

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 8, 2008 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of December 1, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

Council Chair Eschliman recognized Boy Scout Troop 22 of the Good Shepherd Lutheran Church who were in attendance working on their Good Citizenship in the Community badges.

APPOINTING DAN HARSHMAN, TO REPLACE PATRICIA MCMANUS, AND W. DON NELSON, TO REPLACE TOM SCHLEICH, TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2011 - Dan Harshman, 1810 Davenport Circle, Controller for Molex Inc. and 20-year Lincoln resident, came forward to express his goals for the LES Board. He said his quiet company's annual electric bill is over \$2 million and any rate increase would significantly impact their expenses. In response to the General Manager's request for more involvement in the community, Mr. Harshman felt it would be a logical fit to serve on the Board.

W. Don Nelson, 2430 S. Canterbury Lane, came forward to share his background experience and state he has lived in Lincoln nearly 40 years. He said his diverse goals would include providing more transparency in governing/operating public power and giving the consumer more information to assist the utility in operating more efficiently and effectively. Mr. Nelson said he is looking forward to being a part of future energy discussions, as he encourages others to look beyond the common knowledge and question whether there might be a different way of doing things.

This matter was taken under advisement.

APPLICATION OF LAN HUYNH DBA L&K LIQUOR FOR A CLASS D LIQUOR LICENSE AT 335 NORTH 27TH STREET - Lan Huynh, 335 N. 27th St., came forward to take oath and answer questions about his new business and its measured range of 43-75 foot distance from residential housing.

Clerk Joan Ross responded to Council questions regarding the liquor license process by stating that by State Statute a liquor application has a 45-day time limit to be brought before Council. Clerk stated the applicant was sent a letter to advise him of the need of a special permit. In answer to Council questions about order status, Clerk stated the resolution for liquor license approval does have the requirement for the special permit in it, so upon favorability of the special permit, the liquor license could be issued.

Marvin Krout, Director of Planning, came forward to answer questions. He stated a licensed premise has to be over 100 ft. from residential property to qualify for a special permit. He said City Council, by ordinance, does not have authority to waive the 100 foot requirement.

Russ Fosler, LPD Investigator, came forward stating if the Council felt the applicant was fit and able to do the job, the application could be approved pending the approval of the special permit. A denial would require the applicant to start from square one. Upon further questioning, Inv. Fosler clarified that he is responsible for property measurements to be submitted to the Planning Department.

This matter was taken under advisement.

APPROVING THE WILDERNESS COMMONS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, SECURITY FINANCIAL LIFE INSURANCE, BUFFALO GRASS LLC, B&J PARTNERSHIP, ALLEN R. HOHENSEE AND SUSAN K. HOHENSEE, RELATING TO THE ANNEXATION OF APPROXIMATELY 92 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD;

ANNEXATION NO. 06019 - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 92 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD;

CHANGE OF ZONE 06075 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF APPROXIMATELY 300 DWELLING UNITS IN THE UNDERLYING R-5 ZONED AREA AND APPROXIMATELY 600,000 SQUARE FEET OF OFFICE/RETAIL FLOOR AREA IN THE UNDERLYING B-2 ZONED AREA ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD - Michael Rierden, 645 "M" Street, Suite 200, came forward to state he originally requested 2nd & 3rd Readings on these items and now wishes to withdraw the request as annexation agreements have not yet been signed. He said the Comprehensive Plan Map identifies both sides of 40th Street as appropriate for retail/residential.

Pam Dingman, Engineering Design Consultants, came forward to clarify that there is a 100-year floodplain which wraps around the property on the south and the west sides. The current grading of the site has accommodated for the floodplain and the conservation easement has not been encroached upon.

This matter was taken under advisement.

APPROVING THE WILDERNESS HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP RELATING TO THE ANNEXATION OF APPROXIMATELY 153 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD;

ANNEXATION NO. 07003 - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 153.28 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD;

CHANGE OF ZONE 07060 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT FOR WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT AND FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION ON THE B-2 PORTION OF THE PROPERTY, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND DESIGN STANDARDS TO ALLOW APPROXIMATELY 225,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND APPROXIMATELY 60 DWELLING UNITS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD - Michael Rierden, 645 "M" Street, Suite 200, came forward to state he originally requested 2nd & 3rd Readings on these items and now wishes to withdraw the request as annexation agreements have not yet been signed. He does expect them to be signed by next week's Council Meeting.

Marvin Krout, Director of Planning, came forward to answer questions stating that in recent years, the City has contributed an extension of water and sewer to create this urban area. He said the main improvement left is the 3/4 mile of 40th Street built to a four-lane section which will be repaid over time by impact fees generated by development.

This matter was taken under advisement.

VACATION NO. 08007 - APPLICATION OF HOPPE PARTNERS, LTD. TO VACATE THE WEST 162 FEET OF THE EAST-WEST ALLEY BETWEEN SOUTH 19TH STREET AND SOUTH 20TH STREET AND BETWEEN K STREET AND L STREET - Fred Hoppe, 1600 Stonyhill Road, came forward as applicant so his company can construct a building.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATIONS OF WOMEN'S COMMISSION MANAGER, AFFIRMATIVE ACTION OFFICER, AND DIRECTOR OF LIBRARIES - Don Taute, Director of Personnel, came forward for clarification stating that due to a lack of agency funding the Women's Commission Manager position has been eliminated and the Affirmative Action Officer role has been assumed by the Commission on Human Rights Director, Larry Williams. Mr. Taute said because of an ordinance change, the Library Director which was a classified position is now identified as unclassified.

This matter was taken under advisement.

CHANGE OF ZONE NO. 08054 - AMENDING SECTION 27.67.030 OF THE LINCOLN MUNICIPAL CODE TO LIMIT PARKING IN THE FRONT YARD IN THE R-1 THROUGH R-4 ZONING DISTRICTS TO ONE- AND TWO-FAMILY DWELLINGS AND REPEALING SECTION 27.67.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Director of Planning, came forward to clarify that this amendment is merely a technical correction.

This matter was taken under advisement.

CHANGE OF ZONE 08055 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DOMESTIC SHELTERS TO BE OPERATED BY FOR-PROFIT ENTITIES IN THE H-2, H-3 AND H-4 COMMERCIAL DISTRICTS BY AMENDING SECTION 27.03.213 TO PROVIDE THAT DOMESTIC SHELTERS COMPLY WITH ALL APPLICABLE STATE LICENSURE REQUIREMENTS; AMENDING SECTIONS 27.41.020, 27.43.020, AND 27.45.020 TO ADD DOMESTIC SHELTERS AS A PERMITTED USE IN H-2, H-3, AND H-4 COMMERCIAL DISTRICTS, RESPECTIVELY; AND REPEALING SECTIONS 27.03.213, 27.41.020, 27.43.020, AND 27.45.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Visinet, Inc., a for-profit entity which provides services for the Department of Health & Human Services. They are in agreement with the text amendments as they pertain to term definition and zoning changes.

This matter was taken under advisement.

CHANGE OF ZONE 08056 - AMENDING SECTION 27.27.020 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DOMICILIARY CARE FACILITIES, GROUP HOMES, AND ELDERLY OR RETIREMENT HOUSING AS PERMITTED USES IN THE O-3 OFFICE PARK DISTRICT; AND REPEALING SECTION 27.27.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Emerald Care Company in support of the text amendment change allowing permitted uses.

Marvin Krout, Director of Planning, came forward to answer Council questions about a previous ordinance which was placed on pending indefinitely. He said if this new application is approved next week, he would recommend Council to remove Bill No. 08-131 (Change of Zone 08045) from the pending list and act to withdraw.

Council Chair requested City Clerk's assistance to remind them of action to be taken on an ordinance on pending should there be passage of this bill.

This matter was taken under advisement.

SPECIAL PERMIT 08036 - APPLICATION OF HARTLAND HOMES, INC. TO DEVELOP HARTLAND ESTATES 1ST ADDITION COMMUNITY UNIT PLAN FOR FOUR DWELLING UNITS, TOGETHER WITH A WAIVER OF THE REQUIREMENTS OF THE LAND SUBDIVISION ORDINANCE AND THE ZONING ORDINANCE TO REDUCE THE REQUIRED LOT DEPTH AND TO REDUCE THE REAR YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT S.W. 12TH STREET AND WEST A STREET - Peter Katt, 600 Wells Fargo Center, 1248 O St., came forward representing the applicant who owns the 1+ acre outlot. In response to neighborhood issues, he said changes will enhance drainage capabilities; his client does not manage the problem rental properties to the south; and further, the level of police calls to the rental properties was not a concern.

Jackie Jones, 1420 SW 14th St., came forward in opposition expressing fears that development will allow more rental units thereby resulting in a lack of maintenance by landlords, party behavior/disturbances and depressed home values. In response to Council questions, Ms. Jones said the party-house ordinance is effective in quieting down her neighborhood.

Alan Pendleton, 1507 SW 13th St., came forward in opposition expressing concerns about the problem rentals.

Jessica Pendleton, 1507 SW 13th St., came forward in opposition to share examples of vandalism issues experienced in the neighborhood.

Jenna Miller, 1411 SW 14th St., came forward in opposition sharing her experiences as a renter and her opinions now as a homeowner.

Marvin Krout, Director of Planning, came forward to answer questions about the site plan stating the sidewalk connections along West A Street are adequate.

Russ Fosler, LPD Investigator, came forward to answer questions. He responded that this particular neighborhood's 160 calls for service in an 8-year period do not alarm police but neighborhood trends with extreme amounts of disturbances/assaults do send red flags.

Mr. Katt came forward in rebuttal stating that the land use on four lots would be to construct houses and his client cannot discriminate against renters. He said the land which was originally approved as a detention cell currently has no value. Mr. Katt said this project will generate revenue and an ongoing income stream to the City at a time when the economy is quite uncertain. In response to the condition of the property outlot, he said the standard of maintenance is similar to that of the City parks.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES AND THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT WHEREBY THE HEALTH DEPARTMENT WILL PROVIDE FOR THE DELIVERY OF A REFUGEE HEALTH SCREENING PROGRAM FOR NEW REFUGEE ARRIVALS AND OTHER ELIGIBLE POPULATIONS FOR THE PREVENTION AND CONTROL OF COMMUNICABLE DISEASE PURSUANT TO FEDERAL FINANCIAL ASSISTANCE FOR THE PERIOD OF JULY 1, 2008 TO JUNE 30, 2011 - Bruce Dart, Health Department Director, came forward to answer questions about this ongoing program which was previously on a one-year contract with the State and now on a three-year contract.

This matter was taken under advisement.

SPECIAL PERMIT NO. 08048 - APPLICATION OF LINCOLN FAMILY CHURCH TO ALLOW A PARKING LOT IN THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND KEARNEY AVENUE - Darin Horst, Efficient Design, 6701 Oaks Hollow, came forward on behalf of Lincoln Family Church to answer questions. He said the church will expand their facilities and wishes to increase the existing parking stalls along with the requirement of adding 100% shrubbery screening. He responded to Council questions and stated he did talk to one neighbor.

This matter was taken under advisement.

APPROVING AND ADOPTING THE LOWER PLATTE SOUTH NRD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR ELIGIBILITY OF FEDERAL DISASTER MITIGATION FUNDS - Ed Kouma, Public Works & Utilities Watershed Division, came forward to state the plan must be approved by City Council before it can be approved by FEMA. Funding will assist in channel improvements in Beal Slough near 14th Street to reduce potential flooding. The plan identifies existing hazards in Lincoln and 83 actions to mitigate hazards (14 are flood improvement projects) including back-up generators, warning systems, communication improvements, etc.

Paul Zillig, 7931 Stockwell, Lower Platte South NRD, was on hand for questioning.

Jared Nelson of JEO Consulting Group and Doug Ahlberg from Emergency Management were also present for questioning.

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 NOVEMBER 1-15, 2008 - Teri Stoppel, 1330 Lincoln Mall, came forward to request recovery cost of repairs to her door which sustained damage from rescue personnel when she had a diabetic reaction. She said her claim has since been lowered to \$138.95 as repairs were not as extensive. Council advised Ms. Stoppel of assistance programs to offset food expenses so she could pay her repair bill.

This matter was taken under advisement.

TOOK BREAK 7:36 P.M.

RECONVENED 7:48 P.M.

APPROVING THE ISSUANCE OF NOT TO EXCEED \$65,000,000 PRINCIPAL AMOUNT OF LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY BUILDING BONDS - Lauren Wismer, Gilmore & Bell Bond Counsel, came forward to answer questions about the issuance of the bonds.

Scott Keene, Ameritas Investment Corp., came forward to answer questions about the financing. He expected ratings by the first week of January and the County would need funds by March or April.

This matter was taken under advisement.

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 1;

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS OPTION 2 - Dave Engler, President of the Lincoln Firefighters Association, came forward in opposition to Option 2 due to the lack of negotiation between the two parties to work toward an end goal and settle the contract. He expressed concern about public and/or radio discussions. Mr. Engler said if he does not receive word by December 19 from the City negotiating team to go back to the negotiating table, he would suggest a move to the next level and have an independent party resolve their interests.

John V. Hendry, City Attorney, came forward to answer questions. He clarified it is inappropriate to disclose executive session discussions.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING DAN HARSHMAN, TO REPLACE PATRICIA MCMANUS, AND W. DON NELSON, TO REPLACE TOM SCHLEICH, TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85156 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dan Harshman, to replace Patricia McManus, and W. Don Nelson, to replace Tom Schleich, to the Lincoln Electric System Administrative Board for three-year terms expiring December 31, 2011, is hereby approved.

Introduced by Jon Camp

Seconded by Emery & 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 OCTOBER 31, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85157 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2008, \$604,467.72 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 Spatz & 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 NOVEMBER, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 15, 2008 AT 1:30 P.M. FOR THE APPLICATION OF BEACON HILLS OF LINCOLN DBA BEACON HILLS FOR A CLASS I LIQUOR LICENSE LOCATED AT 5353 N. 27TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85158 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 15, 2008, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Beacon Hills of Lincoln, LLC dba Beacon Hills for a Class IK liquor license located at 5353 N. 27th 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 Spatz & 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. 08059 - App. of Omaha Neon Sign Co. amending Chapter 27.69 of the Lincoln Municipal Code relating to Signs by amending Sections 27.69.047 and 27.69.049 to eliminate restrictions regarding the location of signs within 660 feet of a designated interstate; and repealing Sections 27.69.047 and 27.69.049 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08060 - Requested by the Director of Planning amending Chapter 27.03 of the Lincoln Municipal Code relating to zoning code definitions by adding a new section numbered 27.03.634 to provide a definition for truck stop; amending Sections 27.39.020 and 27.43.020 of the Lincoln Municipal Code relating to permitted uses in the H-1 Interstate Commercial District and H-3 Highway Commercial District, respectively, to add truck stops as a permitted use in said districts; and repealing Sections 27.39.020 and 27.43.020 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08061 - App. of Alan Slattery from AG Agricultural District to H-3 Highway Commercial District on property generally located at SW 48th Street and West O Street.

Change of Zone No. 08062 - App. of William Michener from R-4 Residential District to R-6 Residential District on property generally located at S. 26th Street and N Street.

Change of Zone No. 08063 - App. of Lincoln Community Playhouse amending Section 27.69.090 of the Lincoln Municipal Code relating to permitted signs for churches, schools and community playhouses to conditionally allow an electronic changeable copy sign fronting on an arterial street; and repealing Section 27.69.090 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 05046A - App. of William Michener for an amendment to expand the boundaries of the special permit for a Nonprofit Religious, Educational and Philanthropic Institution for the Lighthouse youth program on property generally located at S. 26th Street and N Street.

Special Permit No. 08049 - App. of J. Matt Carlson for expansion of a nonconforming use on property generally located at S. 54th Street and LaSalle Street (5401 LaSalle Street).

LIQUOR RESOLUTIONS

APPLICATION OF LAN HUYNH DBA L&K LIQUOR FOR A CLASS D LIQUOR LICENSE AT 335 NORTH 27TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for denial:

A-85159 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Lan Huynh dba L&K Liquor for a Class "D" liquor license, at 335 North 27th Street, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.
- e. The applicant has failed to obtain a special permit under applicable provisions of the City's zoning restrictions.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

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

APPROVING THE WILDERNESS COMMONS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP, SECURITY FINANCIAL LIFE INSURANCE, BUFFALO GRASS LLC, B&J PARTNERSHIP, ALLEN R. HOHENSEE AND SUSAN K. HOHENSEE, RELATING TO THE ANNEXATION OF APPROXIMATELY 92 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 08R-170, 08-95, 08-96)
(ACTION DATE: 12/15/08)

ANNEXATION NO. 06019 - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 92 ACRES OF PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD (RELATED ITEMS: 08R-170, 08-95, 08-96) - 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 06075 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND R-5 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT DISTRICT CONSISTING OF APPROXIMATELY 300 DWELLING UNITS IN THE UNDERLYING R-5 ZONED AREA AND APPROXIMATELY 600,000 SQUARE FEET OF OFFICE/RETAIL FLOOR AREA IN THE UNDERLYING B-2 ZONED AREA ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 08R-170, 08-95, 08-96) - 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.

VACATION NO. 08007 - APPLICATION OF HOPPE PARTNERS, LTD. TO VACATE THE WEST 162 FEET OF THE EAST-WEST ALLEY BETWEEN SOUTH 19TH STREET AND SOUTH 20TH STREET AND BETWEEN K STREET AND L STREET - CLERK read an ordinance, introduced by Jon Camp, vacating the west 162 feet of the east-west alley between K Street and L Street from South 19th Street to South 20th Street, in Block 21, Original Plat, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE AND SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY AND HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY OF LINCOLN WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "E" TO BE EFFECTIVE JANUARY 22, 2009 - CLERK read an ordinance, introduced by Jon Camp, 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 "E"; and repealing Ordinance No. 18969, passed by the City Council on August 6, 2007, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATIONS OF WOMEN'S COMMISSION MANAGER, AFFIRMATIVE ACTION OFFICER, AND DIRECTOR OF LIBRARIES - CLERK read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18971 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 "M," by deleting the job classifications of "Women's Commission Manager," "Affirmative Action Officer," and "Director of Libraries," the second time.

CHANGE OF ZONE NO. 08054 - AMENDING SECTION 27.67.030 OF THE LINCOLN MUNICIPAL CODE TO LIMIT PARKING IN THE FRONT YARD IN THE R-1 THROUGH R-4 ZONING DISTRICTS TO ONE- AND TWO-FAMILY DWELLINGS AND REPEALING SECTION 27.67.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.67.030 of the Lincoln Municipal Code to limit parking in the front yard in the R-1 through R-4 zoning districts to property used for one and two family dwellings; and repealing Section 27.67.030 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08055 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DOMESTIC SHELTERS TO BE OPERATED BY FOR-PROFIT ENTITIES IN THE H-2, H-3 AND H-4 COMMERCIAL DISTRICTS BY AMENDING SECTION 27.03.213 TO PROVIDE THAT DOMESTIC SHELTERS COMPLY WITH ALL APPLICABLE STATE LICENSURE REQUIREMENTS; AMENDING SECTIONS 27.41.020, 27.43.020, AND 27.45.020 TO ADD DOMESTIC SHELTERS AS A PERMITTED USE IN H-2, H-3, AND H-4 COMMERCIAL DISTRICTS, RESPECTIVELY; AND REPEALING SECTIONS 27.03.213, 27.41.020, 27.43.020, AND 27.45.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code to allow domestic shelters to be operated by for-profit entities in the H-2, H-3 and H-4 Commercial Districts by amending Section 27.03.213 to eliminate the requirement that domestic shelters shall be operated by a nonprofit entity and to provide that domestic shelters shall comply with all applicable state licensure requirements; amending Sections 27.41.020, 27.43.020, and 27.45.020 to add domestic shelters as a permitted use in H-2, H-3 and H-4 Commercial Districts, respectively; and repealing Sections 27.03.213, 27.41.020, 27.43.020, and 27.45.020 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08056 - AMENDING SECTION 27.27.020 OF THE LINCOLN MUNICIPAL CODE TO ALLOW DOMICILIARY CARE FACILITIES, GROUP HOMES, AND ELDERLY OR RETIREMENT HOUSING AS PERMITTED USES IN THE O-3 OFFICE PARK DISTRICT; AND REPEALING SECTION 27.27.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.27.020 of the Lincoln Municipal Code to allow

domiciliary care facilities, group homes, and elderly or retirement housing as permitted uses in the O-3 Office Park District; and repealing Section 27.27.020 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE WILDERNESS HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN FEDERAL BANCORP RELATING TO THE ANNEXATION OF APPROXIMATELY 153 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 40TH STREET AND SOUTH OF YANKEE HILL ROAD. (RELATED ITEMS: 08R-306, 08-167, 08-168) (ACTION DATE: 12/15/08) - PRIOR to reading:

SVOBODA Moved to waive order of the Agenda Rules to hear Bill Nos. 08R-306, 08-167 and 08-168 together, immediately following Bill Nos. 08-95 and 08-96.

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

ANNEXATION NO. 07003 - APPLICATION OF LINCOLN FEDERAL BANCORP TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 153.28 ACRES OF PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 08R-306, 08-167, 08-168) - PRIOR to reading:

SVOBODA Moved to waive order of the Agenda Rules to hear Bill Nos. 08R-306, 08-167 and 08-168 together, immediately following Bill Nos. 08-95 and 08-96.

Seconded by Marvin & 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 07060 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT FOR WILDERNESS HEIGHTS PLANNED UNIT DEVELOPMENT AND FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION ON THE B-2 PORTION OF THE PROPERTY, AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE AND DESIGN STANDARDS TO ALLOW APPROXIMATELY 225,000 SQUARE FEET OF COMMERCIAL FLOOR AREA AND APPROXIMATELY 60 DWELLING UNITS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF SOUTH 40TH STREET AND YANKEE HILL ROAD. (RELATED ITEMS: 08R-306, 08-167, 08-168) - PRIOR to reading:

SVOBODA Moved to waive order of the Agenda Rules to hear Bill Nos. 08R-306, 08-167 and 08-168 together, immediately following Bill Nos. 08-95 and 08-96.

Seconded by Marvin & 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.

PUBLIC HEARING RESOLUTIONS

SPECIAL PERMIT 08036 - APPLICATION OF HARTLAND HOMES, INC. TO DEVELOP HARTLAND ESTATES 1ST ADDITION COMMUNITY UNIT PLAN FOR FOUR DWELLING UNITS, TOGETHER WITH A WAIVER OF THE REQUIREMENTS OF THE LAND SUBDIVISION ORDINANCE AND THE ZONING ORDINANCE TO REDUCE THE REQUIRED LOT DEPTH AND TO REDUCE THE REAR YARD SETBACKS, ON PROPERTY GENERALLY LOCATED AT S.W.

12TH STREET AND WEST A STREET. (11/17/08 - INTRODUCTION DELAYED TO 12/1/08 W/P.H. ON 12/8/08) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85160 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special Permit No. 08036 for authority to develop Hartland Estates 1st Addition Community Unit Plan for three dwelling units and a potential fourth dwelling unit, together with a request to waive the requirements of the Land Subdivision Ordinance and Zoning Code to reduce the required lot depth and to reduce the rear yard setbacks, respectively, on property generally located at S.W. 12th Street and West A Street and legally described as:

Outlot A, Hartland Estates 1st Addition,
Lincoln, Lancaster County, Nebraska;

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

WHEREAS, Jackie Jones filed a Notice of Appeal appealing the action of the Planning Commission's conditional approval of Special Permit No. 08036; and

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

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected by granting such a permit; and

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

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

That the application of Hartland Homes, Inc., hereinafter referred to as "Permittee", to develop Hartland Estates 1st Addition Community Unit Plan for three dwelling units and a potential fourth dwelling unit, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said development be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves three dwelling units with the potential for one additional unit if one of the Design Standards for Density Bonuses can be met.

2. The requirement of Section 26.23.140 that residential lots have a minimum lot depth of 90 feet is hereby reduced to 74 feet.

3. The requirement of Section 27.13.080 that single-family dwellings have a rear yard setback of 30 feet or 20% of depth whichever is smaller is reduced to 15 feet.

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

a. Show all easements requested by LES.

b. Show that improvements to the existing frontage meet public street standards including but not limited to required grading, street profile, right-of-way, and hammer head turn around.

c. Add a note stating "the public street improvement shall be built at the time of final plat."

d. Add a note stating "access to W. A Street will be relinquished at the time the property to the east develops and alternative access can be provided to these lots."

e. Revise the grading plan and street system to the satisfaction of Public Works per their memo dated October 13, 2008.

f. Add to the general notes "Outlot A abutting Lots 4 and 5, Block 1, Heartland Estates 1st Addition will be replatted and added to one or both of the lots.

g. Show 3 units instead of 4 unless a density bonus can be achieved.

h. Show where fire hydrants are located.

i. Add a note stating each proposed lot will require a use of State right-of-way permit from the Nebraska Department of Roads to construct each driveway.

j. Add to the General Notes "The property owner or owners will be responsible for maintaining that portion of the right-of-way between the north curb of the frontage road and the south side of the pavement of W. A Street."

5. Prior to the issuance of a building permit:

a. The construction plans must substantially comply with the approved plans.

b. Provide documentation that an aviation and noise easement to the Lincoln Airport Authority on all or that part of the land located within the Airport Environs Noise District has been received by the Lincoln Airport Authority.

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

d. Final plats must be approved by the City.

If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.

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

i. to complete the street paving of public streets, and temporary turnarounds and barricades located at the temporary dead-end of the streets shown on the final plat within two (2) years following the approval of the final plat.

ii. to complete the installation of sidewalks along both sides of the public street as shown on the final plat within four (4) years following the approval of the final plat.

- iii. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- iv. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- v. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- vi. to complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- vii. to complete the installation of public street lights along streets within this plat within two (2) years following the approval of the final plat.
- viii. to complete the planting of the street trees along **streets** within this plat within four (4) years following the approval of the final plat.
- ix. to complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- x. to complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- xi. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- xii. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
- xiii. to complete the public and private improvements shown on the Community Unit Plan.
- xiv. to keep taxes and special assessments on the outlots from becoming delinquent.
- xv. to maintain the outlots and private improvements in a condition as near as practical to the original construction on a permanent and continuous basis.
- xvi. to maintain the landscape screens on a permanent and continuous basis.
- xvii. to maintain and supervise the private facilities which have common use or benefit in a condition as near as practical to the original construction on a permanent and continuous basis, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development and that these are the responsibility of the land owner.
- xviii. to retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Permittee may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Permittee shall not be relieved of Permittee's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds
- xix. to relinquish direct vehicular access to W. A Street from all Lots and Outlots until the frontage road shown on the CUP, a temporary dead-end street, is extended into the abutting property.
- xx. to submit to all potential purchasers of lots a

copy of the ground water report.

xxi. to inform all prospective purchasers and users that the land is located within the Airport Environs Noise District, that the land is subject to an avigation and noise easement granted to Lincoln Airport Authority, and that the land is potentially subject to aircraft noise levels which may affect users of the property and interfere with its use.

6. Before occupying the dwelling units or starting the operation all development and construction is to substantially comply with the approved plans.

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

8. 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.

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

10. 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.

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

Introduced by Ken Svoboda

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY OF LINCOLN AND HUMAN SERVICES FEDERATION TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$10,000.00 PER YEAR FOR ITS LINCOLN CASH CAMPAIGN (CREATING ASSETS, SAVINGS AND HOPE) PROGRAM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85161 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and the Human Services Federation to provide grant funds in the amount of \$10,000.00 per year for its Lincoln CASH Campaign (Creating Assets, Savings and Hope) program, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Human Services Federation, 1645 N Street, Suite A, Lincoln, NE 68508-1824, and a copy of said Contract to the Finance Department.

Introduced by Jon Camp

Seconded by Emery & 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 DIVISION OF CHILDREN AND FAMILY SERVICES AND THE LINCOLN LANCASTER COUNTY HEALTH DEPARTMENT WHEREBY THE HEALTH DEPARTMENT WILL PROVIDE FOR THE DELIVERY OF A REFUGEE HEALTH SCREENING PROGRAM FOR NEW REFUGEE ARRIVALS AND OTHER ELIGIBLE POPULATIONS FOR THE PREVENTION AND CONTROL OF COMMUNICABLE DISEASE PURSUANT TO FEDERAL FINANCIAL ASSISTANCE FOR THE PERIOD OF JULY 1, 2008 TO JUNE 30, 2011 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85162 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Agreement between the Lincoln-Lancaster County Health Department and the Nebraska Department of Health and Human Services Division of Children and Family Services whereby the Health Department will provide for the delivery of a Refugee Health Screening Program for new refugee arrivals and other eligible populations for the prevention and control of communicable disease pursuant to federal financial assistance for the period of July 1, 2008 to June 30, 2011, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby ratified and approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to transmit one fully executed original Agreement to Susan Starcher, Lancaster County Clerk's Office, and one fully executed original Agreement to the Lincoln-Lancaster County Health Department for transmittal to Todd Landry, Director, Division of Children and Family Services, Department of Health and Human Services.

Introduced by Jon Camp

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

SPECIAL PERMIT NO. 08048 - APPLICATION OF LINCOLN FAMILY CHURCH TO ALLOW A PARKING LOT IN THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT NORTH 70TH STREET AND KEARNEY AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85163 WHEREAS, Lincoln Family Church has submitted an application designated as Special Permit No. 08048 to allow a parking lot in the required front yard on property generally located at North 70th Street and Kearney Avenue, legally described as:

Lots 11-16, Block 1, Ackerman Addition to
Havelock, Lincoln, Lancaster County,
Nebraska;

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

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

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

That the application of Lincoln Family Church, hereinafter referred to as "Permittee", to allow a church parking lot into the required front yard on property legally described above be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction of said parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot with stalls in the required front yard setback along North 70th Street and Kearney Avenue.

2. Before receiving building permits:

a. The Permittee must submit a revised and reproducible final site plan including five copies with all required revisions and documents to the Planning Department showing the following revisions:

i. Add a note to the site plan which states: "Landscape plan will be submitted and reviewed at the time of building permits. The parking lot shall be screened 100% from the ground up to 3'. Plant materials shall be provided per City of Lincoln Design Standards."

ii. Show the sight triangle for N. 70th Street and Kearney Avenue.

iii. No parking in the sight triangles and sight penetration for driveways.

iv. Show three existing and/or proposed street trees along N. 70th Street.

v. Label species of existing and proposed street tree along N. 70th Street and Kearney Avenue. Confirm appropriate species and planting location with the Forestry Division of the Parks and Recreation Department.

vi. Add a note to the site plan which states: "Occupancy permit shall not be granted until all street trees have been replaced or installed."

vii. Show existing buildings and driveway for the residential lot to be removed.

viii. Show the alley as paved from N. 70th Street to the west end of the church property unless the applicant chooses not to use the alley for circulation. If the applicant chooses not to use the alley for circulation, then revise the site plan to remove the two entry points from the alley to the parking lot.

ix. Add a note to the plan which states: "Parking is allowed in the front yard setback as shown, except for the front 6' on N. 70th Street and the front 15' on Kearney Avenue, which is reserved for landscaping. No structures other than surface parking are permitted in the front yard setback."

x. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".

b. The construction plans must substantially comply with the approved plans.

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

d. Rescind Special Permit 687.

3. The Permittee shall pave the alley from North 70th Street to the west end of the church property through the City's executive order construction process. This is not a requirement if the Permittee chooses not to use the alley for circulation and revises the site plan as such.

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

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

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.

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

8. 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.

Introduced by Jon Camp

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

APPROVING AND ADOPTING THE LOWER PLATTE SOUTH NRD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR ELIGIBILITY OF FEDERAL DISASTER MITIGATION FUNDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85164 WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and WHEREAS, a Multi-jurisdictional Hazard Mitigation Plan, which includes the jurisdiction of the City of Lincoln Nebraska, was prepared in accordance with FEMA requirements at 44 C.F.R. 201.6, by Lower Platte South Natural Resources District with assistance from JEO Consulting Group, Inc. of Lincoln, Nebraska; and

WHEREAS, the City of Lincoln participated in the preparation of the plan and affirms that the plan will be updated no less than every five years; and

WHEREAS, the purpose of the mitigation plan was to lessen the affects of disasters by increasing the disaster resistance of the District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the District and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of Lincoln, Nebraska in the form of a resolution and further requesting approval of the plan at the Federal Level;

NOW, THEREFORE, the City Council of Lincoln, Nebraska, does herewith approve and adopt the portions of the Lower Platte South NRD Multi-jurisdictional Hazard Mitigation Plan which pertain to the jurisdiction of the City of Lincoln, specifically sections 1 through 5 and the Lincoln portion of section 6.

Introduced by Jon Camp

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

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

A-85165 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 November 17, 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/RESOLVED</u>
Jerry Roth	\$5,044.75	Amber Bradshaw \$5,200.00
Teri Stoppel	255.00	State Farm Insurance (Claim #27-7806-470) 3,114.00
		RuthAnne Williams 487.06
		Andrea Zeiler 3,222.79
		Eliabeth Ozolins 1,041.67
		Lincoln Public Schools 512.00

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 Jon Camp

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

APPROVING THE ISSUANCE OF NOT TO EXCEED \$65,000,000 PRINCIPAL AMOUNT OF LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY BUILDING BONDS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85166 A RESOLUTION OF THE CITY OF LINCOLN, NEBRASKA APPROVING THE ISSUANCE OF NOT TO EXCEED \$65,000,000 PRINCIPAL AMOUNT OF LANCASTER COUNTY CORRECTIONAL FACILITY JOINT PUBLIC AGENCY BUILDING BONDS, AND RELATED MATTERS.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

Section 1. The City Council (the "Council") of The City of Lincoln, Nebraska (the "City") hereby finds and determines as follows:

(a) Pursuant to 08R-207, the Council has heretofore authorized the execution and delivery of the Joint Public Agency Agreement Creating the Lancaster County Correctional Facility Joint Public Agency dated September 9, 2008 (the "Agreement") between the City and The County of Lancaster, Nebraska (the "County") creating the Lancaster County Correctional Facility Joint Public Agency (the "Agency") for the purpose of financing the construction, equipping and furnishing of correctional facilities (the "Project") to be operated by the County for the benefit of the City and the County.

(b) The City, the County and the Agency have determined that it is necessary, desirable, advisable and in the best interests of the City, the County and the Agency that the Agency issue not to exceed \$65,000,000 in aggregate principal amount of its Building Bonds dated the date of delivery thereof (the "Bonds"), for the purpose of (a) paying the costs of the Project, and (b) paying the costs of issuing the Bonds.

(c) Article VI of the Agreement provides that the Agency shall not issue any bonds or other form of indebtedness without the question of such bonds or indebtedness being first presented to, and approved by, the Mayor and Council of the City and the Board of Commissioners of the County.

Section 2. The issuance of the Bonds in an aggregate principal amount not to exceed \$65,000,000 having the principal maturities, interest rates and redemption provisions determined by the Chair of the Agency in accordance with the terms and conditions specified in the resolution of the Agency authorizing the issuance of the Bonds as specified in the Notice of Intention to Issue Bonds attached hereto as Exhibit A is hereby ratified, confirmed and approved.

Section 3. This resolution shall take effect and be in force from and after its passage and publication according to law.

Introduced by Jon Camp

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

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS **OPTION 1** - PRIOR to reading:

SVOBODA Moved to continue Public Hearing with Action on Bill No. 08R-311 to December 15, 2008.

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

AUTHORIZING THE CITY'S NEGOTIATION TEAM TO PRESENT THE LABOR CONTRACT TO IAFF LOCAL 644 FOR THE PERIOD OF AUGUST 21, 2008 THROUGH AUGUST 31, 2009 AS THE CITY'S LAST BEST OFFER ON THE TERMS AS OUTLINED IN THE PROPOSED CONTRACT AS **OPTION 2** - PRIOR to reading:

SVOBODA Moved to continue Public Hearing with Action on Bill No. 08R-312 to December 15, 2008.

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE

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

CHANGE OF ZONE 3134D - APPLICATION OF CASEYCO, INC. TO AMEND THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO EXPAND THE BOUNDARY BY APPROXIMATELY .41 ACRES AND TO ALLOW APPROXIMATELY 3,500 SQUARE FEET OF ADDITIONAL OFFICE FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT PIONEERS BOULEVARD AND LUCILE DRIVE - CLERK read an ordinance, introduced by Ken Svoboda, amending the Development Plan for Willow Springs Planned Unit Development to include property generally located at Pioneers Boulevard and Lucile Drive, to expand the boundary of the PUD by approximately .41 of an acre, and increase the amount of office floor area by 3,500 square feet, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19181**, is recorded in Ordinance Book #26, Page

RESOLUTION - FOR COUNCIL ACTION ONLY

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY. (11/17/08 - P.H. & ACTION CON'T. TO 12/1/08) (12/1/08 - ACTION DELAYED FOR 1 WEEK TO 12/8/08) - PRIOR to reading:

SPATZ Moved to delay Action on Bill No. 08R-291 for one week to December 15, 2008.

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

MARVIN Moved to waive Council Rules to allow a citizen to come before the open microphone session to testify in regard to the report of claims heard earlier in the meeting.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1 -15, 2008 - Jerry Roth, no address given, came forward to present his claim to request reimbursement of costs resulting from a collision with a police cruiser totaling \$2,065 which included the following: the amount of his deductible; the difference in vehicle replacement cost; and the price of a used tire.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 15, 2008.
Seconded by Emery & 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
December 15, 2008.
Seconded by Emery & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 8:59 P.M.

CAMP Moved to adjourn the City Council meeting of December 8, 2008.
Seconded by Emery & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant