

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 24, 2006 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of July 17, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF RENÉ LONGORIA DBA ARTURO'S TO EXPAND ITS CLASS I LIQUOR LICENSE BY AN ADDITION OF AN OUTSIDE CAFÉ AREA MEASURING APPROXIMATELY 18 FT. BY 24 FT. TO THE NORTH ON PROPERTY GENERALLY LOCATED AT 803 Q STREET, #150 - Rene' Longoria, 803 Q Street, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF GUADALAJARA, INC. DBA LAS MARGARITAS FOR A CLASS C LIQUOR LICENSE AT 2700 JAMIE LANE;
MANAGER APPLICATION OF GUILLERMO HARO FOR GUADALAJARA, INC. DBA LAS MARGARITAS AT 2700 JAMIE LANE - Guillermo Haro, 6000 S. 88th St., took the oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF MICHAEL T. TUCKER FOR SANDY'S INC. DBA SANDY'S AT 1401 O STREET - Michael Tucker, 1318 S. 16th St., took the oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF GAS 'N SHOP INC. DBA CAPPY'S FOR A CLASS I LIQUOR LICENSE AT 5560 S. 48TH STREET, #4;
MANAGER APPLICATION OF JOHN F. CAPORALE FOR GAS 'N SHOP INC. DBA CAPPY'S AT 5560 S. 48TH STREET, #4 - John Caporale, 5100 1st St., took the oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF PLANET SUBS NEBRASKA, LLC DBA PLANET SUBS FOR A CLASS I LIQUOR LICENSE AT 1332 P STREET;

MANAGER APPLICATION OF PAUL BOWERS FOR PLANET SUBS NEBRASKA, LLC DBA PLANET SUBS AT 1332 P STREET - William Wagner, no address given, came forward representing Planet Subs to answer any questions.

This matter was taken under advisement.

AUTHORIZING EXECUTION AND DELIVERY OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VARIOUS OWNERS FOR THE DEVELOPMENT OF APPROXIMATELY 726 ACRES OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND ROKEBY ROAD AND FOR THE ISSUANCE OF BONDS FOR THE INSTALLATION OF INFRASTRUCTURE TO SERVE THE AREA. (RELATED ITEMS: 06-86, 06R-110) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06);

COMP. PLAN AMENDMENT 06002 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO (A) AMEND THE 2025 FUTURE SERVICE LIMIT TO ADD LAND WEST OF 98TH STREET FROM YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF ROKEBY ROAD; (B) AMEND THE URBAN GROWTH TIER AND ASSOCIATED MAPS IN THE SAME AREA FROM TIER I, PRIORITY B, TO TIER I, PRIORITY A, AND LAND FROM TIER II TO A MIX OF TIER I, PRIORITY A AND B; AND (C) TO CHANGE THE LAND USE IN THE AREA BEING ADDED TO THE FUTURE SERVICE LIMIT FROM AGRICULTURAL TO URBAN RESIDENTIAL. (RELATED ITEMS: 06-86, 06R-110) (ACTION DATE: 6/19/06) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06) - PRIOR to reading:

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COOK Moved to continue Public Hearing and 2nd Reading on Bill No. 06-86 and 06R-110 to August 28, 2006.

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

CHANGE OF ZONE 06023 - AMENDING CHAPTER 27.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING TO INCREASE AND AMEND FEES FOR APPLICATION OF A CHANGE OF ZONE, DOWNZONES, PLANNED UNIT DEVELOPMENTS, USE PERMITS, COMMUNITY UNIT PLANS, SPECIAL PERMITS, ADMINISTRATIVE AMENDMENTS, CHANGES IN TEXT, POSTPONEMENT FEES, AND WAIVER OF FEES. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146);

MISC. 06005 - AMENDING CHAPTER 26.33 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION TO INCREASE APPLICATION FEES FOR FINAL PLATS, PRELIMINARY PLATS, CHANGE IN TEXT, WAIVERS AND APPEALS, AND POSTPONEMENTS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146);

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE APPLICATION FEE FOR THE VACATION OF PUBLIC WAYS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146);

APPROVING AN INCREASE IN APPLICATION FEES FOR COMPREHENSIVE PLAN AMENDMENTS AND COMPREHENSIVE PLAN CONFORMANCE. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) (ACTION DATE: 7/31/06) - Marvin Krout, Director of Planning Dept., came forward to explain the proposed fee increases and to answer questions. Discussion followed.

Mary Bills Strand, 2149 Stone Creek Loop South, Realtor and member of the Planning Commission to state it was requested that notices go out sooner and that an information sheet to explain the different zoning & non-standard and non-conforming. It is to also include which lots are non-standard and non-conforming. Discussion followed.

Peter Katt, representing LIBA, in opposition. Discussion followed.

Fred Houck, Government Affairs Director for Homebuilders Assn., came forward in opposition. Discussion followed.

Ron Moore, 4700 Firebush Lane, President and Owner of Moore Property Inc. and Creative Design Homes, came forward in opposition. Discussion followed.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE SOLID WASTE MANAGEMENT ENTERPRISE OF THE CITY OF LINCOLN, NEBRASKA;

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 AGGREGATE PRINCIPAL AMOUNT OF SOLID WASTE MANAGEMENT REVENUE BONDS - Don Herz, Finance Director, Scott Keene, Ameritas Financial Investor for City of Lincoln, and Lauren Wismer, Bond Consultant, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING AND ADDING SECTIONS TO CHAPTER 10.14 (RULES OF THE ROAD) AND CHAPTER 10.48 (BICYCLES) WITHIN TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO DEFINE BICYCLE LANES AND TO REGULATE THE USE OF BICYCLE LANES - David Cary, Planning Dept., came forward to answer questions. Discussion followed.

John McQuinn, City Prosecutor, came forward to answer legal questions. Discussion followed.

Jerry Hoffman, 3000 S. 72nd St., #3, came forward representing Great Plains Trails Network in support. Discussion followed.

Ian Davis, 1032 F Street, came forward to present 1,876 signatures of cyclists in support. Discussion followed.

Mike Morosin, 2055 "S" Street, came forward in support. Discussion followed.

This matter was taken under advisement.

STREET NAME CHANGE 06002 - RENAMING THAT PORTION OF N. 14TH STREET FROM CORNHUSKER HIGHWAY SOUTH TO MILITARY AVENUE AND THAT PORTION OF N. 19TH STREET FROM R STREET SOUTH TO O STREET AS NORTH ANTELOPE VALLEY PARKWAY; RENAMING THAT PORTION OF S. 19TH STREET FROM O STREET SOUTH TO K STREET AS SOUTH ANTELOPE VALLEY PARKWAY; AND RENAMING THE NEW EAST/WEST ROADWAY FROM 10TH STREET NORTHEAST TO 33RD AND SUPERIOR STREETS AS SALT CREEK ROADWAY - Ray Hill, Planning Dept., came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 06041 - APPLICATION OF SCHROEDER/KLEIN INVESTMENTS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-3 EMPLOYMENT CENTER DISTRICT, ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND YANKEE HILL ROAD Lyle Loth, ESP, came forward representing Schroeder/Klein Investments and to answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE HARTFORD TO PROVIDE LIFE INSURANCE FOR CITY OF LINCOLN EMPLOYEES FOR A FOUR YEAR PERIOD - Bill Kostner, Risk Management Manager, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE BUDGET AND PROGRAM OF WORK FOR DOWNTOWN LINCOLN ASSOCIATION'S FY 2006 - 2007 MANAGEMENT AND MAINTENANCE DISTRICT - Craig Madson, Senior Vice President of US Bank, came forward representing Downtown Lincoln Association and to answer questions.

This matter was taken under advisement.

USE PERMIT 04006A - APPLICATION OF REMBOLT DEVELOPMENT TO AMEND BARONS RIDGE 1ST ADDITION TO REDUCE THE REAR YARD SETBACK FROM 30' TO 25' ON LOTS 1 - 10, BLOCK 2, AND FROM 30' TO 20' ON LOTS 1 - 8, BLOCK 1, BARON'S RIDGE 1ST ADDITION, GENERALLY LOCATED AT WEST HIGHLANDS BLVD. AND N.W. 1ST STREET - Lois Hartzell, 5540 N. 19th Street, Vista Homes, came forward representing Rembolt Development to answer questions.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF RENÉ LONGORIA DBA ARTURO'S TO EXPAND ITS CLASS I LIQUOR LICENSE BY AN ADDITION OF AN OUTSIDE CAFÉ AREA MEASURING APPROXIMATELY 18 FT. BY 24 FT. TO THE NORTH ON PROPERTY GENERALLY LOCATED AT 803 Q STREET, #150 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83935 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 René Longoria dba Arturo's to expand its licensed premises by the addition of an outside area measuring approximately 18 feet by 24 feet to the north of the presently licensed premises located at 803 Q Street, #150, 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF GUADALAJARA, INC. DBA LAS MARGARITAS FOR A CLASS C LIQUOR LICENSE AT 2700 JAMIE LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83936 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

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application of Guadalajara, Inc. dba Las Margaritas for a Class "C" liquor license at 2700 Jamie Lane, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF GUILLERMO HARO FOR GUADALAJARA, INC. DBA LAS MARGARITAS AT 2700 JAMIE LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83937 WHEREAS, Guadalajara, Inc. dba Las Margaritas located at 2700 Jamie Lane, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Guillermo Haro be named manager;

WHEREAS, Guillermo Haro appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Guillermo Haro 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF MICHAEL T. TUCKER FOR SANDY'S INC. DBA SANDY'S AT 1401 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83938 WHEREAS, Sandy's Inc. dba Sandy's located at 1401 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Michael T. Tucker be named manager;

WHEREAS, Michael T. Tucker appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael T. Tucker 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF GAS 'N SHOP INC. DBA CAPPY'S FOR A CLASS I LIQUOR LICENSE AT 5560 S. 48TH STREET, #4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83939 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 Gas 'N Shop Inc. dba Cappy's for a Class "I" liquor license at 5560 S. 48th Street, #4, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the conditions that the applicant obtains a valid special permit, and that the premise complies in every respect with the conditions of its special permit and all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JOHN F. CAPORALE FOR GAS 'N SHOP INC. DBA CAPPY'S AT 5560 S. 48TH STREET, #4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-83940 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 John F. Caporale as manager of Gas 'N Shop Inc. dba Cappy's located at 5560 S. 48th Street, #4, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF PLANET SUBS NEBRASKA, LLC DBA PLANET SUBS FOR A CLASS I LIQUOR LICENSE AT 1332 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83941 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 Planet Subs Nebraska, LLC dba Planet Subs for a Class "I" liquor license at 1332 P Street, Lincoln, Nebraska, for the license period ending April 30, 2007, be approved with the conditions that the applicant obtains a valid special permit, and that the premise complies in every respect with the conditions of its special permit and all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF PAUL BOWERS FOR PLANET SUBS NEBRASKA, LLC DBA PLANET SUBS AT 1332 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83942 WHEREAS, Planet Subs Nebraska, LLC dba Planet Subs located at 1332 P Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Paul Bowers be named manager; WHEREAS, Paul Bowers appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Paul Bowers 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

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

AUTHORIZING EXECUTION AND DELIVERY OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND VARIOUS OWNERS FOR THE DEVELOPMENT OF APPROXIMATELY 726 ACRES OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND ROKEYB ROAD AND FOR THE ISSUANCE OF BONDS FOR THE INSTALLATION OF INFRASTRUCTURE TO SERVE THE AREA. (RELATED ITEMS: 06-86, 06R-110) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06) -PRIOR to reading:

COOK Moved to continue Public Hearing and 2nd Reading to August 28, 2006.

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

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COMP. PLAN AMENDMENT 06002 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO (A) AMEND THE 2025 FUTURE SERVICE LIMIT TO ADD LAND WEST OF 98TH STREET FROM YANKEE HILL ROAD TO ONE-HALF MILE SOUTH OF ROKEY ROAD; (B) AMEND THE URBAN GROWTH TIER AND ASSOCIATED MAPS IN THE SAME AREA FROM TIER I, PRIORITY B, TO TIER I, PRIORITY A, AND LAND FROM TIER II TO A MIX OF TIER I, PRIORITY A AND B; AND (C) TO CHANGE THE LAND USE IN THE AREA BEING ADDED TO THE FUTURE SERVICE LIMIT FROM AGRICULTURAL TO URBAN RESIDENTIAL (RELATED ITEMS: 06-86, 06R-110) (ACTION DATE: 6/19/06) (6/12/06 - PUBLIC HEARING & 2ND READING CONT'D TO 7/10/06) (7/10/06 - P.H. & 2ND READING CON'T. TO 7/24/06) - PRIOR to reading:

COOK Moved to continue Public Hearing and 2nd Reading to August 28, 2006.

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

CHANGE OF ZONE 06023 - AMENDING CHAPTER 27.80 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING TO INCREASE AND AMEND FEES FOR APPLICATION OF A CHANGE OF ZONE, DOWNZONES, PLANNED UNIT DEVELOPMENTS, USE PERMITS, COMMUNITY UNIT PLANS, SPECIAL PERMITS, ADMINISTRATIVE AMENDMENTS, CHANGES IN TEXT, POSTPONEMENT FEES, AND WAIVER OF FEES. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 27.80 of the Lincoln Municipal Code relating to city zoning fees by amending Sections 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.110, and 27.80.125 to increase and amend current zoning fees; adding a new section numbered 27.80.135 to establish a fee for filing an application to waive and/or modify one or more ordinance requirement or design standard; and repealing Sections 27.80.020, 27.80.025, 27.80.030, 27.80.040, 27.80.060, 27.80.070, 27.80.110, and 27.80.125 of the Lincoln Municipal Code as hitherto existing, the second time.

MISC. 06005 - AMENDING CHAPTER 26.33 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISION TO INCREASE APPLICATION FEES FOR FINAL PLATS, PRELIMINARY PLATS, CHANGE IN TEXT, WAIVERS AND APPEALS, AND POSTPONEMENTS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) - CLERK read an ordinance, introduced by Dan Marvin, amending Chapter 26.33 of the Lincoln Municipal Code relating to Land Subdivision Ordinance Fees by amending Section 26.33.020 to increase the filing fee for final plats and to add a street tree management fee of \$4.00 per lot; amending Section 26.33.030 to increase the filing fee for preliminary plats; amending Section 26.33.090 to increase the filing fee for a requested change of text; amending Section 26.33.110 to increase the filing fee for a requested waiver or modification of one or more ordinance requirement or design standard; amending Section 26.33.130 to increase the fee for filing an application that requires any additional legal notice; and repealing Sections 26.33.020, 26.33.030, 26.33.090, 26.33.110, and 26.33.130 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE APPLICATION FEE FOR THE VACATION OF PUBLIC WAYS. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 14.20.020 of the Lincoln Municipal Code relating to the vacation of public ways to increase the application fee for such a vacation request from \$125.00 to \$250.00; and repealing Section 14.20.020 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING AN INCREASE IN APPLICATION FEES FOR COMPREHENSIVE PLAN AMENDMENTS AND COMPREHENSIVE PLAN CONFORMANCE. (RELATED ITEMS: 06-113, 06-114, 06-115, 06R-146) (ACTION DATE: 7/31/06).

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE SOLID WASTE MANAGEMENT ENTERPRISE OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Dan Marvin, authorizing and providing for the issuance of Revenue Bonds of the City of Lincoln, Nebraska for the purposes of its Solid Waste Management facilities; prescribing the form and details of Revenue Bonds issued hereunder; covenanting as to the establishment, maintenance, revision and collection of charges and rates for the use and services of the Solid Waste Management facilities and the application, collection and disbursement of the revenues derived

therefrom; limiting the payment of the principal of and interest on Revenue Bonds issued hereunder solely to the revenues of the Solid Waste Management facilities and pledging such revenues to such payment; setting forth the conditions for the issuance of Revenue Bonds hereunder or the issuance of other solid waste management revenue obligations pursuant hereto; setting forth events of default and the rights and remedies of the registered owners of Revenue Bonds issued hereunder; making various other covenants, agreements and provisions in connection with the foregoing; providing for severability; and related matters, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,500,000 AGGREGATE PRINCIPAL AMOUNT OF SOLID WASTE MANAGEMENT REVENUE BONDS - CLERK read an ordinance, introduced by Dan Marvin, authorizing the issuance of Solid Waste Management Revenue Bonds, Series 2006, of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$4,500,000; fixing in part and providing for the fixing in part of the details of the Bonds; providing for the sale of the Bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; and related matters, the second time.

AMENDING AND ADDING SECTIONS TO CHAPTER 10.14 (RULES OF THE ROAD) AND CHAPTER 10.48 (BICYCLES) WITHIN TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO DEFINE BICYCLE LANES AND TO REGULATE THE USE OF BICYCLE LANES - CLERK read an ordinance, introduced by Dan Marvin, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic to define bicycle lanes and regulate the use of bicycle lanes by adding a new section numbered 10.02.055 to add the definition of "bicycle lane"; amending Chapter 10.14, Rules of the Road by amending Section 10.14.030 (Stop When Traffic Obstructed) and Section 10.14.050 (Use of Restricted Areas Adjacent to Curb and Changing Course) and by adding a new section numbered 10.14.055 (Enter Traffic Lanes or Changing Course Without Safety; amending Chapter 10.48, Bicycles, by amending Section 10.48.130 (Right-of-way), Section 10.48.140 (Right Turn Lanes), Section 10.48.150 (Riding to Right of Roadway), Section 10.48.190 (Riding in Group), and Section 10.48.280 (Penalty) and adding a new section numbered 10.48.185 (Designated Bicycle Lane; Direction); and repealing Sections 10.14.030, 10.14.050, 10.48.130, 10.48.140, 10.48.150, 10.48.180, 10.48.190, and 10.48.280 of the Lincoln Municipal Code as hitherto existing, the second time.

STREET NAME CHANGE 06002 - RENAMING THAT PORTION OF N. 14TH STREET FROM CORNHUSKER HIGHWAY SOUTH TO MILITARY AVENUE AND THAT PORTION OF N. 19TH STREET FROM R STREET SOUTH TO O STREET AS NORTH ANTELOPE VALLEY PARKWAY; RENAMING THAT PORTION OF S. 19TH STREET FROM O STREET SOUTH TO K STREET AS SOUTH ANTELOPE VALLEY PARKWAY; AND RENAMING THE NEW EAST/WEST ROADWAY FROM 10TH STREET NORTHEAST TO 33RD AND SUPERIOR STREETS AS SALT CREEK ROADWAY - CLERK read an ordinance, introduced by Dan Marvin, changing the name of that portion of N. 14th Street from Cornhusker Highway south to Military Avenue and that portion of N. 19th Street from R Street south to O Street as North Antelope Valley Parkway; renaming that portion of S. 19th Street from O Street south to K Street as South Antelope Valley Parkway; and renaming the new east/west roadway from 10th Street northeast to 33rd and Superior Streets as Salt Creek Roadway, the second time.

CHANGE OF ZONE 06041 - APPLICATION OF SCHROEDER/KLEIN INVESTMENTS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO I-3 EMPLOYMENT CENTER DISTRICT, ON PROPERTY GENERALLY LOCATED AT S. 14TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE HARTFORD TO PROVIDE LIFE INSURANCE FOR CITY OF LINCOLN EMPLOYEES FOR A FOUR YEAR PERIOD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83943 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Hartford Life and Accident Insurance Company Group Insurance Application for Life, AD&D, and Supplemental Life Insurance coverage for City of Lincoln employees for a four year period effective August 1, 2006, is hereby approved and the Mayor is authorized to execute said Group Insurance Application on behalf of the City.

The City Clerk is directed to forward one fully executed original of the Application to Bill Kostner, Risk Management, for transmittal to The Hartford Life and Accident Insurance Company.

Introduced by Dan Marvin

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

APPROVING THE BUDGET AND PROGRAM OF WORK FOR DOWNTOWN LINCOLN ASSOCIATION'S FY 2006 - 2007 MANAGEMENT AND MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83944 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2006-2007 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2006 to August 31, 2007 which is attached hereto and marked as Attachment "A" is hereby approved.

Introduced by Dan Marvin

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

USE PERMIT 04006A - APPLICATION OF REMBOLT DEVELOPMENT TO AMEND BARONS RIDGE 1ST ADDITION TO REDUCE THE REAR YARD SETBACK FROM 30' TO 25' ON LOTS 1 - 10, BLOCK 2, AND FROM 30' TO 20' ON LOTS 1 - 8, BLOCK 1, BARON'S RIDGE 1ST ADDITION, GENERALLY LOCATED AT WEST HIGHLANDS BLVD. AND N.W. 1ST STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83945 WHEREAS, Rembolt Development has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04006A to reduce the rear yard setback on property generally located at West Highlands Blvd. and N.W. 1st, and legally described as:

Lots 1 - 8, Block 1, and Lots 1 - 10, Block 2, Baron's Ridge 1st Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the development within the use permit 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 Rembolt Development, hereinafter referred to as "Permittee", to reduce the rear yard setbacks, on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 18 dwelling units and 11,800 square feet of office with variances to the rear yard setbacks from 30' to 25' for Lots 1-10, Block 2 and from 30' to 20' for Lots 1-8, Block 1. All

previous waivers approved by Use Permit #04006 remain in effect.

2. Final plats within the area of this Use Permit must be approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the City may require that a new use permit plan be submitted, pursuant to all the provisions of Section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance.

3. Before the approval of a final plat, the Permittee must enter into a Subdivision Agreement with the City wherein Permittee as Subdivider agrees:

- a. To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.
- b. To complete the installation of sidewalks along both sides of W. Pemberly Rd. as shown on the final plat within four (4) years following the approval of the final plat.
- c. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
- d. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
- e. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of this final plat.
- f. To complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- g. To complete the installation of private street lights along streets within this plat within two (2) years following the approval of the final plat.
- h. To complete the planting of the street trees along W. Pemberly Lane within this plat within four (4) years following the approval of the final plat.
- i. To complete the planting of the street trees along W. Highland Blvd. and NW 1st St. within this plat within two (2) years following approval of the final plat.
- j. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- k. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- l. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- m. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.

- n. To complete the public and private improvements shown on the Use Permit.
 - o. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - p. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
 - (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a registered professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
 - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - q. To maintain the outlots and private improvements on a permanent and continuous basis.
 - r. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
 - s. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Subdivider.
 - t. To maintain the outlots and private improvements on a permanent and continuous basis.
 - u. To maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.
 - v. To submit to the lot buyers and home builders a copy of the soil analysis.
 - w. To comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - x. To relinquish the right of direct vehicular access from Outlot 'A' to NW 1st St. and W. Highland Blvd. except as shown and from Lot 10, Block 2 to W. Highland Blvd.
4. Before a final plat is approved:
- a. The Permittee shall submit a revised site plan including five copies showing the following revisions to the Planning Department office for review and approval.
 - i. Change the 20' rear yard setback note to 25' for Lots 1-10, Block 2.
 - ii. Change the 30' rear yard setback note to 20' for Lots 1-8, Block 1.
 - iii. Delete Note 18 under General Notes.
Administrative Amendment #06049 deleted this note.
 - iv. Correct requested waiver #1.
 - b. Ornamental street lights for private roadways and pedestrian way easements must be approved by L.E.S.

- c. The construction plans must comply with the approved plans.
5. Before occupying the dwelling units and office buildings all development and construction is to comply with the approved plans.
6. All privately-owned improvements, including landscaping are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
7. 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.
8. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
9. 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 clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
10. 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.

Introduced by Dan Marvin

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

APPROVING A REVISED INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY, AND THE PUBLIC BUILDING COMMISSION TO AMEND SECTION 9 TO CLARIFY INSURANCE COVERAGE BETWEEN THE CITY AND COUNTY - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83946 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Revised Interlocal Agreement between the City of Lincoln, the County of Lancaster and the Lincoln-Lancaster County Public Building Commission, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit an executed original Revised Interlocal Agreement to Trish Owen for execution by the County.

Introduced by Dan Marvin

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

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 06044 - App. of Will and Lisa Ross from R-2 Residential District to B-1 Local Business District located at A Street and Maxwell Street, Walton, NE.

Special Permit 1940A - App. of Hartland Homes, Inc. for an amendment to the Cardinal Heights Community Unit Plan to adjust the lot lines and waiver requests to reduce lot area and average lot width located at NW 56th Street and Redberry Lane.

Special Permit 06042 - App. of St. Patrick's Church for a dwelling for members of a religious order on property located at N. 61st Street and Morrill Avenue.

Special Permit 06043 - App. of Esmeraldo Lopez for expansion of non-conforming use on property at S. 2nd Street and K Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON JULY 10, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 30, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REGULAR MEETING

July 24, 2006

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REAPPOINTING MARTHA HETTENBAUGH, BARRY MOORE, RUTHELEN SITTLER, AND CARL TESCH TO THE LINCOLN AREA AGENCY ON AGING ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING JULY 1, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83947 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the re-appointment of Martha Hettenbaugh, Barry Moore, Ruthelen Sittler, and Carl Tesch to the Lincoln Area Agency on Aging Advisory Council for three-year terms expiring July 1, 2009 is hereby approved.

Introduced by Dan Marvin

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

AMENDING SECTIONS 10.16.030 AND 10.16.040 OF THE LINCOLN MUNICIPAL CODE BY MAKING ADDITIONAL AMENDMENTS TO THE PENALTY PROVISIONS FOR DRIVING UNDER THE INFLUENCE AND REFUSAL TO SUBMIT TO ALCOHOL TESTING TO CONFORM WITH PENALTIES PROSCRIBED BY STATE STATUTES AS REQUIRED BY LAW - CLERK read an ordinance, introduced by Annette McRoy, amending Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code by amending penalty provisions for driving under the influence and refusal to submit to alcohol testing to conform with changes made in state statutes as required by law; repealing Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code as hitherto existing; and declaring an emergency, the first time.

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

ANNEXATION 05008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 226 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND MILITARY ROAD (NEBRASKA STATE FAIR PARK) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18768**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06036 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM COUNTY I INDUSTRIAL DISTRICT TO CITY I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 134TH AND O STREETS - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18769**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06039 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO ALLOW OUTDOOR DINING, WHEN ASSOCIATED WITH A RESTAURANT, IN THE FRONT YARD OF THE O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 ZONING DISTRICTS; BY AMENDING SECTION 27.71.100 WHERE PATIOS AND PAVED TERRACES ARE ALLOWED IN THE FRONT YARD; BY AMENDING SECTION 27.71.115 TO ALLOW CANOPIES IN THE FRONT YARD IN THE O-3, B-3, B-5, H-4, I-1, AND I-3 ZONING DISTRICTS; BY ADDING A SECTION TO CHAPTER 27.03 TO ADD A DEFINITION FOR OUTDOOR DINING; BY AMENDING SECTION 27.71.030 TO ADD THE O-3 DISTRICT; BY AMENDING SECTION 27.27.070 TO REQUIRE THE ENTIRE FRONT YARD TO BE LANDSCAPED, EXCEPT FOR NECESSARY PAVING OF WALKWAYS AND DRIVEWAYS TO REACH PARKING AND LOADING AREAS, PROVIDED THAT ANY DRIVEWAY IN THE FRONT YARD SHALL BE SUBSTANTIALLY PERPENDICULAR TO THE STREET AND SHALL NOT BE WIDER THAN THIRTY FEET; BY AMENDING CHAPTER

27.67, PARKING, TO EXEMPT OUTDOOR DINING OFF-STREET PARKING REQUIREMENTS - CLERK read an ordinance, introduced by Robin Eschliman, amending Section Title 27 of the Lincoln Municipal Code to allow outdoor dining, when associated with a restaurant in the front yard of the O-3, B-1, B-2, B-3, B-4, B-5, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts hitherto existing, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18770**, is recorded in Ordinance Book #25, Page

ANNEXATION 06004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 51.1 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE. (Related Items: 06-116, 06-117, 06R-134) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18771**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06016 - APPLICATION OF EIGER CORP. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL AND FROM AG AGRICULTURAL TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE. (Related Items: 06-116, 06-117, 06R-134) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18772**, is recorded in Ordinance Book #25, Page

USE PERMIT 06003 - APPLICATION OF EIGER CORP. TO DEVELOP 50,000 SQUARE FEET OF OFFICE SPACE, INCLUDING REQUESTED WAIVERS TO ADJUST FRONT, SIDE AND REAR SETBACKS, TO ALLOW TRANSFER OF WASTEWATER FROM ONE DRAINAGE BASIN TO ANOTHER, TO ALLOW SANITARY SEWER TO EXCEED MAXIMUM DEPTH, TO EXCEED MINIMUM TANGENT LENGTH BETWEEN NON-COMPOUND HORIZONTAL CURVES, TO ALLOW SANITARY SEWER TO BE CONSTRUCTED NON-PARALLEL TO THE CENTERLINE OF THE STREET, TO ALLOW LOT LINES NON-PERPENDICULAR TO THE RIGHT-OF-WAY, TO ALLOW LOTS THAT DO NOT FRONT UPON A PUBLIC STREET OR PRIVATE ROADWAY, AND TO ADJUST LOCATION OF THE SIGN ALLOWED AT THE ENTRANCE OF THE OFFICE PARK, ON PROPERTY GENERALLY LOCATED AT SOUTH 91ST STREET AND ANDERMATT DRIVE. (Related Items: 06-116, 06-117, 06R-134) (Action Date: 7/24/06) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83948 WHEREAS, Eiger Corporation has submitted an application in accordance with Section 27.27.090 of the Lincoln Municipal Code designated as Use Permit No. 06003 to develop 50,000 square feet of office space, including requested waivers to adjust front, side and rear setbacks, to allow transfer of wastewater from one drainage basin to another, to allow sanitary sewer to exceed maximum depth, to exceed minimum tangent length between non-compound horizontal curves, to allow sanitary sewer to be constructed non-parallel to the centerline of the street, to allow lot lines non-perpendicular to the right-of-way, to allow lots that do not front upon a public street or private roadway, and to adjust location of the sign allowed at the entrance of the office park, on property generally located at South 91st Street and Andermatt Drive, legally described as follows:

A portion of Lot 36 I.T., a portion of Lot 71 I.T., and a portion of Lot 101 I.T., all located in the East Half of Section 23, Township 9 North, Range 7 East of the 6th P.M., City of Lincoln, Lancaster County, State of Nebraska, and more particularly described as follows:

Commencing at the northwest corner of said Lot 100 I.T.; thence southerly along a west line of said Lot 100 I.T., said line being an east line of South 91st Street right-of-way on an assumed bearing of south 27 degrees 39 minutes 47 seconds east, a distance of 54.44 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 09 degrees 20 minutes 16 seconds, a radius of 1,065.00 feet, an arc length of 173.57 feet, a chord bearing of south 22 degrees 59 minutes 38 seconds east along a west line of said Lot 100 I.T., said line being the east line of said right-of-way, and a chord distance of 173.38 feet to the northwest corner of said Lot 101 I.T., said point being the point of beginning; thence north 66 degrees 51 minutes 18 seconds east along a northwest line of said Lot 101 I.T., a distance of 90.97 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a delta angle of 11 degrees 35 minutes 59 seconds, a radius of 500.00 feet, an arc length of 101.23 feet, a chord bearing of north 61 degrees 03 minutes 18 seconds east along a northwest line of said Lot 101 I.T., and a chord distance of 101.05 feet to a point of tangency; thence north 55 degrees 15 minutes 19 seconds east along a northwest line of said Lot 101 I.T., a distance of 138.69 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 72 degrees 13 minutes 00 seconds, a radius of 50.00 feet, an arc length of 63.02 feet, a chord bearing of south 88 degrees 38 minutes 11 seconds east along a north line of said Lot 101 I.T., and a chord distance of 58.93 feet to a point of tangency; thence south 52 degrees 31 minutes 41 seconds east along a northeast line of said Lot 101 I.T., a distance of 31.36 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 54 degrees 08 minutes 38 seconds, a radius of 50.00 feet, an arc length of 47.25 feet, a chord bearing of south 25 degrees 27 minutes 22 seconds east along a northeast line of said Lot 101 I.T., and a chord distance of 45.51 feet to a point of tangency; thence south 01 degrees 36 minutes 57 seconds west along an east line of said Lot 101 I.T., a distance of 72.45 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a delta angle of 50 degrees 02 minutes 26 seconds, a radius of 50.00 feet, an arc length of 43.67 feet, a chord bearing of south 23 degrees 24 minutes 16 seconds east along a northeast line of said Lot 101 I.T., and a chord distance of 42.29 feet to a point of tangency; thence south 48 degrees 25 minutes 29 seconds east along a northeast line of said Lot 101 I.T., a distance of 29.36 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a delta angle of 51 degrees 58 minutes 18 seconds, a radius of 50.00 feet, an arc length of 45.35 feet, a chord bearing of south 74 degrees 24 minutes 38 seconds east along a north line of said Lot 101 I.T., and a chord distance of 43.81 feet to a point; thence south 10 degrees 51 minutes 05 seconds east, a distance of 184.48 feet to a point; thence south 56 degrees 45 minutes 27 seconds west, a distance of 106.73 feet to a point; thence south 00 degrees 00 minutes 00 seconds west, a distance of 94.45 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a delta angle of 06 degrees 17 minutes 09 seconds, a radius of 477.00 feet, an arc length of 52.33 feet, a chord bearing of south 03 degrees 08 minutes 34 seconds east, and a chord distance of 52.30 feet to a point; thence south 83 degrees 42 minutes 51 seconds west, a distance of

96.00 feet to a point; thence north 46 degrees 20 minutes 45 seconds west, a distance of 30.16 feet to a point of curvature of a non tangent curve; thence along a curve in a clockwise direction, having a delta angle of 02 degrees 18 minutes 57 seconds, a radius of 581.00 feet, an arc length of 23.48 feet, a chord bearing of north 85 degrees 15 minutes 43 seconds west, and a chord distance of 23.48 feet to a point of tangency; thence north 84 degrees 06 minutes 15 seconds west, a distance of 204.69 feet to a point; thence south 49 degrees 44 minutes 20 seconds west, a distance of 27.71 feet to a point of intersection with a west line of Lot 71 I.T., said point being on the east line of South 91st street right-of-way, said point being the point of curvature of a non tangent curve; thence along a curve in a counter clockwise direction, having a delta angle of 22 degrees 26 minutes 42 seconds, a radius of 1,065.00 feet, an arc length of 417.20 feet, a chord bearing of north 07 degrees 06 minutes 09 seconds west along a west line of said Lot 71 I.T., and a west line of Lot 101 I.T., said line being the east line of said right-of-way, and a chord distance of 414.54 feet to the point of beginning, said tract contains a calculated area of 207,630.5656 square feet or 4.7665 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this construction of office space 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 Eiger Corporation, hereinafter referred to as "Permittee", to develop 50,000 square feet of commercial floor area be and the same is hereby granted under the provisions of Section 27.27.090 of the Lincoln Municipal Code upon condition that construction and operation of said office space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves up to 50,000 square feet of office floor area including health care facilities, clubs, mail order catalog sales, and medical testing laboratories with waivers to adjust front, side, and rear setbacks to 0'; allow transfer of wastewater from one drainage basin to another; allow sanitary sewer to exceed maximum depth; allow street design to exceed minimum tangent length between non-compound horizontal curves; allow sanitary sewer to be constructed non-parallel to the centerline of the street; allow lot lines non-perpendicular to the right-of-way; allow lots that do not front upon a public street or private roadway; and adjust the location of the sign allowed at the entrance into the 0-3.

2. Final plats within the area of this use permit shall be approved by the City.

If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the City may require that a new use permit be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.

3. The Planning Director may approve a final plat provided the Permittee, as Subdivider, enters into an agreement with City wherein Permittee agrees:

- a. to complete the street paving of public streets shown on the final plat within two (2) years following the approval of the final plat.
- b. to complete the installation of sidewalks along both sides of the streets as shown on the final plat within four (4) years following the approval of the final

- plat.
- c. to complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
 - d. to complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.
 - e. to complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - f. to complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
 - g. to complete the installation of public street lights within this plat within two (2) years following the approval of the final plat.
 - h. to complete the planting of the street trees along both sides of all streets within four (4) years following the approval of the final plat.
 - i. to complete the installation of the street name signs within two (2) years following the approval of the final plat.
 - j. to complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
 - k. to submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
 - l. to complete the public and private improvements shown on the Use Permit.
 - m. to retain ownership of or the right of entry to the outlots in order to maintain the outlots and private improvements on a permanent and continuous basis and to maintain the plants in the medians and islands on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating, in writing, a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the private improvements have been satisfactorily installed and the documents creating the association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - n. to continuously and regularly maintain the street trees along the private roadways and landscape screens.
 - o. to submit to the lot buyers and home builders a copy of the soil analysis.
 - p. to pay all design, engineering, labor, material, inspection, and other improvement costs.
 - q. to comply with the provisions of the Land Preparation and Grading requirements of the Land Subdivision Ordinance.
 - r. to protect the trees that are indicated to remain during construction and development.
 - s. to properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the Subdivider.
 - t. to relinquish the right of direct vehicular access to South 91st Street except as shown.

4. Prior to the approval of a final plat:
 - a. The Permittee shall submit five copies of a revised site plan showing the following revisions to the Planning Department office for review and approval.
 - i. Delete General Notes # 15, 16, 18, 25, 29, and 33.
 - ii. Show continuous sidewalks in front of all buildings connecting to sidewalks in Andermatt Drive and South 91st Street.
 - iii. Show easements per L.E.S. review.
 - iv. Provide a summary of trip generation allocation that includes all development subject to AN#01006.
 - v. Delete all references to PUD.
 - vi. Show screening per R-T district along the boundary between the O-3 and R-3 districts, and add a general site note that states required screening shall be provided at time of final plats.
 - vii. Revise General Note #15 to state "LOT DIMENSIONS ARE APPROXIMATE AND MAY VARY AT TIME OF FINAL PLAT."
 - viii. Revise General Note #24 to state ".....IN ACCORDANCE WITH LINCOLN MUNICIPAL CODE TITLE 27."
 - ix. Revise General Note #26 by deleting "AS AMENDED BY THE SOUTHLAKE REGULATORY MODIFICATIONS."
 - x. Revise General Note #28 to read as ".....STREET TREES AND REQUIRED LANDSCAPE SCREENS TO BE REVIEWED....."
 - xi. Separate General Notes #15, 30, 35, 37, 38, 39, 43, and 47 into a separate table labeled 'Waivers'.
 - xii. Provide enhanced screening along the O-3/R-3 boundary consistent with the screening requirement for the R-T district.
 - xiii. Show Andermatt Drive aligned to the satisfaction of Public Works and Utilities.
 - xiv. Show the sanitary sewer in a location approved by Public Works and Utilities.
 - xv. Show the relocated vehicle entrance ground sign and delete the note indicating "100 Square Foot Southlake Office Park Sign."
 - xvi. Reduce the size of the buildings to no more than 8,000 square feet of floor area and add a note that states, "No building shall be greater than 8,000 square feet or 28 feet in height."
 - b. Revise the grading and drainage and utilities plans to the satisfaction of Public Works and Utilities.
5. Before occupying any buildings all development and construction is to comply with the approved plans.
6. All privately-owned improvements, including landscaping, are to be permanently maintained by the owner or an appropriately established owners association approved by the City.
7. 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.
8. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
9. 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 clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by Robin Eschliman

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

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VACATION 05010 - VACATING THE EAST/WEST ALLEY LOCATED 100 FEET EAST OF VACATED 49TH STREET BETWEEN PRESCOTT AND LOWELL AVENUES - CLERK read an ordinance, introduced by Robin Eschliman, vacating a portion of the east/west alley between vacated S. 49th Street, S. 51st Street, Lowell and Prescott Avenues, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

ESCHLIMAN Moved to pass the ordinance as read,.

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

The ordinance, being numbered **#18773**, is recorded in Ordinance Book #25, Page

ADOPTING THE SCHEDULE OF COSTS FOR SIDEWALK PERMIT FEES FOR NEW SIDEWALK CONSTRUCTION IN RESIDENTIAL AND COMMERCIAL AREAS. (7/17/06 - ACTION DELAYED 1 WK. TO 7/24/06) - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83949 WHEREAS, Lincoln Municipal Code Section 14.80.040 authorizes the City Council, by resolution, to establish a schedule of costs for sidewalk permit fees to recover a portion of the engineering costs associated with the construction of sidewalks; and WHEREAS, the City Council by Resolution No. A-74150, adopted on April 29, 1991, established the current schedule of fees; and WHEREAS, the City Engineer now finds it necessary for the established fee schedule to be revised to more fairly reflect the engineering costs associated with sidewalk construction.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that effective upon adoption of this Resolution, the following schedule of costs for sidewalk permit fees shall be as follows:

SCHEDULE OF COSTS

<u>Permit Type</u>	<u>Fee</u>
Residential - New Construction	\$50.00
Commercial - New Construction	\$125.00

Introduced by Dan Marvin

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

AMENDING CHAPTER 9.36 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 9.36.130 TO PROHIBIT THE CARRYING OF CONCEALED WEAPONS AND ADDING A NEW SECTION NUMBERED 9.36.140 TO PROVIDE DEFINITIONS. (6/26/06 - PLACED ON PENDING TO HAVE PUBLIC HEARING & 2ND READING ON 7/31/06)-

CAMP Moved to Withdraw Bill No. 06-107 permanently.

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

CAMP Moved to extend the Pending List to July 31, 2006.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July 31, 2006.

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

ADJOURNMENT 3:57 P.M.

CAMP Moved to adjourn the City Council meeting of July 24, 2006.
 Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
 So ordered.

Joan E. Ross, City Clerk, CMC

Judy Roscoe, Senior Office Assistant

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