

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 31, 2005 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

COOK Having been appointed to read the minutes of the City Council proceedings of October 24, 2005, 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.

PUBLIC HEARING

APPLICATION OF FOREMAN FUELS, INC. DBA FAST FUEL #1 FOR A CLASS B LIQUOR LICENSE AT 5501 SUPERIOR STREET;
MANAGER APPLICATION OF HELEN R. FOREMAN FOR FOREMAN FUELS, INC. DBA FAST FUEL #1 AT 5501 SUPERIOR STREET - Helen R. Foreman, 5501 Superior Street, took oath and came forward to answer questions. Discussion followed.
This matter was taken under advisement.

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 - Jill Schuerman, Brian Carstens & Associates, came forward on behalf of GEICO to answer questions. Discussion followed.
This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN SPORTS FOUNDATION, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT TO EXPAND AN EXISTING RECREATIONAL FACILITY TO INCLUDE A TENNIS COMPLEX ON THE SOUTH SIDE OF THE ROAD RUNNING WEST TO EAST FROM 70TH STREET AND POTENTIAL FUTURE DEVELOPMENT ON THE NORTH SIDE OF SAID ROAD GENERALLY LOCATED AT 7600 N. 70TH STREET - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Lincoln Sports Foundation to answer questions.
This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS - NONE

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF FOREMAN FUELS, INC. DBA FAST FUEL #1 FOR A CLASS B LIQUOR LICENSE AT 5501 SUPERIOR STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83608 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 Foreman Fuels, Inc. dba Fast Fuel #1 for a Class "B" liquor license at 5501 Superior Street, Lincoln, Nebraska, for the license period ending April 30, 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 McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF HELEN R. FOREMAN FOR FOREMAN FUELS, INC. DBA FAST FUEL#1 AT 5501 SUPERIOR STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83609 WHEREAS, Foreman Fuels, Inc. dba Fast fuel #1 located at 5501 Superior Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Helen R. Foreman be named manager;

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

ORDINANCES - 2ND 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 second 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 second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83610 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated October 17, 2005, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>	
Kevin Hays	\$ 899.17	Susan LaDuke	\$ 196.88	
Max & Marilyn Osborn	346.13	Lana Gabel (\$400.00 paid to Streeters Plumbing)		
Brian Johnson	185.88	Charles & Kristina Teeters	2,879.16	
Kevin R. Nelson	100.00	Elaine Kodad	1,626.79	
George & Lori Bristol	3,403.17	Thomas Nemec	1,500.00	
Steve A. Grubbs	100.00	Jason Blair	5,000.00	
		Jeremy Tumbleson	475.00	

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jonathan Cook

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

REAPPOINTING JAN GAUGER TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR A THREE-YEAR TERM EXPIRING AUGUST 31, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83611 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jan Gauger to the Community Development Task Force for a three-year term expiring August 31, 2007, is hereby approved.

Introduced by Jonathan Cook

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

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN SPORTS FOUNDATION, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-2 HIGHWAY BUSINESS DISTRICT TO EXPAND AN EXISTING RECREATIONAL FACILITY TO INCLUDE A TENNIS COMPLEX ON THE SOUTH SIDE OF THE ROAD RUNNING WEST TO EAST FROM 70TH STREET AND POTENTIAL FUTURE DEVELOPMENT ON THE NORTH SIDE OF SAID ROAD GENERALLY LOCATED AT 7600 N. 70TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83612 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Lincoln Sports Foundation, Inc., for a change of zone from AG Agricultural District to H-2 Highway Business District to expand an existing recreational facility to include a tennis complex on the south side of the road running west to east from 70th Street, and potential future development on the north side of said road generally located at 7600 N. 70th Street, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2005, AT 1:30 P.M. FOR MANAGER APPLICATION OF TROY OLSON WITH BIG RED KENO SPORTS BAR & GRILL LOCATED AT 955 WEST O STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83613 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 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 the Manager Application of Troy Olson for Big Red Keno Sports Bar & Grill located at 955 West O Street.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2005, AT 1:30 P.M. FOR PICKFAIR ENTERTAINMENT CORP DBA BIG RED KENO SPORTS BAR & GRILL FOR AN OUTSIDE ADDITION TO 955 WEST O STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83614 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 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 the Application of Pickfair Entertainment Corp dba Big Red Keno Sports Bar & Grill for outside addition for premises at 955 West O Street.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2005, AT 1:30 P.M. FOR APPLICATION OF JIS PROPERTIES, LLC DBA ZEN'S FOR A CLASS "CK" LIQUOR LICENSE AT 122 N. 11TH STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83615 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 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 the Application of JIS Properties, LLC dba ZEN's for a Class "CK" Liquor License at 122 N. 11th Street.

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

Introduced by Robin Eschliman

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 14, 2005, AT 1:30 P.M. FOR THE MELTING SPOT INC. DBA THE MELTING SPOT FOR A CLASS "CK" LIQUOR LICENSE AT 227 N. 9TH STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83616 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 14, 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 the Application of The Melting Spot, Inc. for a Class "CK" liquor license at 227 N. 9th Street.

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

Introduced by Robin Eschliman

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

THE FOLLOWING ITEMS HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 05026A - App. of Apple's Way, LLC & Uno Properties, Inc. for an amendment to adjust setbacks and the maximum height in the B-2 portion of the Planned Unit Development for property located at South 66th Street and Highway 2.

Change of Zone No. 05076 - App. of Forum LEX, Ltd. to designate as a historic landmark to preserve property located at 1141 H Street.

Special Permit No. 05051 - App. of Forum LEX, Ltd. to preserve a landmark by permitting utilization of the property for offices located at 1141 H Street.

Special Permit No. 05052 - App. of Ryan Collison for the operation of a cement storage and mixing facility including a cement storage silo located at 2611 West L Street.

Special Permit No. 1583B - App. of Raybould Partners, Ltd. for an amendment to expand an existing parking lot within a residential zoning district located at South 17th Street and Garfield Street.

Use Permit No. 33D - App. of SENHOC Properties, LLC, for an amendment to allow a ground sign with waiver request to not require the identity "of the name of the office park and tenant(s)", on property located at South 68th Street and O Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 17, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERKS LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 24, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 30, 2005 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 7, 2005 AT 1:30 P.M.- CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83617 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$258,874.25; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the _____
7th day of November, 2005, at 1:30 p.m., and on the _____
_____ day of _____, 2005, at _____
_____m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Robin Eschliman

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 7, 2005 AT 1:30 P.M. - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83618 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$190,315.04 that the property set forth in the proposed Distribution of Assessment is specially benefitted by such

activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 7th day of November, 2005, at 1:30 p.m., and on the _____ day of _____, 2005, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Robin Eschliman

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

ASSESSMENT RESOLUTION FOR DOWNTOWN CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION TO BE HELD MONDAY, NOVEMBER 7, 2005 AT 1:30 P.M. - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83619 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$159,772.24; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 7th day of November, 2005, at 1:30 p.m., and on the _____ day of _____, 2005, at _____ m., with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Robin Eschliman

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP III TO BE HELD ON MONDAY, NOVEMBER 14, 2005, 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING & RESOLUTIONS

AMENDING SECTION 10.08.010 OF THE LINCOLN MUNICIPAL CODE REGARDING REGISTRATION OF VEHICLES TO PROVIDE FOR A REBUTTAL PRESUMPTION THAT ANY VEHICLE STORED AND KEPT FOR MORE THAN 30 DAYS IN THE CITY OF LINCOLN IS BEING OPERATED OR PARKED ON THE STREETS OF THE CITY AND THAT SUCH VEHICLE SHALL BE REGISTERED IN ACCORDANCE WITH CHAPTER 10.08 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Eschliman, amending Section 10.08.010 of the Lincoln Municipal Code regarding registration of vehicles to provide for a rebuttable presumption that any vehicle stored and kept for more than thirty days in the City of Lincoln is being operated or parked on the streets of the city and that such vehicle shall be registered in accordance with Chapter 10.08 of the Lincoln Municipal Code; and repealing Section 10.08.010 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATION 05003 - VACATING THE OLD SOUTH 84TH STREET RIGHT-OF-WAY WEST OF THE NEW ALIGNMENT NEAR THE INTERSECTION WITH HIGHWAY 2, GENERALLY LOCATED NORTH OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Eschliman, vacating the old South 84th Street right-of-way west of the new alignment near the intersection with Highway 2, generally located north of the intersection of south 84th Street and Highway 2, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ANNEXATION 05013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 149.09 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) - CLERK read an ordinance, introduced by 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 first time.

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH LLC, PRAIRIE HOME BUILDERS INC., ROLAND GROUP LLC, AND FAITH EVANGELICAL LUTHERAN CHURCH, RELATING TO THE ANNEXATION OF APPROXIMATELY 149.09 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET AND THE USE OF SAID 149.09 ACRES ALONG WITH APPROXIMATELY 23 ACRES LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET UNDER A PLANNED UNIT DEVELOPMENT. (RELATED ITEMS: 05-164, 05R-262, 05-165).

CHANGE OF ZONE 05054 - APPLICATION OF PRAIRIE HOME BUILDERS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 AND R-5 RESIDENTIAL DISTRICTS, B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND O-3 OFFICE PARK DISTRICT, ON PROPERTY GENERALLY LOCATED AT N. 84TH STREET AND ADAMS STREET; FOR A PLANNED UNIT DEVELOPMENT DISTRICT DESIGNATION OF SAID PROPERTY; AND FOR APPROVAL OF A DEVELOPMENT PLAN WHICH PROPOSES MODIFICATIONS TO THE ZONING ORDINANCE, LAND SUBDIVISION ORDINANCE, AND DESIGN STANDARDS TO ALLOW APPROXIMATELY 1,161 DWELLING UNITS IN THE UNDERLYING R-3 AND R-5 ZONED AREAS (TOTAL NUMBER OF ALLOCATED UNITS IS 1,071 AND THE TOTAL NUMBER OF AVAILABLE UNASSIGNED UNITS IS 90) AND APPROXIMATELY 585,000 SQUARE FEET OF OFFICE, RETAIL, AND COMMERCIAL FLOOR AREA IN THE UNDERLYING O-3 AND B-2 ZONED AREAS. (RELATED ITEMS: 05-164, 05R-262, 05-165) - CLERK read an ordinance, introduced by Eschliman, amending the City of Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, changing the boundaries of the districts established and shown on said City of Lincoln Zoning District Maps as provided in Section 27.05.020 of the Lincoln Municipal Code and approving the designation of the area hereinafter described as a planned unit development, the first time.

ORDINANCES - 3RD 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 third time

CAMP Moved to pass the ordinance as read.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18639**, is recorded in Ordinance Book #25, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
The ordinance, being numbered **#18640**, is recorded in Ordinance Book #25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 7, 2005.
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 November 7, 2005.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 1:42 P.M.

CAMP Moved to adjourn the City Council meeting of October 31, 2005.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant