

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 14, 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

MARVIN Having been appointed to read the minutes of the City Council proceedings of November 7, 2005, reported having done so, found same correct.

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

MAYOR'S PRESENTATION AND PUBLIC NAMING OF THE BEREUTER PEDESTRIAN BRIDGE

The mayor presented Former Congressman Bereuter with a plaque to be placed on either end of the Haymarket Pedestrian Bridge in recognition of the support received from him by obtaining Federal dollars that made the bridge a reality. He was also presented with a key to the City of Lincoln.

MAYOR'S AWARD OF EXCELLENCE

Mayor Coleen Seng presented the Mayor's Award of Excellence for the month of October to Jeri Swagger of the Health Department in the category of Productivity and Excellence.

PUBLIC HEARING

APPLICATION OF FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP FOR AN ADDITION TO THEIR CLASS CK LIQUOR LICENSE OF AN OUTSIDE AREA MEASURING APPROXIMATELY 54' BY 11' TO THE WEST OF THE PREMISES AT 801 Q STREET - Connie Mahaney, 801 Q Street, took oath and came forward to answer questions.

Russ Fosler, Police Department, took oath and came forward to answer questions. He stated that there are three options: 1. Grant license with no restrictions; 2. Grant license with restrictions; 3. Deny all together. Discussion followed.

This matter was taken under advisement.

APPLICATION OF PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL FOR AN ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 10' BY 24' TO THE EAST AND THE RECONSTRUCTION AND EXPANSION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 9' BY 20 TO THE SOUTH OF ITS PRESENTLY LICENSED PREMISES AT 955 WEST O STREET;

MANAGER APPLICATION OF TROY OLSON FOR PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL AT 955 WEST O STREET - Troy Olson, Big Red Keno Manager, took the oath and came forward to answer questions.

John Hewitt, Big Red Keno, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF THE MELTING SPOT, INC. DBA THE MELTING SPOT FOR A CLASS CK LIQUOR LICENSE AT 227 N. 9TH STREET;

MANAGER APPLICATION OF CALVIN SIMMONS FOR THE MELTING SPOT, INC. DBA THE MELTING SPOT AT 227 N. 9TH STREET - Mike Rierden, 645 "M" Street, Suite 200, Mike Rierden, 645 "M" Street, Suite 200, took the oath and came forward representing The Melting Spot to answer any questions.

Calvin Simmons, no address given, took the oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF JIS PROPERTIES, LLC DBA ZEN'S FOR A CLASS CK LIQUOR LICENSE AT 122 N. 11TH STREET;

MANAGER APPLICATION OF J. IRENE SEVERIN FOR JIS PROPERTIES LLC DBA ZEN'S AT 122 N. 11TH STREET - Irene Severin, no address given, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING (1) SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2005, ALL WITH RESPECT TO THE ACQUISITION OF THE COURTHOUSE PLAZA BUILDING - Don Killeen, Property Management Administrator, stated the existing leases would be honored and 7,000 sq. ft. would be used immediately. He was available for questions.

Don Herz, Finance Director, stated that the cost would be \$1.7 million not to exceed the maximum bond amount of \$2,000,000.

This matter was taken under advisement.

AMENDING SECTION 4.54.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE COMMUNITY FORESTRY ADVISORY BOARD BY MODIFYING THE MEMBERSHIP REQUIREMENTS TO ELIMINATE THE PROVISION THAT AT LEAST ONE VOTING MEMBER MUST RESIDE IN EACH OF THE CITY COUNCIL DISTRICTS - Lynn Johnson, Parks and Recreation Director, came forward to explain the modifications. Discussion followed.

Mike Morosin, 2055 "S" Street, agreed there needs to be a better job of outreach.

Mr. Johnson described the duties of the Community Forestry Advisory Board. Discussion followed.

Danny Walker, 427 "E" Street, stated the ordinance should be left as is.

This matter was taken under advisement.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.175 TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN AN EMPLOYEE IN A PAY RANGE PREFIXED BY "A" IS TEMPORARILY PROMOTED; AND AMENDING SECTION 2.76.380 TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN GRANTING FAMILY SICK LEAVE TO AN EMPLOYEE IN A PAY RANGE PREFIXED BY E OR M - Don Taute, Director of Personnel, came forward to explain the amendments proposed and to answer questions.

This matter was taken under advisement.

DECLARING APPROXIMATELY 35,500 SQUARE FEET AS SURPLUS PROPERTY GENERALLY LOCATED AT 305 AND 345 F STREET - Steve Werthmann, Urban Development, stated this is a remnant of a larger economic development project. Discussion followed.

Danny Walker, 427 "E" Street, came forward and stated the neighborhood has no objection. He read a list of concerns. Discussion followed.

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

This matter was taken under advisement.

CHANGE OF ZONE 05072 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.65.080, COMMUNITY UNIT PLAN: DESIGN STANDARDS; DENSITY, TO ADD A PROVISION TO ALLOW PRE-EXISTING LOTS TO BE INCLUDED WITHIN THE LIMITS OF A COMMUNITY UNIT PLAN WITHOUT AFFECTING THE OVERALL DENSITY - Jill Schuerman of Brian Carsten & Associates, 601 Old Cheney Road., Suite C, came forward in support.

Ray Hill, Planning Department, came forward to answer questions.

Mike DeKalb, Planning Department, came forward to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 05073 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.37.020, B-5 PLANNED REGIONAL BUSINESS DISTRICT: USE REGULATIONS, AND SECTION 27.27.020, O-3 OFFICE PARK DISTRICT: USE REGULATIONS, TO ADD PUBLIC AND PRIVATE SCHOOLS TO THE LIST OF ALLOWED USES - Ray Hill, Planning Department, came forward to explain the reason for amending Sections of Title 27.

This matter was taken under advisement.

AMENDING CHAPTER 5.16 OF THE LINCOLN MUNICIPAL CODE, CABLE COMMUNICATIONS, TO INCORPORATE THE CABLE COMMUNICATIONS REGULATIONS CURRENTLY FOUND IN CHAPTER 5.16 OF THE LINCOLN MUNICIPAL CODE AS UPDATED TO BE IN CONFORMANCE WITH FEDERAL LAW WITH THE NEWLY NEGOTIATED CABLE TELEVISION FRANCHISE, AND REPEALING CURRENT CHAPTER 5.16 IN ITS ENTIRETY;
GRANTING TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE PARTNERSHIP A COMMUNICATION SYSTEM FRANCHISE FOR CABLE TELEVISION WITHIN THE CITY OF LINCOLN PURSUANT TO AND SUBJECT TO THE PROVISIONS OF THE LINCOLN MUNICIPAL CODE - Steve Huggenberger, Law Department, came forward to discuss the newly negotiated Cable TV franchise and to answer questions. Discussion followed.

Stuart Long, 4412 NW 49th Street, came forward as a member of the Cable Advisory Board stating he voted in opposition.

Beth Scarborough, Time Warner Cable TV, came forward to explain the 41 cents is for government and education public access and to answer questions. Discussion followed.

Glen Cekal, 1420 "C" Street, came forward in opposition.
This matter was taken under advisement.

TOOK BREAK 3:20 P.M.

RECONVENED 3:30 P.M.

AUTHORIZING ACCEPTANCE OF A DONATION OF APPROXIMATELY SEVEN ACRES OF LAND FOR PARK AND OPEN SPACE PURPOSES GENERALLY LOCATED ALONG ANTELOPE CREEK IN THE BOULDER RIDGE RESIDENTIAL DEVELOPMENT, NORTHEASTERLY OF S. 84TH STREET AND PINE LAKE ROAD - Lynn Johnson, Director of Parks and Recreation, came forward to state the Herbert Family donated these acres of ground which is adjacent to the Phil E. Mendoza Park. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Glen and Inez Herbert in the donating of the land and to suggest it be named Herbert's Herizen Acres. Discussion followed.

Mr. Johnson came forward again to state the value of the land is the same value as the floodplain ground.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$300,000 FROM THE CONTINGENCY FUND BACK TO THE URBAN DEVELOPMENT CIP FUND AS PART OF THE ANTELOPE VALLEY PROJECT FOR THE RELOCATION AND REHABILITATION OF THREE HOUSES AT 125, 135, AND 145 N. 22ND STREET, COMMONLY REFERRED TO AS THE "TRIPLETS" - Marc Wullschleger, Director of Urban Development, came forward to ask for support of this transfer of funds. Discussion followed.

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

This matter was taken under advisement.

MISC. 05017 - APPLICATION OF DEVELOPMENTAL SERVICES OF NEBRASKA, INC. FOR A REASONABLE ACCOMMODATION UNDER TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A GROUP HOME IN THE R-4 RESIDENTIAL DISTRICT TO LOCATE WITHIN THE REQUIRED 1,200 FT. SEPARATION FROM ANOTHER GROUP HOME, ON PROPERTY GENERALLY LOCATED AT 424 N. CODDINGTON AVE.;

MISC. 05018 - APPLICATION OF DEVELOPMENTAL SERVICES OF NEBRASKA, INC. FOR A REASONABLE ACCOMMODATION UNDER TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A GROUP HOME IN THE R-3 RESIDENTIAL DISTRICT TO LOCATE WITHIN THE REQUIRED ONE-HALF MILE SEPARATION FROM ANOTHER GROUP HOME, ON PROPERTY GENERALLY LOCATED AT 1661 TIMBER RIDGE ROAD;

MISC. 05019 - APPLICATION OF DEVELOPMENTAL SERVICES OF NEBRASKA, INC. FOR A REASONABLE ACCOMMODATION UNDER TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A GROUP HOME IN THE R-2 RESIDENTIAL DISTRICT TO LOCATE WITHIN THE REQUIRED ONE-HALF MILE SEPARATION FROM ANOTHER GROUP HOME, ON PROPERTY GENERALLY LOCATED AT 5516 HUNTS DRIVE - Scott Moore, Developmental Services of Nebraska, Inc., came forward to ask for support to allow them to expand the number of residents in some of their group homes.

Roger Stortenbecker, 5501 Liberty Lane, of Developmental Services of Nebraska, Inc. came forward to further explain the need to expand the number of residents in their group homes. Discussion followed.

Scott Lefevre, 5701 Thompson Creek Blvd., Developmental Services of Nebraska, Inc., came forward in support.

Carla Sorensen, 2550 Stockwell, came forward in support.

David Eaton, 6601 Stonebrook Parkway, came forward as owner of rental property to DSN to state they are an excellent tenant and was in support.

Jason Wilkerson, 3308 W. Rose Street, Timber Ridge Neighborhood Assn. came forward in opposition.

Roxanne Talbott, 320 N. Coddington Ave., came forward in opposition.

Rebecca Barnes, 330 N. Coddington Ave., came forward in opposition.

James Masten, 2450 Ridgeline Dr., came forward in support.

Mark Yoakum, 1915 Garfield, came forward in support.

Justin Gulbrandson, 430 Glenhaven Dr., came forward in support.

Doyle Dillow, 1201 S 22nd Street, #2, Maintenance Supervisor for DSN, came forward in support.

Roxana Copp, 128 N. 13th St., #304, former Executive Director for 30 years with another agency for the developmentally disabled came forward in support.

Mike Morosin, 2055 "S" Street, came forward to question the zoning regulations.

Sarah Lucas, 2104 SW 9th St., Case Worker for DSN came forward in support.

Mr. Eaton came forward again to answer questions. Discussion followed.

Mr. Moore and Mr. LeFevre came forward for rebuttal. Discussion followed.

Chief Tom Casady, Police Department, came forward to answer questions.

This matter was taken under advisement.

TOOK BREAK 6:05 P.M.

RECONVENED 6:18 P.M.

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

MISCELLANEOUS BUSINESS

MARVIN Moved to waive the rules to allow an unnamed gentleman speak to an item under Ordinances 3rd Reading.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF FROM NEBRASKA, INC. DBA FROM NEBRASKA GIFT SHOP FOR AN ADDITION TO THEIR CLASS CK LIQUOR LICENSE OF AN OUTSIDE AREA MEASURING APPROXIMATELY 54' BY 11' TO THE WEST OF THE PREMISES AT 801 Q STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
No Second.

MCROY Moved its adoption for denial.

A-83624 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 From Nebraska, Inc. dba From Nebraska Gift Shop to expand its licensed premises by the addition of an area measuring approximately 54 feet by 11 feet to the west of the presently licensed premises located at 801 Q Street, Lincoln, Nebraska, be denied for the reason that applicant has failed to satisfactorily demonstrate that the issuance of this license would further the public interest, be a betterment to the city and a true increase in service to the public, and would not be detrimental to the public health, safety, and welfare.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Annette McRoy

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

APPLICATION OF PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL FOR AN ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 10' BY 24' TO THE EAST AND THE RECONSTRUCTION AND EXPANSION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 9' BY 20 TO THE SOUTH OF ITS PRESENTLY LICENSED PREMISES AT 955 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83625 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 Pickfair Entertainment Corp. dba Big Red Keno Sports Bar & Grill to expand its licensed premises by the addition of an area measuring approximately 10 feet by 24 feet to the east and the reconstruction and expansion of an outdoor area measuring approximately 9 feet by 20 feet to the south of the presently licensed premises located at 955 West O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF TROY OLSON FOR PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL AT 955 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83626 WHEREAS, Pickfair Entertainment Corp. dba Big Red Keno Sports Bar & Grill located at 955 West O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Troy Olson be named manager;

WHEREAS, Troy Olson 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 Olson 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.

APPLICATION OF 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 Jon Camp, who moved its adoption for approval:

A-83627 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 The Melting Spot, Inc. dba The Melting Spot for a Class "CK" liquor license at 227 N. 9th Street, 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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF CALVIN SIMMONS FOR THE MELTING SPOT, INC. DBA THE MELTING SPOT AT 227 N. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83628 WHEREAS, The Melting Spot, Inc. dba The Melting Spot located at 227 N. 9th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Calvin Simmons be named manager;

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

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 Jon Camp, who moved its adoption for approval:

A-83629 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 JIS Properties, LLC dba Zen's for a Class "CK" liquor license at 122 N. 11th Street, 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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF J. IRENE SEVERIN FOR JIS PROPERTIES LLC DBA ZEN'S AT 122 N. 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83630 WHEREAS, JIS Properties, LLC dba Zen's located at 122 N. 11th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that J. Irene Severin be named manager;

WHEREAS, J. Irene Severin 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 J. Irene Severin be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & RESOLUTIONS

APPROVING (1) SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2005, ALL WITH RESPECT TO THE ACQUISITION OF THE COURTHOUSE PLAZA BUILDING - PRIOR to reading:

MARVIN Moved to waive the rules to have 3rd reading and Action this date.

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

CLERK Read an ordinance, introduced by Dan Marvin, AN ORDINANCE of the City of Lincoln, Nebraska approving (A) a lease agreement among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska, jointly, as lessor, (B) a lease agreement among the City and the County, jointly, as lessee, and the Commission, as lessor, and (C) the issuance of not to exceed \$2,000,000 in aggregate principal amount of the Commission's tax supported lease rental revenue bonds; Series 2005B and related matters, the second time. (**See Council Action under "ORDINANCES - 3RD READING".**)

AMENDING SECTION 4.54.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE COMMUNITY FORESTRY ADVISORY BOARD BY MODIFYING THE MEMBERSHIP REQUIREMENTS TO ELIMINATE THE PROVISION THAT AT LEAST ONE VOTING MEMBER MUST RESIDE IN EACH OF THE CITY COUNCIL DISTRICTS - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE amending Section 4.54.010 of the Lincoln Municipal Code relating to the Community Forestry Advisory Board by modifying the membership requirements to eliminate the provision that at least one voting member must reside in each of the City Council districts; and repealing Section 4.54.010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.175 TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN AN EMPLOYEE IN A PAY RANGE PREFIXED BY "A" IS TEMPORARILY PROMOTED; AND AMENDING SECTION 2.76.380 TO CLARIFY THE PROCEDURE TO BE FOLLOWED WHEN GRANTING FAMILY SICK LEAVE TO AN EMPLOYEE IN A PAY RANGE PREFIXED BY E OR M - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.76.175 to clarify the procedure to be followed when an employee in a pay range prefixed by "A" is temporarily promoted; amending Section 2.76.380 to clarify the procedure to be followed when granting family sick leave to an employee in a pay range prefixed by "E" or "M"; and repealing Sections 2.76.175 and 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.

DECLARING APPROXIMATELY 35,500 SQUARE FEET AS SURPLUS PROPERTY GENERALLY LOCATED AT 305 AND 345 F STREET - PRIOR to reading:

MCROY Moved to waive the rules to have 3rd reading and Action this date.

Seconded by Newman & **LOST** by the following vote: AYES: Marvin, McRoy, Newman, Svoboda; NAYS: Camp, Cook, Eschliman.
CLERK Read an ordinance, introduced by Dan Marvin, AN ORDINANCE declaring the City-owned property generally located at 305 and 345 F Street as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 05072 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.65.080, COMMUNITY UNIT PLAN: DESIGN STANDARDS; DENSITY, TO ADD A PROVISION TO ALLOW PRE-EXISTING LOTS TO BE INCLUDED WITHIN THE LIMITS OF A COMMUNITY UNIT PLAN WITHOUT AFFECTING THE OVERALL DENSITY - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE amending Section 27.65.080 of the Lincoln Municipal Code relating to "Community Unit Plan; Design Standards; Density" to add a provision to allow pre-existing lots to be included within the limits of a community unit plan without affecting the overall density; and repealing Section 27.65.080 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 05073 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.37.020, B-5 PLANNED REGIONAL BUSINESS DISTRICT: USE REGULATIONS, AND SECTION 27.27.020, O-3 OFFICE PARK DISTRICT: USE REGULATIONS, TO ADD PUBLIC AND PRIVATE SCHOOLS TO THE LIST OF ALLOWED USES - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE amending Sections 27.27.020 and 27.37.020 of the Lincoln Municipal Code relating to use regulations to include public elementary or public high schools or private schools having a curriculum equivalent to a public elementary or public high school as permitted uses in the O-3 Office Park and the B-5 Planned Regional Business Districts, respectively; and repealing Sections 27.27.020 and 27.37.020 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 5.16 OF THE LINCOLN MUNICIPAL CODE, CABLE COMMUNICATIONS, TO INCORPORATE THE CABLE COMMUNICATIONS REGULATIONS CURRENTLY FOUND IN CHAPTER 5.16 OF THE LINCOLN MUNICIPAL CODE AS UPDATED TO BE IN CONFORMANCE WITH FEDERAL LAW WITH THE NEWLY NEGOTIATED CABLE TELEVISION FRANCHISE, AND REPEALING CURRENT CHAPTER 5.16 IN ITS ENTIRETY - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE adopting a new Chapter 5.15 of the Lincoln Municipal Code, Cable Communications, to incorporate the cable communications regulations currently found in Chapter 5.16 of the Lincoln Municipal Code as updated to be in conformance with federal law and to coordinate the regulations with the newly negotiated cable television franchise, and repealing current Chapter 5.16 in its entirety, the second time.

GRANTING TIME WARNER ENTERTAINMENT ADVANCE/NEWHOUSE PARTNERSHIP A COMMUNICATION SYSTEM FRANCHISE FOR CABLE TELEVISION WITHIN THE CITY OF LINCOLN PURSUANT TO AND SUBJECT TO THE PROVISIONS OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE granting a cable communication facility franchise to Time Warner Entertainment-Advance/Newhouse Partnership, dba Time Warner Cable to provide cable television services and to maintain a cable communication facility with the City of Lincoln pursuant to and subject to the provisions of the Lincoln Municipal Code, 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 16 - 31, 2005 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83631 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 November 1, 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>
Ken Vogt	\$ 383.62	Travis Kimathi \$12,000.00
United Services Automobile Assn. (Claim No. 3162139-7106-21-8941)	4,501.05	Abayomi Cousins 15,000.00
		Allied Insurance (Joseph & Penny Bachmann, Insured) 2,750.00
		Gerald High 418.04
		Jeffrey Bucher 160.50

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 Dan Marvin

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

AUTHORIZING ACCEPTANCE OF A DONATION OF APPROXIMATELY SEVEN ACRES OF LAND FOR PARK AND OPEN SPACE PURPOSES GENERALLY LOCATED ALONG ANTELOPE CREEK IN THE BOULDER RIDGE RESIDENTIAL DEVELOPMENT, NORTHEASTERLY OF S. 84TH STREET AND PINE LAKE ROAD - PRIOR to reading:

COOK Moved to delay action on Bill No. 05R-257 for two weeks to 11/28/05.

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$300,000 FROM THE CONTINGENCY FUND BACK TO THE URBAN DEVELOPMENT CIP FUND AS PART OF THE ANTELOPE VALLEY PROJECT FOR THE RELOCATION AND REHABILITATION OF THREE HOUSES AT 125, 135, AND 145 N. 22ND STREET, COMMONLY REFERRED TO AS THE "TRIPLETS" - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83632 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$300,000.00 from Contingency, Miscellaneous Other Services and Charges, Account 18001.5989 to Urban Development/Administration/Cash Transfers Out, Account 13001.9220, for transfer to Mandatory Relocation/Rehabilitation North 22nd St./Cash Transfers In, (125, 135, 145 North 22nd Street) Account 413544.9140, is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Dan Marvin

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

MISC. 05017 - APPLICATION OF DEVELOPMENTAL SERVICES OF NEBRASKA, INC. FOR A REASONABLE ACCOMMODATION UNDER TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A GROUP HOME IN THE R-4 RESIDENTIAL DISTRICT TO LOCATE WITHIN THE REQUIRED 1,200 FT. SEPARATION FROM ANOTHER GROUP HOME, ON PROPERTY GENERALLY LOCATED AT 424 N. CODDINGTON AVE. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

Seconded by Newman & carried by the following vote: AYES:

Eschliman, Svoboda; NAYS: Camp, Cook, Marvin, McRoy, Newman.

The resolution, having **LOST**, was assigned the File #38-4510 & was placed on file in the Office of the City Clerk.

MISC. 05018 - APPLICATION OF DEVELOPMENTAL SERVICES OF NEBRASKA, INC. FOR A REASONABLE ACCOMMODATION UNDER TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A GROUP HOME IN THE R-3 RESIDENTIAL DISTRICT TO LOCATE WITHIN THE REQUIRED ONE-HALF MILE SEPARATION FROM ANOTHER GROUP HOME, ON PROPERTY GENERALLY LOCATED AT 1661 TIMBER RIDGE ROAD - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

Seconded by Newman & carried by the following vote: AYES:

Eschliman, Svoboda; NAYS: Camp, Cook, Marvin, McRoy, Newman.

The resolution, having **LOST**, was assigned the File #38-4511 & was placed on file in the Office of the City Clerk.

MISC. 05019 - APPLICATION OF DEVELOPMENTAL SERVICES OF NEBRASKA, INC. FOR A REASONABLE ACCOMMODATION UNDER TITLE 1 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A GROUP HOME IN THE R-2 RESIDENTIAL DISTRICT TO LOCATE WITHIN THE REQUIRED ONE-HALF MILE SEPARATION FROM ANOTHER GROUP HOME, ON PROPERTY GENERALLY LOCATED AT 5516 HUNTS DRIVE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

PRIOR to the vote: Annette McRoy stated for the Record, I live within a six-block area of disabled people and group homes. I like this. This Council Person has nothing against disabled or group homes. They have a right to live wherever they want. My "No" vote is not about that.

Seconded by Eschliman & carried by the following vote: AYES:

Eschliman, Svoboda; NAYS: Camp, Cook, Marvin, McRoy, Newman.

The resolution, having **LOST**, was assigned the File #38-4512 & was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOV. 28, 2005 AT 5:30 P.M. FOR THE APP. OF

IRIE, INC. DBA DOC'S PLACE FOR A LIQUOR CATERING LICENSE AT 140 N. 8TH ST., SUITE 150 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83633 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 28, 2005, at 5:30 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 Irie, Inc. Dba Doc's Place for a liquor catering license located at 140 N. 8th Street, Suite 150.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, NOV. 28, 2005 AT 5:30 P.M. FOR THE APP. OF M & R VENTURES, LLC, DBA BENNIGAN'S RESTAURANT FOR A CLASS "I" LIQUOR LICENSE AT 8701 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83634 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 28, 2005, at 5:30 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 M & R Ventures, LLC dba Bennigan's Restaurant for a Class "I" liquor license located at 8701 Andermatt Drive.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, NOV. 28, 2005 AT 5:30 P.M. FOR THE APP. OF BLUE ORCHID, LLC, DBA BLUE ORCHID FOR A CLASS "I" LIQUOR LICENSE AT 129 N. 10TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83635 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 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 Blue Orchid, LLC dba Blue Orchid for a Class "I" liquor license located at 129 N. 10th Street.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, DEC. 5, 2005 AT 1:30 P.M. FOR THE MAN. APP. OF MELISA ARNOLD FOR THE KEG LOCATED AT 104 N. 20TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83636 BE IT RESOLVED by the City Council, of the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 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 Melisa Arnold for The Keg located at 104. 20th Street.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, DEC. 5, 2005 AT 1:30 P.M. FOR THE MAN. APP. OF BRIAN BIERMAN FOR TGI FRIDAY'S RESTAURANT LOCATED AT 210 N. 48TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83637 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 5, 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 Brian Bierman for TGI Friday's Restaurant located at 210 N. 48th Street.

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

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 28, 2005 AT 5:30 P.M. FOR THE
MANAGER APPLICATION OF CLAYTON WYSOCKI OF DHABS, LLC DBA BARRYMORE'S AT
124 N. 13TH STREET - CLERK read the following resolution, introduced by
Annette McRoy, who moved its adoption:

A-83639 BE IT RESOLVED by the City Council, of the City of Lincoln, that
a hearing date is hereby set for Monday, November 28, 2005, at 5:30 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 Clayton Wysocki, for DHABS, LLC dba Barrymore's located at 124 N 13th
Street.

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

Introduced by Annette McRoy
Seconded by Newman & 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. 05061 - App. of Ridge Development Co. and Southview,
Inc., Southwest Village Planned Unit Development, for a change of zone
from AG Agriculture and AGR Agricultural Residential to B-2 Planned
Neighborhood Business to allow approximately 80 dwelling units and
approximately 1,300,000 square feet of office, retail, commercial and
industrial floor area in the underlying B-2 zoned area for property
located at South Folsom Street and West Denton Road.

Change of Zone No. 05062 - App. of Ridge Development Co. and Southview,
Inc. for a change of zone from AG Agriculture and AGR Agricultural
Residential to R-3 Residential and R-4 Residential for property located
at South Folsom Street and West Denton Road.

Change of Zone No. 05077 - App. of Thunderstone LLC, Thunderstone
Planned Unit Development, for approximately 33,000 square feet for
product display, marketing, administrative offices and production area,
on property located at NW 32nd Street and West "O" Street.

Special Permit No. 1790A - App. of Longview Estates, Inc. for an
amendment to the Longview 1st Addition Community Unit Plan, to expand
the existing boundaries to allow for an additional wastewater treatment
lagoon, with requests to waive block length and storm water detention on
property located at SW 47th Street and W. Van Dorn Street.

Special Permit No. 05053 - App. of Research & Development Corp. for a
special permit to have windows on the side lot line in a commercial
historic district on property located at 311 N. 8th Street.

Special Permit No. 05054 - App. of Brian Carstens and Associates,
Rambling Rose Acres Community Unit Plan, for approximately 8 single
family dwelling units with requests to waive block length, waive the
preliminary plat process, sidewalks, street trees, street lighting, and
landscape screening on property located at the SW corner of Highway 77
and Bennet Road.

Special Permit No. 05055 - App. of Raybould Partners, Ltd., to expand
the area of a non-conforming use for the sale of alcohol for consumption
off the premises on property located at S. 17th Street and Washington
Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY
COUNCIL ON October 31, 2005 - CLERK presented said report which was
placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY
COUNCIL ON NOVEMBER 7, 2005 - CLERK presented said report which was
placed on file in the Office of the City Clerk.

CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR FY2004,
PREPARED BY URBAN DEVELOPMENT DEPARTMENT - CLERK presented said report
which was placed on file in the Office of the City Clerk. (3)

RESOLUTION ACCEPTING THE CITY TREASURER'S INVESTMENT REPORT FOR THE YEAR

ENDING AUGUST 31, 2005 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83638 BE IT HEREBY RESOLVED BY THE CITY COUNCIL, OF THE City of Lincoln, Nebraska:

That the attached list of investments by confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Annette McRoy

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

SETTING THE INTEREST RATE ON ASSESSMENTS FOR THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-83640 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed October 31, 2005, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and shall bear interest at 6.05% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Annette McRoy

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

REAPPOINTING MATT MORRISSEY AND JOHN LORENZEN TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 4, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83641 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Matt Morrissey and John Lorenzen to the Water Conditioning Board or Examiners for three-year terms expiring September 4, 2008, is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING MATT MORRISSEY TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83642 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Matt Morrissey to the Examining Board of Plumbers for a three-year term expiring September 4, 2008, is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING RICHARD NOEL TO THE ELECTRICAL ADVISORY, APPEALS, AND EXAMINING BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 15, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83643 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Richard Noel to the Electrical Advisory Appeals, and Examining Board for a three-year term expiring August 15, 2008, is hereby approved.

Introduced by Dan Marvin

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

APPOINTING LAURIE LAGE TO THE CHARTER REVISION COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING JULY 15, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83644 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Laurie Lage to the Charter Revision Commission to fill an unexpired term expiring July 15, 2008, is hereby approved.

Introduced by Dan Marvin

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

APPOINTING SCOTT BAIRD, JESSIE PAYNE, MODESTA PUTLA, AND SHAWN RYBA TO THE

COMMUNITY DEVELOPMENT TASK FORCE FOR THREE-YEAR TERMS EXPIRING AUGUST 31, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83645 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Scott Baird, Jessie Payne, Modesta Putla, and Shawn Ryba to the Community Development Task Force for three-year terms expiring August 31, 2008, is hereby approved.

Introduced by Dan Marvin

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

REAPPOINTING JIM ARTER TO THE DOWNTOWN BUSINESS AREA IMPROVEMENT BOARD FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2006 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83646 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jim Arter to the Downtown Business Area Improvement Board for a three-year term expiring September 1, 2006 is hereby approved.

Introduced by Dan Marvin

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

APPOINTING DEBBIE BREHM, TERRY BUNDY, CHRIS JACKSON, CINNAMON DOKKEN, CHERYL KRUGER, SCOTT MILLER, RICK NOYES, ROBERT SCOTT, ED SWOTEK, NICK VUKO, AND DICK YOUNG TO THE DOWNTOWN BUSINESS AREA IMPROVEMENT BOARD FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 1, 2006 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83647 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of the following persons to the Downtown Business Area Improvement Board for three-year terms expiring September 1, 2006, is hereby approved.

Debbie Brehm
Terry Bundy
Cinnamon Dokken
Chris Jackson
Cheryl Kruger
Scott Miller
Rick Noyes
Robert Scott
Ed Swotek
Nick Vuko
Dick Young

Introduced by Dan Marvin

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

REAPPOINTING CARMELIA (CARMY) ANTHONY TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83648 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Carmelia (Carmy) Anthony to the Lincoln Commission on Human Rights for a three-year term expiring December 31, 2008 is hereby approved.

Introduced by Dan Marvin

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

APPOINTING KARLA COOPER AND DICK NOBLE TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-83649 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Carmelia (Carmy) Anthony to the Lincoln Commission on Human Rights for a three-year term expiring December 31, 2008 is hereby approved.

Introduced by Dan Marvin

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

ORDINANCES - 1ST READING

CHANGE OF ZONE 05067 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF

ZONE FROM R-6 RESIDENTIAL DISTRICT TO B-3 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 2100 K STREET - CLERK read an ordinance, introduced by Annette McRoy, 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.

APPROVING THE SALE OF CITY PROPERTY AT 9TH AND K STREETS, KNOWN AS THE K STREET POWER PLANT - PRIOR to reading:

COOK Moved to place Bill No. 05-173 on Pending Indefinitely.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, McRoy, Newman, Svoboda; NAYS: Marvin.

ORDINANCES - 3RD 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 Robin 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 third time.

ESCHLIMAN Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18643**, is recorded in Ordinance Book #25, Page

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 Robin 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 third time.

ESCHLIMAN Moved to pass the ordinance as read.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18644**, is recorded in Ordinance Book #25, Page

APPROVING (1) SITE LEASE FROM THE CITY AND THE COUNTY OF LANCASTER, NEBRASKA TO THE LINCOLN-LANCASTER COUNTY PUBLIC BUILDING COMMISSION, (2) LEASE AGREEMENT FROM THE COMMISSION TO THE COUNTY AND THE CITY AND (3) THE ISSUANCE OF NOT TO EXCEED \$2,000,000 OF THE COMMISSION'S TAX SUPPORTED LEASE RENTAL REVENUE BONDS, SERIES 2005, ALL WITH RESPECT TO THE ACQUISITION OF THE COURTHOUSE PLAZA BUILDING - CLERK read an ordinance, introduced by Dan Marvin, AN ORDINANCE of the City of Lincoln, Nebraska approving (A) a lease agreement among the Lincoln-Lancaster County Public Building Commission, as lessee, and the City and the County of Lancaster, Nebraska, jointly, as lessor, (B) a lease agreement among the City and the County, jointly, as lessee, and the Commission, as lessor, and (C) the issuance of not to exceed \$2,000,000 in aggregate principal amount of the Commission's tax supported lease rental revenue bonds; Series 2005B and related matters, the third time.

MARVIN Moved to pass the ordinance as read.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered **#18645**, is recorded in Ordinance Book #25, Page

APPROVING A REAL ESTATE PURCHASE AGREEMENT BETWEEN THE CITY AND HERBERT J. FRIEDMAN, RICHARD A. JOHNSON, AND STUART MARX FOR THE PURCHASE OF LOTS 11 AND 12, BLOCK 130, ORIGINAL PLAT, AND LOTS A AND B, BILLINGSLEY'S SUBDIVISION OF LOT 1 AND ALL OF LOT 2, BLOCK 145, ORIGINAL PLAT, LINCOLN, LANCASTER COUNTY, NEBRASKA - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83650 A RESOLUTION authorizing the Lincoln Lancaster County Public Building Commission (the "Commission") to purchase Lots 11 and 12, Block 130, Original Plat, and Lots A and B, Billingsley's Subdivision of Lot 1, and all of Lot 2, Block 145, Original Plat of Lincoln, Lancaster

County, Nebraska, commonly known as 645 and 701 S. 9th Street, Lincoln, Nebraska, for joint use by both the City of Lincoln (the "City") and the County of Lancaster (the "County").

RECITALS

A.

The Commission has been created pursuant to Neb. Rev. Stat. § 13-1301 et seq. (Reissue 1991) for the purpose of designing, acquiring, constructing, maintaining, operating, improving, remodeling, and reconstructing projects (as such term is defined by Section 13-1302 of the Act) for the joint use of both the City and the County upon approval thereof by the City and the County, and all facilities necessary or convenient in connection therewith.

B.

Pursuant to paragraph 4 of the Interlocal Agreement entered into by and between the City, the County, and the Commission, dated July 10, 1996 any new project which the Commission proposes to undertake must first be approved by resolution of the City Council and by resolution of the County Board.

C.

The City is agreeable to authorizing the Commission to proceed with the purchase of Lots 11 and 12, Block 130, Original Plat, and Lots A and B, Billingsley's Subdivision of Lot 1, and all of Lot 2, Block 145, Original Plat of Lincoln, Lancaster County, Nebraska, for use by the City and County, as a new project.

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

Pursuant to paragraph 4 of the Interlocal Agreement, the purchase of Lots 11 and 12, Block 130, Original Plat, and Lots A and B, Billingsley's Subdivision of Lot 1, and all of Lot 2, Block 145, Original Plat of Lincoln, Lancaster County, Nebraska, is hereby approved as a new project of the Commission.

Introduced by Robin Eschliman

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

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 28, 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 November 28, 2005.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 6.50 P.M.

CAMP Moved to adjourn the City Council meeting of November 14, 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

