

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 27, 2006 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

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

**READING OF THE MINUTES**

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of February 13, 2006, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2706 FOR A CLASS B LIQUOR LICENSE AT 3010 CORNHUSKER HWY;  
MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2706 AT 3010 CORNHUSKER HWY;  
APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2720 FOR A CLASS B LIQUOR LICENSE AT 1001 S. 13TH STREET;  
MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2720 AT 1001 S. 13TH STREET;  
APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2723 FOR A CLASS B LIQUOR LICENSE AT 1140 N. 48TH STREET;  
MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2723 AT 1140 N. 48TH STREET;  
APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2724 FOR A CLASS B LIQUOR LICENSE AT 3003 N. 70TH STREET;  
MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2724 AT 3003 N. 70TH STREET;  
APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2729 FOR A CLASS B LIQUOR LICENSE AT 5500 SUPERIOR STREET;  
MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2729 AT 5500 SUPERIOR STREET;  
APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 FOR A CLASS B LIQUOR LICENSE AT 2243 N. COTNER BLVD;  
MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 AT 2243 N. COTNER BLVD. - Sharon K. Scusa, 1835 Valley View Drive, Crete, Nebraska, took oath and came forward to answer questions.

This matter was taken under advisement.

CREATING AND CONSTRUCTING SEWER DISTRICT NO. 1181 AS AN 8-INCH SANITARY SEWER MAIN SERVING THE NORTHEAST CORNER OF S. 84TH STREET AND OLD CHENEY ROAD AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Daniel Slaughter, 1248 O Street, Suite 800, attorney appearing on behalf of Glyndon Knutson, property owner, came forward to answer Council questions.

This matter was taken under advisement.

CHANGE OF ZONE 05075 - APPLICATION OF MDB, INC. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 42ND AND VINE STREETS - Mike Rierden, 645 "M" Street, Suite 200, came forward on behalf of applicant to answer questions. Discussion followed.

This matter was taken under advisement.

REPEALING CHAPTER 14.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO OBSTRUCTIONS ON CORNER LOTS AS THE REQUIREMENTS SET FORTH IN CHAPTER 14.44 WOULD BE MORE APPROPRIATELY ADDRESSED IN THE CITY OF LINCOLN DESIGN STANDARDS - Scott Opfer, Public Works Dept., came forward to request postponement and to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 05078 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.37.020 TO ADD INDOOR MOVIE THEATERS AS A PERMITTED USE IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT ON OR AFTER JANUARY 1, 2013; BY AMENDING SECTION 27.37.030 TO ADD INDOOR MOVIE THEATERS AS A SPECIAL PERMITTED USE IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT THROUGH DECEMBER 31, 2012; BY AMENDING SECTION 27.63.630 TO CLARIFY THAT ON OR AFTER JANUARY 1, 2013, PRE-EXISTING INDOOR MOVIE THEATERS APPROVED BY SPECIAL PERMIT IN THE B-5 DISTRICT SHALL AUTOMATICALLY BE CONVERTED TO INDOOR MOVIE THEATERS AS A PERMITTED USE IN THE B-5 DISTRICT, AND THAT THEREAFTER THERE SHALL BE NO RESTRICTION ON THE MAXIMUM NUMBER OF THEATER COMPLEXES IN EACH B-5 DISTRICT AND NO RESTRICTION ON THE MAXIMUM NUMBER OF MOVIE SCREENS IN EACH THEATER COMPLEX - Vincent Murphy, 4636 Knox St., came forward in support.

Marvin Krout, Director of Planning, to explain the change of zone, answer questions and to recommend Council not to approve. Discussion followed.

Richard Esquivel, 733 W. Cuming St., came forward in support.

David Livingston, President and CEO of Douglas Theatre Company, requested that Council make a decision so that their business plans could move forward. Mr. Livingston answered questions of Council. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing the Eiger Corporation in support. Discussion followed.

Dana Roper, City Attorney, came forward to clarify wording. Discussion followed.

This matter was taken under advisement.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN OMAHA, LINCOLN AND BEATRICE RAILWAY AND THE CITY OF LINCOLN OVER APPROXIMATELY .24 ACRES OF PROPERTY AT THE NORTHWEST CORNER OF NORTHEAST COMMUNITY PARK NEAR N. 29TH AND LEIGHTON STREETS, TO PROTECT THE STREAM CHANNEL AND WILDLIFE RESOURCES AND TO RESTRICT THE DEVELOPMENT OF THE PROPERTY - Dana Roper, City Attorney, came forward to answer Council questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to explain use of land. Discussion followed.

This matter was taken under advisement.

HEARING ON THE NOTICE OF APPEAL OF WENDE BAKER FOR HEALTH PARTNERS APPEALING FROM THE DETERMINATION OF IMPACT FEES IMPOSED FOR A CHANGE OF OCCUPANCY FROM A SINGLE-FAMILY DWELLING TO A GENERAL OFFICE LOCATED AT 1036 E STREET AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - Wende Baker, 4142 Ridgeview Dr., Director of Health Partners Initiative, came forward to answer questions. Discussion followed.

Charlotte Liggett, 15101 Bennet Rd., Past Chairman of Health Partners Initiative, came forward in favor of appeal.

Mike Gray, 7305 Pioneers Blvd, Chairman of Health Partners Initiative, came forward in favor of appeal.

Michaela Hansen, Public Works Dept., came forward to answer questions. Discussion followed.

Marvin Krout, Director of Planning, came forward to answer questions. Discussion followed.

Pat Anderson-Sifuentez, 1500 S. 11<sup>th</sup>, Project Coordinator for Health Partners Initiative, came forward in favor of appeal. Discussion followed.

Karl Fredrickson, Director of Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 7:30 P.M.

RECONVENED 7:43 P.M.

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED \$2,700,000, TO ACQUIRE APPROXIMATELY 130 ACRES OF PROPERTY ALONG THE SOUTH BELTWAY, AT THE GENERAL ELECTION TO BE HELD MAY 9, 2006 - Terry Genrich, Parks & Rec. Dept., came forward to explain the bond and answer questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Discussion followed.

Bob Ripley, 3022 William St., came forward in support and to answer questions. Discussion followed.

Jerry Hoffman, 3000 S. 72<sup>nd</sup>, Ste. 3, came forward in support.

Jason Albers, 1710 SW 36<sup>th</sup> St., representing Great Plains Trails Network, came forward in support.

This matter was taken under advisement.

CHANGE OF ZONE 04066 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, AND 27.51.090 TO REDUCE THE REQUIRED FRONT YARD IN THE B-2, B-5, H-1, H-2, H-3, H-4, I-2, AND I-3 ZONING DISTRICTS TO 20 FEET, AND TO PROVIDE IN THE O-2, B-2, B-5, H-4, I-1, I-2, AND I-3 DISTRICTS THAT ANY DRIVEWAYS WHICH INTERSECT THE FRONT YARD SHALL BE PERPENDICULAR TO THE STREET; BY AMENDING SECTION 27.67.030 TO ELIMINATE PARKING IN THE FRONT YARD IN THE I-2 ZONING DISTRICT; AND BY AMENDING SECTIONS 27.29.080, 27.33.080, 27.39.070, 27.41.080, AND 27.43.080 TO REQUIRE A SIX-FOOT LANDSCAPE STRIP ON EACH SIDE OF A LOT ABUTTING A PUBLIC STREET OR PRIVATE ROADWAY IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 27.71.030 TO ELIMINATE DRIVEWAYS IN THE FRONT AND SIDE YARDS WHEN USED TO PROVIDE ACCESS TO GASOLINE PUMP ISLANDS, TO ELIMINATE DRIVEWAYS IN FRONT AND SIDE YARDS IN THE B-1, H-1, H-2, OR H-3 ZONING DISTRICTS, AND TO ELIMINATE VEHICLE STACKING FOR DRIVE-IN FACILITIES WITHIN THE REQUIRED SIDE YARD; BY REPEALING SECTION 27.71.035 TO ELIMINATE GASOLINE PUMPS IN THE FRONT YARD; BY ADDING NEW SECTIONS NUMBERED 27.26.065, 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065, 27.43.065, 27.45.055, 27.47.055, 27.49.065, AND 27.51.075 TO ADD PEDESTRIAN CIRCULATION REGULATIONS IN THE O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.63.080 AND 27.63.200 TO REQUIRE HEALTH CARE FACILITIES AND CLUBS TO CONSTRUCT ON-SITE PEDESTRIAN CIRCULATION SIDEWALK SYSTEMS; AMENDING SECTION 27.81.010 TO CLARIFY THAT NO BUILDING SHALL BE ERECTED, ENLARGED OR RECONSTRUCTED NOR SHALL ANY STRUCTURE OR LAND BE USED EXCEPT IN CONFORMANCE WITH THE DESIGN STANDARDS FOR ZONING REGULATIONS AND TO GOVERN PEDESTRIAN CIRCULATION;

MISC. 04015 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS CHAPTER 1.00 - REQUEST FOR WAIVER PROCEDURE, TO REVISE SECTION 1 TO ONLY REQUIRE THAT IMPROVEMENTS SUBSTANTIALLY CONFORM TO DESIGN STANDARDS, TO REVISE SECTION 2 TO ALLOW THE PLANNING DIRECTOR TO APPROVE REQUESTS FOR WAIVERS FROM THE DESIGN STANDARDS, BY ADDING A NEW SECTION 2.1.1 TO PROVIDE FOR AN APPEAL TO THE PLANNING COMMISSION FROM ACTION OF THE PLANNING DIRECTOR APPROVING OR DENYING A REQUEST FOR WAIVER FROM DESIGN STANDARDS, TO REVISE SECTION 2.1.2 TO PROVIDE FOR AN APPEAL TO THE CITY COUNCIL FROM ACTION OF THE PLANNING COMMISSION APPROVING OR DENYING A REQUEST FOR WAIVER OF THE DESIGN STANDARDS, BY REPEALING SECTION 2.2 IN ITS ENTIRETY; AMENDING CHAPTER 3.45 - DESIGN STANDARDS FOR PARKING LOTS, TO REVISE SECTION 3.6 TO PROVIDE THAT PARKING LOTS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 7.1 OF CHAPTER 3.50 OF THE CITY OF LINCOLN DESIGN STANDARDS; AMENDING CHAPTER 3.50 - DESIGN STANDARDS FOR SCREENING AND LANDSCAPING TO REVISE SECTION 3 TO REQUIRE THE LANDSCAPE PLAN TO INCLUDE THE MATURE HEIGHT AND SPREAD OF PLANT MATERIAL AND ITS SIZE AT PLANTING, TO DELETE THE PROVISION REGARDING THE OPACITY OF THE SCREEN, AND TO DELETE THE PROVISION THAT NO SCREENING IS REQUIRED IF THE DISTANCE BETWEEN THE LOT LINE AND THE BUILDING IS LESS THAN FIVE FEET; TO REVISE SECTION 4 TO MODIFY THE SCREENING OF SALVAGE YARDS AND SCRAP PROCESSING OPERATIONS AND TO REQUIRE THE INSTALLATION OF PLANT MATERIALS TO BE BY A CERTIFIED LANDSCAPE CONTRACTOR; TO REVISE SECTION 7.1 TO AMEND THE TITLE TO INCLUDE DRIVING AISLES, TO DELETE THE PROVISION ALLOWING REDUCTION OF SCREENING REQUIREMENTS FOR PARKING LOTS WHICH ARE SET BACK FROM THE LOT LINE TO EXCLUDE DRIVEWAY THROATS AND DRIVEWAY CURB CUTS FROM THE REQUIRED SCREEN, TO ELIMINATE THE PROVISION ALLOWING THE DESIGN SPREAD OF DECIDUOUS TREES TO BE USED FOR A PORTION OF THE REQUIRED SCREEN, TO REQUIRE THE PARKING LOT ADJACENT TO A PUBLIC STREET TO BE SCREENED AT LEAST 90% RATHER THAN 60%, AND TO ELIMINATE PROVISIONS REQUIRING THE PLANTING OF A DECIDUOUS TREE WHEN THERE IS LESS THAN FIVE FEET BETWEEN THE PARKING LOT AND THE STREET; TO ADD LANDSCAPE REQUIREMENTS FOR PARKING LOTS WHICH EXCEED 6,000 SQUARE FEET OF PAVED AREA; TO REVISE SECTION 7.3 TO AMEND THE TITLE TO MAKE IT NOT APPLICABLE TO COMMUNITY UNIT PLANS AND TO MAKE IT APPLICABLE TO USE PERMITS; TO REVISE SECTION 7.4 TO MAKE IT APPLICABLE ONLY TO MAJOR STREETS RATHER THAN ALL PUBLIC STREETS, TO INCREASE THE SCREEN FROM 50% TO 60% AND TO REQUIRE THE SCREEN TO GO TO 10 FEET ABOVE THE SURFACE ELEVATION RATHER THAN 6 FEET, AND TO PROVIDE THAT FENCES USED FOR A SCREEN, THEY MUST BE USED IN CONJUNCTION WITH PLANTS; TO REVISE SECTION 7.5 TO ALSO MAKE ITS

PROVISIONS APPLY TO THE H-1 AND I-3 ZONING DISTRICTS; TO REVISE SECTION 7.6 TO REDUCE THE NUMBER OF REQUIRED TREES; TO ADD A NEW SECTION 7.11 TO REQUIRE SCREENING FOR REFUSE AREAS, RECYCLING BINS, OPEN STORAGE, LOADING AREAS, AND GROUND-LEVEL MECHANICAL EQUIPMENT AND TO PROVIDE A SCREENING STANDARD; TO REVISE SECTION 8 TO REQUIRE A GUARANTEE FOR THE INSTALLATION OF LANDSCAPING IF NOT INSTALLED BY THE TIME OF THE FINAL BUILDING INSPECTION; AND TO DELETE THE PROVISION ALLOWING THE PLANNING DIRECTOR TO MAKE ADMINISTRATIVE ADJUSTMENTS; AMENDING TITLE 4, MISCELLANEOUS DESIGN STANDARDS, TO ADD A NEW CHAPTER 4.20 ENTITLED "DESIGN STANDARDS FOR LANDSCAPING, STREETSCAPES, MEDIANS, BOULEVARDS, ROUNDABOUT, AND MAJOR STREETS" TO PROVIDE STANDARDS RELATING TO SUCH LANDSCAPING INCLUDING GENERAL PROVISIONS, LANDSCAPING PLAN REQUIREMENTS, SITE PREPARATION, PLANT SELECTION AND PLACEMENT, PLANTING, APPROVED TREE LIST FOR NON-PAVED PLANTING STRIPS, MEDIANS, CUL-DE-SAC CIRCLES, ROUNDABOUTS, BOULEVARDS, AND MAJOR STREETS, TREE CHARACTERISTICS, AND SHRUB CHARACTERISTICS;

MISC. 05007 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.23.040 TO MODIFY THE MINIMUM RIGHT-OF-WAY WIDTH FOR MAJOR STREETS AND TO PROVIDE TYPICAL CROSS-SECTION FIGURES FOR STREETS HAVING A WIDTH 120 FEET AND 130 FEET AND BY AMENDING SECTION 26.27.090 TO PROVIDE THAT TREES SHALL BE PLANTED IN THE PUBLIC RIGHT-OF-WAY ALONG MAJOR STREETS WHICH HAVE A MINIMUM OF 120 FEET OF RIGHT-OF-WAY - Marvin Krout, Director of Planning, came forward to explain the amendments, answer questions and ask for a two week delay. Discussion followed.

Richard Sutton, 1326 N. 38<sup>th</sup>, Registered Landscape Architect, came forward in support.

Mike Morosin, 2055 "S" Street, came forward to comment.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2706 FOR A CLASS B LIQUOR LICENSE AT 3010 CORNHUSKER HWY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-83745 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2706 for a Class "B" liquor license at 3010 Cornhusker Highway, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2706 AT 3010 CORNHUSKER HWY. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-83746 WHEREAS, Casey's Retail Company dba Casey's General Store #2706 located at 3010 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Sharon K. Scusa be named manager;

WHEREAS, Sharon K. Scusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sharon K. Scusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2720 FOR A CLASS B LIQUOR LICENSE AT 1001 S. 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-83747 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2720 for a Class "B" liquor license at 1001 S. 13th Street, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2720 AT 1001 S. 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-83748 WHEREAS, Casey's Retail Company dba Casey's General Store #2720 located at 1001 S. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Sharon K. Scusa be named manager;

WHEREAS, Sharon K. Scusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sharon K. Scusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2723 FOR A CLASS B LIQUOR LICENSE AT 1140 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-83749 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2723 for a Class "B" liquor license at 1140 N. 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2723 AT 1140 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83750 WHEREAS, Casey's Retail Company dba Casey's General Store #2723 located at 1140 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Sharon K. Scusa be named manager;

WHEREAS, Sharon K. Scusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sharon K. Scusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2724 FOR A CLASS B LIQUOR LICENSE AT 3003 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83751 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2724 for a Class "B" liquor license at 3003 N. 70th Street, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2724 AT 3003 N. 70TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83752 WHEREAS, Casey's Retail Company dba Casey's General Store #2724 located at 3003 N. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Sharon K. Scusa be named manager;

WHEREAS, Sharon K. Scusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sharon K. Scusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2729 FOR A CLASS B LIQUOR LICENSE AT 5500 SUPERIOR STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83753 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2729

for a Class "B" liquor license at 5500 Superior Street, Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2729 AT 5500 SUPERIOR STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83754 WHEREAS, Casey's Retail Company dba Casey's General Store #2729 located at 5500 Superior Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Sharon K. Scusa be named manager;

WHEREAS, Sharon K. Scusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sharon K. Scusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 FOR A CLASS B LIQUOR LICENSE AT 2243 N. COTNER BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83755 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2745 for a Class "B" liquor license at 2243 N. Cotner Blvd., Lincoln, Nebraska, for the license period ending April 30, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF SHARON K. SCUSA FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2745 AT 2243 N. COTNER BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83756 WHEREAS, Casey's Retail Company dba Casey's General Store #2745 located at 2243 N. Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Sharon K. Scusa be named manager;

WHEREAS, Sharon K. Scusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Sharon K. Scusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2<sup>ND</sup> READING

CREATING AND CONSTRUCTING SEWER DISTRICT NO. 1181 AS AN 8-INCH SANITARY SEWER MAIN SERVING THE NORTHEAST CORNER OF S. 84TH STREET AND OLD CHENEY ROAD AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES. (REQUEST TO DELAY P.H. TO 2/27/06)(2/13/06 - P.H. CON'T. TO 2/27/06) - CLERK read an ordinance, introduced by Jonathan Cook, creating Sewer District No. 1181, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CHANGE OF ZONE 05075 - APPLICATION OF MDB, INC. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 42ND AND VINE STREETS - CLERK read an ordinance, introduced by Robin Eschliman, 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.

REPEALING CHAPTER 14.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO OBSTRUCTIONS ON CORNER LOTS AS THE REQUIREMENTS SET FORTH IN CHAPTER 14.44 WOULD BE MORE APPROPRIATELY ADDRESSED IN THE CITY OF LINCOLN DESIGN STANDARDS - PRIOR to reading:

NEWMAN Moved to place Bill No. 06-16 on pending for eight weeks to 4/24/06 for action only.

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

CLERK Read an ordinance, introduced by Robin Eschliman, repealing Chapter 14.44 of the Lincoln Municipal Code relating to Obstructions on Corner Lots as the requirements set forth in Chapter 14.44 would be more appropriately addressed in the City of Lincoln Design Standards, the second time.

CHANGE OF ZONE 05078 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.37.020 TO ADD INDOOR MOVIE THEATERS AS A PERMITTED USE IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT ON OR AFTER JANUARY 1, 2013; BY AMENDING SECTION 27.37.030 TO ADD INDOOR MOVIE THEATERS AS A SPECIAL PERMITTED USE IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT THROUGH DECEMBER 31, 2012; BY AMENDING SECTION 27.63.630 TO CLARIFY THAT ON OR AFTER JANUARY 1, 2013, PRE-EXISTING INDOOR MOVIE THEATERS APPROVED BY SPECIAL PERMIT IN THE B-5 DISTRICT SHALL AUTOMATICALLY BE CONVERTED TO INDOOR MOVIE THEATERS AS A PERMITTED USE IN THE B-5 DISTRICT, AND THAT THEREAFTER THERE SHALL BE NO RESTRICTION ON THE MAXIMUM NUMBER OF THEATER COMPLEXES IN EACH B-5 DISTRICT AND NO RESTRICTION ON THE MAXIMUM NUMBER OF MOVIE SCREENS IN EACH THEATER COMPLEX. (1/30/06 - P.H. DELAYED 4 WKS. TO 2/27/06) (REQUEST TO CON'T. P.H. & ACTION TO 3/13/06) - PRIOR to reading:

CAMP Moved to con't. Public Hearing & Action on Bill #06-10 to 3/13/06.

Seconded by Svoboda (who passed the gavel to Newman) & **LOST** by the following vote: AYES: Camp, Eschliman, Svoboda; NAYS: Cook, Marvin, McRoy, Newman.

CLERK Read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.37.020 to add indoor movie theaters as a permitted use in the B-5 Planned Regional Business District on or after January 1, 2013; by amending Section 27.37.030 to add indoor movie theaters as a special permitted use in the B-5 district through December 31, 2012; by amending Section 27.63.630 to clarify that on or after January 1, 2013, pre-existing indoor movie theaters approved by special permit in the B-5 district shall automatically be converted to indoor movie theaters as a permitted use in the B-5 district and that thereafter there shall be no restriction on the maximum number of theater complexes in each B-5 district and no restriction on the maximum number of movie screens in each theater complex; and repealing Sections 27.37.020, 27.37.030, and 27.63.630 of the Lincoln Municipal Code as hitherto existing, the second time.



RESOLUTIONS & ORDINANCES

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN OMAHA, LINCOLN AND BEATRICE RAILWAY AND THE CITY OF LINCOLN OVER APPROXIMATELY .24 ACRES OF PROPERTY AT THE NORTHWEST CORNER OF NORTHEAST COMMUNITY PARK NEAR N. 29TH AND LEIGHTON STREETS, TO PROTECT THE STREAM CHANNEL AND WILDLIFE RESOURCES AND TO RESTRICT THE DEVELOPMENT OF THE PROPERTY - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83757 WHEREAS, Omaha, Lincoln and Beatrice Railway has offered to grant a conservation easement to protect the stream channel and wildlife resources and to restrict the development of the property over an area generally located at N. 28th and Leighton Streets, and legally described as:

A part of Lots 1-3 Block 23, and a part of Lots 13 and 14 Block 20, Abbott & Irvines Addition, as well as a part of the vacated N. 29<sup>th</sup> Street and vacated Huntington Avenue, located in the NW 1/4 of section 18/10/7, Lancaster County, Nebraska;

WHEREAS, acquisition of this conservation easement by the City would further the goals of the Comprehensive Plan relating to protect the stream channel and wildlife resources and to restrict 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 Omaha, Lincoln and Beatrice Railway over a tract of land as legally described above and in 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 Robin Eschliman

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

HEARING ON THE NOTICE OF APPEAL OF WENDE BAKER FOR HEALTH PARTNERS APPEALING FROM THE DETERMINATION OF IMPACT FEES IMPOSED FOR A CHANGE OF OCCUPANCY FROM A SINGLE-FAMILY DWELLING TO A GENERAL OFFICE LOCATED AT 1036 E STREET AND REQUESTING A WAIVER OR REDUCTION OF SAID FEES - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83758 WHEREAS, Health Partners Initiative, hereinafter Appellant, is locating its operations into the building located at 1036 E Street by converting the existing residential space into an office; and

WHEREAS, said building contains 1,068 sq. ft. of gross floor area as defined in Lincoln Municipal Code § 27.82.040; and

WHEREAS, under the Arterial Street Impact Fee Schedules the building is classified as general office; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.82.050(c)(4) the Impact Fee Administrator calculated the arterial street impact fees for the office space based upon the net increase in the fee for the office space as compared to its previous use as single family dwelling space using the arterial street impact fee schedule beginning January 1, 2005. Specifically, the fee was calculated by first multiplying the unit of measure for general office space (\$2.755/ sq. ft.) x 1,068 sq. ft. = \$2,942.34. Then the credit for the existing residential space was calculated by subtracting the unit of measure for a single family dwelling (\$1,876/unit) resulting in a net increase of \$1,066.34; and

WHEREAS, the Appellant filed its notice of appeal appealing the impact fee determination and requesting that the arterial street impact fees be waived or reduced as Appellant's new use of the former single family dwelling will produce no additional demand for arterial street impact fee facilities and that strict application of the impact fee ordinance's calculations under these circumstances work an unjust and undue burden on the Appellant; and

WHEREAS, the City Council finds that there are no unusual circumstances of the development which demonstrate that the application of the fee to the development would be unfair or unjust.

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

That the impact fee Notice of Appeal filed by Health Partners Initiative, on January 19, 2006, is hereby denied and the arterial street impact fees are hereby affirmed.

Introduced by Robin Eschliman

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

APPROVING A RESOLUTION DIRECTING THE SUBMISSION OF A PROPOSED GENERAL OBLIGATION BOND ISSUE NOT TO EXCEED \$2,700,000, TO ACQUIRE APPROXIMATELY 130 ACRES OF PROPERTY ALONG THE SOUTH BELTWAY, AT THE GENERAL ELECTION TO BE HELD MAY 9, 2006 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83759 WHEREAS, in order to fund necessary improvements to the park and recreational facilities of The City of Lincoln, Nebraska (the "City"), it is necessary to issue general obligation bonds and to levy a tax for the payment thereof; and

WHEREAS, it is in the best interests of the City to present the question of the issuance of such bonds and the levying of a tax to pay the same to the electors of the City at a special election held by the City in conjunction with the statewide primary election on Tuesday, May 9, 2006.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City as follows:

Section 1. The Council hereby finds and determines that:

- a. In order to adequately and efficiently carry out its responsibilities and obligations in the operation of the Parks and Recreation Department of the City, it is necessary, desirable, advisable and in the best interests of the City to acquire title or other interest in approximately 130 acres of land for a linear park along the north side of the south beltway to the City.
- b. The estimated cost to the City of acquiring such interests in land will be not less than \$2,700,000, and in order to finance the cost thereof, it will be necessary for the City to issue its general obligation bonds in an aggregate principal amount not to exceed \$2,700,000, such bonds to be dated at the time of their issuance, and to become due and payable on such dates, bear interest at such rates, and have such other terms as may be fixed by the City at the time of their issuance.
- c. It will be necessary to cause to be levied and collected annually a tax in addition to all other taxes upon the taxable property in the City sufficient to pay the principal and interest accruing on such general obligation bonds as the same become due.
- d. Pursuant to Article IX, Section 40 of the Charter of the City, it is necessary to present the question of the issuance of such general obligation bonds and the levying of a tax to pay the same to the duly qualified electors of the City at a special election to be held by the City in conjunction with the statewide primary election on Tuesday, May 9, 2006.

Section 2. The following proposition shall be submitted to the qualified electors of the City at the statewide primary election to be held on Tuesday, May 9, 2006.

(FORM OF BALLOT)

PARKS AND RECREATION BOND ISSUE

STATE OF NEBRASKA  
THE CITY OF LINCOLN  
OFFICIAL BALLOT  
SPECIAL ELECTION - TUESDAY, MAY 9, 2006.  
GENERAL OBLIGATION BONDS

"SHALL THE CITY OF LINCOLN, NEBRASKA, ISSUE ITS GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,700,000 FOR THE PURPOSE OF PAYING COSTS INCIDENT TO ACQUIRING TITLE OR OTHER APPROPRIATE INTERESTS IN APPROXIMATELY 130 ACRES OF LAND FOR A

LINEAR PARK ALONG THE NORTH SIDE OF THE SOUTH BELTWAY TO THE CITY; SUCH BONDS TO BE DATED AT THE TIME OF THEIR ISSUANCE AND TO BECOME DUE AND PAYABLE ON SUCH DATES, BEAR INTEREST AT SUCH RATES, AND HAVE SUCH OTHER TERMS AS MAY BE FIXED BY THE CITY AT THE TIME OF THEIR ISSUANCE; AND

"SHALL THE CITY CAUSE TO BE LEVIED AND COLLECTED ANNUALLY A TAX IN ADDITION TO ALL OTHER TAXES UPON THE TAXABLE PROPERTY IN THE CITY SUFFICIENT IN RATE AND AMOUNT TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS AS THE SAME BECOME DUE AND PAYABLE?"

VOTE FOR or AGAINST

- FOR said General Obligation Bonds and Tax Levy.  
 AGAINST said General Obligation Bonds and Tax Levy.

Voters desiring to vote in favor of the proposition shall mark in the square opposite the words "FOR said General Obligation Bonds and Tax Levy." Voters desiring to vote against the proposition shall mark in the square opposite the words "AGAINST said General Obligation Bonds and Tax Levy."

Section 3. The Clerk shall cause notice of such election to be given as provided by Article III, Section 1 of the Charter of the City. The Mayor shall be and hereby is directed to proclaim and give notice that at a special election to be held in the City in conjunction with the statewide primary election on Tuesday, May 9, 2006, there will be submitted to the qualified electors of the City, for adoption or rejection, the proposition set forth in Section 2 hereof, and the Clerk is further directed to publish said proclamation as provided by law.

Section 4. Such special election will be held in each election district within the City and at the polling places designated by the Election Commissioner of Lancaster County, Nebraska (the "Election Commissioner").

Section 5. The Clerk is further directed to notify the Election Commissioner of such special election and the proposition set forth in Section 2 hereof, and to procure the necessary ballots and make all other necessary arrangements for the same.

Section 6. The polling places for such special election shall be open from 8:00 a.m. to 8:00 p.m. on Tuesday, May 9, 2006, and a copy of the proposition to be submitted shall be posted at each place of voting during the hours said polls are open.

Section 7. Such special election shall be conducted in accordance with the Charter of the City and the laws of the State of Nebraska applicable to such elections for cities of the primary class, and the ballots shall be counted, the returns made, and the results canvassed as provided for by law, and all such steps shall be taken as are provided by law in the ascertainment of the results of said election.

Introduced by Robin Eschliman

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

CHANGE OF ZONE 04066 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.26.080, 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070, 27.47.070, 27.49.080, AND 27.51.090 TO REDUCE THE REQUIRED FRONT YARD IN THE B-2, B-5, H-1, H-2, H-3, H-4, I-2, AND I-3 ZONING DISTRICTS TO 20 FEET, AND TO PROVIDE IN THE O-2, B-2, B-5, H-4, I-1, I-2, AND I-3 DISTRICTS THAT ANY DRIVEWAYS WHICH INTERSECT THE FRONT YARD SHALL BE PERPENDICULAR TO THE STREET; BY AMENDING SECTION 27.67.030 TO ELIMINATE PARKING IN THE FRONT YARD IN THE I-2 ZONING DISTRICT; AND BY AMENDING SECTIONS 27.29.080, 27.33.080, 27.39.070, 27.41.080, AND 27.43.080 TO REQUIRE A SIX-FOOT LANDSCAPE STRIP ON EACH SIDE OF A LOT ABUTTING A PUBLIC STREET OR PRIVATE ROADWAY IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 27.71.030 TO ELIMINATE DRIVEWAYS IN THE FRONT AND SIDE YARDS WHEN USED TO PROVIDE ACCESS TO GASOLINE PUMP ISLANDS, TO ELIMINATE DRIVEWAYS IN FRONT AND SIDE YARDS IN THE B-1, H-1, H-2, OR H-3 ZONING DISTRICTS, AND TO ELIMINATE VEHICLE STACKING FOR DRIVE-IN FACILITIES WITHIN THE REQUIRED SIDE YARD; BY REPEALING SECTION 27.71.035 TO ELIMINATE GASOLINE PUMPS IN THE FRONT YARD; BY ADDING NEW SECTIONS NUMBERED 27.26.065, 27.27.055, 27.28.065, 27.29.065, 27.31.075, 27.33.065, 27.37.045, 27.39.055, 27.41.065,

27.43.065, 27.45.055, 27.47.055, 27.49.065, AND 27.51.075 TO ADD PEDESTRIAN CIRCULATION REGULATIONS IN THE O-2, O-3, R-T, B-1, B-2, B-3, B-5, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 ZONING DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.63.080 AND 27.63.200 TO REQUIRE HEALTH CARE FACILITIES AND CLUBS TO CONSTRUCT ON-SITE PEDESTRIAN CIRCULATION SIDEWALK SYSTEMS; AMENDING SECTION 27.81.010 TO CLARIFY THAT NO BUILDING SHALL BE ERECTED, ENLARGED OR RECONSTRUCTED NOR SHALL ANY STRUCTURE OR LAND BE USED EXCEPT IN CONFORMANCE WITH THE DESIGN STANDARDS FOR ZONING REGULATIONS AND TO GOVERN PEDESTRIAN CIRCULATION. (RELATED ITEMS: 06-5, 06R-9, 06-6) (1/23/06 - CON'T. 2ND READING W/P.H. FOR 5 WKS. TO 2/27/06) - PRIOR to reading:

COOK Moved to delay action on Bill No. 06-5 for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MISC. 04015 - AMENDING THE CITY OF LINCOLN DESIGN STANDARDS CHAPTER 1.00 - REQUEST FOR WAIVER PROCEDURE, TO REVISE SECTION 1 TO ONLY REQUIRE THAT IMPROVEMENTS SUBSTANTIALLY CONFORM TO DESIGN STANDARDS, TO REVISE SECTION 2 TO ALLOW THE PLANNING DIRECTOR TO APPROVE REQUESTS FOR WAIVERS FROM THE DESIGN STANDARDS, BY ADDING A NEW SECTION 2.1.1 TO PROVIDE FOR AN APPEAL TO THE PLANNING COMMISSION FROM ACTION OF THE PLANNING DIRECTOR APPROVING OR DENYING A REQUEST FOR WAIVER FROM DESIGN STANDARDS, TO REVISE SECTION 2.1.2 TO PROVIDE FOR AN APPEAL TO THE CITY COUNCIL FROM ACTION OF THE PLANNING COMMISSION APPROVING OR DENYING A REQUEST FOR WAIVER OF THE DESIGN STANDARDS, BY REPEALING SECTION 2.2 IN ITS ENTIRETY; AMENDING CHAPTER 3.45 - DESIGN STANDARDS FOR PARKING LOTS, TO REVISE SECTION 3.6 TO PROVIDE THAT PARKING LOTS SHALL BE SCREENED IN ACCORDANCE WITH SECTION 7.1 OF CHAPTER 3.50 OF THE CITY OF LINCOLN DESIGN STANDARDS; AMENDING CHAPTER 3.50 - DESIGN STANDARDS FOR SCREENING AND LANDSCAPING TO REVISE SECTION 3 TO REQUIRE THE LANDSCAPE PLAN TO INCLUDE THE MATURE HEIGHT AND SPREAD OF PLANT MATERIAL AND ITS SIZE AT PLANTING, TO DELETE THE PROVISION REGARDING THE OPACITY OF THE SCREEN, AND TO DELETE THE PROVISION THAT NO SCREENING IS REQUIRED IF THE DISTANCE BETWEEN THE LOT LINE AND THE BUILDING IS LESS THAN FIVE FEET; TO REVISE SECTION 4 TO MODIFY THE SCREENING OF SALVAGE YARDS AND SCRAP PROCESSING OPERATIONS AND TO REQUIRE THE INSTALLATION OF PLANT MATERIALS TO BE BY A CERTIFIED LANDSCAPE CONTRACTOR; TO REVISE SECTION 7.1 TO AMEND THE TITLE TO INCLUDE DRIVING AISLES, TO DELETE THE PROVISION ALLOWING REDUCTION OF SCREENING REQUIREMENTS FOR PARKING LOTS WHICH ARE SET BACK FROM THE LOT LINE TO EXCLUDE DRIVEWAY THROATS AND DRIVEWAY CURB CUTS FROM THE REQUIRED SCREEN, TO ELIMINATE THE PROVISION ALLOWING THE DESIGN SPREAD OF DECIDUOUS TREES TO BE USED FOR A PORTION OF THE REQUIRED SCREEN, TO REQUIRE THE PARKING LOT ADJACENT TO A PUBLIC STREET TO BE SCREENED AT LEAST 90% RATHER THAN 60%, AND TO ELIMINATE PROVISIONS REQUIRING THE PLANTING OF A DECIDUOUS TREE WHEN THERE IS LESS THAN FIVE FEET BETWEEN THE PARKING LOT AND THE STREET; TO ADD LANDSCAPE REQUIREMENTS FOR PARKING LOTS WHICH EXCEED 6,000 SQUARE FEET OF PAVED AREA; TO REVISE SECTION 7.3 TO AMEND THE TITLE TO MAKE IT NOT APPLICABLE TO COMMUNITY UNIT PLANS AND TO MAKE IT APPLICABLE TO USE PERMITS; TO REVISE SECTION 7.4 TO MAKE IT APPLICABLE ONLY TO MAJOR STREETS RATHER THAN ALL PUBLIC STREETS, TO INCREASE THE SCREEN FROM 50% TO 60% AND TO REQUIRE THE SCREEN TO GO TO 10 FEET ABOVE THE SURFACE ELEVATION RATHER THAN 6 FEET, AND TO PROVIDE THAT FENCES USED FOR A SCREEN, THEY MUST BE USED IN CONJUNCTION WITH PLANTS; TO REVISE SECTION 7.5 TO ALSO MAKE ITS PROVISIONS APPLY TO THE H-1 AND I-3 ZONING DISTRICTS; TO REVISE SECTION 7.6 TO REDUCE THE NUMBER OF REQUIRED TREES; TO ADD A NEW SECTION 7.11 TO REQUIRE SCREENING FOR REFUSE AREAS, RECYCLING BINS, OPEN STORAGE, LOADING AREAS, AND GROUND-LEVEL MECHANICAL EQUIPMENT AND TO PROVIDE A SCREENING STANDARD; TO REVISE SECTION 8 TO REQUIRE A GUARANTEE FOR THE INSTALLATION OF LANDSCAPING IF NOT INSTALLED BY THE TIME OF THE FINAL BUILDING INSPECTION; AND TO DELETE THE PROVISION ALLOWING THE PLANNING DIRECTOR TO MAKE ADMINISTRATIVE ADJUSTMENTS; AMENDING TITLE 4, MISCELLANEOUS DESIGN STANDARDS, TO ADD A NEW CHAPTER 4.20 ENTITLED "DESIGN STANDARDS FOR LANDSCAPING, STREETSCAPES, MEDIANS, BOULEVARDS, ROUNDABOUT, AND MAJOR STREETS" TO PROVIDE STANDARDS RELATING TO SUCH LANDSCAPING INCLUDING

GENERAL PROVISIONS, LANDSCAPING PLAN REQUIREMENTS, SITE PREPARATION, PLANT SELECTION AND PLACEMENT, PLANTING, APPROVED TREE LIST FOR NON-PAVED PLANTING STRIPS, MEDIANS, CUL-DE-SAC CIRCLES, ROUNDABOUTS, BOULEVARDS, AND MAJOR STREETS, TREE CHARACTERISTICS, AND SHRUB CHARACTERISTICS. (RELATED ITEMS: 06-5, 06R-9, 06-6) (ACTION DATE: 1/30/06) (1/23/06 - CON'T. 2ND READING W/P.H. FOR 5 WKS. TO 2/27/06) - PRIOR to reading:

COOK Moved to delay action on Bill No. 06R-9 for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MISC. 05007 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE BY AMENDING SECTION 26.23.040 TO MODIFY THE MINIMUM RIGHT-OF-WAY WIDTH FOR MAJOR STREETS AND TO PROVIDE TYPICAL CROSS-SECTION FIGURES FOR STREETS HAVING A WIDTH 120 FEET AND 130 FEET AND BY AMENDING SECTION 26.27.090 TO PROVIDE THAT TREES SHALL BE PLANTED IN THE PUBLIC RIGHT-OF-WAY ALONG MAJOR STREETS WHICH HAVE A MINIMUM OF 120 FEET OF RIGHT-OF-WAY. (RELATED ITEMS: 06-5, 06R-9, 06-6) (1/23/06 - CON'T. 2ND READING W/P.H. FOR 5 WKS. TO 2/27/06) - PRIOR to reading:

COOK Moved to delay action on Bill No. 06-6 for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

#### PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MARCH 13, 2006 FOR THE APP. OF FOUR SONS, INC. DBA HAVELOCK SOCIAL HALL FOR A CLASS I LIQUOR LICENSE LOCATED AT 4538 N. 62ND STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83760 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 13, 2006, 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 Class "I" Liquor License Application of Four Sons, Inc. dba Havelock Social Hall located at 4538 N. 62nd Street.

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

Introduced by Dan Marvin

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

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JANUARY, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 04005 - App. of Richard Pickel for a change from AGR Agricultural Residential District to P Public Use District, on property located at 7700 Pine Lake Road.

Change of Zone No. 05085 Fallbrook Planned Unit Development Plan - App. of Olsson Associates for a change from AG Agricultural District to R-3 Residential District PUD, R-3 Residential District to R-3 Residential District PUD, O-3 Office Park District to O-3 Office Park District PUD, B-2 Planned Neighborhood Business District to B-2 Planned Neighborhood Business District PUD, R-3 Residential District to B-2 Planned Neighborhood Business District, with a development plan which proposed to modify standards of the underlying zoning district, subdivision ordinance, and design standards, for property generally located at Highway 34 and Fallbrook Boulevard.

Change of Zone No. 06007 - App. of William Peterson for a change from AG Agricultural District to AGR Agricultural Residential District on property generally located at 84<sup>th</sup> Street and Waverly Road.

Change of Zone No. 06009 - App. of Southwood Lutheran Church for a change from AG Agricultural District to R-3 Residential District and from AG Agricultural District to R-4 Residential District on property generally located at South 40<sup>th</sup> Street and Rokeby Road.

Change of Zone No. 06010 - App. of Holdrege Investors, LLC for a change from O-3 Office Park District to B-2 Planned Neighborhood Business District on property generally located at 84<sup>th</sup> and Holdrege Streets.

Change of Zone No. 06011 - App. of J. Michael Rierden for a change from R-2 Residential District to B-2 Planned Neighborhood Business District, on property generally located at S. 70<sup>th</sup> Street and Pioneers Boulevard.

Use Permit No. 84B - App. of J. Michael Rierden for an amendment to allow additional parking, on property generally located at S. 70<sup>th</sup> Street and Pioneers Boulevard.

Special Permit No. 06006 - App. of Kent Jagers for the authority to sell alcoholic beverages for consumption off the premises on property generally located at N. 33<sup>rd</sup> Street and Superior Street.

#### REPORTS OF CITY OFFICERS

SETTING THE HEARING DATE OF 3/27/06 AT 5:30 P.M. TO SHOW CAUSE AS TO WHETHER THE CLASS I LIQUOR LICENSE INCLUDING BEER GARDEN OF FAT NAPPY'S, 5100 NORTH 48TH STREET SHOULD BE AUTOMATICALLY RENEWED FOR THE LICENSE YEAR MAY 1, 2006 TO APRIL 30, 2007 - CLERK presented said report which required a motion to set said date.

MARVIN So moved.

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

THE CITY OF LINCOLN'S AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR 2004-2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON FEBRUARY 13, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JANUARY 31, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

#### ORDINANCES - 1<sup>ST</sup> READING

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER M BY CREATING THE JOB CLASSIFICATION OF "GIS PROGRAM MANAGER" - CLERK read an ordinance, introduced by Dan Marvin, amending Section 1 of Ordinance No. 18479 passed December 13, 2004, as amended by Ordinance No. 18674 passed February 6, 2006, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M," by creating the job classification of GIS Program Manager, the first time.

CHANGE OF ZONE 06004 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE ZONING ORDINANCE, BY AMENDING SECTION 27.67.040(D)(3) TO ADJUST THE PARKING REQUIREMENTS FOR MINI-WAREHOUSING - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.67.040 of the Lincoln Municipal Code relating to Parking Requirements; Special Conditions to adjust the parking for miniwarehousing; and repealing Section 27.67.040 of the Lincoln Municipal code as hitherto existing, the first time.

CHANGE OF ZONE 06005 - APPLICATION OF JOHN WRAGGE FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 39TH STREET AND NORMAL BLVD. - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 06006 - APPLICATION OF CHARLESTON HEIGHTS LLC FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF S.W. 27TH STREET AND WEST A STREET - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal code, by changing the boundaries of the districts established and shown thereon, the first time.

CREATING A BUSINESS IMPROVEMENT DISTRICT IN AN AREA GENERALLY BOUNDED BY 9<sup>TH</sup> STREET TO CENTENNIAL MALL AND L STREET TO THE MID-BLOCK BETWEEN Q AND R STREETS (CORE OVERLAY DISTRICT) - CLERK read an ordinance, introduced by Dan Marvin, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) to be known as the Core Business Improvement District Overlay bounded roughly by Centennial Mall, M, 9<sup>th</sup>, and Q Streets for the purpose of providing specified work and improvements in the downtown area of the City of Lincoln, Nebraska; providing special assessments to be imposed within the district based upon the benefits conferred; providing maximum limits upon such assessments; and providing a sunset of August 31, 2016, the first time.

CREATING A BUSINESS IMPROVEMENT DISTRICT IN AN AREA GENERALLY BOUNDED BY 6<sup>TH</sup> STREET TO 17TH STREET AND R STREET TO THE MID-BLOCK BETWEEN LINCOLN MALL AND H STREET (DOWNTOWN BUSINESS IMPROVEMENT DISTRICT) - CLERK read an ordinance, introduced by Dan Marvin, creating a business improvement district under the authority of the Business Improvement District Act (Neb. Rev. Stat. § 19-4015 et seq.) to be known as the Downtown Business Improvement District bounded roughly by H, 6<sup>th</sup>, R, and 17<sup>th</sup> Streets for the purpose of providing specified work and improvements in the downtown area of the City of Lincoln, Nebraska; providing for special assessments to be imposed within the district based upon the benefits conferred; providing maximum limits upon such assessments; and providing a sunset of August 31, 2016, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RESOLUTIONS FOR ACTION**

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK AND TRUST COMPANY IN AN AMOUNT NOT TO EXCEED \$3,100,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and approving a lease-purchase agreement among the City, Union Bank & Trust Company, as lessor, and Union Bank & Trust Company, as registrar and paying agent, with respect to the purchase and installation of street light poles and related equipment; approving the issuance, sale and delivery by the lessor of not to exceed \$3,100,000 aggregate principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18675**, is recorded in Ordinance Book #25, Page

VACATION NO. 05009 - VACATING A PORTION OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY 6TH AND 7TH, C AND D STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of the north/south alley in the block bounded by 6<sup>th</sup> and 7<sup>th</sup>, C and D Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18676**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05054A - APPLICATION OF PRAIRIE HOME BUILDERS FOR A CHANGE OF ZONE FROM AG TO R-3 PUD LOCATED NORTH OF ADAMS STREET; A CHANGE OF ZONE FROM AG TO B-2 PUD AND O-3 PUD LOCATED SOUTH OF ADAMS STREET; AND THE REQUESTED APPROVAL OF THE DEVELOPMENT PLAN FOR THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED GENERALLY AT N 84TH AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (12/19/05 - BILL NO. 05-165 AMENDED TO BE SPLIT INTO 2 ORDINANCES) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - ACTION DELAYED 3 WKS. TO 2/27/06) - PRIOR to reading:

MARVIN Moved to delay action on Bill No. 05-165A for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the third time.

CHANGE OF ZONE 05054B - APPLICATION OF PRAIRIE HOME BUILDERS FOR A CHANGE OF ZONE FROM AG TO R-5 PUD LOCATED NORTH OF ADAMS STREET; AND A CHANGE OF ZONE FROM AG TO B-2 PUD AND O-3 PUD LOCATED NORTH OF ADAMS STREET; AND THE REQUESTED APPROVAL OF THE DEVELOPMENT PLAN FOR THE PRAIRIE VILLAGE CENTER PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED GENERALLY AT N 84TH AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (12/19/05 - BILL NO. 05-165 AMENDED TO BE SPLIT INTO 2 ORDINANCES) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - ACTION DELAYED 3 WKS. TO 2/27/06) - PRIOR to reading:

MARVIN Moved to delay action on Bill No. 05-165B for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the third time.

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH LLC, PRAIRIE HOME BUILDERS INC., ROLAND GROUP LLC, AND FAITH EVANGELICAL LUTHERAN CHURCH, RELATING TO THE ANNEXATION OF APPROXIMATELY 149.09 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET AND THE USE OF SAID 149.09 ACRES ALONG WITH APPROXIMATELY 23 ACRES LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET UNDER A PLANNED UNIT DEVELOPMENT. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05)(ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - ACTION DELAYED 3 WKS. TO 2/27/06)

MARVIN Moved to delay action on Bill No. 05R-262 for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

ANNEXATION 05013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 149.09 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) (2/6/06 - ACTION DELAYED 3 WKS. TO 2/27/06) - PRIOR to reading:

MARVIN Moved to delay action on Bill No. 05-164 for two weeks to 3/13/06.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Svoboda; NAYS: Cook, Newman.

CLERK Read an ordinance, introduced by Robin Eschliman, 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 third time.



REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Richard Esquivel, 733 W. Cuming, came forward to comment on the planned future vacation of Star Ship 9 and Douglas Theatres. Mr. Esquivel stated the vacation of the buildings will take entertainment dollars away from Downtown Lincoln.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to March 6, 2006.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on March 6, 2006.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 8:57 P.M.

CAMP Moved to adjourn the City Council meeting of February 27, 2006.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, 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  
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