

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 21, 2008 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of July 14, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF DOWN THE HATCH INC. DBA DOWN THE HATCH FOR THE ADDITION OF A BEER GARDEN AREA MEASURING APPROXIMATELY 40 FT. BY 12 FT. AT THE LICENSED PREMISES AT 5601 N.W. 1ST STREET - Lindsay Kroger, 11901 N. 79th St., came forward to take oath and answer questions. She stated the nearest residence is about 300 feet away from her liquor establishment.

This matter was taken under advisement.

MANAGER APPLICATION OF JACOB LIND FOR CB HOLDINGS INC. DBA CHASERS LOUNGE AT 140 N. 12TH STREET - Jacob Lind, 3315 Mohawk, came forward to take oath and answer questions. He stated he accepted full responsibility for a misdemeanor occurring in 2006.

This matter was taken under advisement.

APPLICATION OF LINCOLN PUB GROUP, INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 65' BY 50' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 1/2 Q STREET ON AUGUST 29; SEPTEMBER 5, 12, 26; OCTOBER 3, 24; NOVEMBER 7, 27, 2008 FROM 6:00 P.M. TO 1:00 A.M. AND AUGUST 30; SEPTEMBER 6, 13, 27; OCTOBER 4, 25; NOVEMBER 8, 28, 2008 FROM 8:00 A.M. TO 1:00 A.M. - Mike Figueroa, 6531 Yorktown Ct., came forward to answer questions and clarify that his application is an annual event occurring in the same outdoor area.

This matter was taken under advisement.

CHANGE OF ZONE 08028 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY AMENDING SECTION 27.25.020 TO ALLOW PRIVATE SCHOOLS AS A PERMITTED USE IN THE O-1 OFFICE DISTRICT; AMENDING SECTIONS 27.25.030 AND 27.63.075 TO DELETE PRIVATE SCHOOLS AS A PERMITTED SPECIAL USE IN THE O-1 OFFICE DISTRICT; AND REPEALING SECTIONS 27.25.020, 27.25.030 AND 27.63.075 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Planning Department, came forward to clarify that this is a change of zoning text which changes private school use from currently being a special permitted use to simply a permitted use.

This matter was taken under advisement.

CHANGE OF ZONE 08029 - APPLICATION OF NEBRASKA ACQUISITION CORP. (KAPLAN UNIVERSITY) FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT AND R-7 RESIDENTIAL DISTRICT TO O-1 OFFICE DISTRICT, ON APPROXIMATELY 3.0 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 18TH STREET AND K STREET - Pat Birch, architect with The Schimmer Associates, 134 S. 13th St., came forward representing the applicant who plans to renovate and remodel the existing building, construct a two-story expansion to the

east, and to demolish and replace a vacated residence hall to the south with much needed on-site parking. Ms. Birch said the completed \$6-7 million project will total about 46,000 square feet.

Bruce Mallard, President of Kaplan University, 1617 F St., Apt. 7, came forward to answer questions. He stated that enrollment is currently at 500 students with a past highest enrollment as being 700. He clarified that the University will continue its small classes but the need is to upgrade and modernize a 1964-built facility.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL COMPANY RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT SOUTH 21ST STREET AND K STREET;
CHANGE OF ZONE 08032 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON APPROXIMATELY 1.47 ACRES GENERALLY LOCATED AT S. 21ST STREET AND K STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward on behalf of the applicant presenting a revised \$3.5 million development that was achieved following meetings with City Departments including Mayor, Planning, Public Works and Urban Development. He stated if it is warranted, a pedestrian signal will be installed at 21st Street. Mr. Hunzeker clarified that the bump out curb for left in/left out traffic will protect the approach to the post office drop box on K Street.

Marvin Krout, Director of Planning, came forward to answer questions about allowable signs. In answer to a question to consider the off-sale alcohol issue, he suggested the Council appeal the special permit approved by the Planning Commission to get it on the Council Agenda.

Rick Peo, Assistant City Attorney, came forward to say that to be enforceable by law, it would be preferable that the prohibition against the sale of alcohol be inserted in the zoning agreement.

Mr. Hunzeker came forward in rebuttal to clarify that it is not the agreement nor the change of zone that approves the sale of alcohol but rather the special permit itself. He stated a number of qualifying criteria listed in the zoning ordinance was met, Planning Commission gave unanimous approval, no problems were presented by various departments including Police & Health; and furthermore, alcohol sales are located near other high schools. In answer to a question regarding two small remnant parcels, Mr. Hunzeker requested the condemned lots be declared surplus and sold to his client as they do not serve a public function.

This matter was taken under advisement.

CHANGE OF ZONE 08033 - APPLICATION OF CHATEAU PROPERTIES, LLC, FOR A CHANGE OF ZONE FROM R-2 AND R-3 RESIDENTIAL DISTRICTS TO R-4 AND R-5 RESIDENTIAL DISTRICTS; FROM R-3 RESIDENTIAL TO R-2 RESIDENTIAL DISTRICT; AND FROM R-5 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON APPROXIMATELY 81.24 ACRES GENERALLY LOCATED AT NORTH 56TH STREET AND HOLDREGE STREET TO NORTH COTNER BLVD. AND VINE STREET;

SPECIAL PERMIT 1174G - APPLICATION OF CHATEAU DEVELOPMENT, LLC, TO EXPAND THE CHATEAU LE FLEUR/CHARLESTON COURT COMMUNITY UNIT PLAN TO ADD 144 MULTIPLE-FAMILY DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND HOLDREGE STREET TO COTNER BLVD. AND VINE STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the applicant proposing the addition of 144 units to the existing community unit plan of 776 dwelling units at a projected cost of about \$12-15 million adding two or three new jobs. He said a drafted amendment will state that there will be a second emergency access to the property. He clarified his client's request to move forward on the project east of Dead Mans Run as the west side depends on results from the NRD.

Russell Miller, 341 S. 52nd St., representing the Lincoln Neighborhood Alliance, came forward to comment on floodplain issues that may affect the area.

Melinda Burk, Board President of University Place Community Organization (UPCO), 1546 N. 60th St., came forward in opposition stating detainment centers could impact 807 homes and businesses which would take them out of the floodplain, thereby threatening flood insurance costs of residents and businesspeople in her neighborhood.

Marvin Krout, Director of Planning, came forward to answer questions about connections in and out of housing areas.

Devin Biesecker, Public Works & Utilities Dept., came forward to clarify that it is the cumulative value of all projects together that make a difference in the floodplain model.

Mr. Hunzeker came forward in rebuttal presenting four community unit plan examples consisting of more units yet having a single access. He stated this project only occupies 2½ acres of the nine square miles in the Dead Mans Run watershed.

This matter was taken under advisement.

TOOK BREAK 3:17 P.M.

RECONVENED 3:31 P.M.

CHANGE OF ZONE 08034 - AMENDING SECTION 27.69.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGN CODE DEFINITIONS BY AMENDING THE DEFINITION OF POLE SIGN TO DELETE THE REQUIREMENT THAT THE BOTTOM EDGE OF THE SIGN FACE IS TEN FEET OR MORE ABOVE GRADE AND TO DELETE THE REFERENCE THAT A PYLON SIGN IS A POLE SIGN; AND REPEALING SECTION 27.69.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - Marvin Krout, Director of Planning, came forward to explain this amendment will update the sign code with a minor change.

This matter was taken under advisement.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE LANCASTER COUNTY AGRICULTURAL SOCIETY RELATING TO THE ANNEXATION OF APPROXIMATELY 160 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE.;

COMP. PLAN AMENDMENT 08014 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH STREET AND HAVELOCK AVE. AS COMMERCIAL IN THE LAND USE PLAN;

ANNEXATION 08004 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 29.07 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE.;

CHANGE OF ZONE 08025 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH STREET AND HAVELOCK AVE. - CLERK stated there has been a request to continue public hearing on these items on August 18, 2008.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MAY 31, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84941 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended May 31, 2008, \$751,294.39 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 18, 2008, AT 1:30 P.M. FOR THE SHOW CAUSE HEARING ON THE REVOCATION OF THE CLASS CK LIQUOR LICENSE OF ROBOCO, INC. DBA WASABI, 114 SOUTH 14TH STREET FOR FAILURE TO COMPLY WITH SECTION 5.04.035 SERVER EDUCATION - Clerk requested a motion to approve the setting the hearing date of Monday, August 18, 2008 at 1:30 p.m.

COOK So moved.

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

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2009-2014 SURFACE TRANSPORTATION PROGRAM - CLERK presented said report which was placed on file in the Office of the City Clerk. (12)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY CITY COUNCIL ON JULY 7, 2008 - 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 CITY COUNCIL ON JULY 14, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE MONTH OF JUNE 2008: AT&T COMMUNICATIONS OF MIDWEST - 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 2ND QUARTER 2008: DIGIZIP.COM, INC.; JUNE 2008: ATS MOBILE TELEPHONE CO., INC., COVISTA, INC., WWC LICENSE, LLC DBA ALLTEL - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08037 - App. of Joy Shiffermiller from R-7 Residential District to O-1 Office District on property generally located at S. 10th Street and G Street.

Special Permit No. 08032 - App. of Steffen Construction for expansion of a nonstandard single family residence into the side yard setback on property located at 3317 C Street.

Special Permit No. 08033 - App. of Justin Couch for expansion of a nonstandard dwelling unit into the front yard setback on property generally located at SW 56th Street and W. Claire Avenue.

Special Permit No. 08034 - App. of Whispering Meadows, L.L.C., Whispering Meadows Community Unit Plan for approximately 238 single family lots with requests to waive minimum lot area, sanitary sewer to flow against the grade on property generally located at SW 27th Street and West A Street.

Use Permit No. 80B - App. of the University of Nebraska Foundation for an amendment to revise the site plan on property generally located at NW 1st Street and W. Highlands Boulevard.

Use Permit No. 132B - App. of Capital Humane Society, Inc. for an amendment to the Willowbrook use permit to include nonprofit religious, educational, and philanthropic institutions to allow the Capital Humane Society to build a second animal shelter on property generally located at S. 70th Street and Nebraska Highway 2.

LIQUOR RESOLUTIONS

APPLICATION OF DOWN THE HATCH INC. DBA DOWN THE HATCH FOR THE ADDITION OF A BEER GARDEN AREA MEASURING APPROXIMATELY 40 FT. BY 12 FT. AT THE LICENSED PREMISES AT 5601 N.W. 1ST STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84942 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 Down the Hatch Inc. dba Down the Hatch to expand its licensed premises by the addition of an area measuring approximately 40

feet by 12 feet at the presently licensed premises located at 5601 N.W. 1st Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JACOB LIND FOR CB HOLDINGS INC. DBA CHASERS LOUNGE AT 140 N. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84943 WHEREAS, CB Holdings Inc. dba Chasers Lounge located at 140 N. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jacob Lind be named manager;

WHEREAS, Jacob Lind 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 a 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 Jacob Lind 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; NAYS: Svoboda.

APPLICATION OF LINCOLN PUB GROUP, INC. DBA N-ZONE FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 65' BY 50' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 728 1/2 Q STREET ON AUGUST 29; SEPTEMBER 5, 12, 26; OCTOBER 3, 24; NOVEMBER 7, 27, 2008 FROM 6:00 P.M. TO 1:00 A.M. AND AUGUST 30; SEPTEMBER 6, 13, 27; OCTOBER 4, 25; NOVEMBER 8, 28, 2008 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84944 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 Lincoln Pub Group, Inc. dba N-Zone for a Special Designated License to cover an area measuring approximately 65 feet by 50 feet immediately adjacent to its licensed premises located at 728 1/2 Q Street, Lincoln, Nebraska, on August 29, September 5, 12, 26, October 3, 24, November 7, 27, 2008 between the hours of 6:00 p.m. and 1:00 a.m. and on August 30, September 6, 13, 27, October 4, 25, November 8, 28, 2008 between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

Introduced by Jon Camp

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

APPLICATION OF 55 DEGREES INC. DBA BREAD & CUP FOR A SPECIAL DESIGNATED LICENSE COVERING AN OUTDOOR AREA MEASURING APPROXIMATELY 122' BY 15' IMMEDIATELY ADJACENT TO ITS LICENSED PREMISES LOCATED AT 440 N. 8TH STREET ON SEPTEMBER 27 AND OCTOBER 4, 2008 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84945 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 55 Degrees dba Bread & Cup for a Special Designated License to cover an area measuring approximately 122 feet by 15 feet immediately adjacent to its licensed premises at 440 N. 8th Street, Lincoln, Nebraska, on September 27 and October 4, 2008, between the hours of 8:00 a.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

Introduced by Jon Camp

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

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

CHANGE OF ZONE 08028 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY AMENDING SECTION 27.25.020 TO ALLOW PRIVATE SCHOOLS AS A PERMITTED USE IN THE O-1 OFFICE DISTRICT; AMENDING SECTIONS 27.25.030 AND 27.63.075 TO DELETE PRIVATE SCHOOLS AS A PERMITTED SPECIAL USE IN THE O-1 OFFICE DISTRICT; AND REPEALING SECTIONS 27.25.020, 27.25.030 AND 27.63.075 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Section 27.25.020 to allow private schools as a permitted use in the O-1 Office District, amending Sections 27.25.030 and 27.63.075 to delete private schools as a permitted special use in the O-1 Office District; and repealing Sections 27.25.020, 27.25.030 and 27.63.075 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 08029 - APPLICATION OF NEBRASKA ACQUISITION CORP. (KAPLAN UNIVERSITY) FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT AND R-7 RESIDENTIAL DISTRICT TO O-1 OFFICE DISTRICT, ON APPROXIMATELY 3.0 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 18TH STREET AND K STREET - 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 second time.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND WHITEHEAD OIL COMPANY RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT SOUTH 21ST STREET AND K STREET.

CHANGE OF ZONE 08032 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON APPROXIMATELY 1.47 ACRES GENERALLY LOCATED AT S. 21ST STREET AND K STREET - 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 second time.

CHANGE OF ZONE 08033 - APPLICATION OF CHATEAU PROPERTIES, LLC, FOR A CHANGE OF ZONE FROM R-2 AND R-3 RESIDENTIAL DISTRICTS TO R-4 AND R-5 RESIDENTIAL DISTRICTS; FROM R-3 RESIDENTIAL TO R-2 RESIDENTIAL DISTRICT; AND FROM R-5 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT, ON APPROXIMATELY 81.24 ACRES GENERALLY LOCATED AT NORTH 56TH STREET AND HOLDREGE STREET TO NORTH COTNER BLVD. AND VINE STREET - 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 second time.

SPECIAL PERMIT 1174G - APPLICATION OF CHATEAU DEVELOPMENT, LLC, TO EXPAND THE CHATEAU LE FLEUR/CHARLESTON COURT COMMUNITY UNIT PLAN TO ADD 144 MULTIPLE-FAMILY DWELLING UNITS, ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND HOLDREGE STREET TO COTNER BLVD. AND VINE STREET.

CHANGE OF ZONE 08034 - AMENDING SECTION 27.69.020 69.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGN CODE DEFINITIONS BY AMENDING THE DEFINITION OF POLE SIGN TO DELETE THE REQUIREMENT THAT THE BOTTOM EDGE OF THE SIGN FACE IS TEN FEET OR MORE ABOVE GRADE AND TO DELETE THE REFERENCE THAT A PYLON SIGN IS A POLE SIGN; AND REPEALING SECTION 27.69.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 27.69.020 of the Lincoln Municipal Code relating to Sign Code Definitions by amending the definition of pole sign to delete the requirement that a pole sign be mounted on a pole or other support so that the bottom edge of the sign face is ten feet or more above grade and to delete the reference that a pylon sign is a pole sign; and repealing Section 27.69.020 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND ERIN ALM OF WAHOO, NEBRASKA, FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1325 N. CHESTNUT ST., WAHOO, NE 68066 FOR A TERM OF JULY 1, 2008 THROUGH JUNE 30, 2009 - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Lease Agreement between the City of Lincoln and Erin Alm of Wahoo for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1325 Chestnut Street, Wahoo, NE 68066, for a term of July 1, 2008 through June 30, 2009, the second time.

APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE LANCASTER COUNTY AGRICULTURAL SOCIETY RELATING TO THE ANNEXATION OF APPROXIMATELY 160 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE. - PRIOR TO READING:

EMERY Moved to continue Public Hearing on Bill No. 08R-160 to 8/18/08 with Action on 8/25/08.

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

COMP. PLAN AMENDMENT 08014 - AMENDING THE 2030 LINCOLN/LANCASTER COUNTY COMPREHENSIVE PLAN TO DESIGNATE LAND LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH STREET AND HAVELOCK AVE. AS COMMERCIAL IN THE LAND USE PLAN - PRIOR TO READING:

EMERY Moved to continue Public Hearing on Bill No. 08R-161 to 8/18/08 with Action on 8/25/08.

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

ANNEXATION 08004 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. TO AMEND THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 29.07 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND HAVELOCK AVE. - PRIOR TO READING:

EMERY Moved to continue Public Hearing on Bill No. 08-89 to 8/18/08 with Action on 8/25/08.

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

CLERK Read an ordinance, introduced by Ken Svoboda, 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 08025 - APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH STREET AND HAVELOCK AVE. - PRIOR TO READING:

EMERY Moved to continue Public Hearing on Bill No. 08-90 to 8/18/08 with Action on 8/25/08.

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

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 second time.

PUBLIC HEARING RESOLUTIONS - NONE

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING CHAPTER 14.54 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPANCY ABOVE OR BELOW PUBLIC PROPERTY TO PERMIT FENCES AND RETAINING WALLS ON CITY PROPERTY UNDER THE TERMS AND CONDITIONS SET FORTH IN SAID CHAPTER BY AMENDING SECTION 14.54.010 TO ADD DEFINITIONS FOR FENCE AND RETAINING WALL AND TO AMEND THE DEFINITION OF OWNER; AMENDING SECTION 14.54.020 TO REMOVE THE REQUIREMENT THAT CITY COUNCIL APPROVE PERMITS; AMENDING SECTION 14.54.030 TO PROVIDE THE PROCEDURE FOR APPLYING FOR FENCE AND RETAINING WALL PERMITS, TO ALLOW PUBLIC WORKS TO SET AN APPLICATION FEE FOR USES OF PUBLIC SPACE OTHER THAN FENCES OR RETAINING WALLS, AND TO PROVIDE FOR AN APPEAL TO CITY COUNCIL FOR DENIED APPLICATIONS; ADDING A NEW SECTION NUMBERED 14.54.035 TO PROVIDE STANDARDS AND CONDITIONS FOR FENCES AND RETAINING WALLS; AMENDING SECTION 14.54.040 TO EXCLUDE FENCES AND RETAINING WALLS FROM THE INSURANCE AND BOND REQUIREMENTS; AMENDING SECTION 14.54.070 TO AMEND THE PERMIT REVOCATION PROCESS AND TO PROVIDE FOR AN APPEAL TO CITY COUNCIL FOR REVOKED PERMITS; AMENDING SECTION 14.54.080 TO INCLUDE FENCES AND RETAINING WALLS IN THE APPLICATION OF THIS CHAPTER; AMENDING SECTION 14.54.090 TO AMEND THE FEE FOR USE OF PUBLIC SPACE; AND REPEALING SECTIONS 14.54.010, 14.54.020, 14.54.030, 14.54.040, 14.54.070, 14.54.080, AND 14.54.090 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 14.54 of the Lincoln Municipal Code relating to Occupancy Above or Below Public Property to permit fences

