

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 24, 2005 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Svoboda; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Newman; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of October 17, 2005, reported having done so, found same correct.

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

PUBLIC HEARING

APPEAL OF DON PEARSTON FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 05046, APPLICATION OF THE LIGHTHOUSE TO CONSTRUCT A NONPROFIT EDUCATIONAL AND PHILANTHROPIC INSTITUTION ON PROPERTY GENERALLY LOCATED AT 26TH AND N STREETS - Don Pearston, 229 S. 26th Street, came forward in opposition, but requested, if approved, that the driveway be on the NE corner of the lot on N Street and a fence be placed on the west side to keep the noise from the neighbors. Discussion followed.

William Michener, 842 Sumner St., Executive Director of Lighthouse came forward in support stating that the vehicles coming into this facility will be mostly staff. Discussion followed.

Ray Hill, Planning Dept., came forward to answer questions. Discussion followed.

Don Pearston came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

MISC. 05016 - DECLARING THE NORTH 56TH STREET AND ARBOR ROAD REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD GENERALLY BOUNDED BY NORTH 70TH STREET ON THE EAST, NORTH 40TH STREET ON THE WEST, EITHER SIDE OF INTERSTATE 80, BETWEEN BLUFF ROAD ON THE NORTH AND SALT CREEK ON THE SOUTH, EXCEPT THE BLUFF ROAD LANDFILL FACILITY - Darl Naumann, Economic Development Coordinator, stated the City of Lincoln has a need for large industrial sites and the conditions on North 56th Street would be a favorable locations. He also stated Jim Caruso and Julie Post of Urban Development prepared a blight study for this area. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Development Unlimited in support of the blight study. Discussion followed.

Dwaine Rogge, no address given, came forward in support of this as a blighted area.

Julie Post, Urban Development, came forward to answer questions.

Jim Caruso, 124 S. 9th Street, Independent Consultant, came forward to answer questions. Discussion followed.

Bruce Bohrer, Lincoln Chamber of Commerce, came forward in support. Discussion followed.

Mike Morosin, 2055 "S" Street, came forward with concerns of storm water runoff and pools in this area. Discussion followed.

This matter was taken under advisement.

CPC 05009 - APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO ADD THE FORMER LINCOLN TELEPHONE AND TELEGRAPH BUILDING AND AN ADJACENT RESIDENTIAL PROPERTY ON THE CORNER OF NORTH 49TH STREET AND HUNTINGTON AVENUE FOR RECONSTRUCTION AS A LINCOLN POLICE DEPARTMENT SUBSTATION - Wynn Hjermsstad, Urban Development, stated the owner of these properties presented the idea of the Police Department Substation to Urban Development. She was available for questions.

Councilman Camp questioned Ms. Hjermsstad in regard to the bidding process and public notice.

Ms. Hjermsstad said this was done according to law as is required on all such projects.

Chief Tom Casady, Lincoln Police Dept., was in favor of the Police Substation at this location. Discussion followed.

Captain Doug Srb, Lincoln Police Dept., stated he feels this is a good location for a Police Substation and that it will have a very positive impact in the area. Discussion followed.

Janelle Schmale, 4930 Cleveland, Apt. #1, President of University Place Community Organization came forward in support.

Pam Sedlacek, 2900 N. 46th St., Principal of Huntington Elementary, came forward in support.

Matt Kadavy, Nebraska Wesleyan University, came forward in support and presented a letter from Nebraska Wesleyan Vice President, Clark Chandler, in support.

Rev. Ed Bonneau, 2723 N. 50th St., Pastor of First United Methodist Church at 50th and St. Paul came forward in support.

Brian Watkins, President University Place Business Assn., came forward in support. He presented a letter in support.

Larry Zink, 4926 Leighton Ave., member of the University Place Board, came forward in support.

Glen Cekal, 1420 "C" Street, came forward in support.

This matter was taken under advisement.

TOOK BREAK 7:46 P.M.

RECONVENED 8:01 P.M.

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

MISCELLANEOUS BUSINESS

Glen Cekal, 1420 C Street, came forward to request the City be more aggressive in seeing that properties between A & H Street and 9th & 17th Street are better maintained.

Dan Marvin, Council Member, suggested he contact the Free to Grow program.

This matter was taken under advisement.

Becky Vandenberg, 8301 W. O St., Emerald, Nebraska, came forward to request that Emerald be allowed to tap into the City of Lincoln's water main since they are under an administrative order from the State of Nebraska to do something about the high nitrate level in their water. Discussion followed.

This matter was taken under advisement.

Jan Karst, 1403 E Street, came forward to request Smoking Ordinance #18396 be amended.

This matter was taken under advisement.

Linda Anderson, Co-owner of Roadhouse Bar & Grill, came forward to request the Smoking Ordinance #18396 be amended. 20% of their business is food.

This matter was taken under advisement.

Kelly Anderson, Co-owner of Roadhouse Bar & Grill, stated they are in favor of the 40/60 Smoking Ban. He stated they are losing 25% to 35% of their business and asked that Council amend the ordinance.

This matter was taken under advisement.

John McManus, Owner of Heidelberg, came forward to request the Council amend the Smoking Ordinance as his business is losing money. He stated pool leagues are down 70%.

This matter was taken under advisement.

Earl Allen, owner of Earl's Tavern, stated this is the first time his business has not made money and he feels it is due to the smoking ban.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & RESOLUTIONS

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE CLYDE MALONE COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING'S ACTIVAGE CENTER PROGRAM AT 2032 U STREET - CLERK read an ordinance, introduced by Jon Camp, 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 for a one-year term beginning September 1, 2005, the second time.

APPROVING TWO THREE-YEAR/4,000 HOUR LEASE AGREEMENTS WITH A BUYOUT OPTION BETWEEN THE CITY AND KANSAS STATE BANK OF MANHATTAN TO PROVIDE TWO ELGIN FOUR-WHEELED STREET SWEEPERS FOR SWEEPING OF RESIDENTIAL AND ARTERIAL STREETS - CLERK read an ordinance, introduced by Jon Camp, accepting and approving two three-year lease agreements with option to purchase between the City of Lincoln, Nebraska and Kansas State Bank of Manhattan for two 2005 Elgin Eagle "F" Dual Sweepers per Specification #05-095 for use by the Department of Public Works & Utilities, the second time.

RESOLUTIONS

APPROVING A CONTRACT BETWEEN THE CITY AND MSI SYSTEMS INTEGRATORS INVOLVING THE EXPENDITURE OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR THE PURCHASE AND MAINTENANCE OF AN IBM Z/890 ENTERPRISE SERVER AND IBM ENTERPRISE STORAGE SERVER UNIT FOR USE BY THE INFORMATION SERVICES DIVISION - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83601 WHEREAS, the City of Lincoln desires to enter into a 36-month contract with MSI Systems Integrators for the purchase and maintenance of an IBM z/890 Enterprise Server and IBM Enterprise Storage Server Unit for use by the Information Services Division of the City of Lincoln; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the Council.

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

That the contract in connection with Bid Spec. #05-079 between the City and MSI Systems Integrators, 14301 First National Parkway, Suite 4, Omaha, NE 68154 (402-965-2300) for the purchase and maintenance of an IBM z/890 Enterprise Server and IBM Enterprise Storage Server Unit for use by the Information Services Division is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to return two fully executed copies of this Resolution and the contract to Information Services, one for its records and one for transmittal to the contractor.

Introduced by Jon Camp

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

REAPPOINTING JILL FLAGEL AND SUSAN EPPS TO THE STARTRAN ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING OCTOBER 20, 2008 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83602 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jill Flagel and Susan Epps to the StarTran Advisory Board for three-year terms expiring October 20, 2008 is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING AMIR AZIMI, THOMAS CHRISTIE, CHARLES GREENE, AMRITA MAHAPATRA, ANNETTE MCROY, AND RIEK PUOK RIEK TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2008 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83603 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the re-appointment of the following persons to the Multicultural Advisory Committee for three-year terms expiring September 18, 2008, is hereby approved.

Amir Azimi
Thomas Christie
Charles Greene
Amrita Mahapatra
Annette McRoy
Riek Puok Riek

Introduced by Jon Camp

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

APPEAL OF DON PEARSTON FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 05046, APPLICATION OF THE LIGHTHOUSE TO CONSTRUCT A NONPROFIT EDUCATIONAL AND PHILANTHROPIC INSTITUTION ON PROPERTY GENERALLY LOCATED AT 26TH AND N STREETS - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83604 WHEREAS, Lighthouse has submitted an application designated as Special Permit No. 05046 for authority to construct a nonprofit educational and philanthropic institution on property generally located at 26th and N Streets and legally described as:

Lots 104, 105, 106, and 107 I.T., located in the Northeast Quarter of Section 25, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on September 28, 2005 and approved Special Permit No. 05046 upon condition that construction of said educational and philanthropic institution be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits a non-profit educational and philanthropic institution with up to 5 staff to serve approximately 30 program participants.
2. Make the following revisions to the site plan:
 - a. Add a note to the site plan showing parking calculations.
 - b. Add a note to the site plan stating all signage shall conform to the district regulations set forth in LMC Chapter 27.69.
 - c. Revise the plans to show all existing street trees and add a note stating all existing street trees will remain.
 - d. Add a note to the site plan stating the building appearance shall substantially comply with the approved elevations. Minor changes may be allowed following a review by the Planning Director.
 - e. Revise the parking lot screening to comply with design standards, or add a note stating parking lot screening and landscaping will be shown at the time of building permits.
3. Before receiving building permits:
 - a. The Permittee shall have submitted a revised final plan including 5 copies and the plans are acceptable.
 - b. The construction plans shall comply with the approved plans.
 - c. The operation and the premises are to meet appropriate local and state licensing requirements, including compliance with health codes.
4. Before occupying the facility all development and construction shall have been completed in compliance with the approved plans.
5. All privately-owned improvements shall be permanently maintained by the Permittee.
6. 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.

7. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

8. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-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, filing fees therefor to be paid in advance by the applicant.

WHEREAS, Don Pearston has appealed from the Lincoln City-Lancaster County Planning Commission's approval of Special Permit No. 05046;

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this nonprofit educational and philanthropic institution will not be adversely affected by granting such a permit; and

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

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

That the final action of the Lincoln City-Lancaster County Planning Commission approving Special Permit No. 05046 be and the same is hereby affirmed.

Introduced by Patte Newman

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

MISC. 05016 - DECLARING THE NORTH 56TH STREET AND ARBOR ROAD REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD GENERALLY BOUNDED BY NORTH 70TH STREET ON THE EAST, NORTH 40TH STREET ON THE WEST, EITHER SIDE OF INTERSTATE 80, BETWEEN BLUFF ROAD ON THE NORTH AND SALT CREEK ON THE SOUTH, EXCEPT THE BLUFF ROAD LANDFILL FACILITY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83605 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the North 56th Street and Arbor Road Redevelopment Area, as shown and described on Attachment "A"; and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the North 56th Street and Arbor Road Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on September 16, 2005 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on September 28, 2005 before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the North 56th Street and Arbor Road Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on September 28, 2005 recommended that the North 56th Street and Arbor Road Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said North 56th Street and Arbor Road Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on October 10, 2005 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 24, 2005 regarding the proposed determination that the North 56th Street and Arbor Road Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 7, 2005 and October 14, 2005 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on October 24, 2005 regarding the proposed determination that the North 56th Street and Arbor Road Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 24, 2005 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed that the North 56th Street and Arbor Road Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that the North 56th Street and Arbor Road Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

2. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "F" (entitled Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That it is hereby found and determined that said area is an eligible site for urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the

preparation of a new redevelopment plan and associated projects for the North 56th Street and Arbor Road Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Jon Camp

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

CPC 05009 - APPROVING AN AMENDMENT TO THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO ADD THE FORMER LINCOLN TELEPHONE AND TELEGRAPH BUILDING AND AN ADJACENT RESIDENTIAL PROPERTY ON THE CORNER OF NORTH 49TH STREET AND HUNTINGTON AVENUE FOR RECONSTRUCTION AS A LINCOLN POLICE DEPARTMENT SUBSTATION - PRIOR to reading:

ESCHLIMAN Moved to delay action on Bill No. 05R-254 for one week to 10/31/05.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83606 WHEREAS, the City Council on December 7, 1998 adopted Resolution No. A-79200, adopting the University Place Redevelopment Plan, and said plan was amended by Resolution No. A-81098 adopted on September 17, 2001, Resolution No. A-82040 adopted on April 14, 2003, and Resolution No. A-82825 adopted on June 21, 2004; and

WHEREAS, the Director of Urban Development has filed with the City Clerk an amendment to the University Place Redevelopment Plan to provide for the acquisition, site preparation, and reconstruction of the former Lincoln Telephone and Telegraph building and an adjacent residential property at 4825 and 4843 Huntington Avenue; said plan amendments are attached hereto, marked as Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on September 16, 2005 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on September 28, 2005 before the Lincoln City - Lancaster County Planning Commission regarding the amendment to the University Place Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed amendment to the University Place Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on September 28, 2005 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 10, 2005 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 24, 2005 regarding the proposed amendment to the University Place Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 7, 2005 and October 14, 2005 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on October 24, 2005 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 24, 2005 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed amendment to the University Place Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed amendment.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the University Place Redevelopment Plan as modified by the proposed amendment is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the University Place Redevelopment Plan as modified by the proposed amendment is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendment to the University Place Redevelopment Plan attached hereto as Attachment "A" is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said amendment to the University Place Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to the findings, approvals, and authorizations set forth in Resolutions No. A-79200, A-81098, A-82040, and A-82825.

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION FROM JACK G. WOLFE FOR GLYNDON KNUTSON FOR THE CREATION OF A SEWER ASSESSMENT DISTRICT AT THE NORTHEAST CORNER OF 84TH AND OLD CHENEY ROAD - CLERK presented said petition which was referred to the Public Works Department.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 7, 2005 AT 1:30 P.M. FOR AN APPLICATION OF FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP FOR AN OUTSIDE ADDITION TO THE LICENSED PREMISE AT 803 Q STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83607 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 7, 2005 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of From Nebraska, Inc. dba From Nebraska Gift Shop for an outside addition to premises at 803 Q Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

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

REPORTS OF CITY OFFICERS

CLERKS LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 10, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2005 AT 10:00 A.M. ON THE PUBLIC WORKS BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP III - CLERK requested a motion to set the hearing date of Monday, November 14, 2005 at 10:00 a.m. for the Public Works Board of Equalization Special Assessment Group III.

COOK So moved.

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

AFFIDAVITS OF MAILING FOR BOARD OF EQUALIZATION HEARING FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 7, 2005, 1:30 P.M. - CLERK requested a motion to set the hearing date of Monday, November 7, 2005 at 1:30 p.m. for Downtown Business Improvement District, Core Business Improvement District Overlay and Downtown Maintenance District.

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

ORDINANCES - 1ST READING & RESOLUTIONS

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND THE FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NE. - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE for a one-year term beginning September 1, 2005, the first time.

CHANGE OF ZONE 04085 - APPLICATION OF GEICO DEVELOPMENT FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO R-T RESIDENTIAL TRANSITION DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 17TH STREET AND WEST A STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS

VACATION 05005 - VACATING MAPLE STREET WEST FROM S.W. 27TH STREET, GENERALLY LOCATED AT S.W. 27TH STREET AND WEST PEACH STREET - CLERK read an ordinance, introduced by Patte Newman, vacating Maple Street west of S.W. 27th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

NEWMAN 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 **#18631**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05050 - APPLICATION OF LINCOLN SPORTS FOUNDATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-2 HIGHWAY BUSINESS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND ARBOR ROAD - CLERK read an ordinance, introduced by Patte Newman, 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.

NEWMAN 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 **#18632**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05065 - AMENDING SECTIONS 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025, AND 27.82.110 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE CITY COUNCIL'S ACTION ON A MATTER APPEALED FROM THE PLANNING COMMISSION TO THE CITY COUNCIL - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025 and 27.82.110 to modify the City Council's action on a matter appealed to the City Council; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.57.180, 27.63.025, and 27.82.110 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN 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 **#18633**, is recorded in Ordinance Book #25, Page

MISC. 05021 - AMENDING SECTIONS 26.11.037, 26.11.060, AND 26.31.010 OF THE LINCOLN MUNICIPAL CODE TO MODIFY THE CITY COUNCIL'S ACTION ON A MATTER APPEALED FROM THE PLANNING COMMISSION TO THE CITY COUNCIL - CLERK read an ordinance, introduced by Patte Newman, amending Title 26 of the Lincoln Municipal Code relating to the Land Subdivision Ordinance by amending Sections 26.11.037, 26.11.060 and 26.31.010 to modify the City Council's action on a matter appealed to the City Council; and repealing Sections 26.11.037, 26.11.060, and 26.31.010 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18634**, is recorded in Ordinance Book #25, Page

AMENDING SECTION 6.04.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO SHELTER FEES TO INCREASE THE FEE FOR RELEASE OF ANY ANIMAL HELD OR IMPOUNDED IN THE ANIMAL SHELTER - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.04 of the Lincoln Municipal Code relating to Animal Control Regulations - Generally by amending Section 6.04.150 relating to shelter fees to increase the fee for release of any animal held or impounded in the animal shelter; and repealing Section 6.04.150 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN 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 **#18635**, is recorded in Ordinance Book #25, Page

AMENDING SECTIONS 6.08.130 AND 6.08.260 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS TO INCREASE THE FEE FOR THE RELEASE OF A DOG HELD OR IMPOUNDED IN THE ANIMAL SHELTER - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.08 of the Lincoln Municipal Code relating to Dogs by amending Sections 6.08.130 and 6.08.260 of the Lincoln Municipal Code to increase the fee for the release of a dog held or impounded in the animal shelter; and repealing Sections 6.08.130 and 6.08.260 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN 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 **#18636**, is recorded in Ordinance Book #25, Page

AMENDING SECTION 6.10.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS TO INCREASE THE REGISTRATION FEE OF POTENTIALLY DANGEROUS DOGS FROM \$5.00 TO \$25.00 - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.10 of the Lincoln Municipal Code relating to Dangerous and Potentially Dangerous Dogs by amending Section 6.10.050 to increase the registration fee of potentially dangerous dogs from \$5.00 to \$25.00; and repealing Section 6.10.050 of the Lincoln Municipal Code as hitherto existing, the second time.

NEWMAN 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 **#18637**, is recorded in Ordinance Book #25, Page

AMENDING SECTIONS 6.12.100 AND 6.12.220 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS TO INCREASE THE FEE FOR THE RELEASE OF A CAT HELD OR IMPOUNDED IN THE ANIMAL SHELTER - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 6.12 of the Lincoln Municipal Code relating to Cats by amending Sections 6.12.100 and 6.12.220 of the Lincoln Municipal Code to increase the fee for the release of a cat held or impounded in the animal shelter; and repealing Sections 6.12.100 and 6.12.220 of the Lincoln Municipal Code as hitherto existing, the third time.

NEWMAN 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 **#18638**, is recorded in Ordinance Book #25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 31, 2005.
Seconded by Marvin & 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 31, 2005.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 9:10 P.M.

CAMP Moved to adjourn the City Council meeting of October 24, 2005.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
October 24, 2005
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