

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 16, 2008 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair Eschliman; Council Members: Camp, Cook, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of June 9, 2008 reported having done so, found same correct. Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler presented the Award of Excellence for the Month of May 2008 to Mark McCaugherty, Utility Plant Mechanic II, of Ashland Water Production in the Water Division of the Public Works & Utilities Department in the category of Loss Prevention. Mayor Beutler stated that during a maintenance check Mark found a hole in the discharge piping caused by three defective high pressure valves. He devised and implemented temporary repairs which prevented limitations on the pumping capacities thru the summer months which could cost more than \$140,000 in additional transmission expense.

Greg McLean, Director of Public Works & Utilities Dept. came forward to congratulate Mark and reiterated the importance of the type of resources the City has on staff.

Rick Roberts, Ass't. Superintendent of Water Production of the Public Works & Utilities Ashland Plant, came forward to congratulate Mark and to state that Mark's capabilities of in house repairs saved the City time & money.

Mr. McCaugherty came forward to thank the Mayor and the Council for the award and to thank his co-workers who helped him with this project.

PUBLIC HEARING

VACATION NO. 06010 - VACATING SUNNY SLOPE ROAD EAST OF AVON LANE - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Waterford Estates LLC. He informed the Council that they have worked with the neighborhood and agreed to exchange the Sunny Slope R-O-W to create a new street. Sunny Slope Road will be vacated and put back to grass. This will mean the developer has incurred the extra cost of creating a substitute street and giving up more land losing buildable lots. The connection of Avon Lane between the neighborhoods will be retained for emergency vehicle use. Mr. Seacrest asked that the City Council waive the payment for the right-of-way because they have given the City a substitute street.

Chad Blahak, Public Works & Utilities, came forward to state Roger Figard, City Engineer for Public Works & Utilities, is in agreement with this request and sent a letter stating this fact to each of the Council members.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$200,049 FROM THE CONTINGENCY FUND TO THE FIRE AND RESCUE ADMINISTRATION ACCOUNT TO FUND THE ROOF REPLACEMENT AT FIRE STATION #1 AT 18TH AND Q STREETS - Chief Niles Ford, Fire Chief of Lincoln Fire Dept., came forward to request funds from the Contingency Fund to replace the roof due to some serious leaks at Fire Station #1. The damage is to the point it may affect equipment in the Fire Department.

Steve Hubka, City Budget Officer, stated the roof was repaired a couple of times, but the repairs weren't a permanent solution. The budget was very tight last year so therefore wasn't able to budget enough money for the Fire Department to replace the roof during the fiscal year. The company that put the roof on was contacted for possible reimbursement, but the City was not successful. The repairs will take all but about \$1,000 of the Contingency Fund. If an emergency would arise before the next fiscal year the departments would be contacted for any reappropriation funds that might be available. New appropriations are added to the Contingency Fund annually to be used for various unanticipated needs.

This matter was taken under advisement.

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (WASHINGTON SQUARE) BETWEEN THE CITY AND WASHINGTON SQUARE LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1531 S. 19TH STREET AND 1541 S. 19TH STREET FOR CONSTRUCTION OF 16 SINGLE FAMILY DWELLINGS FOR OWNER OCCUPANCY - Wynn Hjermstad, Community Development Manager of the Urban Development, came forward to state this agreement will spell out the terms and conditions of a project that will construct 16 family attached units of affordable housing for home ownership in the Near South neighborhood. The total cost will be \$2.3 million in private funding and \$200,000 through Tax Increment Financing (TIF). First priority of TIF will be for acquisition. If more TIF is generated it may be used for demolition, site preparation and typical public improvement projects including the construction of sidewalks, curb cuts, and landscaping. Completion time is one year. Units will be advertised for sale to owner-occupants. If they are not sold after six months the units can be rented provided the rental agreement contains a clause to allow the lease to be terminated with a 30 day notice in the event the property does sell to an owner-occupant. If one or more of the 16 units is not sold to an owner-occupant within four years and instead is sold to an investor-owner, the developer will pay back the City the TIF proportionate to the share of the unit. The developer has agreed to do a report to the Urban Development Department and to the Near South Neighborhood keeping everyone up to date on the sales efforts, the ownership status and the occupancy status of each unit. The projected Tax Increment is \$200,000.

Michael Snodgrass, Executive Director of Neighborhoods Lincoln, came forward in support of the project.

Katie Halperin, Developer, stated a 6-plex and a 12-plex currently standing will be torn down. She stated she has met the Neighborhood Design Standards and has signed off with Ed Zimmer and Marvin Krout. The Near South Neighborhood Association has given their support as well. A City employee working in the Mayor's office may be included in this blight designation, but has nothing to do with this project. There will be four separate buildings with a private courtyard in the middle. The garages will have an alley entrance except for one unit that has a single car garage with carriage style garage doors up front. Each unit will have front porches, a covered balcony facing the courtyard, three bedrooms, and granite countertops in the kitchen. The units will be priced at \$150,000.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

RESOLUTION APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FIRST QUARTER, FISCAL YEAR 2007-08 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84900 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be 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 Doug Emery

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 19, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF ROJO'S GOODS INC. DBA ROJO'S GOODS FOR A CLASS D LIQUOR LICENSE AT 824 P STREET, SUITE 100 - PRIOR to reading:

SVOBODA Moved to delay action w/continued Public Hearing for one week to 6/23/08.

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

SVOBODA Moved to reconsider the vote.

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

MANAGER APPLICATION OF CHRISTY E. MCMAHAN FOR ROJO'S GOODS INC. DBA ROJO'S GOODS AT 824 P STREET, SUITE 100 - PRIOR to reading:

SVOBODA Moved to delay action w/continued Public Hearing for one week to 6/23/08.

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

SVOBODA Moved to reconsider the vote.

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

VACATION NO. 06010 - VACATING SUNNY SLOPE ROAD EAST OF AVON LANE - CLERK read an ordinance, introduced by Jonathan Cook, vacating Sunny Slope Road east of Avon Lane, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE, NEBRASKA, FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NEBRASKA FOR A TERM OF MAY 1, 2008 THROUGH MAY 31, 2009 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a 13-month term from May 1, 2008 through May 31, 2009, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NEBRASKA, FOR A TERM JULY 1, 2008 THROUGH JUNE 30, 2009 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 137 N. 8th Street, Geneva, NE 68361, for a 12-month term from July 1, 2008 through June 30, 2009, the second time.

PUBLIC HEARING RESOLUTIONS

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$200,049 FROM THE CONTINGENCY FUND TO THE FIRE AND RESCUE ADMINISTRATION ACCOUNT TO FUND THE ROOF REPLACEMENT AT FIRE STATION #1 AT 18TH AND Q STREETS. (6/9/08 - P.H. CON'T. TO 6/16/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84901 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$200,049.00 from Contingency, Miscellaneous Other Services and Charges, Account 18001.5989 to Fire and Rescue Administration Account 05001.9140, for replacement of the roof at Fire Station #1, is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Jon Camp

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 16 - 31, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84902 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 June 2, 2008, 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/SETTLED</u>
Scottie Hodtwalker	\$7,090.63	BlueCross BlueShield	
Rose Matulka	NAS*	of Nebraska	\$ 2,551.03
Department of Health & Human		University of Nebraska -	
Services (Submittal #200813500025)	2,783.31	Hewitt Place Galleries	30,136.07
		State Farm Insurance	
		(Claim #27-7790-553)	2,841.45
		Roman J. Liekhus	293.21
		Midwest Floor Covering Inc.	4,293.10
		Luciano Lopez	138.03

* No Amount Specified

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

Introduced by Jonathan Cook

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

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT (WASHINGTON SQUARE) BETWEEN THE CITY AND WASHINGTON SQUARE LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 1531 S. 19TH STREET AND 1541 S. 19TH STREET FOR CONSTRUCTION OF 16 SINGLE FAMILY DWELLINGS FOR OWNER OCCUPANCY - PRIOR to reading:

CAMP Moved to delay action on Bill No. 08R-140 for one week to 6/23/08. Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Emery, Eschliman, Marvin, Spatz. Eschliman passed the gavel to Vice Chair Emery.

ESCHLIMAN Moved to eliminate Paragraph 25 on page 18 of the Redevelopment Agreement.

Seconded by Svoboda.

