

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 9, 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; Absent: None.

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**

COOK Having been appointed to read the minutes of the City Council proceedings of October 2, 2006, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

Mayor's Award of Excellence for the month of September was awarded to Travis Nilsen, Laborer II, from the Parks & Recreation Department, in the category of Safety.

**PUBLIC HEARING**

APPLICATION OF PRAIRIE FARE INC. DBA P.O. PEAR'S FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 92 FEET BY 146 FEET AT 1800 STATE FAIR PARK DRIVE ON THE 13TH DAY OF OCTOBER, 2006 FROM 3:00 P.M. TO 1:00 A.M. - Robert Jergensen, 5444 W. Brixton Dr., came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF RON SNOVER FOR LANCASTER CO. AG. SOCIETY, INC DBA LANCASTER EVENT CENTER LOCATED AT 4100 N. 84TH STREET - Ron Snover, 11380 Rokeby Rd., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF LEAD DOG ENTERTAINMENT INC. DBA COYOTE WILLY'S FOR A CLASS C LIQUOR LICENSE AT 2137 CORNHUSKER HIGHWAY, SUITE A;

MANAGER APPLICATION OF DAVID B. MILLER FOR LEAD DOG ENTERTAINMENT, INC. DBA COYOTE WILLY'S AT 2137 CORNHUSKER HIGHWAY, SUITE A - Daniel Klaus, 1201 Lincoln Mall, Suite 102, attorney representing the applicant came forward to take oath and answer questions.

David B. Miller, 3010 Loveland Dr., came forward to take oath and answer questions. Discussion followed.

Tom Casady, Chief of Police, came forward in a neutral capacity to discuss low-price drink specials which can create a risk of over service. Discussion followed.

Mr. Klaus came forward in rebuttal stating that the applicant is a responsible business operator.

Mr. Miller came forward in rebuttal to answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION FOR TROY FLANNIGAN FOR O'FOURTEEN, INC. DBA WOODY'S PUB AT 101 N. 14TH STREET, SUITE 6 - Troy Flannigan, 2810 Jameson N., Apt. 11, came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$41,650.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - Kit Boesch, Human Services Administrator, came forward to explain grant funding to create a module to educate professionals who work with high-risk kids. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SAFETY IMPROVEMENT PROJECT AT THE INTERSECTION OF S. 56TH STREET AND ELKCREST DRIVE - Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain the project and answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41. (8/14/06 - P.H. & ACTION CON'T. TO 9/11/06) (9/11/06 - P.H. & ACTION CON'T. TO 10/9/06) (REQUEST TO CON'T. P.H. & ACTION TO 10/16/06) - Rick Hoppe, Mayor's Office, came forward to answer questions and ask for a delay so the industries affected may review the revised draft. Discussion followed.

Ted Weidner, Asst. Vice Chancellor for Facilities Management and Planning at the University of Nebraska-Lincoln, 1901 Y St., came forward in support.

This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF PRAIRIE FARE INC. DBA P.O. PEAR'S FOR A SPECIAL DESIGNATED LICENSE FOR AN AREA MEASURING 92 FEET BY 146 FEET AT 1800 STATE FAIR PARK DRIVE ON THE 13TH DAY OF OCTOBER, 2006 FROM 3:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84066 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 Prairie Fare Inc. d/b/a P.O. Pear's for a Special Designated License to cover an area measuring 92 feet by 146 feet at 1800 State Fair Park Drive, Lincoln, Nebraska, on the 13th day of October, 2006, between the hours of 3:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF RON SNOVER FOR LANCASTER CO. AG. SOCIETY, INC DBA LANCASTER EVENT CENTER LOCATED AT 4100 N. 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84067 WHEREAS, Lancaster Co. Agric. Society, Inc. d/b/a Lancaster Event Center located at 4100 N. 84th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Ron Snover be named manager;

WHEREAS, Ron Snover 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 Ron Snover 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 LEAD DOG ENTERTAINMENT INC. DBA COYOTE WILLY'S FOR A CLASS C LIQUOR LICENSE AT 2137 CORNHUSKER HIGHWAY, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84068 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 Lead Dog Entertainment Inc. dba Coyote Willy's for a Class "C" liquor license at 2137 Cornhusker Highway, Suite A, 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, Marvin, Newman, Svoboda; NAYS: Cook, Eschliman, McRoy.

MANAGER APPLICATION OF DAVID B. MILLER FOR LEAD DOG ENTERTAINMENT, INC. DBA COYOTE WILLY'S AT 2137 CORNHUSKER HIGHWAY, SUITE A - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84069 WHEREAS, Lead Dog Entertainment Inc. dba Coyote Willy's located at 2137 Cornhusker Highway, Suite A, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that David B. Miller be named manager;

WHEREAS, David B. Miller 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 David B. Miller 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, Marvin, Newman, Svoboda; NAYS: Cook, Eschliman, McRoy.

MANAGER APPLICATION FOR TROY FLANNIGAN FOR O'FOURTEEN, INC. DBA WOODY'S PUB AT 101 N. 14TH STREET, SUITE 6 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84070 WHEREAS, O'Fourteen, Inc. dba Woody's Pub located at 101 N. 14<sup>th</sup> Street, Suite 6, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Troy Flannigan be named manager;

WHEREAS, Troy Flannigan 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 Troy Flannigan 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 - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING AN AGREEMENT BETWEEN THE CITY AND CLYDE MALONE COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2032 U STREET FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Clyde Malone Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2032 U Street, Lincoln, NE for a term beginning September 30, 2006 through August 31, 2007, the second time.

**RESOLUTIONS**

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$41,650.00 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - PRIOR to reading:

COOK Moved to replace Item 8 PFLAG with funding for the UN-L Health Center in the amount of \$1,500.00 to fund development of a suicide prevention education module for community professionals working with high risk special populations.

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption as amended:

A-84071 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$41,650.00 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 25) attached hereto and incorporated herein by reference.

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

The designation of the \$41,650.00 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING OF THE SAFETY IMPROVEMENT PROJECT AT THE INTERSECTION OF S. 56TH STREET AND ELKCREST DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84072 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. STPP-5241(1), State CN-12866, City Project No. 700846, for the construction and construction engineering of a Safety Improvement project at the intersection of South 56th Street and Elkcrest Drive, 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.

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 Jon Camp

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

#### PETITIONS AND COMMUNICATIONS

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR 3RD AND 4TH QUARTERS OF 2005 & 1ST QUARTER 2006: DIGIZIP; JUNE 2006: NNSI; JULY 2006: QUANTUM , EARTHLIN, XO, ONSTAR, COVISTA, PRIMUS, TELEPLUS, BUSINESS PROD., CIMCO, KDDI, AIRLINK, IBM GLOBAL, USCOC, NE, INTELICAL, ANDIANA, UCN, VERIZON, TELECORP, ACN, BELL-ATLANTIC, TRACFONE WIRELESS, VOICECOM, ATI, MCLEAD USA, QWEST, TRANS NATIONAL, BROADBAND, GLOBAL CROSSING, TRI-M, BROADWING, VIGIN MOBILE, WORKING ASSETS, CINCINATTI, BELL, NORSTRAN, NEW CINGULAR, NE TECH., ALLTEL, WWC DBA ALLEL, AT&T, CRICKET, WINDSTREAM NE, WINDSTREAM MIDWEST; AUGUST: ATS MOBILE, NOSVA, ACCERIS, SBC, BT AMERICAS, NEXTEL WEST, LIGHTYEAR, GLOBALCOM, 360NETWORKS, AFFINITY, ACCERIS, GTC, NOS, LDMI, ZONE, WINDSTREAM MIDWEST, WINDSTREAM NE, SPRINT, MCI WORLDCOM, TWC, SPRINT SPECTRUM, D&D, NPCR - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH ENDING AUGUST, 2006 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

#### REPORTS OF CITY OFFICERS

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR SEPTEMBER, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT OF CITY TREASURER OF MONTHLY CASH REPORT FOR AUGUST, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON SEPTEMBER 25, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS

CHANGE OF ZONE 06061 - APPLICATION OF KAPPA HOUSE CORPORATION OF DELTA DELTA DELTA SORORITY TO DESIGNATE THE DELTA DELTA DELTA SORORITY HOUSE AT 1601 R STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

AMENDING CHAPTER 8.12 OF THE LINCOLN MUNICIPAL CODE ENTITLED CHILD CARE FACILITIES TO UPDATE THE PROVISIONS SPECIFICALLY GOVERNING THE OPERATION OF SMALL FAMILY CHILD CARE HOMES INCLUDING REQUIRING TRAINING IN FIRST AID/CPR, DISEASE PREVENTION AND INJURY PREVENTION; PROHIBITING SMOKING IN THE HOME AT ALL TIMES; MODIFYING RECORD REVIEW PERMIT DENIALS; ADOPTING NEW OPERATIONAL REGULATIONS; CLARIFYING ENFORCEMENT PROVISIONS; AND CLARIFYING ENFORCEMENT PROVISIONS TO ASSURE DUE PROCESS - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 8.12 of the Lincoln Municipal Code entitled Child Care Facilities to update the provisions specifically governing the operation of small family child care homes including requiring training in first aid/CPR, disease prevention and injury prevention; prohibiting smoking in the home at all times; modifying record review permit denials; adopting new operational regulations; clarifying enforcement provisions; and clarifying enforcement provisions to assure due process, the first time.

AMENDING CHAPTER 8.14 OF THE LINCOLN MUNICIPAL CODE ENTITLED EARLY CHILDHOOD PROGRAMS TO UPDATE THE PROVISIONS OF THE CHAPTER TO REQUIRE TRAINING IN INJURY AND DISEASE PREVENTION AND SAFE FOOD HANDLING, CREATE PERMIT FEES, ADOPT NEW OPERATIONAL REGULATIONS, AND CLARIFY ENFORCEMENT PROVISIONS TO ASSURE DUE PROCESS - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 8.14 of the Lincoln Municipal Code entitled Early Childhood Programs to update the provisions of the chapter to require training in injury and disease prevention and safe food handling, create permit fees, adopt new operational regulations, and clarify enforcement provisions to assure due process, the first time.

UPDATING AND AMENDING THE RULES AND REGULATIONS FOR THE CARE OF CHILDREN AND THE OPERATION OF SMALL FAMILY CHILD CARE HOMES ADOPTED PURSUANT TO LINCOLN MUNICIPAL CODE 8.12 TO ADDRESS ISSUES WHICH POSE HEALTH AND SAFETY RISKS TO YOUNG CHILDREN IN HOME BASED CHILD CARE. (ACTION DATE: 10/23/06)

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE PANAMA PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2ND AND PINE STREETS, PANAMA, NEBRASKA FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Panama Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2<sup>nd</sup> and Pine Streets, Panama, NE for a term beginning September 1, 2006 through August 31, 2007, the first time.

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

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41. (8/14/06 - P.H. & ACTION CON'T. TO 9/11/06) (9/11/06 - P.H. & ACTION CON'T. TO 10/9/06) (REQUEST TO CON'T. P.H. & ACTION TO 10/16/06) - PRIOR to reading:

COOK Moved to continue Public Hearing & have Action on Bill No. 06-137 on 10/16/06.

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

COMP. PLAN AMENDMENT 06004 - AMENDING THE 2025 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN, NORTH 48TH STREET/UNIVERSITY PLACE PLAN TO SHOW A REDEVELOPMENT PROJECT SOUTHWEST OF 51ST AND GARLAND STREETS. (RELATED ITEMS 06R-143, 06-123, 06-171) (ACTION DATE: 10/9/06) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84073 WHEREAS, the Planning Director on behalf of the Director of Urban Development and the Director of Parks & Recreation, has made application to amend the 2025 Lincoln-Lancaster County Comprehensive Plan to amend the North 48th Street/University Place Plan (Subarea Plan) to show a redevelopment project southwest of the intersection of 51st and Garland Streets; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2025 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the "North 48th Street/University Place Plan" Linkage Strategies map by changing the land use designation of property southwest of the intersection of 51st and Garland Streets from residential to office, as shown on Attachment "A".

2. Amend the "North 48th Street/University Place Plan" Proposed Zoning map by changing the zoning designation of property southwest of the intersection of 51st and Garland Streets from R-2 Residential to O-2 Suburban Office, as shown on Attachment "B".

3. Amend the "North 48th Street/University Place Plan" by changing text references of development of property southwest of the intersection of 51st and Garland Streets from residential/open space to office, as shown Attachment "C".

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

Introduced by Jon Camp

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

CHANGE OF ZONE 06035 - APPLICATION OF THE DIRECTOR OF PARKS & RECREATION FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF 51ST AND GARLAND STREETS. (RELATED ITEMS 06R-143, 06-123, 06-171) - CLERK read an ordinance, introduced by Jon Camp, 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.

CAMP 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 **#18821**, is recorded in Ordinance Book #25, Page

APPROVING A GROUND LEASE BETWEEN THE CITY AND THE LINCOLN/LANCASTER COUNTY CHILD ADVOCACY CENTER FOR THE PROPERTY LOCATED AT LOTS 1 THROUGH 12, BLOCK 128, UNIVERSITY PLACE, FOR THE CONSTRUCTION OF A FACILITY TO PROVIDE A SAFE, CHILD-FRIENDLY ENVIRONMENT FOR INTERVIEWS AND MEDICAL EXAMS OF CHILD VICTIMS FOR AN INITIAL 30-YEAR TERM. (RELATED ITEMS 06R-143, 06-123, 06-171) - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Ground Lease Agreement between the City of Lincoln and the Lincoln/Lancaster County Child Advocacy Center for a lease of property generally located at North 51<sup>st</sup> and Garland Streets for the construction of a facility to provide a safe, child-friendly environment for interviews and medical exams of child victims, the third time.

CAMP 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 **#18822**, is recorded in Ordinance Book #25, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND AMERICAN LEGION POST #280 FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 970 MONROE, BENNET, NE FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and American Legion Post #280 for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 970 Monroe, Bennet, NE for a term beginning September 1, 2006 through August 31, 2007, the third time.

CAMP 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 **#18823**, is recorded in Ordinance Book #25, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/WAVERLY FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 14410 FOLKESTONE STREET, WAVERLY, NE FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church/Waverly for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 14410 Folkestone Street, Waverly, NE for a term beginning September 1, 2006 through August 31, 2007, the third time.

CAMP 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 **#18824**, is recorded in Ordinance Book #25, Page

REGULAR MEETING

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CHANGE OF ZONE 06057 - APPLICATION OF RESTAURANTS SPACE 1997A, INC. AND DEEJAYS CORPORATION FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 48TH STREET AND VAN DORN STREET. (RELATED ITEMS: 06-173, 06R-191) - CLERK read an ordinance, introduced by Jon Camp, 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.

CAMP 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 **#18825**, is recorded in Ordinance Book #25, Page

PRE-EXISTING USE PERMIT 8F - APPLICATION OF RESTAURANTS SPACE 1997A, INC. AND DEEJAYS CORPORATION, TO EXPAND THE PRE-EXISTING USE PERMIT, INCLUDING REQUESTS TO ADJUST THE PARKING FROM ONE SPACE PER 100 SQUARE FEET OF FLOOR AREA TO ONE SPACE PER 150 SQUARE FEET OF FLOOR AREA AND TO ADJUST THE FRONT YARD SETBACK FROM 20 FEET TO 6 FEET FOR PARKING, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 48TH STREET. (RELATED ITEMS: 06-173, 06R-191) (ACTION DATE: 10/9/06) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84074 WHEREAS, Restaurants Space 1997A, Inc. and DeeJays Corporation have submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Pre-Existing Use Permit No. 8F for authority to expand the pre-existing use permit to construct a new drive-thru restaurant and site redevelopment, including requests to adjust the parking from one space per 100 square feet of floor area to one space per 150 square feet of floor area and to adjust the front yard setback from 20 feet to 6 feet for parking, on property generally located northeast of the intersection of Van Dorn Street and South 48th Street, and legally described as:

Lot 430 I.T. in the Southeast Quarter of Section 32,  
Township 10 North, Range 7 East of the 6th P.M.,  
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this expanded 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 Restaurants Space 1997A, Inc. and DeeJays Corporation, hereinafter referred to as "Permittee", to expand the pre-existing use permit for a new restaurant on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 of the Lincoln Municipal Code upon condition that construction of said drive-thru restaurant be in strict compliance with the application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an expansion of Pre-existing Use Permit #8F to include Lot 430 I.T. with adjustments to parking from one space per 100 square feet of floor area to one space per 150 square feet of floor area and to the front yard setback from 20 feet to 6 feet for parking.

2. Before receiving building permits, the construction plans must conform to the approved plans.

3. Before occupying this building all development and construction must be completed in conformance to the approved plans.

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

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

8. 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 Jon Camp

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

CHANGE OF ZONE 06056 - AMENDING SECTION 27.67.020 OF THE LINCOLN MUNICIPAL CODE, PARKING MATRIX, TO CHANGE THE OFF-STREET PARKING REQUIREMENT IN THE H-2 HIGHWAY BUSINESS AND H-3 HIGHWAY COMMERCIAL ZONING DISTRICTS FROM ONE PARKING SPACE PER 200 SQUARE FEET OF FLOOR AREA TO ONE PARKING SPACE PER 300 SQUARE FEET OF FLOOR AREA - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.67.020 of the Lincoln Municipal Code to amend Figure 27.67.020, Parking Matrix, to change the off-street parking requirement in the H-2 Highway Business and H-3 Highway Commercial zoning districts from one parking space per 200 square feet of floor space (1/200) to one parking space per 300 square feet of floor area (1/300); and repealing Section 27.67.020 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP 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 **#18826**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06054 - AMENDING SECTIONS 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 AND 27.24.080 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE R-1, R-2, R-3, R-4, R-5, R-6, R-7, AND R-8 ZONING DISTRICTS TO PROVIDE PROVISIONS REGARDING THE USE OF VACANT AND OCCUPIED LOTS WHICH HAVE LESS AREA OR WIDTH OR BOTH LESS AREA AND WIDTH THAN REQUIRED BY SAID DISTRICT REGULATIONS; AMENDING SECTION 27.61.090 TO LIMIT THE NUMBER OF DWELLING UNITS IN A NONSTANDARD MULTIPLE DWELLING WHICH IS ENLARGED, EXTENDED OR RECONSTRUCTED, AND AMENDING THE STATEMENT OF INTENT IN CHAPTERS 27.21, 27.23, AND 27.24 TO DELETE BOARDING AND LODGING HOUSES WHICH ARE NO LONGER PERMITTED USES IN THOSE DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080 and 27.24.080 relating to the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 zoning districts, respectively, to provide provisions regarding the use of vacant and occupied lots which have less area or width or both less area and width than required by said district regulations; amending Section 27.61.090 to limit the number of dwelling units in a nonstandard multiple dwelling which is enlarged, extended or reconstructed; repealing Sections 27.11.080, 27.13.080, 27.15.080, 27.17.080, 27.19.080, 27.21.080, 27.23.080, 27.24.080 and 27.61.090 of the Lincoln Municipal Code as hitherto existing; and amending the introductory statement of intent in Chapters 27.21, 27.23, and 27.24 to delete boarding and lodging houses which are no longer permitted in the R-6, R-7, and R-8 districts, respectively, the third time.

CAMP 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 **#18827**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06045 - APPLICATION OF THE WITHERBEE NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO R-2 RESIDENTIAL ON APPROXIMATELY 48 BLOCKS GENERALLY BETWEEN 33RD AND 48TH STREETS FROM O STREET TO RANDOLPH STREET, FROM B-1 LOCAL BUSINESS TO R-2 RESIDENTIAL AT 48TH AND RANDOLPH STREETS, AND FROM O-2 SUBURBAN OFFICE TO R-2

**REGULAR MEETING**

**October 9, 2006**

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RESIDENTIAL FOR CALVARY CEMETERY AT 40TH AND O STREET - CLERK read an ordinance, introduced by Jon Camp, 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.

CAMP 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 **#18828**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06052 - AMENDING SECTION 27.65.020 OF THE LINCOLN MUNICIPAL CODE TO ADJUST THE MINIMUM COVERAGE AREA AND BONUS FOR AN AGRICULTURAL DISTRICT COMMUNITY UNIT PLAN, UTILIZING A COMMUNITY WASTEWATER SYSTEM IN THE BUILD-THROUGH AREA - PRIOR to reading:

SVOBODA Moved to delay Action on Bill No. 06-176 for one week to 10/16/06.

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

CLERK Read an ordinance, introduced by Jon Camp, amending Sections 27.65.020 and 27.65.075 of the Lincoln Municipal Code to allow the same "bonus" provision to be taken for acreage developments with community sewer systems regardless of lot size and to clarify the number of future lots shown for buildthrough, which would vary with the average site of the initial lots; and repealing Sections 27.65.020 and 27.65.075 of the Lincoln Municipal Code as hitherto existing, the third time.

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to October 16, 2006.

Seconded by McRoy & 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 October 16, 2006.

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

**ADJOURNMENT 3:43 P.M.**

CAMP Moved to adjourn the City Council meeting of October 9, 2006.

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

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Joan E. Ross, City Clerk, CMC

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Sandy L. Dubas, Senior Office Assistant