and retaining walls on City property under the terms and conditions set forth in said chapter by amending Section 14.54.010 to add definitions for fence and retaining wall and to amend the definition of owner; amending Section 14.54.020 to remove the requirement that City Council approve permits; amending Section 14.54.030 to provide the procedure for applying for fence and retaining wall permits, to allow Public Works to set an application fee for uses of public space other than fences or retaining walls, and to provide for an appeal to City Council for denied applications; adding a new section numbered 14.54.035 to provide standards and conditions for fences and retaining walls; amending Section 14.54.040 to exclude fences and retaining walls from the insurance and bond requirements; amending Section 14.54.070 to amend the permit revocation process and to provide for an appeal to City Council for revoked permits; amending Section 14.54.080 to include fences and retaining walls in the application of this chapter; amending Section 14.54.090 to amend the fee for use of public space; and repealing Sections 14.54.010, 14.54.020, 14.54.030, 14.54.040, 14.54.070, 14.54.080, and 14.54.090 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 26.33 OF THE LINCOLN MUNICIPAL CODE RELATING TO FEES BY AMENDING SECTION 26.33.010 TO PROVIDE THAT ANY PERSON SUBMITTING AN APPLICATION UNDER TITLE 26 OF THE LINCOLN MUNICIPAL CODE SHALL PAY AN APPROPRIATE FEE THEREFOR AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; REPEALING SECTIONS. 26.33.020, 26.33.030, 26.33.050, 26.33.060, 26.33.070, 26.33.080, 26.33.090, 26.33.100, 26.33.110, 26.33.120, AND 26.33.130 WHICH SET SAID FEES BY ORDINANCE OF THE CITY COUNCIL; AND REPEALING SECTION 26.33.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-91, 08-92, 08-93, 08R-168) - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 26.33 of the Lincoln Municipal Code relating to fees by amending Section 26.33.010 to provide that any person submitting an application under Title 26 of the Lincoln Municipal Code shall pay an appropriate fee therefor as established by resolution of the City Council; repealing Sections. 26.33.020, 26.33.030, 26.33.050, 26.33.060, 26.33.070, 26.33.080, 26.33.090, 26.33.100, 26.33.110, 26.33.120, and 26.33.130 which set said fees by ordinance of the City Council; and repealing Section 26.33.010 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08035 - AMENDING CHAPTER 27.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO FEES BY AMENDING SECTION 27.80.010 TO REQUIRE ANY PERSON SUBMITTING AN APPLICATION UNDER TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO PAY AN APPROPRIATE FEE THEREFOR AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; REPEALING SECTIONS 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.080, 27.80.090, 27.80.100, 27.80.105, 27.80.110, 27.80.125, 27.80.130, AND 27.80.140, WHICH SET SAID FEES BY ORDINANCE OF THE CITY COUNCIL; AND REPEALING SECTION 27.80.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-91, 08-92, 08-93, 08R-168) - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 27.80 of the Lincoln Municipal Code relating to fees by amending Section 27.80.010 to require any person submitting an application under Title 27 of the Lincoln Municipal Code to pay an appropriate fee therefor as established by resolution of the City Council; repealing Sections 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.080, 27.80.090, 27.80.100, 27.80.105, 27.80.110, 27.80.125, 27.80.130, and 27.80.140, which set said fees by ordinance of the City Council; and repealing Section 27.80.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO VACATION OF PUBLIC WAYS TO PROVIDE THAT THE APPLICATION FEE SHALL BE IN THE AMOUNT ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL; AND REPEALING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-91, 08-92, 08-93, 08R-168) - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 14.20.020 of the Lincoln

Municipal Code relating to vacation of public ways to provide that the application fee shall be in the amount established by resolution of the City Council; and repealing Section 14.20.020 of the Lincoln Municipal Code as hitherto existing, the first time.

ADOPTING THE FEE SCHEDULE FOR APPLICATION REVIEWS UNDER CHAPTER 14.20, TITLE 26, AND TITLE 27 OF THE LINCOLN MUNICIPAL CODE AND AMENDMENTS TO THE LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN. (RELATED ITEMS: 08-91, 08-92, 08-93, 08R-168) (ACTION DATE: 8/4/08)

VACATION 08001 - VACATING THE NORTH/SOUTH ALLEY IN THE BLOCK BETWEEN FREMONT STREET AND HARTLEY STREET AND TOUZALIN AVENUE AND N. 60TH STREET AS REQUESTED BY THE EVANGELICAL UNITED LUTHERAN CHURCH. (RELATED ITEMS: 08-94, 08R-169) - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north-south alley between Touzalin Avenue and North 60th Street from Fremont Street to Hartley Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

SPECIAL PERMIT 08022 - APPLICATION OF UNITED LUTHERAN CHURCH TO EXPAND A CHURCH PARKING LOT, WITH A REQUEST TO MODIFY THE PARKING REQUIREMENTS TO ALLOW PARKING IN THE FRONT YARD SETBACK OF HARTLEY STREET, TOUZALIN AVENUE AND N. 60TH STREET. (RELATED ITEMS: 08-94, 08R-169) (ACTION DATE: 8/4/08)

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

APPROVING A LEASE 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, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church of Waverly for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 14410 Folkstone Street, Waverly, NE 68462, for a term commencing on September 1, 2008 and terminating on August 31, 2009, the third time.

SPATZ 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 **#19104**, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER, FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET, LINCOLN, NEBRASKA FOR A ONE-YEAR TERM FROM SEPTEMBER 1, 2008 THROUGH AUGUST 31, 2009 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and the Asian Community & Cultural Center for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 2615 O Street, Lincoln, NE 68510, for a term commencing on September 1, 2008 and terminating on August 31, 2009, the third time.

SPATZ 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 **#19105**, is recorded in Ordinance Book #26, Page

STREET NAME CHANGE 08001 - RENAMING MONTELLO ROAD AND SOUTH 91ST STREET FROM 84TH STREET TO THE EXISTING FIRETHORN LANE AS "FIRETHORN LANE" - PRIOR to reading:

MARVIN Moved to amend Bill No. 08-80 in the following manner:

1. On page 1, line 11, delete "Firethorn Investments" and insert in lieu thereof Firethorn Utility Service Company.

2. On page 1, line 14, delete "Firethorn Investments" and insert in lieu thereof Firethorn Utility Service Company.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
CLERK Read an ordinance, introduced by John Spatz, changing the name of portions of "Montello Road" and "South 91st Street" to "Firethorn Lane", as recommended by the Street Name Committee, the third time.
SPATZ Moved to pass the amended 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 #19106, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08024 - APPLICATION OF RYAN OMEL FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO AG AGRICULTURAL DISTRICT ON APPROXIMATELY 2.7 ACRES GENERALLY LOCATED AT S.W. 9TH STREET AND W. ROKEBY ROAD - CLERK read an ordinance, introduced by John Spatz, 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 third time.

SPATZ 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 #19107, is recorded in Ordinance Book #26, Page

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR EXPERIENCE WORKS' USE IN JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF ONE YEAR FROM JULY 1, 2008 TO JUNE 30, 2009 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Experience Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2008 through June 30, 2009 whereby the City of Lincoln is subleasing space to Experience Works, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SPATZ 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 #19108, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 28, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July 28, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

REGULAR MEETING
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ADJOURNMENT 3:48 P.M.

CAMP Moved to adjourn the City Council meeting of July 21, 2008.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
 Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant