

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 22, 2008 AT 5:30 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 September 15, 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.

**PUBLIC HEARING**

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2008, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000 - Don Herz, Finance Director came forward to introduce Lauren Wismer, bond counsel, and Scott Keene, Ameritas.

Lauren Wismer, City bond counsel, Gilmore & Bell, 1248 O Street, presented a substitute ordinance to reflect the changes made in the perimeter of the bond due to the situation on Wall Street by fixing the date to which the interest will be capitalized from 11/1/2008 to 11/1/2010. There is a change to the legal description changing the allowable interest rate from 6% to 7½%, also due to the situation on Wall Street, and specified the final maturity date of the bond cannot extend beyond 12/31/2023. There is also a change to the application of proceeds to allow for Capitol interest in Section 6.5.

Scott Keene, City financial advisor, Ameritas, stated the financing for the bonds will be \$3.6 million. Approximately \$3.1 million will be applied to the project, \$460,000 will be allocated for the capitalized interest account to handle the interest payment of the bond until the increment financing comes in, and \$70,000 will be for the cost of issuance. It is estimated the financing will be \$2.6 million. The bonds will be issued on a taxable basis.

This matter was taken under advisement.

VACATION 08002 - REQUEST OF WHITEHEAD OIL COMPANY TO VACATE THE NORTH-SOUTH ALLEY BETWEEN CAPITOL PARKWAY AND VACATED CADWALLADER'S COURT BETWEEN SOUTH 21ST STREET AND VACATED SOUTH 22ND STREET;

COMP. PLAN CONFORMITY 08015 - REQUEST OF WHITEHEAD OIL COMPANY TO DECLARE APPROXIMATELY 2,144.25 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 21ST STREET AND CAPITOL PARKWAY AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE ABUTTING PROPERTY OWNER - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing Whitehead Oil Company to state this is cleanup to finish the 21<sup>st</sup> and K Street project. He noted there should be a correction of Resolution 08-127 on page 2, line 4 to change the amount of \$6,433 to \$5,853. The reason for the change in amount is that Public Works Department requested the 20' x 20' triangle at the corners of 21<sup>st</sup> and L Streets be left out of the surplus property, therefore the adjustment in the price. They will be retaining as many of the perimeter trees as possibly can.

This matter was taken under advisement.

APPROVING AN ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN THE CITY AND SOUTHEAST COMMUNITY COLLEGE, RELATING TO BURN TOWER RENOVATION AND FIRE SUPPRESSION TRAINING, TO EXPAND THE USE OF MAINTENANCE FUNDS AND TO CHANGE THE DATE OF PAYMENT - Niles Ford, Fire Chief, came forward to state the addendum is for Southeast Community College to use the funds to update the burn tower used for training purposes.

This matter was taken under advisement.

APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 56TH STREET AND ARBOR ROAD REDEVELOPMENT PLAN TO ADD THE "NCS EQUIPMENT RENTAL PROJECT" FOR THE DEVELOPMENT OF A 23,147 SQUARE FOOT BUILDING ON PROPERTY GENERALLY DESCRIBED AS LOT 1, NORTHBANK JUNCTION 2ND ADDITION AND GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH 56TH STREET AND ALVO ROAD - David Landis, Director of Urban Development, stated this business started in Bertrand, Nebraska and has businesses in six other cities in Nebraska. It employs 200 people with 19 employees in Lincoln and are planning to add another 20. They need to meet 50% of sales outside Lancaster County and 105% of entry level jobs for these 20 jobs to be created to qualify for TIF funding which they do. NCS Equipment stated "But For" the use of TIF they would not have contemplated this location for their expansion. \$50,000 of TIF revenue will be spent for site grading, storm drains, paving of N. 54<sup>th</sup> St., sidewalks along 54<sup>th</sup> & 56<sup>th</sup> Streets, public water, utilities, street lights, etc. It was stated there will probably be more in the way of public needs than TIF will be able to be used for. When it comes time to draw up an agreement with NCS it would state that if jobs are not created NCS would reimburse a consistent amount of TIF that "undershot" the mark to do this.

This matter was taken under advisement.

APPROVING A SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS PURSUANT TO THE CONSERVATION AND PRESERVATION EASEMENT ACT BETWEEN THE CITY AND FIRETHORN GOLF COMPANY TO REVISE THE LEGAL DESCRIPTION TO PARTIALLY RELEASE A PORTION OF THE REAL PROPERTY FROM THE COVENANTS - Mark Wible, Manager of Firethorn Golf Course, 9301 Firethorn Lane, came forward to request the release of .2 of an acre to be released from conservation easement. This is a request of the builder which would give better views of the 18<sup>th</sup> green and fairway areas and also a view of the lake. This allows unit size to be consistent with what is in place there today. This was requested so eight additional townhome units could be developed on the property. The sewer connection with the City has been a smooth transition and October 1<sup>st</sup> is the date for public bid for a 16" extension of watermain. The owners of the property in the Thorns and the Fairways will be brought on City water systems first then will move north next spring.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 08015 - AMEND THE "COMMUNITY FACILITIES" CHAPTER OF THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT THE INTENT OF LANCASTER COUNTY TO CONSTRUCT A NEW ADULT CORRECTIONS FACILITY - Mike DeKalb, City-County Planning Dept., came to request language be added relative to a new adult corrections facility to reflect in the Comprehensive Plan as required by statute.

This matter was taken under advisement.

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

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

APPOINTING SCOTT E. HOFELING TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85024 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Scott E. Hofeling to the Community Forestry Advisory Board for a three-year term expiring August 17, 2011 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING JOHN WILLIAMS TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85025 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of John Williams to the Community Forestry Advisory Board for a three-year term expiring August 17, 2011 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING EMILY CASPER TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2011. RICHARD ESQUIVEL, 733 CUMINGS ST. - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85026 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Emily Casper to the Community Forestry Advisory Board for a three-year term expiring August 17, 2011 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING DENNIS SCHEER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85027 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dennis Scheer to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2011 is hereby approved.

Introduced by Doug Emery

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

APPOINTING SUSAN DEITCHLER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85028 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Susan Deitchler to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2011 is hereby approved.

Introduced by Doug Emery

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

APPOINTING RODNEY CONFER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85029 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rodney Confer to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2011 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING GEORGE HANCOCK TO THE BOARD OF ZONING APPEALS FOR A FIVE-YEAR

TERM EXPIRING MAY 2, 2013 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85030 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of George Hancock to the Board of Zoning Appeals for a five-year term expiring May 2, 2013 is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING DAVID SKIPTON TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2011 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85031 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of David Skipton to the Air Pollution Control Advisory Board for a three-year term expiring September 1, 2011 is hereby approved.

Introduced by Doug Emery

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

APPOINTING JEFFREY TOMHAVE AND WILBUR "BUD" DASENBROCK TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR TERMS EXPIRING NOVEMBER 1, 2010 AND SEPTEMBER 1, 2011, RESPECTIVELY - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85032 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jeffrey Tomhave and Wilbur "Bud" Dasenbrock to the Air Pollution Advisory Board for terms expiring November 1, 2010 and September 1, 2011, respectively, is hereby approved.

Introduced by Doug Emery

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

APPOINTING DR. KARLA K. LESTER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING APRIL 15, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85033 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Karla K. Lester to the Lincoln-Lancaster County Board of Health to fill an unexpired three-year term expiring April 15, 2010, is hereby approved.

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 COUNCIL ON SEPTEMBER 8, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 08040 - Requested by the Director of Planning amending Title 27 of the LMC related to Zoning.

Change of Zone No. 08043 - Requested by WRK, LLC from I-1 to B-4 on property located at N. 8<sup>th</sup> Street and M Street.

Change of Zone No. 08046 - Requested by the Historic Preservation Commission from B-2 to R-3 on property located at N. 14<sup>th</sup> Street and Morton Street.

Change of Zone No. 08048 - Requested by E-S-P on behalf of Hartland Homes, Inc. from R-3 to B-1 on property located at NW 48<sup>th</sup> Street and W. Cleveland Avenue.

Special Permit No. 1965A - Requested by E-S-P on behalf of Hartland Homes, Inc. for an amendment to the Hartland Homes NW 1<sup>st</sup> Addition Community Unit Plan to add 5 units to the previously approved 50 units and increase the boundary of the Community Unit Plan on property located at NW 48<sup>th</sup> Street and W. Cleveland Avenue.

Special Permit No. 08039 - Requested by Engineering Design Consultants, Stone Bridge View Community Unit Plan, for approximately 35 single family lots and 31 multi-family lots with requests to waive the lot to width ratio, lot width, and depth to width ratio on property located at Blanca Drive and Belford Street.

APPLICATION OF MCMANUS ENTERPRISES, INC. DBA HEIDELBERG'S FOR AN ADDITION TO PREMISES ADDING A BEER GARDEN APPROXIMATELY 14' X 42' LOCATED AT 4620

BAIR AVENUE [*Application is not approved. Hearing date is set for 10/6/08*] - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85034 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2008 at 1:30 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 Application of McManus Enterprises, Inc. dba Heidelberg's for an addition to premises adding a beer garden approximately 14' x 42' located at 4620 Bair Avenue.

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

Introduced by Dan Marvin

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

APPLICATION OF FIRETHORN GOLF COMPANY LLC DBA FIRETHORN GOLF CLUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 9301 FIRETHORN LANE [*Application is not approved. Hearing date is set for 10/6/08*] - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85035 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2008 at 1:30 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 Application of Firethorn Golf Club for a Class C liquor license located at 9301 Firethorn Lane.

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

Introduced by Dan Marvin

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

APPLICATION OF KABREDLO'S INC. DBA KABREDLO'S 126 FOR A CLASS D LIQUOR LICENSE LOCATED AT 4715 W. ADAMS STREET [*Application is not approved. Hearing date is set for 10/6/08*] - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85036 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 6, 2008 at 1:30 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 Application of Kabredlo's

Inc. dba Kabredlo's 126 for a Class D liquor license located at 4715 W. Adams St.

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

Introduced by Dan Marvin

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

#### LIQUOR RESOLUTIONS - NONE

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2008, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000 - CLERK read an ordinance, introduced by Doug Emery, authorizing the issuance of not to exceed \$3,750,000 Perot Systems Tax Allocation Bonds, Series 2008, for the purpose of (1) paying all or part of the costs of acquiring, constructing, equipping and furnishing certain improvements within the City's Perot Systems Redevelopment Project, including acquiring real estate and/or interests in real estate in connection therewith, (2) paying the interest on the bonds through and including November 1, 2008 and (3) paying the costs of issuance thereof; prescribing the form and certain details of the bonds; pledging certain tax allocation and other tax revenues to payment of the principal of and interest on the bonds as the same become due; limiting payment of the bonds to such tax allocation and other tax revenues; creating and establishing funds and accounts; authorizing the sale and delivery of the bonds; delegating, authorizing and directing the finance director to exercise his own independent discretion and judgment in determining and finalizing the terms and provisions with respect to the bonds not specified herein; providing for application of the proceeds of the bonds; taking other action and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

VACATION 08002 - REQUEST OF WHITEHEAD OIL COMPANY TO VACATE THE NORTH-SOUTH ALLEY BETWEEN CAPITOL PARKWAY AND VACATED CADWALLADER'S COURT BETWEEN SOUTH 21ST STREET AND VACATED SOUTH 22ND STREET. (RELATED ITEMS: 08-126, 08-127) - CLERK read an ordinance, introduced by Doug Emery, vacating

the north-south alley between Capitol Parkway and vacated Cadwallader's Court between South 21<sup>st</sup> Street and vacated 22<sup>nd</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

COMP. PLAN CONFORMITY 08015 - REQUEST OF WHITEHEAD OIL COMPANY TO DECLARE APPROXIMATELY 2,144.25 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 21ST STREET AND CAPITOL PARKWAY AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE ABUTTING PROPERTY OWNER. (RELATED ITEMS: 08-126, 08-127) - CLERK read an ordinance, introduced by Doug Emery, declaring 2,144.25 square feet of City-owned property generally located at the southeast corner of South 21<sup>st</sup> Street and Capitol Parkway as surplus and authorizing the sale thereof to the abutting property owner, the second time.

#### PUBLIC HEARING RESOLUTIONS

APPROVING AN ADDENDUM TO INTERLOCAL AGREEMENT BETWEEN THE CITY AND SOUTHEAST COMMUNITY COLLEGE, RELATING TO BURN TOWER RENOVATION AND FIRE SUPPRESSION TRAINING, TO EXPAND THE USE OF MAINTENANCE FUNDS AND TO CHANGE THE DATE OF PAYMENT - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85037 WHEREAS, an Interlocal Agreement between the City of Lincoln and Southeast Community College related to a burn tower renovation and fire suppression training was previously approved by the City Council on June 28, 2004 by Resolution No. A-82840; and

WHEREAS, the City and Southeast Community College desire to amend said Agreement for a change of date and to broaden the use of maintenance funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the Addendum to Interlocal Agreement which is attached hereto as Exhibit "A" is hereby approved and the Mayor is authorized to execute said Addendum on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Addendum to Dan Wright, Lincoln Fire and Rescue, for transmittal to Southeast Community College.

Introduced by Doug Emery

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

APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE NORTH 56TH STREET AND ARBOR ROAD REDEVELOPMENT PLAN TO ADD THE "NCS EQUIPMENT RENTAL PROJECT" FOR THE DEVELOPMENT OF A 23,147 SQUARE FOOT BUILDING ON PROPERTY GENERALLY DESCRIBED AS LOT 1, NORTHBANK JUNCTION 2ND ADDITION AND GENERALLY LOCATED AT THE NORTHWEST CORNER OF NORTH 56TH STREET AND ALVO ROAD - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85038 WHEREAS, the City Council on October 24, 2005, adopted Resolution No. A-83605 finding an area generally bounded by North 70th Street on the east, North 40th Street on the west, on either side of Interstate 80, and between Bluff Road on the north and Salt Creek on the south, except the Bluff Road Landfill Facility, to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the North 56th Street and Arbor Road Redevelopment Plan and amendments thereto (hereinafter the "North 56th Street and Arbor Road Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "NCS Equipment Rental Project", which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and the Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (2006 Cum. Supp.); and

WHEREAS, said proposed Amendments to the North 56th Street and Arbor Road Redevelopment Plan have been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation; and

WHEREAS, on August 15, 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 August 27, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on August 27, 2008 held a public hearing relating to the proposed Amendment to the North 56th Street and Arbor Road Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 5, 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 September 22, 2008 regarding the proposed Amendment, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on September 5, 2008 and September 12, 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 September 22, 2008 regarding the proposed Amendment to the Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on September 22, 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 Amendments to the North 56th Street and Arbor Road Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

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

WHEREAS, the City Council now desires to modify said Plan by establishing the "NCS Equipment Rental Project" in the area legally described as Lot 1, Northbank Junction 2nd Addition, Lincoln, Lancaster County, Nebraska ("NCS Equipment Rental Project Area"), to accommodate the future the development of a 23,147 square foot building.

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

1. That NCS Equipment Rental Project 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 incorporating the NCS Equipment Rental Project into 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 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 the NCS Equipment Rental Project would not be economically feasible without the use of tax-increment financing.

5. That said the NCS Equipment Rental Project would not occur in the Redevelopment Area without the use of tax-increment financing.

6. That 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 City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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

1. That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, The Amendments to the North 56th Street and Arbor Road Redevelopment Plan attached hereto as Attachment "A", establishing the NCS Equipment Rental Project, are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. 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 as they relate to the above-described amendments.

3. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary

funds, including Community Improvement Financing in accordance with the Community Development Law, to finance the related necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the North 56th Street and Arbor Road Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental to the findings, approvals, and authorizations as set forth in Resolution No. A-84050.

Introduced by Doug Emery

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

APPROVING A SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS PURSUANT TO THE CONSERVATION AND PRESERVATION EASEMENT ACT BETWEEN THE CITY AND FIRETHORN GOLF COMPANY TO REVISE THE LEGAL DESCRIPTION TO PARTIALLY RELEASE A PORTION OF THE REAL PROPERTY FROM THE COVENANTS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85039 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Second Amendment to Declaration of Protective Covenants, Conditions, and Restrictions Pursuant to the Conservation and Preservation Easement Act between the City of Lincoln and Firethorn Golf Company, to partially release a portion of the real property from the covenants as set forth in said Second Amendment, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

Introduced by Doug Emery

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

COMP. PLAN AMENDMENT 08015 - AMEND THE "COMMUNITY FACILITIES" CHAPTER OF THE 2030 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO REFLECT THE INTENT OF LANCASTER COUNTY TO CONSTRUCT A NEW ADULT CORRECTIONS FACILITY - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85040 WHEREAS, the Planning Director, on behalf of the Lancaster County Board of Commissioners, has made application to amend the 2030 Lincoln-Lancaster County Comprehensive Plan to amend the "Community Facilities" chapter to reflect the intent of Lancaster County to construct a new adult corrections facility in the area of S.W. 40th Street and West O Street; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval thereof.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be and the same is hereby amended in the following manner:

1. Amend the Community Facilities chapter of the Lincoln-Lancaster County Comprehensive Plan on page 129 to add the following to the list of strategies:

◆ The current adult corrections facility must be addressed in the near term.

2. Amend the Community Facilities Chapter of the Lincoln-Lancaster County Comprehensive Plan on page 131 to add the following paragraph under Law Enforcement:

**Adult Detention Facility**

The current County adult corrections facility is located next to the "Hall of Justice and Law Enforcement Center".

Planning has taken place for the building of a new jail facility on a site which should allow the County to accommodate the projected increase in future inmate numbers. The new facility is anticipated to be built in the near term on a site located at the corner of S.W. 40th Street and W. O Street.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Doug Emery

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)**

CHANGE OF ZONE 08030 - AMENDING SECTION 27.63.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PRESERVATION OF A HISTORIC STRUCTURE AS A PERMITTED SPECIAL USE TO ALLOW THE CITY COUNCIL TO GRANT ADJUSTMENTS TO THE HEIGHT AND AREA REGULATIONS OF THE DISTRICT IN WHICH A HISTORIC STRUCTURE IS LOCATED, AND REPEALING SECTION 27.63.400 AS HITHERTO EXISTING. (RELATED



ITEMS: 08-129, 08-130, 08R-231) - CLERK read an ordinance, introduced by Dan Marvin, amending Section 27.63.400 of the Lincoln Municipal Code relating to the preservation of a historic structure or site and reuse thereof as a permitted special use to allow the City Council to grant adjustments to the height and area regulations of the district in which a historic structure is located; and repealing Section 27.63.400 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08031 HP - APPLICATION OF CHARLES AND NANCY OGDEN TO DESIGNATE PROPERTY KNOWN AS THE GRISWOLD HOUSE AS A HISTORIC LANDMARK LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) - CLERK read an ordinance, introduced by Dan Marvin, 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.

SPECIAL PERMIT 08027 - APPLICATION OF CHARLES AND NANCY OGDEN TO PERMIT THE USE OF A DESIGNATED LANDMARK (HISTORIC STRUCTURE) FOR A SINGLE FAMILY DWELLING TO ALSO INCLUDE CONSTRUCTION OF A CARRIAGE HOUSE (GUEST HOUSE PLUS GARAGE) AS AN ACCESSORY USE AND TO MODIFY THE REAR AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) (ACTION DATE: 10/6/08)

CHANGE OF ZONE 08045 - AMENDING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THAT GROUP HOMES MUST COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODE REQUIREMENTS AND TO ADD DOMICILIARY CARE FACILITY AND ELDERLY OR RETIREMENT HOUSING AS A CONDITIONAL PERMITTED USE IN THE R-5, R-6, R-7, R-8, AND O-3 ZONING DISTRICTS, AND REPEALING SECTIONS 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025 AND 27.67.040 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.19.030, 27.21.030, 27.23.030, 27.24.030, and 27.27.025 to clarify that group homes must comply with all applicable state and local code requirements and to add domiciliary care facility and elderly or retirement housing as a conditional permitted use in the R-5, R-6, R-7, R-8, and O-3 zoning districts, respectively; amending Section 27.67.040 to provide that a parking stall with a minimum width of twelve feet shall be required at the rate of one space for every ten stalls required for elderly or retirement housing; and repealing Sections 27.19.030, 27.21.030, 27.23.030, 27.24.030, 27.27.025, and 27.67.040 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08047 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM H-3 COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to 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)**

COMP. PLAN CONFORMITY 07023 - DECLARING APPROXIMATELY 2,739 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 46TH STREET AND O STREET AS SURPLUS. (RELATED ITEMS: 08-69, 08-68) - CLERK read an ordinance, introduced by Jonathan Cook, declaring approximately 2,739 square feet of City-owned property generally located at South 46<sup>th</sup> Street and O Street as surplus and authorizing the sale thereof, the third time.

COOK 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 **#19143**, is recorded in Ordinance Book #26, Page

VACATION 07008 - VACATING A PORTION OF SOUTH 46TH STREET ABUTTING O STREET CONSISTING OF APPROXIMATELY 2,249 SQUARE FEET AND RETAINING TITLE THERETO. (RELATED ITEMS: 08-69, 08-68) - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of S. 46<sup>th</sup> Street abutting O Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

COOK 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 **#19144**, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 2.76 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PERSONNEL SYSTEM BY AMENDING SECTION 2.76.380, SICK LEAVE WITH PAY, AND

SECTION 2.76.395, VACATION LEAVE WITH PAY, TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES WITH A PAY RANGE PREFIXED BY "N" OR "X" NOT REPRESENTED BY A BARGAINING UNIT - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's Personnel System by amending Section 2.76.380, Sick Leave with Pay, to increase from 40 hours to 60 hours the maximum number of hours an employee with a pay range prefixed by "N" or "X" may be granted in each calendar years for illness in the employee's immediate family; amending Section 2.76.395, Vacation Leave with Pay, to increase the amount of vacation earned at specified years of service and to add a level of vacation accrual after 12 years of service for employees with a pay range prefixed by "N" or "X"; and repealing Section 2.76.380 and 2.76.395 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK 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 #19145, is recorded in Ordinance Book #26, Page

AMENDING SECTION 2.78.020, MANAGEMENT COMPENSATION PLAN, OF THE LINCOLN MUNICIPAL CODE TO REFLECT NEGOTIATED CHANGES AND CHANGES APPLICABLE TO EMPLOYEES WITH A PAY RANGE PREFIXED BY "M" NOT REPRESENTED BY A BARGAINING UNIT - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 2.78.020 of the Lincoln Municipal Code relating to Annual Leave under the City's Management Compensation Plan to increase from 40 hours to 60 hours the maximum number of hours of unused annual leave that employees with a pay range prefixed by the letter "M" may carry over, and for "M" class employees with a 56-hour work week to increase such hours from 60 hours to 80 hours; and repealing Sections 2.78.020 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Svoboda; NAYS: Spatz.  
The ordinance, being numbered #19146, is recorded in Ordinance Book #26, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X - CLERK read an ordinance, introduced by Jonathan Cook, adopting pay schedules and schedules of pay ranges for employees for the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18974, passed by the City Council on August 6, 2007, the third time.

COOK 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 #19147, is recorded in Ordinance Book #26, Page

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NEBRASKA FROM SEPTEMBER 1, 2008 TO AUGUST 31, 2009 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE 68358 for a term beginning September 1, 2008 through August 31, 2009, the third time.

COOK 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 #19148, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 21 OF THE LINCOLN MUNICIPAL CODE, THE LINCOLN HOUSING CODE, BY AMENDING SECTIONS 21.01.185 AND 21.01.212 RELATING TO MAINTENANCE OF PREMISES AND INADEQUATE MAINTENANCE, RESPECTIVELY, TO PROVIDE THAT THE USE OF INDOOR UPHOLSTERED FURNITURE OUTDOORS CONSTITUTES INADEQUATE MAINTENANCE AND REPEALING SECTIONS 21.01.185 AND 21.01.212 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 21.01.185 and Section 21.01.212 of the Lincoln Municipal Code relating to Maintenance of Premises and Inadequate Maintenance, respectively, to provide that the use of indoor upholstered furniture outdoors constitutes inadequate maintenance; and repealing Sections 21.01.185 and 21.01.212 of the Lincoln Municipal Code as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.  
Seconded by Emery & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz; NAYS: Camp, Svoboda.  
The ordinance, being numbered #19149, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF. (1/28/08 - ACTION DELAYED 2 WKS TO 2/11/08) (2/11/08 - PLACED ON PENDING INDEFINITELY) (8/25/08 - REMOVED FROM PENDING TO HAVE P.H. IN 3 WKS. ON 9/15/08 W/ACTION ON 9/22/08) - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately 43,200 square feet of City-owned property generally located near N.W. 52<sup>nd</sup> Street and West Huntington Avenue as surplus and authorizing the sale thereof, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19150, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP            Moved to extend the Pending List to September 29, 2008.  
                  Seconded by Svoboda & 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  
                  September 29, 2008.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
                  Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT    2:28 P.M.

CAMP            Moved to adjourn the City Council meeting of September 22, 2008.  
                  Seconded by Svoboda & 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