ESCHLIMAN Moved to Withdraw proposed amendment to eliminate paragraph 25 on page 18 of the Redevelopment Agreement.

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

ESCHLIMAN Moved to amend Bill No. 08R-140 by deleting the first sentence of paragraph 25 on page 18 of the Redevelopment Agreement.

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

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

A-84903 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Washington Square, LLC, outlining certain conditions and understandings relating to the redevelopment of property generally located at 1531 S. 19th Street and 1541 S. 19th Street for construction of 16 single family dwellings for owner occupancy, is approved.

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

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

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by Washington Square LLC.

Introduced by Jonathan Cook

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING SECTION 9.16.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO POSSESSION OF ONE OUNCE OR LESS OF MARIJUANA TO REVISE THE PENALTIES FOR SUCH OFFENSE TO CONFORM TO THOSE ENUMERATED BY *NEB. REV. STAT. § 28-415(13)*, AS AMENDED, EFFECTIVE JULY 18, 2008, AND REPEALING SECTION 9.16.145 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Section 9.16.145 of the Lincoln Municipal Code relating to possession of one ounce or less of marijuana to revise the penalties for such offense to conform to those enumerated by *Neb. Rev. Stat. § 28-415(13)*, as amended, effective July 18, 2008; and repealing Section 9.16.145 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE NO. 08022HP - APPLICATION OF DANJA PEGRAM SIDERS, ON BEHALF OF AGINVEST LLC, TO DESIGNATE THE DR. SLATTERY HOUSE AT 5230 NORTH 14TH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Doug Emery, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the first time.

AMENDING SECTION 21.48.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO PENALTIES FOR VIOLATIONS OF THE LINCOLN HOUSING CODE TO INCREASE THE FINE FOR FIRST OFFENSES FROM \$25.00 TO \$200.00, FOR SECOND OFFENSES FROM \$50.00 TO \$250.00, AND FOR THIRD OFFENSES AND EACH OFFENSE THEREAFTER FROM \$100.00 TO \$300.00, AND REPEALING SECTION 21.48.030 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Section 21.48.030 of the Lincoln Municipal Code relating to penalties for violations of the Lincoln Housing Code to increase the fine for first offenses from \$25.00 to \$200.00, for second offenses from \$50.00 to \$250.00, and for third offenses and each offense thereafter from \$100.00 to \$300.00; and repealing Section 21.48.030 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required)

AMENDING RULE 3-3 "VOTE OF A MEMBER MANDATORY; EXCEPTION" OF THE RULES OF COUNCIL DECORUM TO ADD LANGUAGE RELATING TO COUNCIL MEMBERS ABSTAINING FROM VOTING ON A PENDING QUESTION - PRIOR to reading:
Eschliman passed the gavel to Vice Chair Emery.

ESCHLIMAN Moved to amend Bill No. 08-62 by adding a sunset provision of one year be added to this ordinance. (City Attorney advised the following language be added to the last sentence of the ordinance: except that this ordinance shall automatically expire one year after its effective date.)

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

CAMP Moved to amend Bill No. 08-62 by removing sentence #2 of Rule 3-3 In addition, a Council member may abstain from voting on the pending question if the Council member has a real or perceived personal conflict of interest that might reasonably be expected to impair his or her objectivity or independence in judgment.

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

CLERK Read an ordinance, introduced by Jon Camp, amending Section 2.04.010 of the Lincoln Municipal Code relating to Rules of the City Council by amending Rule 3-3 to allow a Council member to not vote on a question in which the Council member has a personal interest; and repealing Section 2.04.010 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#19094**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08018 - APPLICATION OF GAMMA PHI BETA BUILDING ASSOCIATION AND THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO R-7 RESIDENTIAL DISTRICT AND P PUBLIC USE DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 16TH STREET BETWEEN R AND S STREETS - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19095**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08020 - APPLICATION OF VEYANCE TECHNOLOGIES, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BALLARD AVE. - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19096**, is recorded in Ordinance Book #26, Page

RESOLUTIONS - ACTION ONLY

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND CAPITOL COLD LLC RELATING TO THE CONSTRUCTION OF STORAGE BUILDINGS FOR COMMERCIAL USE WITHIN THE WEST O STREET REDEVELOPMENT PLAN FOR PUBLIC IMPROVEMENTS INCLUDING LANDSCAPING AND NEW SIDEWALKS ABUTTING THE PROJECT AREA GENERALLY LOCATED AT 301 S.W. 32ND STREET. (5/12/08 - ACTION ONLY DELAYED 1 WK. TO 5/19/08) (5/19/08 - ACTION DELAYED TO 6/16/08) - CLERK read the following resolution, introduced by Robin Eschliman, moved by Dan Marvin for its adoption

Seconded by Spatz & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda.
The resolution, having **LOST**, was assigned the File #38-4573 & was placed on file in the Office of the City Clerk.

COMPREHENSIVE PLAN CONFORMANCE 08008 - APPROVING AND ADOPTING THE PROPOSED VAN DORN REDEVELOPMENT PLAN ON PROPERTY GENERALLY BOUNDED BY HILL STREET TO JUST NORTH OF PIONEERS BOULEVARD AND BETWEEN S. 7TH STREET TO S. 10TH STREET. (6/2/08 - ACTION DELAYED TO 6/16/08) - PRIOR to reading:
Eschliman passed the gavel to Vice Chair Emery.

ESCHLIMAN Moved to amend Bill No. 08R-120 as follows:

1. On page 4, before line 1, insert the following:
 1. That Lots 1 through 6, the north 20 feet of Lot 7, Lots 11 through 14, and that portion of the vacated north/south alley adjacent to Lots 4 through 6, the north 20 feet of Lot 7, and Lots 11 through 14, all located in Block 12, South Park Addition, Lincoln, Lancaster County, Nebraska, be and the same are hereby excluded from the boundaries of the Van Dorn Redevelopment Plan.
 2. On page 4, line 1, insert: BE IT FURTHER RESOLVED before the work "That" and remove the capitalization of the letter "T" in That.
 3. Modify Appendix A: Legal Description, Exhibits 2, 3, and 5, and any other references in the Van Dorn Redevelopment Plan (Attachment A to Bill No. 08R-120) which may be affected by the above-specified amendments to conform with such specific amendments.

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

MARVIN Moved to amend Bill No. 08R-120 as follows:

- (1) On page 3, line 16, after the word "for" insert the following words:
Redevelopment Activities: Public Improvements.
- (2) On page 3, line 16, after the word "projects" insert the following language:
identified on pages 18 - 19 of the Van Dorn Redevelopment Plan".

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

CLERK Read the following resolution, introduced by Ken Svoboda, moved by Jon Camp for adoption:

A-84904 WHEREAS, the City Council, after consideration of the Van Dorn Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on January 8, 2007; and directed the Urban Development Department to proceed with the preparation of a redevelopment plan for the Van Dorn Redevelopment Area; and

WHEREAS, the City's Urban Development Department has prepared the Van Dorn Redevelopment Plan ("Redevelopment Plan") to cover an area generally bounded by Hill Street to just north of Pioneers Boulevard and between South 7th Street to South 10th Street; and

WHEREAS, the Director of Urban Development has filed with the City Clerk the Redevelopment Plan generally consisting of public improvements to infrastructure including construction and repair of sidewalks, construction of streets, paving of gravel streets and alleys, construction of water mains, a trail connection between Boosalis Trail and Bison Trail and improvements to Van Dorn Park. The Redevelopment Plan also identifies commercial and industrial redevelopment projects for the Redevelopment Area. Said plan is attached hereto and marked Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (R.S. Supp. 2006); and

WHEREAS, on April 25, 2008 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject

to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on May 7, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachments "B" and "C" respectively; and

WHEREAS, said proposed Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on May 7, 2008 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on May 16, 2008 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on June 2, 2008 regarding the proposed Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on May 16, 2008 and May 23, 2008 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on June 2, 2008 regarding the proposed Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on June 2, 2008 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

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

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

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

4. That for Redevelopment Activities: Public Improvements projects identified on pages 18 - 19 of the Van Dorn Redevelopment Plan utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and Estimated Expenditures.

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

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

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

Introduced by Ken Svoboda

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 23, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June 23, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 3:33 P.M.

CAMP Moved to adjourn the City Council meeting of June 16, 2008.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant