

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 10, 2007 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of August 27, 2007 reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF PEACOCK INDIAN CUISINE, INC. DBA PEACOCK INDIAN CUISINE FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W;  
MANAGER APPLICATION OF CHARICE J. GIBSON FOR PEACOCK INDIAN CUISINE, INC. DBA PEACOCK INDIAN CUISINE AT 2801 PINE LAKE ROAD, SUITE W - Samuel Rajakumar, address not given, came forward to take oath and answer questions.

Charice J. Gibson, address not given, came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

ANNEXATION 07002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40.48 ACRES OF PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE.;

CHANGE OF ZONE 07044 - APPLICATION OF CAMERON HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. - Tom Huston, 233 S. 13<sup>th</sup> St., Suite 1900, came forward in behalf of the applicant, Cameron Townhomes, LLC, to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07045 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 5.87 ACRES GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD - Mike Marsh, Realty Trust Group, 2300 S. 48<sup>th</sup> St., Suite 1, came forward to explain the change of zone request. Discussion followed.

Steve Henrichsen, Planning Department, came forward to answer questions. Discussion followed.

Mr. Marsh came forward in rebuttal.

This matter was taken under advisement.

CHANGE OF ZONE 07041 - APPLICATION OF YASUFUKU U.S.A., INC. FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. COMMERCE WAY - Trent Sidders, 233 S. 13<sup>th</sup> St., Suite 1900, attorney representing the applicant, came forward to answer questions.

Stuart Zetterman, Yasufuku U.S.A., 3201 NW 12<sup>th</sup> St., came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07046 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION 27.03.525 TO DEFINE RESTAURANT; AMENDING SECTIONS 27.27.025, 27.29.030, 27.33.030, 27.41.030, 27.43.030, 27.49.030, 27.51.040 AND ADDING NEW SECTIONS NUMBERED 27.39.025, 27.45.025, AND 27.47.025 TO ALLOW AND ESTABLISH CONDITIONS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT AS A PERMITTED CONDITIONAL USE IN THE O-3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.050, AND 27.63.680 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON ANY PREMISES NOT MEETING THE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT AS A CONDITIONAL PERMITTED USE IN THE B-1, B-3, H-1, H-2, H-4, I-1, I-2 AND I-3 DISTRICTS AS SPECIAL PERMITTED USE; BY AMENDING SECTION 27.27.030 TO DELETE THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES IN RESTAURANTS AS A SPECIAL PERMITTED USE IN THE O-3 DISTRICT; BY AMENDING SECTION 27.67.040 TO ADD SPECIAL PARKING REQUIREMENTS FOR BARS, COFFEE SHOPS AND SIMILAR USES FORMERLY CLASSIFIED

AS A RESTAURANT; AND BY AMENDING FIGURE 27.67.040 TO ADD BARS, COFFEE SHOPS, AND SIMILAR USES TO THE LIST OF USES WHICH HAVE SPECIAL PARKING REQUIREMENTS - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, attorney representing the applicant, West Gate, Inc., came forward to discuss the change of zone. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 4.54.010 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE TERM LIMITS FOR COMMUNITY FORESTRY ADVISORY BOARD MEMBERS AND DELETING PROVISIONS REGARDING EX-OFFICIO MEMBERS - Lynn Johnson, Director of Parks & Recreation, came forward to answer questions.

This matter was taken under advisement.

APPEAL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 07026 FOR AUTHORITY TO CONSTRUCT A 31 UNIT DOMICILIARY CARE FACILITY FOR 33 RESIDENTS ON APPROXIMATELY 1.84 ACRES GENERALLY LOCATED AT S. 25TH STREET AND OLD CHENEY ROAD - Marcia Houchen, 2801 Park Place Dr., Marketing Director for AgeMark Assisted Living, came forward to clarify the permit. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing the applicant to answer questions. Discussion followed.

Karen K. Noel, 5601 S. 27<sup>th</sup> St., Suite 201, came forward in support. Discussion followed.

Vicki Shank, 5800 S. 25<sup>th</sup> St., came forward in opposition to the special density bonus. Discussion followed.

William Gewain, 2601 Cindy Dr., came forward stating he is not opposed to the use of the property but is concerned about traffic congestion. Discussion followed.

Renee Prader-Bateman, 5820 S. 25<sup>th</sup> St., came forward stating she is opposed to the square footage of the building in her neighborhood.

Richard Esquivel, 733 W. Cuming, came forward to question if the building legally qualifies to be on the lot.

John Elliot, 2511 Cindy Dr., came forward to comment that a squared design would appear to fit the area. Discussion followed.

Paul Winkler, 5737 S. 25<sup>th</sup> St., came forward to comment on traffic solutions. Discussion followed.

Andrew J. Benton, II, 5925 Norman Rd., came forward to state he is opposed to the potential truck traffic. Discussion followed.

Marvin Krout, Director of Planning, came forward to interpret restrictions. Discussion followed.

Matt Metcalf, 211 N. 4<sup>th</sup> St., came forward to answer questions and stated that either the squared or angled design would work on the property. Discussion followed.

Mr. Hunzeker came forward in rebuttal to state that the experience in Lincoln with these care facilities, whether large or small, is that there have been no complaints issued relative to parking, traffic, noise or any other inconvenience. Discussion followed.

This matter was taken under advisement.

APPROVING THE NAMING OF THE NEWLY RENOVATED FORMAL ROSE GARDEN IN ANTELOPE PARK AS "THE HAMANN ROSE GARDEN AT ANTELOPE PARK";

APPROVING THE NAMING OF THE NEIGHBORHOOD PARK SITE IN THE TAMARIN RIDGE DEVELOPMENT GENERALLY LOCATED SOUTHWEST OF PINE LAKE ROAD AND S. 27TH STREET AS "ARNOTT FOLSOM PARK" - Lynn Johnson, Director of Parks & Recreation, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF 1.14 MILES OF A TRAIL FROM OLD CHENEY ROAD AT 56TH STREET ALONG BEAL SLOUGH TO PINE LAKE ROAD - Terry Genrich, Parks & Recreation Department Natural Resources Manager, came forward to explain funding. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:55

RECONVENED 5:14 P.M.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF PEACOCK INDIAN CUISINE, INC. DBA PEACOCK INDIAN CUISINE FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84504 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 Peacock Indian Cuisine, Inc. dba Peacock Indian Cuisine for a Class "I" liquor license at 2801 Pine Lake Road, Suite W, Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF CHARICE J. GIBSON FOR PEACOCK INDIAN CUISINE, INC. DBA PEACOCK INDIAN CUISINE AT 2801 PINE LAKE ROAD, SUITE W - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84505 WHEREAS, Peacock Indian Cuisine, Inc. dba Peacock Indian Cuisine located at 2801 Pine Lake Road, Suite W, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Charice J. Gibson be named manager;

WHEREAS, Charice J. Gibson 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 Charice J.

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

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

ANNEXATION 07002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 40.48 ACRES OF PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. (RELATED ITEMS: 07-137, 07-138) - CLERK read an ordinance, introduced by Jonathan Cook, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 07044 - APPLICATION OF CAMERON HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 90TH STREET AND LEIGHTON AVE. (RELATED ITEMS: 07-137, 07-138) - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 07045 - APPLICATION OF REALTY TRUST GROUP FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON APPROXIMATELY 5.87 ACRES GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon as follows: Lots 90, 91 and 113 of Irregular Tracts, located in the Southeast Quarter of Section 10 North, Township 9 North, Range 7 East of the 6<sup>th</sup> P.M., the second time.

CHANGE OF ZONE 07041 - APPLICATION OF YASUFUKU U.S.A., INC. FOR A CHANGE OF

ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. COMMERCE WAY - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon as follows: Lot 7, Block 1, Union Pacific Addition, the second time.

CHANGE OF ZONE 07046 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION 27.03.525 TO DEFINE RESTAURANT; AMENDING SECTIONS 27.27.025, 27.29.030, 27.33.030, 27.41.030, 27.43.030, 27.49.030, 27.51.040 AND ADDING NEW SECTIONS NUMBERED 27.39.025, 27.45.025, AND 27.47.025 TO ALLOW AND ESTABLISH CONDITIONS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT AS A PERMITTED CONDITIONAL USE IN THE O-3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 DISTRICTS, RESPECTIVELY; BY AMENDING SECTIONS 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.050, AND 27.63.680 TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON ANY PREMISES NOT MEETING THE REQUIREMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES OF A RESTAURANT AS A CONDITIONAL PERMITTED USE IN THE B-1, B-3, H-1, H-2, H-4, I-1, I-2 AND I-3 DISTRICTS AS SPECIAL PERMITTED USE; BY AMENDING SECTION 27.27.030 TO DELETE THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES IN RESTAURANTS AS A SPECIAL PERMITTED USE IN THE O-3 DISTRICT; BY AMENDING SECTION 27.67.040 TO ADD SPECIAL PARKING REQUIREMENTS FOR BARS, COFFEE SHOPS AND SIMILAR USES FORMERLY CLASSIFIED AS A RESTAURANT; AND BY AMENDING FIGURE 27.67.040 TO ADD BARS, COFFEE SHOPS, AND SIMILAR USES TO THE LIST OF USES WHICH HAVE SPECIAL PARKING REQUIREMENTS - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new Section 27.03.525 to define restaurant; amending Sections 27.27.025, 27.29.030, 27.33.030, 27.41.030, 27.43.030, 27.49.030, 27.51.040 and adding new Sections numbered 27.39.025, 27.45.025, and 27.47.025 to allow and establish conditions for the sale of alcoholic beverages for consumption on the premises of a restaurant as a permitted conditional use in the O-3, B-1, B-3, H-2, H-3, I-2, I-3, H-1, H-4, AND I-1 Districts, respectively; by amending Sections 27.29.040, 27.33.040, 27.39.030, 27.41.040, 27.43.040, 27.45.030, 27.47.030, 27.49.040, 27.51.050, and 27.63.680 to allow the sale of alcoholic beverages for consumption on any premises not meeting the requirements for the sale of alcoholic beverages for consumption on the premises of a restaurant as a conditional permitted use in the B-1, B-3, H-1, H-2, H-4, I-1, I-2 and I-3 districts as special permitted use; by amending Section 27.27.030 to delete the sale of alcohol for consumption on the premises in restaurants as a special permitted use in the O-3 district; by amending Section 27.67.040 to add special parking requirements for bars, coffee shops and similar uses formerly classified as a restaurant; and by amending Figure 27.67.040 to add bars, coffee shops, and similar uses to the list of uses which have special parking requirements, the second time.

AMENDING SECTION 4.54.010 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE TERM LIMITS FOR COMMUNITY FORESTRY ADVISORY BOARD MEMBERS AND DELETING PROVISIONS REGARDING EX-OFFICIO MEMBERS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 4.54.010 of the Lincoln Municipal Code relating to the Community Forestry Advisory Board to delete the provision that no voting member of the Board may be appointed for more than two consecutive terms, and to delete provisions regarding ex-officio members; and repealing Section 4.54.010 of the Lincoln Municipal code as hitherto existing, the second time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 970 MONROE, BENNET, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and American Legion Post #280 for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 970 Monroe, Bennet, NE 68317 for a term beginning September 1, 2007 through August 31, 2008, the second time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1,

2007 through August 31, 2008, the second time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND HICKMAN PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 300 E. THIRD STREET, HICKMAN, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Hickman Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its

ActivAge Center program at 300 E. Third Street, Hickman, NE 68372 for a term beginning September 1, 2007 through August 31, 2008, the second time.

#### PUBLIC HEARING RESOLUTIONS

APPEAL FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 07026 FOR AUTHORITY TO CONSTRUCT A 31 UNIT DOMICILIARY CARE FACILITY FOR 33 RESIDENTS ON APPROXIMATELY 1.84 ACRES GENERALLY LOCATED AT S. 25<sup>TH</sup> STREET AND OLD CHENEY ROAD. (REQUEST TO HOLD P.H. ON 9/10/07) (8/20/07 - P.H. TO BE HELD ON 8/27/07 W/CON'T P.H. & ACTION ON 9/10/07) - PRIOR to reading:

CAMP Moved to amend Bill No. 07R-160 by substituting the squared-off design for the building site plan in place of the angled design.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: Spatz.

COOK Moved Amendment #1 to Bill No. 07R-160 in the following manner:  
1. On page 3, between lines 5 and 6, insert the following new paragraph;

j. Add a note to the site plan that states that any trucks with three or more axles shall only service the facility on weekdays between 9 a.m. and 5 p.m., and must use 25<sup>th</sup> and Old Cheney to enter or leave the facility.

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

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

A-84506 WHEREAS, the Opus X, Inc. has submitted an application designated as Special Permit No. 07026 for authority to construct a 31 unit domiciliary care facility for a maximum of 33 residents on property generally located at S. 25th Street and Old Cheney Road, and legally described to wit:

Lot 2, Chez Ami Knolls 9th Addition, Lincoln, Lancaster County, Nebraska;

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

WHEREAS, several aggrieved parties have each filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 07026; 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;

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

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

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the application of Opus X, Inc., hereinafter referred to as "Permittee", to develop a 31 unit domiciliary care facility for a maximum of 33 residents, be and the same is hereby granted under the provisions of Section 27.63.530 the Lincoln Municipal Code upon condition that construction of said domiciliary care facility be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a domiciliary care facility for a maximum 31 rooms for 33 residents, including density bonus as provided by the City Design Standards.

2. The Permittee must:

a. License the domiciliary care facility to comply with

- all state requirements for domiciliaries and/or residential care facilities.
- b. Remove the circle drive from the front yard setback along S. 25th Street.
  - c. Show the fire hydrants required by the Fire Department.
  - d. Show the minimum amount of parking required as well as any additional parking stalls.
  - e. All outdoor lighting shall be full cut-off fixtures and directed downward to minimize glare.
  - f. Height of the building shall be limited to one story, not to exceed 25 feet.
  - g. The building footprint of the main building shall not exceed 19,000 feet.
  - h. The building exterior shall utilize gable or pitched roofs, residential style shingles, face brick or stone on a portion of all exterior walls, multiple roof forms to reduce the scale of the building, and residential style details. Design shall conform substantially to the elevations submitted by applicant.
  - i. Remove fence from the triangle formed by the southeast lot corner and points 30 feet north and 30 feet west from that corner. Fence shall not have openings more than 4 inches in width.
  - j. Add a note to the site plan that states that any trucks with three or more axles shall only service the facility on weekdays between 9 a.m. and 5 p.m., and must use 25<sup>th</sup> and Old Cheney to enter or leave the facility.
3. Before receiving building permits the Permittee must provide a revised and reproducible final plot plan and five copies to the Planning Department showing the following revisions:
- a. 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. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
  - c. Provide a landscape screen plan approved by the Director of Planning.
  - d. The construction plans must conform to the approved plans.
4. Before occupying this domiciliary care facility all development and construction is to comply with the approved plans.
5. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

APPROVING THE NAMING OF THE NEWLY RENOVATED FORMAL ROSE GARDEN IN ANTELOPE PARK AS "THE HAMANN ROSE GARDEN AT ANTELOPE PARK" - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84507 A RESOLUTION naming the renovated formal rose garden in Antelope

Park as "The Hamann Rose Garden at Antelope Park" in recognition of Don Hamann's lead gift to the project.

WHEREAS, Don Hamann provided the lead gift of \$100,000 to the fundraising campaign for renovation of Lincoln's municipal rose garden; and

WHEREAS, Mr. Hamann's lead gift has funded approximately half of the renovation cost of the formal rose garden; and

WHEREAS, Mr. Hamann donated land along Antelope Creek north of Pioneers Boulevard for the Antelope Creek Trail corridor and open space along Antelope Creek; and

WHEREAS, the Parks and Recreation Advisory Board has recommended that the renovated rose garden be named in recognition of Don Hamann's civic contributions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the renovated formal rose garden located in Antelope Park be and it hereby is renamed as "The Hamann Rose Garden at Antelope Park."

Introduced by Jonathan Cook

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

APPROVING THE NAMING OF THE NEIGHBORHOOD PARK SITE IN THE TAMARIN RIDGE DEVELOPMENT GENERALLY LOCATED SOUTHWEST OF PINE LAKE ROAD AND S. 27TH STREET AS "ARNOTT FOLSOM PARK" - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84508 A RESOLUTION naming the neighborhood park site in the Tamarin Ridge development generally located southwest of Pine Lake Road and S. 27th Street, as "Arnott Folsom Park" in recognition of Arnott Folsom's service to the community.

WHEREAS, an undeveloped five-acre neighborhood park adjoins the future Adams Elementary School site in the Tamarin Ridge Development; and

WHEREAS, Mr. Folsom advocated for establishment of the Children's Zoo in Lincoln and was the primary fundraiser for initial development of the zoo; and

WHEREAS, Mr. Folsom was an advocate of opportunities for children to experience and interact with the natural environment; and

WHEREAS, the Parks and Recreation Advisory Board has recommended that the park be named in recognition of Arnott Folsom for his community service; and

WHEREAS, the Parks and Recreation Facilities Naming Policy states that a facility that is primarily funded by public funds may be named in recognition of civic accomplishments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the neighborhood park in the Tamarin Ridge Development be and it hereby is renamed as "Arnott Folsom Park."

Introduced by Jonathan Cook

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

AUTHORIZING AND SUPPORTING THE PARKS & RECREATION DEPARTMENT'S SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM OF THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO FUND THE CONSTRUCTION OF 1.14 MILES OF A TRAIL FROM OLD CHENEY ROAD AT 56TH STREET ALONG BEAL SLOUGH TO PINE LAKE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84509 WHEREAS, the City of Lincoln intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing Phase I of the Beal Slough Trail, a 1.14 mile pedestrian/bicycle trail located along Beal Slough from Old Cheney Road and 56th Street south to Pine Lake Road; and

WHEREAS, the total estimated cost of the project is \$445,562 with \$91,112 identified in the CIP budget with funds coming from impact fees and \$364,450 being provided by the Transportation Enhancement Program grant; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the completed facility in a safe and attractive manner for the public.

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

That the City of Lincoln hereby expresses its support for the application being made by the City of Lincoln to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as Phase I of the Beal Slough Trail and its commitment to the on-going maintenance of the trail.

The City Clerk is directed to transmit a certified copy of this

resolution to the Parks & Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Jonathan Cook

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07042 - App. of Southeast Lincoln Animal Medical Center, LLC for a change of zone from O-2 Suburban Office District to B-1 Local Business District on property generally located at South 84<sup>th</sup> St. and Old Cheney Road.

Change of Zone No. 07047 - App. of William J. Wood for a change of zone from R-6 Residential District to R-4 Residential District on property generally bounded by S. 8<sup>th</sup> to S. 9<sup>th</sup> Streets and A to F Streets.

Change of Zone No. 07050 - Req. by the Director of Planning, amending Chapter 27.71 of the Lincoln Municipal Code relating to additional height and area regulations, amending Section 27.71.130 to delete the reference to the R-5 Residential Zoning District and clarify language about single family dwellings; amending Section 27.71.140 to clarify language; amending Section 27.81.010 to clarify that Chapters 27.60 and 27.63 also apply; and repealing Sections 27.71.130, 27.71.140, and 27.18.010.

Change of Zone No. 07051 - App. of Lamar Outdoor Advertising amending Title 27 of the Lincoln Municipal Code relating to nonconforming signs by amending Section 27.69.320 to add provisions allowing a nonconforming off-premises sign to be replaced without being brought into compliance with the zoning code sign regulations under limited circumstances; and repealing Section 27.69.320.

Special Permit No. 07004 - App. of Verizon Wireless, for an approx. 158 ft. tall personal wireless facility on property generally located at N. 140<sup>th</sup> and O Streets.

Special Permit No. 07031 - App. of Southeast Lincoln Animal Medical Center, LLC for an animal hospital on property generally located at S. 84<sup>th</sup> St. and Old Cheney Road.

Special Permit No. 07035 - App. of Barbara Burr for the expansion of a nonstandard use to remove and replace an existing garage on property generally located at S. 25<sup>th</sup> Street and Sumner Street.

Special Permit No. 07036 - App. of LeGrande Excavating, Inc. for the extraction of sand, gravel and soil on property generally located at the northeast corner of N. 120<sup>th</sup> St. and Alvo Road.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 24, 2007 AT 5:30 P.M. FOR THE APPLICATION OF KENNETH MEIER DBA MEIER'S CORK 'N BOTTLE FOR A CLASS CK LIQUOR LICENSE LOCATED AT 1244 SOUTH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84510 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 24, 2007, at 5:30 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 Kenneth Meier dba Meier's Cork 'N Bottle for a Class CK liquor license located at 1244 South Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 24, 2007 AT 5:30 P.M. FOR THE APPLICATION OF 55 DEGREES, INC. DBA BREAD & CUP FOR A CATERING LIQUOR LICENSE LOCATED AT 440 NORTH 8TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84511 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 24, 2007, at 5:30 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 55 Degrees, Inc. dba Bread & Cup for a Catering liquor license located at 440 N. 8th Street.

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

Introduced by Doug Emery

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 24, 2007 AT 5:30 P.M. FOR THE MANAGER APPLICATION OF DEREK EHLERS FOR LINCOLN HOLDINGS, LTD DBA MARZ BAR LOCATED AT 1140 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84512 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, September 24, 2007, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Manager Application of Derek Ehlers for Lincoln Holdings, LTD dba Marz Bar located at 1140 O Street.

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

Introduced by Doug Emery

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

**MISCELLANEOUS BUSINESS - NONE**

**REPORTS OF CITY OFFICERS**

APPOINTING MIKE TAVLIN TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR A THREE-YEAR TERM EXPIRING ON SEPTEMBER 1, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84513 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mike Tavlin to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2010 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING DAN ANDERSON, DR. CHUCK ERICKSON, AND CHARLENE GONDRING TO THE COMMUNITY HEALTH ENDOWMENT BOARD OF TRUSTEES FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84514 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Anderson, Dr. Chuck Erickson, and Charlene Gondring to the Community Health Endowment Board of Trustees for a three-year term expiring September 1, 2010 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING TIMOTHY BARRETT CHLUPSA TO THE AIR POLLUTION CONTROL ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84515 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Timothy Barrett Chlupsa to the Air Pollution Control Advisory Board to fill an unexpired term expiring September 1, 2008 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING ALLEN L. NEEMANN TO THE TAXICAB REVIEW BOARD FOR A THREE YEAR TERM EXPIRING FEBRUARY 24, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84516 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Allen L. Neemann to the Taxicab Review Board for a three-year term expiring February 24, 2010 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING BARB BIFFLE, RICK BOUCHER, JONATHAN REHM AND DONALD R. STADING TO THE CHARTER REVISION COMMISSION FOR FOUR-YEAR TERMS EXPIRING JULY 15, 2011, JULY 15, 2011, JULY 15, 2011, AND JULY 15, 2010, RESPECTIVELY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84517 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of the following persons to the Charter Revision Commission for four-year terms as set out below, is hereby

approved.

<u>Name</u>	<u>Term Expires</u>
Barb Biffle	July 15, 2011
Rick Boucher	July 15, 2011
Jonathan Rehm	July 15, 2011
Donald R. Stading	July 15, 2010

Introduced by Jonathan Cook

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

APPOINTING DAN NOLTE AND DIANE GONZOLAS TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE TO FILL UNEXPIRED TERMS EXPIRING JANUARY 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84518 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dan Nolte and Diane Gonzolas to the Government Access and Information Committee for terms expiring January 1, 2008, is hereby approved.

Introduced by Jonathan Cook

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

APPROVING THE APPOINTMENT OF FRED A. HOKE TO THE LINCOLN CITY LIBRARY BOARD OF TRUSTEES FOR A SEVEN-YEAR TERM TO EXPIRE AUGUST 31, 2014 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84519 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Fred A. Hoke to the Lincoln City Library Board of Trustees for a seven-year term expiring August 31, 2014 is hereby approved.

Introduced by Jonathan Cook

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED JULY 31, 2007 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84520 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2007, \$684,477.84 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 Doug Emery

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR AUGUST, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 20, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON AUGUST 27, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

CHANGE OF ZONE 07043 - AMENDING CHAPTER 27.67 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKING BY AMENDING SECTION 27.67.020, THE PARKING MATRIX, TO ADD A NOTE PROVIDING THAT IF THE NUMBER OF SPACES REQUIRED BY THE BUILDING RATIO IS GREATER THAN REQUIRED BY THE EMPLOYEE RATIO, AN ADDITIONAL PARKING AREA SHALL BE RESERVED TO ACCOMMODATE THE ADDITIONAL SPACING; AMENDING SECTION 27.67.030 TO DELETE THE RESTRICTION IN SECTION 27.67.030 THAT PARKING LOTS, PARKING AREAS, AND DRIVING AISLES MAY NOT BE LOCATED IN THE FRONT SIX FEET OF THE FRONT YARD AND DELETING THE REQUIREMENT THAT SAID FRONT SIX FEET BE LANDSCAPED. (RELATED ITEMS: 07-141, 07R-169) - CLERK read an ordinance, introduced by Doug Emery,

amending Chapter 27.67 of the Lincoln Municipal code relating to parking by amending Section 27.67.020 of the Parking Matrix, to add a note providing that if the number of spaces required by the building ratio is greater than required by the employee ratio, an additional parking area shall be reserved to accommodate the additional spacing; amending Section 27.67.030 to delete the restriction in Section 27.67.030 that parking lots, parking areas, and driving aisles may not be located in the front six feet of the front yard and deleting the requirement that said front six feet be landscaped; and repealing Sections 27.67.020 and 27.67.030 of the Lincoln Municipal Code as hitherto existing, the first time.

MISC. NO. 06007 - AMENDING CHAPTER 2.35, DESIGN STANDARDS FOR STREET TREES, REGARDING THE LOCATION OF STREET TREES, REPEALING SECTION 2 (APPROVED TREES FOR STREETS), AND REPEALING SECTION 3 (TREES THAT WILL NOT BE PERMITTED AS STREET TREES); AND BY AMENDING CHAPTER 3.50, DESIGN STANDARDS FOR SCREENING AND LANDSCAPING, BY AMENDING SECTION 3, GENERAL REQUIREMENTS, TO REQUIRE THE PLAN TO SHOW THE TOTAL SQUARE FEET OF THE PARKING LOT OR ADDITION, INCLUDING DRIVING AISLES, THE SQUARE FEET OF THE BUILDING ADDITION, THE ZONING OF THE LOT, AND THAT THE EXISTING PARKING AREAS OR BUILDINGS BE SHOWN AND LABELED AS EXISTING; BY AMENDING SECTION 4, PLANT MATERIAL FOR SCREENING AND LANDSCAPING, TO REQUIRE A ONE-HALF BUT NOT MORE THAN THREE-FOURTHS OF THE SCREEN BE CONIFEROUS OR A VARIETY OF PLANT MATERIAL THAT WILL RETAIN ITS LEAVES THROUGH THE WINTER MONTHS; BY AMENDING SECTION 7, HOW MUCH IS TO BE SCREENED AND WHERE THE SCREENS ARE TO BE LOCATED ON THE PROPERTY, BY AMENDING SECTION 7.1, PARKING LOTS, PARKING AREAS, AND DRIVING AISLES, TO CLARIFY THE AMOUNT OF THE SCREEN WHEN THE PARKING LOT, PARKING AREAS AND DRIVING AISLES ARE SET BACK FROM THE EDGE OF THE PAVEMENT ON PRIVATE STREETS OR WHEN THE PARKING LOT, PARKING AREAS AND DRIVING AISLES ARE LESS THAN FIVE FEET FROM AN ALLEY RIGHT-OF-WAY, BY ADDING SPECIFIC SCREENING REQUIREMENTS FOR PARKING LOTS, PARKING AREAS, OR DRIVING AISLES IN THE B-1, B-3, H-1, H-2, AND H-3 ZONING DISTRICTS; BY AMENDING SECTION 7.4 TO MODIFY THE MEASUREMENT OF THE SCREEN FOR RESIDENTIAL LOTS BACKING ONTO MAJOR STREETS AND RAILROADS; BY AMENDING SECTION 7.5 TO ADD ADDITIONAL REQUIREMENTS FOR SCREENING OF DIFFERENT USES IN THE B-1, B-2, B-3, H-2, H-3, H-4, O-2, I-1, I-2, AND I-3 DISTRICTS ABUTTING RESIDENTIAL DISTRICTS; BY AMENDING SECTION 7.6 TO ADD ADDITIONAL REQUIREMENTS FOR SCREENING REQUIRED YARDS, OPEN SPACE AREAS, MALLS AND AROUND PROPOSED BUILDINGS IN THE O-3, B-2, B-5, I-2, AND I-3 DISTRICTS AND CHURCHES IN THE R-1 THROUGH R-4 DISTRICTS; AND BY AMENDING SECTION 8, PROCEDURES, TO REQUIRE PLANS AND DOCUMENTS REQUIRED TO BE FILED WITH THE BUILDING OFFICIAL TO SHOW SCREENING AND LANDSCAPING; AND REPEALING CHAPTER 3.95, DESIGN STANDARDS FOR STREET TREES, IN ITS ENTIRETY. (RELATED ITEMS: 07-141, 07R-169) (ACTION DATE: 9/24/07)

APPROVING AN AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NE FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church/Waverly of the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 14410 Folkestone Street, Waverly, NE for a term beginning September 1, 2007 through August 31, 2008, the first time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND SAFE-HARBOUR EAT - XVII, LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST O STREET. (RELATED ITEMS: 07R-183, 07-149) (ACTION DATE: 9/24/07)

CHANGE OF ZONE 07048 - APPLICATION OF SAFE-HARBOUR EAT - XVII, LLC FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON 9.25 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST O STREET. (RELATED ITEMS: 07R-183, 07-149) - CLERK read an ordinance, introduced by Doug Emery, 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 07049 HP - APPLICATION OF MATTHEW AND LISA INNIS TO DESIGNATE THE PROPERTY AT 1204 PEACH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Doug Emery, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a historic landmark, the first time.

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

VACATION 05008 - VACATING PINE LAKE ROAD BETWEEN WESTSHORE DRIVE AND EASTSHORE DRIVE - PRIOR to reading:

CAMP Moved to have Bill No. 07-132 delayed for one week to 9/17/07 for action only.

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

CLERK Read an ordinance, introduced by Jon Camp, vacating Pine Lake Road between Westshore Drive and Eastshore Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

APPROVING AN AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET FOR A PERIOD OF SEPTEMBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11<sup>th</sup> Street, Lincoln, NE for a term beginning September 1, 2007 through August 31, 2008, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18986, is recorded in Ordinance Book #26, Page

APPROVING AN AMENDMENT TO LEASE AGREEMENT, THE GOLD'S BUILDING, BETWEEN THE CITY OF LINCOLN AND SECURITY NATIONAL PROPERTIES FUNDING, LLC, TO STRIKE PARAGRAPH 9, SUBROGATION, FROM THE LEASE - CLERK read an ordinance, introduced by Jon Camp, accepting and approving the Amendment to Lease Agreement, the Gold's Building, between the City of Lincoln and Security National Properties Funding, LLC, to strike paragraph 9 Subrogation from the Lease, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18987, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF LABOR TO SUBLEASE 6,568 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2011 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2011 whereby the City of Lincoln is subleasing 6,568 sq. ft. of space to Nebraska Workforce Development, Department of Labor, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18988, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE STATE OF NEBRASKA DEPARTMENT OF EDUCATION, VOCATIONAL REHABILITATION SERVICES TO SUBLEASE 154 SQ. FT. OF OFFICE SPACE IN THE ONE STOP CAREER CENTER AT THE GOLD'S BUILDING FOR A TERM OF JANUARY 1, 2007 TO DECEMBER 31, 2009 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, and DAS/State Building Division on behalf of Nebraska Department of Education, Vocational Rehabilitation Services, for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2007 through December 31, 2009 whereby the City of Lincoln is subleasing 154 sq. ft. of space to Nebraska Department of Education, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #18989, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Deanna Weeks, 361 Prestwick Rd., came forward in support of a baby Safe Haven Law in the state of Nebraska which would allow a mother to surrender a newborn at a safe haven location without fear of prosecution. Discussion followed.

This matter was taken under advisement.

Mike Morosin, no address given, came forward to comment on his housing situation. Discussion followed.

This matter was taken under advisement.

Julie Schmidt-Albin, Director of Nebraska Right To Life, 404 S. 11<sup>th</sup> St., came forward in support of passing a Safe Haven bill (LB157) at the State level. If individual cities start passing local ordinances, there will not be uniform language. She requested the Council to be proactive and show support for the concept of Safe Haven while recognizing the legal issues which concern the City.

Dana Roper, City Attorney, came forward to answer questions about the State law that deals with abandonment of a child. Discussion followed.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

##### PENDING -

CAMP Moved to extend the Pending List to September 17, 2007.  
Seconded by Cook & 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 September 17, 2007.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

##### ADJOURNMENT 5:59 P.M.

CAMP Moved to adjourn the City Council meeting of September 10, 2007.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

