

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 19, 2006 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, Svoboda; Deputy City Clerk, Teresa J. Meier; Absent: McRoy.

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

**READING OF THE MINUTES**

NEWMAN Having been appointed to read the minutes of the City Council proceedings of June 12, 2006, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF U.N.C.-R., INC. DBA UNCLE RON'S FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTSIDE AREA MEASURING APPROXIMATELY 98 FEET BY 56 FEET IN THE PARKING LOT TO THE EAST OF THE LICENSED PREMISES AT 340 W. CORNHUSKER HIGHWAY ON JULY 4, 2006 BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. - Ron Tegtmeier, 1800 Kennedy Dr., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE HIGHLAND VIEW CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND HIGHLANDS PRAIRIE VILLAGE LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 154.77 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. ALVO ROAD;

ANNEXATION 05004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HIGHWAY 34 AND W. ALVO ROAD;

CHANGE OF ZONE 05022 - APPLICATION OF PRAIRIE HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HIGHWAY 34 AND W. ALVO ROAD - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward on behalf of the applicant, to answer questions. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ANNEXATION 06008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.0 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 80TH STREET AND AMBER HILL ROAD - James Heck, 8000 S. 80<sup>th</sup> St., came forward in favor.

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

Mr. Heck came forward for rebuttal.

This matter was taken under advisement.

AMENDING CHAPTER 10.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO ACCIDENTS AND ACCIDENT REPORTS BY REPEALING SECTIONS 10.10.010, 10.10.020 AND 10.10.030, RELATING TO LEAVING THE SCENE OF ACCIDENTS, BECAUSE LEGISLATIVE CHANGES IN STATE STATUTE PENALTIES EXCEED THE CITY'S STATUTORY AUTHORITY; AND AMENDING SECTION 10.10.040 TO REQUIRE DRIVERS TO IMMEDIATELY REPORT TO POLICE DAMAGE TO TRAFFIC CONTROL DEVICES AND PUBLIC UTILITY FIXTURES FOR PROTECTION OF PUBLIC SAFETY AND WELFARE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 14, 2006;

AMENDING SECTIONS 10.16.030 AND 10.16.040 OF THE LINCOLN MUNICIPAL CODE BY AMENDING PENALTY PROVISIONS FOR DRIVING UNDER THE INFLUENCE AND REFUSAL TO SUBMIT TO ALCOHOL TESTING TO CONFORM WITH CHANGES MADE IN STATE STATUTES AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 14, 2006;

AMENDING SECTIONS 10.06.110 AND 10.06.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO ISSUING CITATIONS AND PAYMENT OF FINES AND COSTS, RESPECTIVELY, BY REPEALING REFERENCE TO EQUIPMENT VIOLATIONS UNDER CHAPTER 10.22 BEING PROCESSED BY THE VIOLATIONS BUREAU AND TO MAINTAIN

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CONSISTENCY WITH STATE STATUTE AND OTHER RULES OF THE ROAD - Mike Morosin, 2055 "S" Street, came forward to ask what is being changed in the code.

Dana Roper, City Attorney, came forward to clarify the amendments.  
This matter was taken under advisement.

RENAMING THE PARKS AND RECREATION SHOOTING RANGE AS THE JACK MAGORIAN SHOOTING RANGE - Lynn Johnson, Director of Parks & Recreation, came forward to comment on the renaming.

Dan Spiry, 7910 Thornview Rd., came forward in support.  
Rachel Brown, no address given, came forward in support.  
Rachel Carlson, 2820 Sumner St., came forward in support.  
Bill Dutton, 4315 Franklin St., came forward in support.  
This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2006 ACTION PLAN: ONE YEAR USE OF FUNDS FOR PLAN FOR HUD ENTITLEMENT PROGRAMS - Wynn Hjermsstad, Urban Development, came forward to explain the use of funds.

Mike Morosin, 2055 "S" Street, came forward in support.  
This matter was taken under advisement.

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

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

APPLICATION OF U.N.C.-R., INC. DBA UNCLE RON'S FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN OUTSIDE AREA MEASURING APPROXIMATELY 98 FEET BY 56 FEET IN THE PARKING LOT TO THE EAST OF THE LICENSED PREMISES AT 340 W. CORNHUSKER HIGHWAY ON JULY 4, 2006 BETWEEN THE HOURS OF 8:00 A.M. AND 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83886 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 U.N.C.-R., Inc. d/b/a Uncle Ron's for a Special Designated License to cover an area measuring 98 feet by 56 feet in the parking lot to the east of the licensed premises at 340 W. Cornhusker Highway, Lincoln, Nebraska, on the 4th day of July, 2006 between the hours of 8:00 a.m. and 1:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

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

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

Introduced by Jon Camp

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

**ORDINANCES - 2<sup>ND</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING THE HIGHLAND VIEW CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND HIGHLANDS PRAIRIE VILLAGE LLC, RELATING TO THE ANNEXATION OF APPROXIMATELY 154.77 ACRES OF PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. ALVO ROAD - Clerk read an ordinance, introduced by Ken Svoboda, that the agreement titled Highland View Conditional Annexation and Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Highlands Prairie Village LLC, outlining certain conditions and understandings relating to the annexation of approximately 154.77 acres or property in one or more phases generally located at S.W. 12<sup>th</sup> Street and Alvo Road, the second time.

ANNEXATION 05004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HIGHWAY 34 AND W. ALVO ROAD - CLERK read an ordinance, introduced by Ken Svoboda, 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 second time.

CHANGE OF ZONE 05022 - APPLICATION OF PRAIRIE HOMES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED WEST OF N.W. 12TH STREET BETWEEN HIGHWAY 34 AND W. ALVO ROAD - CLERK read an ordinance, introduced by Ken Svoboda, 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.

ANNEXATION 06008 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.0 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 80TH STREET AND AMBER HILL ROAD - CLERK read an ordinance, introduced by Ken Svoboda, 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 second time.

AMENDING CHAPTER 10.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO ACCIDENTS AND ACCIDENT REPORTS BY REPEALING SECTIONS 10.10.010, 10.10.020 AND 10.10.030, RELATING TO LEAVING THE SCENE OF ACCIDENTS, BECAUSE LEGISLATIVE CHANGES IN STATE STATUTE PENALTIES EXCEED THE CITY'S STATUTORY AUTHORITY; AND AMENDING SECTION 10.10.040 TO REQUIRE DRIVERS TO IMMEDIATELY REPORT TO POLICE DAMAGE TO TRAFFIC CONTROL DEVICES AND PUBLIC UTILITY FIXTURES FOR PROTECTION OF PUBLIC SAFETY AND WELFARE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 14, 2006 - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 10.10 of the Lincoln Municipal Code relating to Accidents and Accident Reports by repealing Sections 10.10.010, 10.10.020, and 10.10.030 relating to leaving the scene of accidents because legislative changes in state statute penalties exceed the City's statutory authority, amending Section 10.10.040 to require drivers to immediately report to police damage to traffic control devices and public utility fixtures for protection of public safety and welfare; repealing Section 10.10.040 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of July 14, 2006, the second time.

AMENDING SECTIONS 10.16.030 AND 10.16.040 OF THE LINCOLN MUNICIPAL CODE BY AMENDING PENALTY PROVISIONS FOR DRIVING UNDER THE INFLUENCE AND REFUSAL TO SUBMIT TO ALCOHOL TESTING TO CONFORM WITH CHANGES MADE IN STATE STATUTES AS REQUIRED BY LAW; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 14, 2006 - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code by amending penalty provisions for driving under the influence and refusal to submit to alcohol testing to conform with changes made in state statutes required by law; repealing Sections 10.16.030 and 10.16.040 of the Lincoln Municipal Code as hitherto existing; and establishing an effective date of July 14, 2006, the second time.

AMENDING SECTIONS 10.06.110 AND 10.06.120 OF THE LINCOLN MUNICIPAL CODE RELATING TO ISSUING CITATIONS AND PAYMENT OF FINES AND COSTS, RESPECTIVELY, BY REPEALING REFERENCE TO EQUIPMENT VIOLATIONS UNDER CHAPTER 10.22 BEING PROCESSED BY THE VIOLATIONS BUREAU AND TO MAINTAIN CONSISTENCY WITH STATE STATUTE AND OTHER RULES OF THE ROAD - CLERK read an ordinance, introduced by Ken Svoboda, amending Sections 10.06.110 and 10.06.120 of the Lincoln Municipal Code relating to Issuing Citations and Payment of Fines and Costs, respectively, by repealing reference to equipment violations under Chapter 10.22 being processed by the Violations Bureau and to maintain consistency with state statute and other Rules of the Road; and repealing Sections 10.06.110 and 10.06.120 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

RENAMING THE PARKS AND RECREATION SHOOTING RANGE AS THE JACK MAGORIAN SHOOTING RANGE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83887 A RESOLUTION renaming the Parks and Recreation Indoor Shooting Range as Jack Magorian Shooting Range in recognition of civic contributions and accomplishments of Jack Magorian.

WHEREAS, Jack Magorian served as the range master at the Parks and Recreation Indoor Shooting Range for more than twenty years; and

WHEREAS, he was active in developing and promoting shooting sport programs at the Indoor Shooting Range; and

WHEREAS, he was active in developing and promoting shooting sport programs and activities throughout Nebraska, including initiating the shooting program for Cornhusker State Games; and

WHEREAS, he emphasized safe gun handling in all of the programs and activities he was associated with; and

WHEREAS, Jack Magorian passed away in 2005; and

WHEREAS, in response to a recommendation from participants at the Indoor Shooting Range, the Parks and Recreation Advisory Board has recommended that the facility be renamed in recognition of Jack Magorian's contributions and accomplishments associated with developing and promoting shooting sport programs in Lincoln and throughout Nebraska.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Parks and Recreation Indoor Shooting Range located at North 10th Street and Military Road be and it hereby is renamed as the "Jack Magorian Shooting Range."

Introduced by Ken Svoboda

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE UNIVERSITY OF NEBRASKA-LINCOLN, SCHOOL OF BIOLOGICAL SCIENCES FOR PROVIDING LABORATORY BACTERIOLOGICAL TESTING OF SUBMITTED WASTEWATER SAMPLES FOR THE PERIOD OF JULY 1, 2006 THROUGH JUNE 30, 2010

A-83888 A RESOLUTION authorizing a four-year contract between the City and the Board of Regents of the University of Nebraska-Lincoln for the provision of Wastewater sample testing by the School of Biological Sciences.

RECITALS

I.

University of Nebraska-Lincoln has been providing Wastewater testing services for the City of Lincoln Wastewater System on a contractual basis for several years.

II.

The City and the University of Nebraska are agreeable to entering into a contract for an additional four year term for the continued provision of such Wastewater testing for the City of Lincoln Wastewater System.

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

That the "Wastewater Testing Agreement" between the City of Lincoln and the Board of Regents of the University of Nebraska, a copy of which is attached hereto, marked as Attachment "A", and made a part hereof by reference under which the University's School of Biological Sciences will perform laboratory tests on Wastewater samples supplied by the City of Lincoln Wastewater System, upon the terms and conditions as specified in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return a fully executed copy of said Agreement to Gary Brandt, Utilities Coordinator of the Lincoln Wastewater System, for transmittal to the University of Nebraska.

Introduced by Ken Svoboda

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

APPROVING THE FISCAL YEAR 2006 ACTION PLAN: ONE YEAR USE OF FUNDS FOR PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-83889 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with

reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2006 second Program Year Action Plan outlining the activities and initiatives of Urban Development for CDBG, HOME, and ADDI entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment Initiative; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2006 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and American Dream Downpayment Initiative and 24 C.F.R., Part 91.

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

That the FY 2006 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2006 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2006 in the amount of \$2,959,094 (\$2,540,309 CDBG; \$1,414,007 HOME; and \$29,778 ADDI) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and the American Dream Downpayment Initiative, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2006 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
  - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
  - b. Establishing an ongoing drug-free awareness program to inform employees about -
    - i. The dangers of drug abuse in the workplace;
    - ii. The grantee's policy of maintaining a drug-free work-place;
    - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
    - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
  - d. Notifying the employee in the statement required by

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sub-paragraph (a) that, as a condition of employment under the grant, the employee will:

- i. Abide by the terms of the statement; and
  - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
- i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
- g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.

4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:

- a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
- c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, and ADDI funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of

the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2006 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2006 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue

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sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2006 Action Plan that:

1. The tenant-based assistance is an essential element of its strategic plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

3. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Ken Svoboda

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

**PETITIONS AND COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, JULY 10, 2006 AT 1:30 P.M. FOR THE APP. OF TRES JALISQUILLOS, INC. DBA FANDANGO NIGHT CLUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 221 S. 9<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83890 BE IT RESOLVED by the City of Lincoln, that a hearing date is hereby set for Monday, July 10, 2006, at 1:20 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for the application of Tres Jalisquillos, Inc. DbA Fandango Night Club for a Class C liquor license located at 221 S. 9<sup>th</sup> Street.

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

Introduced by Jon Camp

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

**REPORTS OF CITY OFFICERS**

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF MAY, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

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

ANNEXATION 06010 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.07 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 10TH STREET AND MORTON STREET - CLERK read an ordinance, introduced by Jon Camp, 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.

CHANGE OF ZONE 06033 - APPLICATION OF LINCOLN FEDERAL BANCORP FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WHISPERING WIND BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 06037 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM COUNTY B BUSINESS DISTRICT TO CITY H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED 850 FEET SOUTH OF THE INTERSECTION OF SOUTH 134TH STREET AND O STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 06038 - APPLICATION OF SUMMIT HOMES FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-5 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND FOLKWAYS BOULEVARD - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

ANNEXATION NO. 06003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 2.5 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND FLETCHER AVENUE. (6/5/06 - ACTION DELAYED 2 WKS. TO 6/19/06) - CLERK read an ordinance, introduced by Robin Eschliman, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File #38-4528 & was placed on file in the Office of the City Clerk.

APPROVING A THIRTEEN-MONTH LEASE AGREEMENT BETWEEN THE CITY AND POLK COUNTY HEALTH DEPARTMENT FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) OFFICE AT 220 N. STATE STREET, OSCEOLA, NE - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a Lease Agreement between the City of Lincoln and Polk County Health Department for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Office at 330 N. State Street, Osceola, NE, for a thirteen month term from May 1, 2006 through May 31, 2007, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #18747, is recorded in Ordinance Book #25, Page

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CHANGING THE PAY RANGE OF FORESTRY OPERATIONS SUPERVISOR, TO CHANGE THE TITLE OF ASST. SUPT. - WASTEWATER SERVICE TO ASST. SUPR. - WASTEWATER COLLECTION, AND TO DELETE THE CLASSIFICATION OF ASST. SUPR. - WASTEWATER CONSTRUCTION - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18594 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by amending the pay range of the job classification Forestry

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Operations Supervisor from (A11) to (A12); by amending the title of the current job classification "Asst. Supt. - Wastewater Service" to "Asst. Supt. - Wastewater Collection"; and deleting the job classification "Asst. Supt. - Wastewater Construction", the third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18748**, is recorded in Ordinance Book #25, Page

ANNEXATION 06009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 3.25 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06-87, 06-88) - CLERK read an ordinance, introduced by Annette McRoy, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18749**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05002A - APPLICATION OF THE LINKS AT LINCOLN TO AMEND THE LINKS AT LINCOLN PLANNED UNIT DEVELOPMENT TO INCREASE THE AREA OF THE PUD AND FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL PUD, WITH REQUESTED WAIVERS OF THE REQUIRED STREET TREES AND SIDEWALKS ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND FLETCHER AVENUE. (RELATED ITEMS: 06-87, 06-88) - CLERK read an ordinance, introduced by Annette McRoy, 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 third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18750**, is recorded in Ordinance Book #25, Page

STREET NAME CHANGE 06001 - RENAMING MEDINA DRIVE AS MEDINAH DRIVE GENERALLY LOCATED IN THE HIMARK 9TH ADDITION, LOCATED AT S. 90TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Annette McRoy, changing the name of Medina Drive to Medinah Drive located generally at S. 90<sup>th</sup> Street and Old Cheney Road, in HiMark 9<sup>th</sup> Addition, as recommended by the Street Name Committee, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18751**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06028 - APPLICATION OF B&J PARTNERSHIP TO CHANGE THE BUILDING LINE DISTRICT FROM 50 FEET TO 40 FEET ALONG THE NORTH SIDE OF O STREET, EAST OF 33RD STREET APPROXIMATELY 200 FEET - CLERK read an ordinance, introduced by Annette McRoy, changing the building line district along the north side of O Street east of 33<sup>rd</sup> Street from 50 feet to 40 feet, the third time.

MARVIN Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered **#18752**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06032 - AMENDING SECTION 27.69.300 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL SIGN DISTRICTS TO ALLOW OCCUPANTS IN AREAS DESIGNATED BLIGHTED AND SUBSTANDARD, WHICH ARE BEING REDEVELOPED PURSUANT TO AN APPROVED REDEVELOPMENT PLAN, TO PETITION FOR THE CREATION OF A SPECIAL SIGN DISTRICT. (RELATED ITEMS: 06-91, 06-92) - CLERK read an ordinance, introduced by Annette McRoy, amending Section 27.69.300 of the Lincoln Municipal Code relating to Special Sign Districts to allow occupants in areas designated blighted and substandard which is being redeveloped pursuant to an approved Redevelopment Plan to petition for the creation of a special sign district; and repealing Section 27.69.300

of the Lincoln Municipal Code as hitherto existing, the third time.  
MARVIN Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered #18753, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06031 - APPLICATION OF THE URBAN DEVELOPMENT DEPARTMENT AND  
OLSSON ASSOCIATES TO CREATE A SPECIAL SIGN DISTRICT FOR THE 48TH AND O  
STREETS REDEVELOPMENT PLAN AREA, GENERALLY LOCATED SOUTHEAST OF THE  
INTERSECTION OF SOUTH 48TH AND O STREETS. (RELATED ITEMS: 06-91, 06-92)  
- CLERK read an ordinance, introduced by Annette McRoy, designating the  
48<sup>th</sup> & O Streets Redevelopment Plan area as a special sign district in  
accordance with the provisions of § 27.69.300 of the Lincoln Municipal  
Code and adopting special criteria for signs in said district, the third  
time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
The ordinance, being numbered #18754, is recorded in Ordinance Book #25, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to June 26, 2006.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on  
June 26, 2006.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.

**ADJOURNMENT 2:38 P.M.**

CAMP Moved to adjourn the City Council meeting of June 19, 2006.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, Newman, Svoboda; NAYS: None; ABSENT: McRoy.  
So ordered.

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Teresa J. Meier, Deputy City Clerk

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Sandy L. Dubas, Senior Office Assistant

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