

**A G E N D A**

**BOARD OF EQUALIZATION**

**MONDAY, NOVEMBER 5, 2007 AT 1:30 P.M.**

- 1) ELECTION OF CHAIR
- 2) READING OF OPENING STATEMENT BY CHAIR PERSON
- 3) DOWNTOWN BUSINESS IMPROVEMENT DISTRICT generally bounded by H, 6<sup>th</sup>, R, and 17<sup>th</sup> Streets.
- 4) CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY generally bounded by Centennial Mall, M, 9<sup>th</sup> and Q Streets.
- 5) DOWNTOWN MAINTENANCE DISTRICT generally extending from 7<sup>th</sup> Street on the west to 17<sup>th</sup> Street on the east and from R Street on the north, to M Street on the south and shall in addition thereto include the properties abutting on the west side of 7<sup>th</sup> Street from N Street to R Street; the properties abutting on the east side of 17<sup>th</sup> Street from Q Street to M Street; the properties abutting on the north side of R Street from 7<sup>th</sup> Street to 10<sup>th</sup> Street and the properties abutting the south side of M Street from 8<sup>th</sup> Street and the properties abutting the south side of M Street from 8<sup>th</sup> Street to 17<sup>th</sup> Street. In addition, the district shall include properties abutting both sides of 13<sup>th</sup> Street from M Street to Lincoln Mall and all of Cornhusker Square.
- 6) REMARKS BY/QUESTIONS OF URBAN DEVELOPMENT DEPARTMENT STAFF
- 7) PUBLIC TESTIMONY
- 8) VOTING SESSION
- 9) ADJOURNMENT (Sine Die or must set another date and time)

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**THE MINUTES OF THE BOARD OF EQUALIZATION HELD  
MONDAY, NOVEMBER 5, 2007 AT 1:30 P.M.**

The Board of Equalization met at 1:30 p.m. in the City Council Chambers of the County-City Building in Lincoln, Nebraska, as required by law.

Members Present: Jon Camp, Jonathan Cook, Doug Emery, Robin Eschliman, Dan Marvin, Jon Spatz, Ken Svoboda.

MARVIN Our first order of business is to elect a chair.

CAMP I nominate Dan Marvin.

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

MARVIN Took the Chair and proceeded with the reading of the procedures to be followed for public hearing on matters presented to the Board, with a brief explanation of the procedures.

**PUBLIC HEARING**

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6<sup>TH</sup>, R, AND 17<sup>TH</sup> STREETS.

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9<sup>TH</sup> AND Q STREETS.

DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7<sup>TH</sup> STREET ON THE WEST TO 17<sup>TH</sup> STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7<sup>TH</sup> STREET FROM N STREET TO R STREET; THE PROPERTIES ABUTTING ON THE EAST SIDE OF 17<sup>TH</sup> STREET FROM Q STREET TO M STREET; THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7<sup>TH</sup> STREET TO 10<sup>TH</sup> STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8<sup>TH</sup> STREET TO 17<sup>TH</sup> STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13<sup>TH</sup> STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE - Dallas McGee, Urban Development Department, came forward to explain the assessment districts.

Ron Cane, Urban Development Department, was on hand for questioning.

George Pinkerton, Maintenance Director with the Downtown Lincoln Association, came forward to introduce himself and answer questions. Discussion followed.

MARVIN Acknowledged the presence of Polly McMullen, President of the Downtown Lincoln Association, and expressed appreciation for her work. This matter was taken under advisement.

**VOTING SESSION**

DOWNTOWN BUSINESS IMPROVEMENT DISTRICT GENERALLY BOUNDED BY H, 6<sup>TH</sup>, R, AND 17<sup>TH</sup> STREETS;

CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9<sup>TH</sup> AND Q STREETS;

DOWNTOWN MAINTENANCE DISTRICT GENERALLY EXTENDING FROM 7<sup>TH</sup> STREET ON THE WEST TO 17<sup>TH</sup> STREET ON THE EAST AND FROM R STREET ON THE NORTH, TO M STREET ON THE SOUTH AND SHALL IN ADDITION THERETO INCLUDE THE PROPERTIES ABUTTING ON THE WEST SIDE OF 7<sup>TH</sup> STREET FROM N STREET TO R STREET; THE PROPERTIES ABUTTING ON THE EAST SIDE OF 17<sup>TH</sup> STREET FROM Q STREET TO M STREET; THE PROPERTIES ABUTTING ON THE NORTH SIDE OF R STREET FROM 7<sup>TH</sup> STREET TO 10<sup>TH</sup> STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8<sup>TH</sup> STREET AND THE PROPERTIES ABUTTING THE SOUTH SIDE OF M STREET FROM 8<sup>TH</sup> STREET TO 17<sup>TH</sup> STREET. IN ADDITION, THE DISTRICT SHALL INCLUDE PROPERTIES ABUTTING BOTH SIDES OF 13<sup>TH</sup> STREET FROM M STREET TO LINCOLN MALL AND ALL OF CORNHUSKER SQUARE:

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

**ADJOURNMENT**

**1:45 P.M.**

CAMP Moved to adjourn Sine Die the Board of Equalization Meeting.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 5, 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**

ESCHLIMAN Having been appointed to read the minutes of the City Council proceedings of October 29, 2007 reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler presented the October 2007 Award of Excellence to Kirk Drake of Public Works & Utilities/Engineering Services Division in the categories of Productivity, Customer Relations, and Loss Prevention. Mr. Drake responded to a call from Aquila and assisted in averting a potential disaster in which a contractor dig was too close to the main 911 fiber line. His accuracy, contractor relationship skills, and work ethic helped protect the City's underground lines from damage.

Kirk Drake came forward to accept his award, express his appreciation and ask that all of Traffic Engineering share in the award.

Randy Hoskins, Assistant City Engineer, came forward to congratulate Mr. Drake on a job well done.

This matter was taken under advisement.

**PUBLIC HEARING**

AMENDING CHAPTER 2.81 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN LIVING WAGE ORDINANCE TO ADD A DEFINITION FOR "NONPROFIT ORGANIZATION" AND TO EXEMPT NONPROFIT ORGANIZATIONS FROM THE APPLICATION OF THE ORDINANCE - Danny Walker, 427 "E" Street, came forward to comment.

André Mick, 620 N. 48<sup>th</sup> St. Suite 205, came forward representing Lincoln Independent Business Association in opposition.

This matter was taken under advisement.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN PROGRAM - Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions and discuss the resolution's Attachment "A", which is an updated version. Discussion followed.

This matter was taken under advisement.

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA GAME & PARKS COMMISSION FOR OPERATION OF THE ARCHERY RANGE LOCATED IN HELEN BOOSALIS PARK AT 44TH AND SUPERIOR STREETS TO EXTEND THE TERM UNTIL MARCH 1, 2031 AND TO SET OUT CERTAIN MAINTENANCE AND IMPROVEMENT RESPONSIBILITIES TO THE ARCHERY SITE - Lynn Johnson, Director of Parks & Recreation, came forward to explain what the amendment involves. Discussion followed.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 07001 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE CARDWELL BRANCH WATERSHED MASTER PLAN TO THE LIST OF SUB-AREA PLANS IN THE PLAN IMPLEMENTATION SECTION AND TO THE LIST OF WATERSHED STUDIES IN THE UTILITIES SECTION; AND TO AMEND THE

LINCOLN AREA'S AND LANCASTER COUNTY FUTURE LAND USE MAPS TO SHOW TWO "OPPORTUNITY AREA", ONE NORTHEAST OF THE YANKEE HILL DAM AND ONE ON EITHER SIDE OF S.W. 27TH STREET, SOUTH OF RIDGEWOOD BLVD., AS "GREEN SPACE" AND "ENVIRONMENTAL RESOURCES" - Devin Biesecker, Public Works & Utilities, came forward to explain the Comprehensive Plan. Discussion followed.

Russell Miller, 341 S. 52<sup>nd</sup> St., came forward in support.

Danny Walker, 427 "E" Street, came forward to comment.

Mr. Biesecker, came forward to answer questions. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS - NONE**

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND ROBERT AND JANETTE FIALA FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 370 FIFTH STREET, DAVID CITY, NEBRASKA - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and Robert & Janette Fiala for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 370 Fifth Street, David City, NE 68632, for a 13-month term from May 1, 2007 through May 31, 2008, the second time.

AMENDING CHAPTER 2.81 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN LIVING WAGE ORDINANCE TO ADD A DEFINITION FOR "NONPROFIT ORGANIZATION" AND TO EXEMPT NONPROFIT ORGANIZATIONS FROM THE APPLICATION OF THE ORDINANCE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 2.81 of the Lincoln Municipal Code relating to the Lincoln Living Wage Ordinance by amending Section 2.81.020 to add a definition for "nonprofit organization"; amending Section 2.81/090 to exempt nonprofit organizations from the application of the ordinance; and repealing Sections 2.81.020 and 2.81.090 of the Lincoln Municipal Code as hitherto existing, the second time.

### **PUBLIC HEARING RESOLUTIONS**

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN PROGRAM.

(9/24/07 - PLACED ON PENDING, NO DATE CERTAIN) (10/22/07 - TO HAVE P.H. & ACTION 11/5/07) - PRIOR to reading:

CAMP Moved to approve Bill No. 07R-185 with the reference to the attachment of the signed agreement with the Department of Environmental Quality.

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

CLERK Read the following amended resolution, introduced by Robin Eschliman, who moved its adoption:

A-84612 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Cooperative Agreement between the City of Lincoln and the Nebraska Department of Environmental Quality (NDEQ) regarding grant funding from the state Stormwater Management Plan Program, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for NDEQ grant funding to implement programs and projects in association with the City of Lincoln's Stormwater Management Program.

The City Clerk is directed to transmit an executed original Agreement to Ben Higgins, Public Works and Utilities Department, 901 N. 6<sup>th</sup> Street, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Robin Eschliman

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

APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND NEBRASKA GAME & PARKS COMMISSION FOR OPERATION OF THE ARCHERY RANGE LOCATED IN HELEN BOOSALIS PARK AT 44TH AND SUPERIOR STREETS TO EXTEND THE TERM UNTIL MARCH 1, 2031 AND TO SET OUT CERTAIN MAINTENANCE AND IMPROVEMENT RESPONSIBILITIES TO THE ARCHERY SITE - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84613 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That Amendment No. 1 to the Interlocal Agreement between the Nebraska Game and Parks Commission and the City of Lincoln Parks and Recreation Department for the operation of the archery range located in Helen Boosalis Park generally located at 44th and Superior Streets to extend the term until March 1, 2031 and the Agreement between the Nebraska Game and Parks Commission, Prairie Bowman Archery Club, and the City of Lincoln Parks and Recreation Department to set out certain maintenance and improvement responsibilities to the archery site, upon the terms and conditions set forth in said Agreements attached hereto, are hereby approved and the Mayor is authorized to execute said Agreements on behalf of the City.

The City Clerk is hereby directed to transmit a certified copy of the executed originals of said Agreements to Lynn Johnson, Parks and Recreation Department for transmittal to the Nebraska Game and Parks Department and Prairie Bowman Archery Club.

Introduced by John Spatz

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

COMP. PLAN AMENDMENT 07001 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE CARDWELL BRANCH WATERSHED MASTER PLAN TO THE LIST OF SUB-AREA PLANS IN THE PLAN IMPLEMENTATION SECTION AND TO THE LIST OF WATERSHED STUDIES IN THE UTILITIES SECTION; AND TO AMEND THE LINCOLN AREA'S AND LANCASTER COUNTY FUTURE LAND USE MAPS TO SHOW TWO "OPPORTUNITY AREA", ONE NORTHEAST OF THE YANKEE HILL DAM AND ONE ON EITHER SIDE OF S.W. 27TH STREET, SOUTH OF RIDGEWOOD BLVD., AS "GREEN SPACE" AND "ENVIRONMENTAL RESOURCES" - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84614 WHEREAS, the Planning Director has made application to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to incorporate the Cardwell Branch Watershed Master Plan as a subarea plan and to adjust the Future Land Use Plan accordingly; and

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

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

That the 2030 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Add the Cardwell Branch Watershed Master Plan, 2007 to the list of approved subarea plans on Page 155.
2. Add the Cardwell Branch Watershed Mater Plan, 2007 to the list of adopted watershed studies on page 81.

3. Amend the Lancaster County Future Land Use figure on page 17 and the Lincoln Area Future Land Use figure on page 19 to change the land use designation on property east of the Yankee Hill dam and south of Ridgewood Blvd., both east and west of S.W. 27th Street from "Agriculture" to "Green Space" and "Environmental Resources" as shown on Attachment "A".

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

Introduced by John Spatz

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

#### PETITIONS & COMMUNICATIONS - NONE

#### MISCELLANEOUS BUSINESS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 29, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER 2007 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE MONTH OF AUGUST 2007: TWC DIGITAL PHONE LLC; SEPTEMBER 2007: AT&T COMM. OF MIDWEST, LEVEL 3 COMM. LLC, TWC DIGITAL PHONE LLC; 3RD QUARTER 2007: WINDSTREAM - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE QUARTER JULY - SEPTEMBER 2007: AMERIVISION COMM., HELIO LLC, ENHANCED COMM., DIGIZIP.COM, NETWORK US, NECC TELECOM, COMTECH 21, MEGAPATH, T-MOBILE CENTRAL, 800 RESPONSE, OPEX COMM., VERIZON; AUGUST 2007: CINCINNATI BELL ANY DISTANCE, EARTHLINK, XO COMMUNICATIONS, LDMI TELECOMM., INTELLICALL OPERATOR SERVICES, VOICECOM, TRACFONE WIRELESS, ANDIAMO, WHOLESALE CARRIER SERVICES, VERIZON-BELL ATLANTIC, GLOBAL CROSSING, TELECORP, VERIZON SELECT, VIRGIN MOBILE, MOVIDA, MCLEOD USA, TRANS NATIONAL, ACN COMM., BROADWING, PRIMUS, WORKING ASSETS FUNDING SERVICE, GLOBAL CROSSING BANDWIDTH, ONSTAR CORP., BROADBAND DYNAMICS, QWEST, VCN INC., USCOC OF NEBRASKA/KANSAS, IBM GLOBAL SERVICES-NS DIV., KDDI AMERICA, ADVANCED TEL INC., GLOBAL USA, NETWORK BILLING SYSTEMS, CIMCO COMM., TELEPLUS WIRELESS, BUSINESS PROD. SOLUTIONS, TON SERVICES, QUANTUM SHIFT, GUARANTEED PHONE SERVICE, USCOC OF GREATER IOWA, NEW CINGULAR WIRELESS, TWC DIGITAL PHONE, CRICKET, AT&T COMM OF MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM.; SEPTEMBER 2007: VERIZON, SPRINT, SPRINT SPECTRUM, NEXTEL, ALLTEL COMMUNICATIONS OF NEBRASKA, WWC LICENSE LLC DBA ALLTEL, D&D COMM., QUANTUM SHIFT, BUSINESS TELECOM, NEXTEL WEST CORP., GTC TELECOM, LIGHTYEAR NETWORK SOLUTIONS, ENHANCED, TRI-M COMM., GLOBALCOM, ZONE TELECOM, BT AMERICAS, ACCERIS, SBC LONG DISTANCE, FIRST COMMUNICATIONS, NOSVA, NOS COMM., 360NETWORKS USA, AFFINITY NETWORK, SHAFFER COMMUNICATIONS, COVISTA, FRONTIER, ATS MOBILE TELEPHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

#### REPORTS OF CITY OFFICERS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER 30, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84615 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended September 30, 2007, \$679,455.95 was earned from the investment 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 Ken Svoboda

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 22, 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 07054HP - APPLICATION OF GAMMA PHI BETA HOUSE CORPORATION OF GAMMA PHI BETA SORORITY, TO DESIGNATE THE PROPERTY AT 415 N. 16TH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Ken Svoboda, 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 Landmark, the first time.

CHANGE OF ZONE 07056 - APPLICATION OF JOHN AND ANDREA SCHLEICH FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 4.95 ACRES OF PROPERTY GENERALLY LOCATED AT ASHBROOK DRIVE AND HIGHWAY 2 (RELATED ITEMS: 07-170, 07R-227) - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SPECIAL PERMIT 1992A - APPLICATION OF JOHN AND ANDREA SCHLEICH TO AMEND THE EDENTON WOODS 1ST COMMUNITY UNIT PLAN TO ALLOW AN ADDITIONAL 33 DWELLING UNITS AND TO WAIVE THE MAXIMUM BLOCK LENGTH AND TO ALLOW ROLL-OVER CURBS, ON PROPERTY GENERALLY LOCATED AT ASHBROOK DRIVE AND HIGHWAY 2. (RELATED ITEMS: 07-170, 07R-227) (ACTION DATE: 12/3/07)

COMP. PLAN CONFORMITY 06001 - AMENDING THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD A HOUSING PROJECT TO PROVIDE NEW RENTAL HOUSING FOR LOW INCOME AND LOW INCOME SERIOUSLY MENTALLY ILL PEOPLE, AND NEW SINGLE FAMILY HOMES FOR LOW AND MODERATE INCOME PEOPLE, ON PROPERTY GENERALLY BOUNDED ON THE WEST BY HAYWARD PARK, ON THE NORTH THE SALT CREEK CHANNEL, ON THE EAST BY N. 10TH STREET, AND ON THE SOUTH BY THE EAST-WEST ALLEY NORTH OF CLAREMONT STREET. (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (ACTION DATE: 12/3/07) (REQUEST TO HAVE ACTION ON 11/19/07)

COMP. PLAN CONFORMANCE 07022 - DECLARING APPROXIMATELY 6.02 ACRES OF PROPERTY GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD, AS SURPLUS PROPERTY (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (REQUEST TO HAVE 2ND & 3RD READINGS W/ACTION ON 11/19/07) - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately 6.02 acres of City-owned property generally located near North 10<sup>th</sup> Street and Military Road as surplus and authorizing the sale thereof, the first time.

CHANGE OF ZONE 07055 - APPLICATION OF HOPPE INC. FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON APPROXIMATELY 6.18 ACRES OF PROPERTY GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (REQUEST TO HAVE 2ND & 3RD READINGS W/ACTION ON 11/19/07) - CLERK read an ordinance, introduced by Ken Svoboda, 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.

SPECIAL PERMIT 07047 - APPLICATION OF HOPPE, INC. TO DEVELOP THE 10TH AND MILITARY COMMUNITY UNIT PLAN FOR 61 MULTI-FAMILY UNITS AND 10 SINGLE-FAMILY ATTACHED UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED SCREENING, REDUCTION IN PARKING, REDUCTION IN THE FRONT YARD SETBACK, STORMWATER DETENTION, SPACING OF LOCAL STREETS TO MAJOR STREETS, AND MINIMUM ELEVATION OF STREETS IN A FLOODPLAIN, ON APPROXIMATELY 6.18 ACRES GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD. (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (ACTION DATE: 12/3/07) (REQUEST TO HAVE ACTION ON 11/19/07)

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND SPIRITS BY BECKMAN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 NORTH CHESTNUT STREET, WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 708 North Chestnut, Wahoo, Nebraska, for a term commencing on May 1, 2007 and terminating on December 31, 2007, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19012**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PANAMA CAFÉ FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and The Panama Café for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 310 Locust Street, Panama, NE 68419, for a term commencing October 2, 2007 and terminating on August 31, 2008, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19013**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE POLK SENIOR CENTER FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) MEDICAID WAIVER PROGRAM AT 230 NORTH MAIN STREET, POLK, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and the Polk Senior Center for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Medicaid Waiver Program located within the Center at 230 N. Main Street, Polk, NE 68654, for a 13-month term from May 1, 2007 through May 31, 2008, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19014**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E HIGHWAY 33, SUITE 6, CRETE NEBRASKA - CLERK read an ordinance, introduced by Robin

Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer and Dittmer for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 1005 E Highway 33, Suite 6, Crete, NE 68333, for a 13-month term from May 1, 2007 through May 31, 2008, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19015, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07053 - APPLICATION OF AIRPARK HOLDINGS V, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY (RELATED ITEMS: 07-163, 07R-217) - 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, by changing the boundaries of the districts established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19016, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 2022B - APPLICATION OF AIRPARK HOLDINGS V, LLC TO EXPAND THE EXISTING PINE LAKE HEIGHTS PLANNED SERVICE COMMERCIAL TO ADD APPROXIMATELY 44,875 SQUARE FEET OF COMMERCIAL USE ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217) (ACTION DATE: 11/5/07) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84616 WHEREAS, Airpark Holdings V, LLC has submitted an application designated as Special Permit No. 2022B for authority to expand the existing Planned Service Commercial Development approved by Special Permit No. 2022A for an additional 44,875 sq. ft. of commercial space and a waiver of the sign regulations on property generally located at the southeast corner of S. 27th Street and Grainger Parkway and legally described as:

Lots 3 through 7 and Outlot A, Pine Lake Heights South 9th Addition; Lots 1 and 2, Pine Lake Heights South 12th Addition; and Lots 1 and 2, Pine Lake Heights South 13th Addition, all located in the Southwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the intersection of the south line of Grainger Parkway right-of-way and the east line of South 27th Street right-of-way, said point being the true point of beginning; thence on an assumed bearing of north 89 degrees 57 minutes 52 seconds east along the south line of Grainger Parkway right-of-way, a distance of 302.00 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 241.00 feet, arc length of 226.05 feet, delta angle of 53 degrees 44 minutes 27 seconds, a chord bearing of south 63 degrees 09 minutes 55 seconds east along the south line of Grainger Parkway right-of-way, and a chord length of 217.85 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 859.00 feet, arc length of 43.53 feet, delta angle of 02 degrees 54 minutes 12 seconds, a chord bearing of south 37 degrees 44 minutes 47 seconds east along the south line of Grainger Parkway right-of-way, and a chord length of 43.52 feet to a point; thence north 50 degrees 48 minutes 07 seconds east along the south line of Grainger Parkway right-of-way, a distance of 11.00 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 840.20 feet, arc length of 551.78 feet, delta angle of 37 degrees 37 minutes 40 seconds, a chord bearing of south 59 degrees 29 minutes 59 seconds east along the south line of Grainger Parkway right-of-way, and a chord length of 541.92 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 833.00 feet, arc length of 163.58 feet, delta angle of 11 degrees 15 minutes 06 seconds, a chord bearing of south 82 degrees 25 minutes 27 seconds east along the

south line of Grainger Parkway right-of-way, and a chord length of 163.32 feet to a point of intersection with the south line of Grainger Parkway right-of-way and the west line of South 30th Street right-of-way; thence south 00 degrees 19 minutes 13 seconds east along the west line of South 30th Street right-of-way, a distance of 383.62 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 5,033.00 feet, arc length of 49.45 feet, delta angle of 00 degrees 33 minutes 46 seconds, a chord bearing of south 00 degrees 36 minutes 07 seconds east along the west line of South 30th Street right-of-way, and a chord length of 49.45 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 5,484.00 feet, arc length of 31.51 feet, delta angle of 00 degrees 19 minutes 45 seconds, a chord bearing of south 01 degrees 12 minutes 49 seconds west along the west line of South 30th Street right-of-way, and a chord length of 31.51 feet to a point; thence south 01 degrees 02 minutes 56 seconds west along the west line of South 30th Street right-of-way, a distance of 118.82 feet to a point; thence south 01 degrees 14 minutes 30 seconds east along the west line of South 30th Street right-of-way, a distance of 279.70 feet to a point of intersection with the west line of South 30th Street right-of-way and the north line of Yankee Hill Road right-of-way; thence south 88 degrees 45 minutes 30 seconds west along the north line of Yankee Hill Road right-of-way, said line being 60.00 feet north of and parallel with the said Southwest Quarter, a distance of 1,140.72 feet to a point of deflection at the north line of Yankee Hill Road right-of-way; thence north 45 degrees 38 minutes 19 seconds west, a distance of 34.98 feet to a point of deflection at the east line of South 27th Street right-of-way; thence north 00 degrees 02 minutes 08 seconds west along the east line of South 27th Street right-of-way, said line being 60.00 feet east of and parallel with the west line of said Southwest Quarter, a distance of 1,285.44 feet to the point of beginning, said tract contains a calculated area of 1,290,626.03 square feet or 29.63 acres, more or less;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application; and

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

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the

City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Airpark Holdings V, LLC, hereinafter referred to as "Permittee", to expand the existing Planned Service Commercial Development approved by Special Permit No. 2022A for an additional 44,875 sq. ft. of commercial space and a waiver of the sign regulations, be and the same is hereby granted under the provisions of Sections 27.63.470 and 27.69.047(a) of the Lincoln Municipal Code upon condition that development of commercial uses be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits the expansion of the existing Planned Service Commercial Development approved by Special Permit No. 2022A for an additional 44,875 square feet of commercial uses and a sign plan that waives the sign regulations in Section 27.69.047 of the Zoning Ordinance.

2. The City Council must approve the associated request for Change of Zone # 07053.

3. Upon approval of Special Permit 2022B by the City Council, the Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including five copies with all required revisions and documents as listed below before receiving building permits:

- a. Add to the General Notes, "Signs north of Jamie Lane shall comply with the sign plan submitted with SP2022B."
  - b. Show the correct legal description of the special permit on the site plan.
  - c. Make revisions per LES memo dated September 20 2007.
  - d. Make revisions per Public Works memo dated September 27, 2007.
  - e. Add the following to the sign plan:
    - i. Lot lines.
    - ii. All existing signs.
    - iii. Sight triangles.
    - iv. Distance from the lot line to ground sign 1.
    - v. Definition of "vertical sign".
    - vi. Add a note stating minor shifts in location or size of signs may be approved administratively.
  - f. Add a note stating all uses are permitted on Lots 2 through 5, Block 2, as shown on the site plan (former O-3 area) per the Planned Service Commercial special permit, except car washes, drive-thru facilities; bars; retail establishments open twenty-four hours per day; automobile, motorcycle, and four-wheel truck sales; warehouses, mini-warehouses; wholesale and distribution centers; ambulance services; hospitals and clinics for animals; contractors' office and storage; service stations; food storage lockers; automobile repairs, including vehicle body repair shops; broadcast towers; indoor kennels; outdoor exercise area associated with an indoor animal hospital or indoor kennel; automobile/truck wash facility; and motels and hotels. Add a note stating all uses are permitted on Lots 1 and 6 through 8, Block 2, (north of Jamie Lane) per the Planned Service Commercial special permit except commercial storage or sale of farm implements and products used for agriculture, but not including fertilizer, or toxic or flammable agricultural chemicals, warehouses, mini-warehouses, and food storage lockers.
  - g. Add a note stating that the building and sign elevations will generally conform with the overall scale, massing, architectural style and four-side building treatment as represented on the attached elevations, unless the Planning Director agrees otherwise in writing.
  - h. The construction plans comply with the approved site plans.
  - i. The required easements as shown on the site plan are recorded with the Register of Deeds.
  - j. Combine Lots 7 and 8 into one lot.
4. Before occupying buildings all development and construction is to comply with the approved plans.
5. All privately-owned improvements, including landscaping are to be permanently maintained by the Permittee.
6. The site plan accompanying 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. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

8. The applicant shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

10. Use permits 134 and 134A are void and superceded by the adoption of this special permit and change of zone.

Introduced by Robin Eschliman

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

COMP. PLAN CONFORMANCE 07020 - DECLARING APPROXIMATELY 6,651 SQ. FT., MORE OR LESS, OF PROPERTY GENERALLY LOCATED AT 2730 DUDLEY STREET, AS SURPLUS - CLERK read an ordinance, introduced by Robin Eschliman, declaring the City-owned property generally located at 2730 Dudley Street as surplus and authorizing the sale thereof, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19017, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07050 - AMENDING SECTION 27.71.140 OF THE LMC TO CLARIFY THAT A LOT OR TRACT LOCATED IN THE R-1 THROUGH R-4 ZONING DISTRICTS MAY ONLY BE OCCUPIED BY A GROUP OF TWO OR MORE BUILDINGS TO BE USED AS A UNIT FOR ANY COMBINATION OF TWO-FAMILY DWELLINGS, MULTIPLE-FAMILY DWELLINGS, OR INSTITUTIONAL PURPOSES UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT AND TO FURTHER PROVIDE THAT THE LOT OR TRACT MUST MEET THE MINIMUM LOT REQUIREMENTS AND CONDITIONS IN SAID DISTRICT FOR EACH MAIN BUILDING OR USE EXCEPT AS MODIFIED BY THE CONDITIONS OF APPROVAL FOR SUCH USE UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 27.71.140 of the Lincoln Municipal Code relating to height and area regulations to clarify that a lot or tract located in the R-1 through R-4 zoning districts may only be occupied by a group of two or more buildings to be used as a unit for any combination of two-family dwellings, multiple-family dwellings, or institutional purposes under a special permit or planned unit development and to further provide that the lot or tract must meet the minimum lot requirements and conditions in said district for each main building or use except as modified by the conditions of approval for such use under a special permit or planned unit development; amending Section 27.81.010 clarify that Chapters 27.60 and 27.63 also apply; and repealing Sections 27.71.140 and 27.81.010 of the Lincoln Municipal Code as hitherto existing, the third time.

ESCHLIMAN Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19018, is recorded in Ordinance Book #26, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION**

Danny Walker, 427 "E" Street, came forward to comment that the sidewalk at 1<sup>st</sup> & J Street had not been repaired. He also stated that the vacant lot owned by BNSF Railroad, approximately located at 6<sup>th</sup> and E Street, continues to be a mess.

This matter was taken under advisement.

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to November 19, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on  
November 19, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 2:31 P.M.**

CAMP Moved to adjourn the City Council meeting of November 5, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

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