transit planning for ~~Upon completion, the study will be included by reference as a part of the 2030 Long Range Transportation Plan. Included in the formulation of the Transit Development Plan (TDP) is will be a comprehensive operations analysis, near and long term transit service alternatives, updated service standards and policies, and management and funding options. The policy and action items anticipated from the TDP are:~~

6. Amend the text on page 99 under **Balanced Transit System** to read as follows:

Providing transit services throughout the city requires balancing the number of routes, the frequency of service, and the hours of service. ~~It is expected that the~~ The TDP should provide provides a framework for monitoring and modifying transit services in response to changes in development patterns and user needs, and is based on adopted service standards and policies.

7. Amend the text on page 99 under **Transit-Friendly Development** to read as follows:

Effective public transportation service requires good pedestrian connections to and from transit stops, density of activities, and development designs supportive of transit riders. Pedestrian connections to transit must be direct and the sidewalk system must have continuity. Street crossings to transit stops must be safe. Productive transit service requires high-density land development patterns which link residential areas and employment, retail, and service centers. Development design needs to be transit friendly

providing convenient access to transit services. ~~The TDP should help recommend a system for transit review of new development designs. This would be important in ensuring that new development contain transit-oriented standards.~~

8. Amend the text on page 99 under **Maximize Transit Connections When Structuring Routes** to read as follows:

As the city develops the need to serve additional populations and destinations will change and grow. StarTran routes should be modified to recognize this change in ridership and transit user needs. The TDP ~~should help~~ helps reallocate ~~explore reallocating~~ less productive services to emerging activity centers and corridors.

9. Amend the text on page 99 under **Accommodate Transit When Designing Roadway Improvements** to read as follows:

Roadway design should consider the needs of public transit, including bus turnouts, sidewalk connections to transit stops, safe street crossings, street lighting for security, and bus stops and benches. ~~The TDP should address such transit related amenities for both roadways and land use development.~~

10. Amend the text on page 99 under **Explore Regional and Commuter Transit Service Options** to read as follows:

Travel between Lincoln and regional destinations such as the Omaha metropolitan area will increase during the planning period. This travel will include routine commuter trips as well as other discretionary travel. Public transportation may support this travel using a variety of transit delivery options including various vehicle types and service configurations. Planning and improvements might be considered to help promote and support the possibility of commuter rail for Lincoln beyond 2030. These strategies might include developing a multi-modal center in the Downtown area with immediate access to the existing rail service. ~~The TDP should consider rail service and other transit modes to provide regional public transportation services (particularly between Lincoln and Omaha) during the interim and long term.~~

11. Amend the text on page 99 under **StarTran Transit Contract Service** to read as follows:

Contract transit services typically operate with a higher level of ridership productivity and generate greater revenues than do traditional fixed route services. ~~The TDP will explore contract~~ Contract transit services funded by various local and federal government funds and rider fares need to abide by federal regulations and should be explored to the extent possible.

12. Amend the text on page 100 under **Park-and-Ride Opportunities** to read as follows:

Establishing park-and-ride locations along outlying areas of the community could support transit connections to the Downtown and other mixed use centers. As Lincoln grows and expands its urban boundary, trip numbers will increase. Shifting some automobile trips to transit can reduce traffic impacts within the existing community, reduce the cost of parking in the central core, and provide increased mobility options for both future and existing development. The TDP ~~should address~~ provides future park-and-ride route concepts and other transit related services and enhancements.

13. Amend the text on page 100 under **Long Term Public Transportation Funding Approach** to read as follows:

Public funds and policies subsidize parking in the Downtown area against which transit then competes. Transit funding is not seriously considered as a way to provide mobility along congested travel corridors. There are significant fiscal, neighborhood, and environmental impacts when those corridors are widened. The long term strategy to enhance mobility though a wide range of alternative transportation modes requires long term funding commitments for StarTran. ~~It is expected that the~~ The TDP ~~should address~~ reviews potential funding sources and alternatives that help support and increase StarTran's stability and viability

during the planning period and beyond. The TDP ~~also explores should also help explore~~ organizational options, state enabling legislation, and state funding policies.

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

Introduced by Jon Camp

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

COMP. PLAN AMENDMENT 08011 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY AMENDING VARIOUS SECTIONS REGARDING THE CITY'S POLICIES ON ANNEXATION AND PROVISION OF INFRASTRUCTURE CONCURRENT WITH DEVELOPMENT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84892 WHEREAS, the Planning Director, on behalf of Mark Hunzeker, has made application to amend the 2030 Lincoln City-Lancaster County Comprehensive Plan to amend various sections regarding the City's policies on annexation and provision of infrastructure concurrent with development; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the legend on the "Urban Growth Tiers with Priority Areas" map on page 21 to read as follows:

**PRIORITY A -**

"Identifies a future service area of approximately 20 square miles to serve with utilities in the next six years. The City's ~~has developed and made public financial~~ water and wastewater utility plans for operations and growth ~~and the 2006 CIP are~~ based on a smaller serving the Priority A area. User fee increases and/or impact fees as projected for water and wastewater will require additional increases, or additional private financing if projects are added or staged earlier than previously identified.

~~Currently, there are not adequate funds to build needed road improvements within the city limits, much less serve Priority A or other growth areas. If t~~The City is committed to building needed improvements concurrent with development, then as well as maintaining the existing road network. However, this will require significant additional road funds will be needed, in addition to the proposed rate increases for water and wastewater."

2. Amend the text under **PRIORITY AREA PLAN FOR TIER I** on page 24 to read as follows:

**"Setting Priorities**

The top priority for infrastructure improvements is the existing city and areas that are currently under development. In order to provide for the orderly future growth of the city, additional land is identified in Tier I as the next area for improvement. However, the community does not have the financial resources, nor is it necessary, to provide urban services to all of the Tier I area within the next few years. So within Tier I, the community needs to prioritize areas for infrastructure improvements.

Priority A identifies a future service area of approximately 20 square miles to serve with utilities in the next six years. Developer interest exists in land in various areas which would require providing services to over 35 square miles ~~if financing were available. Based. However, based~~ on population and growth projections, ~~there is not a need for~~ development may begin on all of this much land in the near term. The City's ~~has developed and made public financial~~ water and wastewater utility plans for operations and growth ~~and the 2006 CIP are~~ based on a smaller serving the Priority A area. User fee increases and/or impact fees

as projected for water and wastewater will require additional increases, or additional private financing if projects are added or staged earlier than previously identified.

~~Currently, there are not adequate funds to build needed road improvements within the city limits, much less serve Priority A or other growth areas. If tThe City is committed to building needed improvements concurrent with development, then as well as maintaining the existing road network. However, this will require significant additional road funds will be needed, in addition to the proposed rate increases for water and wastewater.~~

While there are financing limitations, the economic development area north of Interstate 80, east of N. 40th Street, that drains into Little Salt Creek, is designated as Priority A and will be provided with infrastructure through Tax Increment Financing. However, an area along the South Beltway, which naturally drains to the south of the South Beltway, should remain Priority B or C until a sanitary sewer study concludes how this larger area can best be served and financing is addressed.

#### **Top Priority Area**

The top priority areas are those which are generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

#### **Priority A of Tier I**

Areas designated for near term development are generally contiguous to existing development and should be provided first with basic infrastructure within the next 6 years of the adoption of the Plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, with City commitments to fund infrastructure improvements, ~~but the land is still undeveloped and without significant infrastructure in place yet. In conjunction with annexation, the city should use other available zoning tools, such as residential density and floor area bonuses, to encourage growth and development in these areas.~~ Some infrastructure improvements may be done in the near term while others, such as road improvements that are generally more costly, may take longer to complete."

3. Amend the text for **Principles for Priority Areas** by amending the following principles on page 25 to read as follows:

- ◆ "The top priority for the City's Capital Improvement Program (CIP) is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development.
- ◆ Infrastructure funding to serve the growing community relies upon adequate revenue from all sources, including gas tax allocation, wheel tax, impact fees, and water and wastewater fees.

~~Infrastructure~~ Initial urban improvements, such as electricity, water, sewer, pedestrian facilities and roads, should be made concurrent with development with public safety services provided from existing facilities and other improvements phased in over time as needs increase.

- ◆ In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area.
- ◆ Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.

- ◆ Development in the southwest should begin in the Priority A area in the general vicinity of the intersection of Warlick Blvd. and Highway 77. Further planning should proceed to identify initial staging of infrastructure and development in this area.
- ◆ The community should only approve development proposals that can be adequately served by all the initial urban public facilities such as electricity, water, sewer, pedestrian facilities and roads and by all urban improvements and services in the long term. Initially, public safety services and schools may provided to an area by facilities that are more distant.
- ◆ Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas."

4. Amend the text for **GUIDING PRINCIPLES FOR FINANCING URBAN INFRASTRUCTURE** by amending the following principle on page 148 to read as follows:

**"Minimize Impact on Those Who Are Not Developing Land:** As much as possible, property owners should only be assessed or pay the improvement costs at the time they seek approval of development proposals or building permits. Financing mechanisms should not impact be sensitive to property owners in an area under development who don't want to develop their land at that time. ~~However, property owners are not encouraged but should not encourage them~~ to hold their property out of development indefinitely.

It may be necessary to annex property and assess improvements costs to property in the Future Service Limit, but not yet developing, in order to develop the adjacent land. The community should grow in an orderly compact fashion and therefore initial urban, infrastructure improvements should be made in a proportionate and timely manner. Property owners need to be educated about the growth and infrastructure plans to reduce the elements of surprise and anger and to foster more informed personal planning decisions."

5. Amend the text under **CONCURRENCY POLICY** on page 153 to read as follows:

"Public infrastructure - including transportation facilities, water, sewer, parks, schools, and libraries - is essential to the health, safety, and welfare of the community. ~~As the community grows, it is desirable that these systems and facilities be developed~~ In new growth areas, the most essential public infrastructure (such as electricity, water, sewer, pedestrian facilities and roads) should be made concurrently - that is, at the same time - with that growth.

If growth occurs without the development of adequate public infrastructure, or the Other public infrastructure ~~lags behind the in new growth of the community, the quality of life in the whole community will be diminished. Facilities may become overcrowded or overused. In the worst case, essential public services might not be available, thereby threatening the areas should be provided in proportion to initial need, with later improvements added as growth proceeds. However, utilities must be sized initially to serve long term needs. Developing public infrastructure in this manner will protect the public health, safety and welfare of the community while efficiently using capital improvement funds.~~

Conversely, infrastructure should not be built or developed if it is not needed. Public resources are scarce and should be conserved and used efficiently. Development of infrastructure beyond the needs of the community is a waste of resources and is not

beneficial to the community as a whole. Thus, some improvements, such as park land, must be obtained early in the process, but may not be fully improved until more development occurs. Land for other services such as fire and police stations or schools may also be obtained. This may also apply to road improvements, which in early stages can be adequately served by two lane, offset, paved streets, after obtaining the needed future urban right-of-way, with additional lanes planned for but not developed till later when traffic demand warrants.

The key to a successful community is the concurrent development of ~~the infrastructure with,~~ proportionate to the development and need of the community - a balance between the need for infrastructure and the need to conserve resources."

6. Amend the text under **ANNEXATION POLICY** on page 154 to read as follows:

"Annexation policy is a potentially powerful means for achieving many of the goals embodied in the Plan's Vision. Annexation is a necessary and vitally important part of the future growth and health of Lincoln. The annexation policies of the City of Lincoln include but are not limited to the following:

The provision of municipal services shall coincide with the jurisdictional boundaries of the City - in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary water services) beyond the corporate limits of the City.

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexation shall occur before any property is provided with water, sanitary sewer, or other potential City services.

To demonstrate the City's commitment to the urbanization of land in Tier I Priority A, the City should promptly annex land in Priority A which is contiguous to the City and generally urban in character, as well as land which is engulfed by the City. Land which is remote or otherwise removed from the limits of the City of Lincoln will not be annexed; land which is contiguous to the City and generally urban in character may be annexed; and land which is engulfed by. Annually, the City should be annexed review for potential annexation all property in Priority A in which basic infrastructure is generally available or planned for in the near term.

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (e.g., water, sanitary sewer), and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. The annexation of large projects may be done in phases as development proceeds.

The character of existing residential areas should be respected as much as possible during the annexation process. When low density "acreage" areas are proposed for annexation due to the City's policy, additional steps should be taken to ease the transition as much as possible, such as public meetings, advance notice and written explanation of changes as a result of annexation. In general, many aspects of acreage life may remain unchanged, such as zoning or covenants. However, any annexation of existing residential areas will include some costs which must be the responsibility of property owners.

Annexation to facilitate the installation of improvements and/or possible assessment districts is appropriate if it is consistent with the annexation policies of the Plan listed above. Plans for the provision of services within the areas considered for annexation shall be carefully coordinated with the Capital Improvements Program of the City and the County.

Each town in Lancaster County will have their own procedures for annexation."

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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

COMP. PLAN AMENDMENT 08012 - AMEND THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN BY AMENDING THE COUNTY RURAL ROAD ELEMENT AND THE NATIONAL FUNCTIONAL STREET AND ROAD CLASSIFICATIONS MAPS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84893 WHEREAS, the Planning Director has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to (1) amend the County Rural Road element to show N. 141st Street, Raymond Road to Davey Road for potential paving; (2) amend the County Rural Road element to show the realignment of S. 148th Street north of Nebraska Highway 2 and the closure of at-grade north access and south access at Nebraska Highway 2 from 148th Street; and (3) amend the National Functional Street and Road Classification maps to show W. Vine Street, N.W. 40th Street to N.W. 56th Street, as an urban collector; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the "Future Road Improvements in County" map on page 116 to show North 141st Street, Raymond Road to Davey Road, for "potential paving" as shown on Attachment "A" (proposed potential paving).

2. Amend the "Future Road Improvements in County" map on page 116 to show the realignment of 1.5 miles of S. 148th Street and .25 miles of S. 162nd Street north of Nebraska Highway 2 and show the closure of the direct at-grade north access and south access to Nebraska Highway 2 from S. 148th Street as shown on Attachment "B" (proposed access closure).

3. Amend the 2030 National Functional Street and Road Classification City and County maps on page 102 and 103 respectively to show realignment of South 148th Street north of Nebraska Highway 2 as a "rural major collector".

4. Amend the National Functional Street and Road Classification County and City maps on pages A48 and A49 respectively to show the realignment of South 148th Street north of Nebraska Highway 2 as a "rural major collector".

5. Amend the 2030 National Functional Street and Road Classification City and County maps on pages 102 and 103 respectively to show West Vine Street, NW 40th Street to NW 56th Street, as an "urban collector", to generally follow the alignment shown in the Airport West Subarea Plan as shown on Attachment "C".

6. Amend the National Functional Street and Road Classification County and City maps on pages A48 and A49 respectively to show West Vine Street, NW 40th Street to NW 56th Street, as an "urban collector" to generally follow the alignment shown in the Airport West Subarea Plan as shown on Attachment "C".

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

Introduced by Jon Camp

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY OUTLINING CONSTRUCTION AND MAINTENANCE RESPONSIBILITIES FOR THE PROJECT KNOWN AS WEST DENTON ROAD FROM A POINT 500 FEET WEST OF S. FOLSOM STREET TO AMARANTH LANE AND AUTHORIZING THE MAYOR TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84894 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for the widening and reconstruction of the West Denton Road project from a point 500 feet west of S. Folsom Street to Amaranth Lane, including the acquisition of needed right-of-way and the establishment of maintenance responsibilities, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Exhibit "A", 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 transmit one fully executed original of said Agreement to Susan Starcher for filing with Lancaster County.

Introduced by Jon Camp

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY OUTLINING THE RESPONSIBILITIES FOR THE WIDENING AND RECONSTRUCTION OF S. 70TH STREET FROM 600 FEET SOUTH OF COUNTRY VIEW LANE TO YANKEE HILL ROAD AND AUTHORIZING THE MAYOR TO SIGN SAID AGREEMENT ON BEHALF OF THE CITY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84895 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and Lancaster County, for the widening and reconstruction of the South 70th Street project from a point 600 feet south of Country View Lane to Yankee Hill Road, including the acquisition of needed right-of-way and the establishment of maintenance responsibilities, upon the terms and conditions set forth in said Agreement, which is attached hereto marked as Exhibit "A", 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 transmit one fully executed original of said Agreement to Susan Starcher for filing with Lancaster County.

Introduced by Jon Camp

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

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE CITY AND CARDWELL RESERVE HOMEOWNER'S ASSOCIATION, INC. FOR THE ACQUISITION OF APPROXIMATELY 31.48 ACRES IN THE CARDWELL BRANCH FLOODPLAIN SOUTH OF W. DENTON ROAD AND WEST OF S.W. 12TH STREET TO PRESERVE FLOOD STORAGE CAPACITY AND OTHER NATURAL RESOURCES OVER THE EASEMENT AREA. (RELATED ITEMS 08R-136, 08R-137) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84896 WHEREAS, Cardwell Reserve Homeowner's Association, Inc. has offered to grant a conservation easement to preserve the flood storage capacity and to restrict the development of approximately 31.48 acres of property in the Cardwell Branch floodplain south of West Denton Road and west of S.W. 12th Street, located in the south part of Outlots A and B, Cardwell Reserve Addition, Lincoln, Lancaster County, Nebraska, as more particularly described in the Conservation Easement Agreement attached hereto; and

WHEREAS, acquisition of this conservation easement by the City and the Lower Platte South Natural Resources District would further the goals of the Comprehensive Plan relating to preserving the flood storage capacity by restricting the development of the property.

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

That, on behalf of the City of Lincoln, Nebraska, the offer of a conservation easement by Cardwell Reserve Homeowner's Association, Inc. over the tracts of land legally described above and in accordance with the terms of the Conservation Easement Agreement, attached hereto and marked as Exhibit "A", is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Conservation Easement Agreement on behalf of the City of Lincoln, Nebraska.

Introduced by Jon Camp

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

APPROVING A CONSERVATION EASEMENT PURCHASE AGREEMENT BETWEEN CARDWELL RESERVE HOMEOWNER'S ASSOCIATION, INC., RESERVE DEVELOPMENT, LLC, THE CITY OF LINCOLN, AND THE LOWER PLATTE SOUTH NRD FOR THE PURCHASE OF A CONSERVATION EASEMENT IN THE CARDWELL RESERVE ADDITION AREA GENERALLY LOCATED AT S.W. 12TH STREET AND W. DENTON ROAD TO PRESERVE THE FLOOD STORAGE CAPACITY AND OTHER NATURAL RESOURCES OVER THE EASEMENT AREA. (RELATED ITEMS 08R-136, 08R-137) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84897 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Conservation Easement Purchase Agreement between Cardwell Reserve Homeowner's Association, Inc., Reserve Development, LLC, the City of Lincoln and the Lower Platte South NRD for the acquisition of a conservation easement by the City and the Lower Platte South NRD within the floodplain and floodprone areas in the Cardwell Reserve Addition area generally located at S.W. 12th Street and W. Denton Road, in accordance with the terms and conditions contained in said Agreement attached hereto as Exhibit "A", 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 the Public Works and Utilities Department, for transmittal to the parties.

Introduced by Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT FOR THE HOME VISITATION PROJECT FOR THE HEALTH DEPARTMENT AND CEDARS YOUTH SERVICES FOR A CONTRACT TERM FROM MARCH 1, 2008 THROUGH JULY 30, 2009 WITH AN OPTION TO RENEW FOR ONE YEAR FROM JULY 1, 2009 TO JUNE 30, 2010 IN AN AMOUNT UP TO \$200,000.00 - PRIOR to reading:

CAMP Moved to amend Bill No. 08R-138 in the following manner:

1. On line 4, delete the month which is stated ~~July~~ and replace with the correct month of June.

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

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

A-84898 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Nebraska Department of Health and Human Services and the Lincoln-Lancaster County Health Department for the Home Visitation Project for a contract term from March 1, 2008 through ~~July~~ June 30, 2009 with an option to renew for one year from July 1, 2009 to June 30, 2010 in an amount up to \$200,000.00, in accordance with the terms, conditions and assurances contained in

said Agreement, which is attached hereto as Exhibit "A", is hereby approved and the Mayor is hereby authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Director of the Lincoln Lancaster County Health Department.

Introduced by Jon Camp

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

VACATION NO. 06010 - VACATING SUNNY SLOPE ROAD EAST OF AVON LANE - CLERK read an ordinance, introduced by Jonathan Cook, vacating Sunny Slope Road east of Avon Lane, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE, NEBRASKA, FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NEBRASKA FOR A TERM OF MAY 1, 2008 THROUGH MAY 31, 2009 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a 13-month term from May 1, 2008 through May 31, 2009, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NEBRASKA, FOR A TERM JULY 1, 2008 THROUGH JUNE 30, 2009 - 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 by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 137 N. 8<sup>th</sup> Street, Geneva, NE 68361, for a 12-month term from July 1, 2008 through June 30, 2009, the first time.

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

CHANGE OF ZONE 08016 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY AMENDING SECTION 27.63.170 RELATING TO SPECIAL PERMITS FOR PARKING LOTS TO ALLOW THE CITY COUNCIL TO ADJUST THE LOCATION OF SIGNS AND PARKING UNDER A SPECIAL PERMIT; AMENDING SECTION 27.67.030 RELATING TO GENERAL PARKING CONDITIONS TO ALLOW PARKING IN THE FRONT YARD UNDER A SPECIAL PERMIT FOR PARKING LOTS PURSUANT TO SECTION 27.63.170; AND AMENDING SECTION 27.69.030 RELATING TO GENERAL SIGN PROVISIONS TO ALLOW SIGNS IN THE FRONT YARD IF AUTHORIZED UNDER THE CONDITIONS OF APPROVAL OF THE SPECIAL PERMITTED USE FOUND IN CHAPTER 27.63; AND REPEALING SECTIONS 27.63.170, 27.67.030, AND 27.69.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-60, 08R-119) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Section 27.63.170 relating to special permits for parking lots to allow the City Council to adjust the location of signs and parking under a special permit; amending Section 27.67.030 relating to general parking conditions to allow parking in the front yard under a special permit for parking lots pursuant to Section 27.63.170; amending Section 27.69.020 relating to general sign provisions to allow signs in the front yard if authorized under the conditions of approval for the special permitted

use found in Chapter 27.63; and repealing Sections 27.63.170, 27.67.030, and 27.69.030 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19092, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 08018 - APPLICATION OF FIRST PLYMOUTH CONGREGATIONAL CHURCH TO ALLOW A PARKING LOT IN A RESIDENTIAL ZONING DISTRICT; TO WAIVE THE MINIMUM 15 FOOT SITE PENETRATION; TO ALLOW PARKING IN THE FRONT YARD ALONG S. 21ST STREET AND F STREET; AND TO ALLOW FOR A SIGN IN THE FRONT YARD, ON PROPERTY GENERALLY LOCATED AT S. 21ST STREET AND F STREET. (RELATED ITEMS: 08-60, 08R-119) (ACTION DATE: 6/9/08) - PRIOR to reading:

CAMP Stated for the record that he is a member of the First Plymouth Congregational Church but has no financial interest in these issues and therefore will vote.

SVOBODA Moved to amend Bill No. 08R-119 in the following manner:  
1. On page 2, between lines 9 and 10, insert the following:  
3. The requirement of Section 3.1 and Figure PL-1 of the Parking Lot Design Standards that there be a 15 foot site penetration for the first parking stall off the alley access from South 21<sup>st</sup> Street is hereby waived.

2. On page 2, delete lines 20 and 21.

3. Renumber the remaining paragraphs accordingly.

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

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

A-84899 WHEREAS, First Plymouth Congregational Church has submitted an application designated as Special Permit No. 08018 for authority to construct a parking lot in a residential district together with requested waivers to the Zoning Code to allow parking in the front yard along South 21st Street and F Street and in the side yard along the west property line, to allow a sign in the front yard, to waive parking lot design standards requiring a uniformity ratio of lighting over the entire parking lot not greater than 4:1, and a minimum 15 foot site penetration for the first parking lot stall off the alley access from South 21st Street, on property located at South 21st Street and F Street, and legally described as:

Lots 1 and 2, Block 6, Houtz Addition, Lincoln, Lancaster County, Nebraska;

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

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

WHEREAS, THE Lincoln City-Lancaster County Planning Commission has recommended conditional approval of the application designated as Special Permit No. 08018 and the requested waivers, except for the waiver of the minimum 15 foot site penetration.

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

That the application of First Plymouth Congregational Church, hereinafter referred to as "Permittee", to construct a parking lot in a residential district, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot in a residential zoning district, with parking in the front yard along South 21st Street and F Street, parking in the side yard and along the west property line, and a sign in the front yard.

2. The requirement of Section 3.8 of the Parking Lot Design Standards that a uniformity ratio of lighting over the entire parking lot be no greater than 4:1 is hereby waived.

3. The requirement of Section 3.1 and Figure PL-1 of the Parking Lot Design Standards that there be a 15 foot site penetration for the first parking stall off the alley access from South 21<sup>st</sup> Street is hereby waived.

~~4. 3.~~ Before receiving building permits:

a. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with the following revisions:

i. Submit a revised landscape plan showing a 100% screen from 0 to 3ft high along S. 21st Street and F Street (except in the sight triangle, where the screen will not exceed 30 inches in height) to be approved by the Planning Director. Screening shall meet all landscape design standards, except as waived under this Special Permit.

~~ii. Provide a minimum 15' site penetration for the 1<sup>st</sup> stall off the alley access from 21<sup>st</sup> Street.~~

~~ii. iii.~~ Plant one street tree or provide cash in the amount of \$220 to the City for the planting of the street tree.

~~iii. iv.~~ Add to the General Notes:

(1) "Permission will be obtained to place the plant materials in the City right-of-way per Chapter 14.54 and sign a landscape maintenance agreement, or move plant materials onto the private property."

(2) "A bond will be posted in an amount determined by the Director of Parks and Recreation sufficient to guarantee the health and vitality of the plants."

b. The construction plans shall comply with the approved plans.

c. The Permittee shall provide the Director of Building & Safety with documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

~~5. 4.~~ Before occupying the parking lot all development and construction must substantially comply with the approved plans.

~~6. 5.~~ All privately-owned improvements, including landscaping, are to be permanently maintained by the Permittee.

~~7. 6.~~ 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.

~~8. 7.~~ The terms, conditions, and requirements of this resolution shall run with the land and be binding upon the Permittee, its successors and assigns.

~~9. 8.~~ The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six

months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

Introduced by Ken Svoboda

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

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL OF THE CITY OF LINCOLN BY AMENDING SECTION 2.02.020 TO ADD THE "LIBRARY DEPARTMENT" AND THE "LIBRARY DIRECTOR" TO THE LIST OF DEPARTMENTS AND DIRECTORS UNDER THE SUPERVISION OF THE MAYOR; BY ADDING A NEW SECTION 2.02.085 TO PROVIDE THE LIBRARY DIRECTOR SHALL HAVE CHARGE AND SUPERVISION OF THE LIBRARY DEPARTMENT AND TO SET FORTH THE DUTIES OF THE LIBRARY DIRECTOR; BY CREATING A NEW CHAPTER 2.25 ENTITLED "LIBRARY DEPARTMENT" BY ADDING A NEW SECTION 2.25.010 TO ESTABLISH THE NAME OF THE DEPARTMENT; BY ADDING A NEW SECTION 2.25.020 TO ESTABLISH A PROCESS FOR THE HIRING AND REMOVAL OF THE LIBRARY DIRECTOR; BY ADDING A NEW SECTION 2.25.030 TO ESTABLISH JOB DUTIES OF THE LIBRARY DIRECTOR; AND BY ADDING A NEW SECTION 2.25.040 TO ESTABLISH A PROCEDURE FOR PERFORMANCE REVIEWS OF THE LIBRARY DIRECTOR; BY AMENDING SECTION 2.76.070 TO REMOVE THE LIBRARY DIRECTOR POSITION FROM CLASSIFIED SERVICE; AND REPEALING SECTIONS 2.02.020 AND 2.76.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 2 of the Lincoln Municipal Code relating to Officers, Departments and Personnel of the City of Lincoln by amending Section 2.02.020 to add the "Library Department" and the "Library Director" to the list of departments and directors under the supervision of the Mayor; by adding a new Section 2.02.085 to provide the Library Director shall have charge and supervision of the Library Department and to set forth the duties of the Library Director; by creating a new Chapter 2.25 entitled "Library Department" by adding a new Section 2.25.010 to establish the name of the department; by adding a new Section 2.25.020 to establish a process for the hiring and removal of the Library Director; by adding a new Section 2.25.030 to establish job duties of the Library Director; and by adding a new Section 2.25.040 to establish a procedure for performance reviews of the Library Director; by amending Section 2.76.070 to remove the Library Director position from classified service; and repealing Sections 2.02.020 and 2.76.070 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES:

Cook, Emery, Eschliman, Marvin, Spatz; NAYS: Camp, Svoboda.

The ordinance, being numbered #19093, is recorded in Ordinance Book #26, Page

#### REGISTERED TO SPEAK SESSION - NONE

#### OPEN MICROPHONE SESSION

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward to speak on non-repair of his property as it related to his residential relocation in 2005 because of the Joint Antelope Valley Authority project.

This matter was taken under advisement.

Ray Navratil, 1438 N. 15<sup>th</sup> St., came forward to speak in support of Mr. Morosin's housing complaints and to request closure so his neighbor can build his garage, allowing him continue his part-time business operation.

This matter was taken under advisement.

John V. Hendry, City Attorney, came forward to answer questions regarding Mike Morosin's ongoing housing claims. Council Member Svoboda requested the Law Department to render a legal opinion within the next 30 days of the liability of the City of Lincoln as it relates to being one of the three legs of JAVA. Mr. Hendry responded affirmatively.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to remove Bill No. 08R-82 from Pending to have Public Hearing with Action on 7/07/08.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CAMP Moved to extend the remaining Pending List to June 16, 2008.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on June 16, 2008.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 3:52 P.M.**

CAMP Moved to adjourn the City Council meeting of June 9, 2008.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
June 9, 2008  
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