

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JANUARY 5, 2009 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

EMERY Having been appointed to read the minutes of the City Council proceedings of December 15, 2008 reported having done so, found same correct.

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

**PUBLIC HEARING**

CHANGE OF ZONE 08057 - APPLICATION OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM B-3 COMMERCIAL DISTRICT TO B-3 COMMERCIAL PUD ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET FROM COLBY STREET TO ADAMS STREET - Wynn Hjermstad, Urban Development, came forward to explain the process of this particular change of zone which began about one year ago with a potential project in the University Place area. She said two issues of concern were a lack of parking and a ground-floor housing project. She stated that in a broader way the concept of a Planned Unit Development could benefit the whole B-3 area. She said the PUD idea was not only presented to a committee comprised of business owners, property owners and neighborhood representatives including Nebraska Wesleyan University but also to a larger audience at an organized public meeting, all of which was positively received. Ms. Hjermstad stated she would follow up and provide parking space numbers for Council.

Steve Henrichsen, Planning Department, came forward and clarified that the Huntington School property will be zoned P Public. He further outlined the ordinance stating that the PUD will encourage new development as well as re-development in the area, solve parking issues, define sign provisions, and allow ground-floor housing. He said changes could be added in the future through an amendment to the PUD even though they were not a part of the initial draft.

This matter was taken under advisement.

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY - Deb Drewel, 801 Fletcher Ave., came forward with concerns of how the project would affect her development property located near 14<sup>th</sup> & Cornhusker Highway. It was clarified that the roundabout was on the south side of Cornhusker and the 14<sup>th</sup> Street overpass would remain in place.

Frank Sidles, Owner & President of Capital Steel Company, 1001 N. 9<sup>th</sup> St., came forward expressing concerns of how a roundabout would affect his business activities. Clarification of the actual location proved it would not affect the transportation of his company's 130 ft. long steel girders being hauled on Cornhusker Highway.

Chad Blahak, Public Works & Utilities, came forward to provide a map to identify the location of the project.

Greg MacLean, Director of Public Works & Utilities, came forward to state that the safety project is designed to accommodate 18-wheeler trucks in the roundabout as well as in the reverse curve for the ramp leading to the eastbound section and allowing for adequate storage for acceleration and merging into traffic. He said that because of extra

room, this roundabout would be larger in comparison to those on Sheridan Blvd. Mr. MacLean said once this project has gone through the public process, Public Works could share the results in a Pre-Council or Council setting.

Randy Hoskins, Public Works & Utilities Asst. City Engineer, came forward to answer questions about the time table stating that design and prep work would start in 2009 with construction to follow in 2010. He responded stating there would be public open houses in the early stages.

John V. Hendry, City Attorney, came forward to clarify how to ensure final design to be approved by Council.

This matter was taken under advisement.

SPECIAL PERMIT 384F - APPLICATION OF TABITHA, INC. TO AMEND THE TABITHA HEALTH CARE SERVICES SPECIAL PERMIT TO ADD AN APPROXIMATELY 63-PERSON ASSISTED LIVING FACILITY AND TO EXPAND THE BOUNDARY OF THE CAMPUS TO PROVIDE AN ADDITIONAL 65 PARKING SPACES, WITH REQUEST TO WAIVE SETBACKS AND HEIGHT REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 48TH STREET AND RANDOLPH STREET - Joe Hakenkamp, Tabitha Inc., 4720 Randolph St., came forward to answer questions about the expansion of Tabitha Health Care Services. He said over 1800 Nebraskans rely on Tabitha's services daily to maintain their independence, dignity and health; consequently, over 1,000 employees compassionately serve these needs utilizing Tabitha's housing and support services. Mr. Hakenkamp said they have received neighborhood support, have spoken to the Witherbee Neighborhood Association and have held an open house prior to the Planning Commission's meeting.

This matter was taken under advisement.

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

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPROVING THE APPOINTMENT OF FRED HOKE AS DIRECTOR OF BUILDING AND SAFETY EFFECTIVE DECEMBER 15, 2008 - CLERK read the following resolution, introduced by Doug Emery.

MARVIN Moved its adoption:

A-85191 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Fred Hoke to the position of Director of Building and Safety effective December 15, 2008, is hereby approved and ratified.

Introduced by Doug Emery

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

RESOLUTION APPROVING THE ASSESSMENT OF THE COST OF CONSTRUCTION OF ~~PAVING DISTRICT 2628~~ PAVING UNIT 140 DESCRIBED AS ALL THAT PORTION OF NORTH 36TH STREET LYING BETWEEN THE SOUTH CURB LINE OF W STREET AND THE NORTH CURB LINE OF VINE STREET FOR THE BOARD OF EQUALIZATION TO BE HELD MONDAY, JANUARY 12, 2009 AT 1:30 P.M. - CLERK requested a motion to approve the assessment date of January 12, 2009 at 1:30 p.m.

MARVIN So moved.

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

AFFIDAVIT OF MAILING FOR THE BOARD OF EQUALIZATION TO BE HELD MONDAY, JANUARY 12, 2009, AT 1:30 P.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED NOVEMBER 30, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85192 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended November 30, 2008, \$440,812.31 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 Dan Marvin

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON DECEMBER 8, 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 THE CITY COUNCIL ON DECEMBER 15, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**PETITIONS & COMMUNICATIONS - NONE**

**MISCELLANEOUS REFERRALS**

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 2, 2009 AT 1:30 P.M. ON THE NOTICE OF APPEAL OF KATIE HALPERIN, WASHINGTON SQUARE, LLC APPEALING FROM THE DETERMINATION OF IMPACT FEES IMPOSED FOR THE WASHINGTON SQUARE REDEVELOPMENT PROJECT ON THE FOLLOWING ENUMERATED PROPERTIES: 1537 SOUTH 19TH STREET, 1525 SOUTH 19TH STREET, 1533 SOUTH 19TH STREET AND 1529 SOUTH 19TH STREET - CLERK requested a motion to approve the hearing date of Monday, February 2, 2009 at 1:30 p.m.

MARVIN So moved.

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

**LIQUOR RESOLUTIONS - NONE**

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

APPROVING A SIX-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FRONTIER HARLEY DAVIDSON INC. FOR SEVEN POLICE MOTORCYCLES - CLERK read an ordinance, introduced by Doug Emery, an ordinance accepting and approving a lease agreement between the City of Lincoln, Nebraska and Frontier Harley Davidson, Inc. For seven Harley Davidson police motorcycles for use by the Police Department, the second time.

CHANGE OF ZONE 08057 - APPLICATION OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM B-3 COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT AND FROM B-3 COMMERCIAL DISTRICT TO B-3 COMMERCIAL PUD ON PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET FROM COLBY STREET TO ADAMS STREET - CLERK read an ordinance, introduced by Doug Emery, an ordinance 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

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY. (11/17/08 - P.H. & ACTION CON'T. TO 12/1/08) (12/1/08 - ACTION DELAYED 1 WEEK TO 12/8/08) (12/8/08 - ACTION DELAYED 1 WEEK TO 12/15/08) (12/15/08 - P.H. RE-OPENED W/ACTION ON 1/5/09) - PRIOR to reading:

SVOBODA Moved MTA #1 on Bill No. 08R-291 that would require approval of final design by City Council.

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

CLERK Read the following amended resolution, introduced by John Spatz, who moved its adoption:

A-85193 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. HSIP-5227(7), State CN-12944, City Project No. 701075, for the engineering and construction of a roundabout at the intersection of North 14th Street and Cornhusker Highway, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Final design shall be approved by City Council.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by John Spatz

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

SPECIAL PERMIT 384F - APPLICATION OF TABITHA, INC. TO AMEND THE TABITHA HEALTH CARE SERVICES SPECIAL PERMIT TO ADD AN APPROXIMATELY 63-PERSON ASSISTED LIVING FACILITY AND TO EXPAND THE BOUNDARY OF THE CAMPUS TO PROVIDE AN ADDITIONAL 65 PARKING SPACES, WITH REQUEST TO WAIVE SETBACKS AND HEIGHT REQUIREMENTS, ON PROPERTY GENERALLY LOCATED AT SOUTH 48TH STREET AND RANDOLPH STREET - CLERK read the following resolution, introduced by Doug Emery.

MARVIN Moved its adoption:

A-85194 WHEREAS, Tabitha, Inc. has submitted an application designated as Special Permit No. 384F for authority to add an assisted living facility and to expand the boundary of the campus of its health care facility to provide additional parking, with a request to reduce the front yard setback from 45 feet to 25 feet and adjust the allowed height from 35 feet to 40 feet, on property generally located at South 48th Street and Randolph Street, legally described as:

Lot 22 I.T., the south 40' of Lot 99, Lots 100, 101, 115, 116, 117 and 118, Witherbee Gardens, Lincoln, Lancaster County, Nebraska; (Northwest Quarter, Section 29-10-7)

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

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

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

That the application of Tabitha, Inc., hereinafter referred to as "Permittee", to add an assisted living facility and to expand the boundary of the campus of its health care facility to provide additional parking on property legally described above be and the same is hereby

granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction of said assisted living facility and parking lot be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an expansion of the existing health care facility including a 63-bed assisted living facility, a new front entrance and office area to the main building, and a 65-stall parking lot north of J Street with adjustments reducing the front setback from 45 feet to 25 feet and increasing the maximum height from 35 feet to 40 feet for the new assisted living facility.

2. Before receiving building permits:

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

i. Revise the area calculations on the site plan to include the areas north of J Street.

ii. Show the setbacks for the areas north of J Street.

iii. Delete the landscaping shown and add a note that states, "All landscaping to be provided per LMC and Design Standards at the time of buildings permit with two exceptions. Required landscaping extending from the South 46th Street driveway to the south lot line west of the assisted living facility shall consist of 80% screen up to 10' in height, with one-half the screen growing to a mature height of at least 30' in height. Screening for existing 17 parking spaces in the front yard along South 48th Street to consist of a 90%, 3' tall screen."

iv. Add a sidewalk along the south side of the proposed entrance driveway off South 46th Street, along with a connection across the parking lot median to the sidewalk extending north to J Street.

v. Add a note that states, "Concept plans included a pitched-roof design for the assisted living facility. Change to a flat roof design must be approved by administrative amendment."

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

3. Before occupying the buildings, all development and construction must substantially comply with the approved plans.

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

5. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

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

7. The site plan as approved by this resolution voids and supersedes all previously approved site plans, however, the terms, conditions and requirements in all resolutions approving previous permits shall remain in full force and effect except as specifically amended by this resolution.

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 Doug Emery

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

APPROVING A THREE-YEAR CONTRACT BETWEEN THE CITY AND CONTINUUM EMPLOYEE ASSISTANCE TRAINING CONSULTING FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES FOR A PERIOD BEGINNING JANUARY 1, 2009 AND ENDING DECEMBER 31, 2011 -

CLERK read the following resolution, introduced by Doug Emery.

MARVIN Moved its adoption:

A-85195 WHEREAS, there are employees working for the City of Lincoln who may, from time to time, experience problems which affect job performance; and

WHEREAS, Continuum Employee Assistance has established programs of assessment and referral in areas such as alcohol abuse, family, marital, emotional, financial, and legal concerns; and

WHEREAS, it is in the best interest of the employees of the City of Lincoln to have available to them the program of assisting and rehabilitating those employees who may have personal problems affecting job performance.

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

That the attached contract by and between the City of Lincoln and Continuum Employee Assistance - Training - Consulting for a term of January 1, 2009 through December 31, 2011, is hereby accepted and approved on behalf of the City and the Mayor is hereby authorized to execute said contract on behalf of the City and to bind the City pursuant to the terms and conditions contained in the said contract.

BE IT FURTHER RESOLVED that the fees for the services provided by Continuum Employee Assistance, pursuant to the terms and conditions of the contract, shall be \$67,300 for 2009, \$67,300 for 2010, and \$67,300 for 2011, all as set forth in the contract between the parties. The fee for HelpNet Services shall be \$3.00 per employee per year based on the employee count at the start of each year. The fee for 2009 is \$5,964.00.

Introduced by Doug Emery

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

ASSESSING THE COST OF DEMOLITION OF THE UNSAFE BUILDINGS AT 1245 NORTH 21<sup>ST</sup> STREET AND 2040 SOUTH 18TH STREET - PRIOR to reading:

SVOBODA Moved MTA #1 amending Bill No. 08R-322 in the following manner:  
1. On page 1, lines 2 and 3, delete the language, "sitting as a Board of Equalization,".

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

CLERK Read the following amended resolution, introduced by Doug Emery.

MARVIN Moved its adoption:

A-85196 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after hearing held before the City Council ~~sitting as a Board of Equalization~~, the demolition and utility abandonment expenses as shown on the report which is attached hereto as Attachment "A" and made a part of this resolution is hereby assessed against the properties indicated in the report and shall constitute a lien against such properties until paid. Said assessment shall be delinquent from and after 50 days and draw interest at the rate of 14.00% per annum.

Introduced by Doug Emery

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

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

CHANGE OF ZONE 08058 - APPLICATION OF BRIAN AND DEBRA MARSHALL AND EARL VISSER FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT 3333 A STREET AND 3345 A STREET. (RELATED ITEMS 08-170, 09R-8) (12/15/08 - 1ST READING SUSPENDED; TO BE INTRODUCED 1/5/09 W/UP 08002) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning

District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

USE PERMIT 08002 - APPEAL OF LINDA M. WITFOTH FROM THE PLANNING COMMISSION APPROVAL OF USE PERMIT 08002 TO ALLOW OFFICE AND RESIDENTIAL USES AS PERMITTED USES ON PROPERTY LOCATED AT 3333 A STREET AND 3345 A STREET. (RELATED ITEMS 08-170, 09R-8) (ACTION DATE: 1/26/09)

VACATION 08004 - VACATING PORTIONS OF VINE STREET, S STREET, NORTH 20<sup>TH</sup> STREET, R STREET, NORTH 18TH STREET, THE EAST-WEST ALLEY IN NORTH 20TH STREET, AND THE EAST-WEST ALLEY IN NORTH 18TH STREET NORTH OF VINE STREET, GENERALLY LOCATED BETWEEN NORTH 18TH STREET AND NORTH 22ND STREET AND R STREET TO VINE STREET - CLERK read an ordinance, introduced by Dan Marvin, vacating portions of Vine Street, S Street, North 20<sup>th</sup> Street, R Street, North 18<sup>th</sup> Street, the east-west alley located between North 20<sup>th</sup> Street and North 22<sup>nd</sup> Street, and the east-west alley north of Vine Street, generally located between North 18<sup>th</sup> Street and North 22<sup>nd</sup> Street, R Street to Vine Street, and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the first time.

MISC. 08014 - VACATING A PORTION OF THE HYDE PARK 1ST ADDITION FINAL PLAT AND ADJACENT PUBLIC RIGHT-OF-WAY INCLUDING PAWNEE STREET, 7TH STREET AND THE NORTH/SOUTH ALLEY THEREIN, GENERALLY LOCATED AT SOUTH 6TH STREET AND VAN DORN STREET - CLERK read an ordinance, introduced by Dan Marvin, vacating a portion of Hyde Park 1<sup>st</sup> Addition including all internal abutting right-of-way, generally located at South 6<sup>th</sup> Street and Van Dorn Street, Lincoln, Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Nebraska, the first time.

CHANGE OF ZONE 08059 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTIONS 27.69.047 AND 27.69.049 TO ELIMINATE RESTRICTIONS REGARDING THE LOCATION OF SIGNS WITHIN 660 FEET OF A DESIGNED INTERSTATE AND REPEALING SECTIONS 27.69.047 AND 27.69.049 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 27.69 of the Lincoln Municipal Code relating to Signs by amending Sections 27.69.047 and 27.69.049 to eliminate restrictions regarding the location of signs within 660 feet of a designated interstate; and repealing Sections 27.69.047 and 27.69.049 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08060 - AMENDING CHAPTER 27.03 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE DEFINITIONS BY ADDING A NEW SECTION NUMBERED 27.03.634 TO PROVIDE A DEFINITION FOR TRUCK STOP; AMENDING SECTIONS 27.39.020 AND 27.43.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED USES IN THE H-1 INTERSTATE COMMERCIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT, RESPECTIVELY, TO ADD TRUCK STOPS AS A PERMITTED USE IN SAID DISTRICT; AND REPEALING SECTION 27.39.020 AND 27.43.020 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 27.03 of the Lincoln Municipal Code relating to zoning code definitions by adding a new section numbered 27.03.634 to provide a definition for truck stop; amending Sections 27.39.020 and 27.43.020 of the Lincoln Municipal Code relating to permitted uses in the H-1 Interstate Commercial District and H-3 Highway Commercial District, respectively, to add truck stops as a permitted use in said districts; and repealing Sections 27.39.020 and 27.43.020 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08062 - APPLICATION OF LIGHTHOUSE FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO R-6 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED EAST OF THE SOUTHEAST CORNER OF SOUTH 26TH STREET AND N STREET - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln

Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to 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 08063 - AMENDING SECTION 27.69.090 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED SIGNS FOR CHURCHES, SCHOOLS AND COMMUNITY PLAYHOUSES TO CONDITIONALLY ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN FRONTING ON AN ARTERIAL STREET; AND REPEALING SECTION 27.69.090 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.69.090 of the Lincoln Municipal Code relating to permitted signs for churches, schools and community playhouses to conditionally allow an electronic changeable copy sign fronting on an arterial street; and repealing Section 27.69.090 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CHANGE OF ZONE 08045 - AMENDING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THAT GROUP HOMES MUST COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODE REQUIREMENTS AND TO ADD DOMICILIARY CARE FACILITY AND ELDERLY OR RETIREMENT HOUSING AS A CONDITIONAL PERMITTED USE IN THE R-5, R-6, R-7, R-8, AND O-3 ZONING DISTRICTS, AND REPEALING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 AS HITHERTO EXISTING. (9/29/08 - PLACED ON PENDING INDEFINITELY) (BILL NO. 08-166/ORDINANCE NO. 19191 PASSED 12/15/08 - MOTION TO WITHDRAW REQUIRED)

SVOBODA Moved to Withdraw Bill No. 08-131.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4582 & was placed on file in the Office of the City Clerk.

APPROVING A COOPERATIVE AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY OF LINCOLN REGARDING STATE OF NEBRASKA GRANT FUNDING FROM THE STORMWATER MANAGEMENT PLAN. (12/1/08 - PLACED ON PENDING INDEFINITELY) (REQUEST TO REMOVE FROM PENDING FOR P.H. & ACTION 1/12/09)

SVOBODA Moved to have Bill No. 08R-297 removed from Pending for Public Hearing and Action on 1/12/09.

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

CAMP Moved to extend the remainder of the Pending List to January 12, 2009.

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

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on January 12, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

**ADJOURNMENT 2:20 P.M.**

CAMP Moved to adjourn the City Council meeting of January 5, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.  
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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