

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 21, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Christensen, Cook, Emery, Fellers, Gaylor Baird; City Clerk, Teresa J. Meier; Absent: Camp.

Council Chair Eskridge announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

EMERY Having been appointed to read the minutes of the City Council proceedings of October 14, 2013 reported having done so, found same correct. Seconded by Fellers & carried by the following vote: AYES: Christensen, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

PUBLIC HEARING

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #2 FOR A CLASS D LIQUOR LICENSE AT 240 N. 17TH STREET;

MANAGER APPLICATION OF ARDITH A. BUERSTETTA FOR WHITEHEAD OIL COMPANY DBA U-STOP #2 AT 240 N. 17TH STREET;

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #3 FOR A CLASS D LIQUOR LICENSE AT 610 S. 10TH STREET;

MANAGER APPLICATION OF MICHAEL L. STARKEY FOR WHITEHEAD OIL COMPANY DBA U-STOP #3 AT 610 S. 10TH STREET;

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #5 FOR A CLASS D LIQUOR LICENSE AT 8231 EAST O STREET;

MANAGER APPLICATION OF THOMAS L. DAVISON FOR WHITEHEAD OIL COMPANY DBA U-STOP #5 AT 8231 EAST O STREET;

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #6 FOR A CLASS D LIQUOR LICENSE AT 942 S. 27TH STREET;

MANAGER APPLICATION OF BOBBIE J. STEPHENSON FOR WHITEHEAD OIL COMPANY DBA U-STOP #6 AT 942 S. 27TH STREET;

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #7 FOR A CLASS D LIQUOR LICENSE AT 5600 S. 56TH STREET;

MANAGER APPLICATION OF MATTHEW M. PRUSA FOR WHITEHEAD OIL COMPANY DBA U-STOP #7 AT 5600 S. 56TH STREET - Doug Larkins, U-Stop District Manager, came forward to testify on behalf of the stores. Each location currently has a liquor license and manager. U-Stop is installing new managers and moving current managers to new locations, two are current managers and the remaining are new applicants. They are applying for a Class D license because the new Apples Ale, Angry Orchards, cider brew and malt beverages do not qualify under their current license. U-Stop is not looking to expand their liquor selection in any way. Discussion followed.

This matter was taken under advisement.

APPLICATION OF KIECHEL FINE ART LLC DBA KIECHEL FINE ART FOR A CLASS C LIQUOR LICENSE AT 1208 O STREET;

MANAGER APPLICATION OF FREDERIC KIECHEL IV FOR KIECHEL FINE ART LLC DBA KIECHEL FINE ART AT 1208 O STREET - Frederick Buck Kiechel, owner of Kiechel Fine Art, came forward to explain his business. He recently purchased a property at 1208 O St., formally known as the D Building. It is currently under construction and is being upgraded. He wants to eventually hold public events, such as First Friday, at this location. Frederick and his staff have taken and passed the online courses, and Frederick is currently scheduled to take the RHC class training next month. Discussion followed.

This matter was taken under advisement.

APPROVING THE 21ST AND N REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HOPPE BROTHERS LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN L AND N, 21ST AND THE ANTELOPE VALLEY CHANNEL; K AND L, 20TH TO ANTELOPE VALLEY PARKWAY, AND CITY RIGHT-OF-WAY ALONG N STREET FROM S. 17TH STREET THROUGH THE S. 23RD STREET INTERSECTION AND L STREET FROM S. ANTELOPE VALLEY PARKWAY TO 21ST STREET. (RELATED ITEMS: 13R-241, 13R-242, 13-129) (ACTION DATE: 10/28/13);

APPROVING AN AMENDMENT TO THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE ~~\$4,474,000~~ \$4,763,000 IN TIF FUNDS FOR THE 21ST AND N REDEVELOPMENT PROJECT. (RELATED ITEMS: 13R-241, 13R-242, 13-129) (ACTION DATE: 10/28/13);

AUTHORIZING THE ISSUANCE OF 21ST AND N STREETS REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 13R-241, 13R-242, 13-129)- Tim Sieh, City Attorney's Office, came forward to testify on behalf of City Law. In discussion with Rick Hoppe from the Mayors Office, we are requesting a delay for public hearing until next Monday on items #21 and #22 and hold open the public hearing for the bond ordinance for item #23.

REGULAR MEETING
October 21, 2013
Page 64

Tom Huston, 233 S. 13th St., came forward. We have been operating based upon the premise that we would have ultimate approval since the beginning of the negotiation process in April. Certain things have to occur prior to the end of 2013 including demolition of existing improvements. We had made arrangements with demolition contractors to be on-site, we request action next Monday. We understand there can be a delay, however, a lot of plans have been made that would have to be altered. We would like to avoid those if we can. Discussion followed.

This matter was taken under advisement.

CREATING PAVING DISTRICT NO. 2633 IN WEST NANCE AVENUE FROM N.W. 8TH STREET TO N.W. 9TH STREET - Tom Schaffer, Public Works and Utilities, received a request to pave W. Nance Street from N.W. 8th to N.W. 9th. The requesters are Heather and Chris Nunn who are present today. There are 8 properties affected by this. Creation of this district does not mean the paving will occur, it will nearly mean the petition process can begin. Over 50% of the frontage needs to be petitioned in order for construction of this at a later time. Discussion followed.

Chris Nunn, no address given, came forward to testify in support.

Heather Nunn, no address given, came forward to testify in support.

This matter was taken under advisement.

CHANGE OF ZONE 05026C - APPLICATION OF DICKEY'S BARBEQUE TO AMEND THE APPLE'S WAY PLANNED UNIT DEVELOPMENT TO DELETE THE NOTE WHICH PROHIBITS FAST FOOD RESTAURANTS WITH DRIVE-THROUGH FACILITIES AND BUSINESSES WHICH OPERATE 24 HOURS A DAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND HIGHWAY 2 - Derrick Zimmerman, Baylor Evnen Law Firm, 1248 O St. Suite 600, representing the developer of Apple's Way. This is an application for a proposed amendment to the Apples Way PUD which was approved initially in 2005. The application seeks to amend note 33 of the PUD, asking to remove the fast food restriction. This amendment will only apply to this particular existing building, Lot 3 Block 3. Today's request is to confirm that Dickies BBQ can operate on this premises and use the drive through facility.

Will Carter, no address given, owner of Dickies BBQ, came forward to testify in support.

Marvin Krout, Planning, came forward to discuss the agreement between the Country Meadows Neighborhood and the developer, as well as the lack of definition for the term "fast food". Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 13021 - APPLICATION OF BRUCE BRINKMAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND EIGER DRIVE - Danay Kalkowski, Seacrest and Kalkowski, 1111 Lincoln Mall, appearing today on behalf of Mr. Brinkman. Mr. Brinkman is the owner of a 1.12 acre parcel located on the west side of 84th St. south of Eiger Dr., requesting a change of zone from AGR to O-3. His property is currently surrounded by commercially zoned property. The future land use on this site is commercial, and has been discussed with the neighbors that surround him and they have no problem with the request. This change of zone is recommended for approval by the Planning department.

This matter was taken under advisement.

AMENDING SECTIONS 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, AND 6.12.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS TO DELETE THE WORDS "HOBBY KENNEL" AS IT IS AN OBSOLETE AND DUPLICATIVE TERM;

AMENDING SECTION 6.04.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO SHELTER FEES TO INCREASE THE FIRST TIME IMPOUNDMENT FEE BY \$5.00 PER ANIMAL;

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS AND POTENTIALLY DANGEROUS DOGS, BY DELETING SECTION 6.10.100, BITES UNLAWFUL, AND AMENDING SECTION 6.10.090, CONFISCATION, TO DELETE A REFERENCE TO SAID SECTION 6.10.100- Judy Halstead, Health Department, came forward to explain items #28, #29 and #30. Item #28 is requesting to remove the term "Hobby Kennel" and use the term Catery from now on. Item #29 is increasing the impound fees from \$35 to \$40 dollars. Item #30 is to eliminate 6.10.100 "Bites Unlawful" since the definition already appears in another section of the ordinance.

This matter was taken under advisement.

APPLICATION OF MONTY FROEHLICH TO USE THE PUBLIC RIGHT-OF-WAY AT 815 O STREET FOR A CONCRETE LEVEL SLAB TO SERVE AS AN OUTDOOR DINING AREA - Buff Baker, Public Works, came forward. There is enough slope in the sidewalk area in front of the establishment for them to install a concrete slab for their outdoor dining area. They plan on putting a model layer underneath the concrete slab so when it comes for the time of removal they don't have to destroy the sidewalk they can just slip the concrete out of there. There is adequate space between the edge of the concrete slab and existing curb line, approximately 16 feet. Discussion followed.

This matter was taken under advisement.

MISC. NO. 13002 - DECLARING THE PIEDMONT REDEVELOPMENT AREA CONSISTING OF APPROXIMATELY 8.6 ACRES GENERALLY LOCATED BETWEEN A STREET AND C STREET FROM 50TH STREET TO COTNER BOULEVARD, AS BLIGHTED AND SUBSTANDARD - Dave Landis, Urban Development, came forward. There are a few structural parameters of the building that are needing to be reconstructed, the sewer system was built in 1920, and the building was built in 1973. These are some of the many pieces of statute that qualify this property as being substandard and blighted. Urban development, City Planning, and the Planning Commission agree that this area is substandard and blighted and are now asking the City Council to agree, allowing us to move forward for a redevelopment plan for the area and then to follow a redevelopment agreement with the developer.

Steve Glen, owner of Piedmont shopping center as of June 2013, came forward to testify in support. Discussion followed.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

REAPPOINTING PATRICK FINNEGAN TO THE CITIZEN POLICE ADVISORY BOARD FOR A TERM EXPIRING NOVEMBER 17, 2016 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87611 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Patrick Finnegan to the Citizen Police Advisory Board for a term expiring November 17, 2016, is hereby approved.

Introduced by Roy Christensen

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPOINTING BRADLEY BRANDT TO THE PARKS AND RECREATION ADVISORY BOARD FOR A TERM EXPIRING APRIL 27, 2014 - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87612 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Bradley Brandt to the Parks and Recreation Advisory Board for a term expiring April 27, 2014, is hereby approved.

Introduced by Roy Christensen

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPROVING A CONTRACT AGREEMENT BETWEEN THE CITY OF LINCOLN AND ROCHESTER ARMORED CAR FOR THE ANNUAL REQUIREMENTS FOR ARMORED CAR SERVICES, PURSUANT TO BID NO. 13-280, FOR A TWO YEAR TERM WITH THE OPTION TO RENEW FOR AN ADDITIONAL TWO YEAR TERM - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87613 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Contract Agreement between the City of Lincoln and Rochester Armored Car for the annual requirements for Armored Car Services, pursuant to Bid No. 13-280, for a two-year term with the option to renew for one additional two-year term, upon the terms and conditions as set forth in said Contract Agreement, is hereby approved and the Mayor is authorized to execute the same and any associated amendments or renewals on behalf of the City of Lincoln.

Introduced by Roy Christensen

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON OCTOBER 7, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, NOV. 25, 2013, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

13-133 PROVIDE AUTHORITY TO CREATE AND ORDER CONSTRUCTED A WATER DISTRICT AT SW 6TH ALONG W. PROSPECTOR CT., SW 6TH ST., & W. HIGH ST. - Approved, 6-0.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 4, 2013 AT 3:00 P.M. FOR THE APPLICATION OF HOLLENBECK FARMS LLC DBA HF CRAVE FOR A CLASS A LIQUOR LICENSE LOCATED AT 7030 S. 61ST STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87614 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 4, 2013, at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE for the application of Hollenbeck Farms LLC dba HF Crave for a Class A liquor license located at 7030 S. 61st Street.

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

Introduced by Jonathan Cook

Seconded by Christensen and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None. ABSENT: Camp.

REGULAR MEETING
October 21, 2013
Page 66

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 13074 TO FINAL PLAT NO. 12104, APPROVED BY THE PLANNING DIRECTOR ON OCTOBER 15, 2013, REQUESTED BY CIVIL DESIGN GROUP, TO CORRECT THE MISSING LABEL OF N. 91ST COURT ON THE FINAL PLAT FOR PRAIRIE VILLAGE NORTH 6TH ADDITION, ON PROPERTY GENERALLY LOCATED AT N. 91ST ST. AND MUSTANG DR.

REFERRALS TO THE PLANNING DEPARTMENT:

TEXT AMENDMENT NO. 13006 - REQUESTED BY THE DIRECTOR OF PLANNING, AMENDING CHAPTER 27.72 OF THE LINCOLN MUNICIPAL CODE, HEIGHT AND LOT REGULATIONS, BY AMENDING SECTION 27.72.020 TO REDUCE THE REQUIRED REAR YARD IN THE R-1 THROUGH R-4 ZONING DISTRICTS FOR SINGLE- AND TWO- FAMILY DWELLINGS.

CHANGE OF ZONE NO. 13022 - REQUESTED BY LINCOLN AIRPORT AUTHORITY, FROM P PUBLIC USE DISTRICT AND AG AGRICULTURE DISTRICT TO I -1 INDUSTRIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT OLD WOODLAWN ROAD AND HIGHWAY 34.

CHANGE OF ZONE NO. 13024 - REQUESTED BY CHARLES EARLEY, FROM R-2 RESIDENTIAL DISTRICT TO R-5 RESIDENTIAL DISTRICT, ON PROPERTY GENERALLY LOCATED AT N. 49TH STREET AND GARLAND STREET.

SPECIAL PERMIT NO. 13047 - REQUESTED BY KATHY SARTORE, FOR HISTORIC PRESERVATION, TO PERMIT A LANDMARK PROPERTY KNOWN AS THE LEWIS-SYFORD HOUSE TO BE USED AS A RESIDENCE FOR UP TO FIVE UNRELATED INDIVIDUALS, ON PROPERTY GENERALLY LOCATED AT NORTH 16TH STREET AND VINE STREET.

SPECIAL PERMIT NO. 13048 - REQUESTED BY BRYAN WOODBURY, FOR HISTORIC PRESERVATION, TO REDUCE THE AMOUNT OF PARKING ON A LANDMARK PROPERTY BEING USED AS A SORORITY, KNOWN AS THE ATWOOD HOUSE, ON PROPERTY GENERALLY LOCATED AT SOUTH 17TH STREET AND G STREET.

LIQUOR RESOLUTIONS

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #2 FOR A CLASS D LIQUOR LICENSE AT 240 N. 17TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87615 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 Whitehead Oil Company dba U-Stop #2 for a Class "D" liquor license at 240 N. 17th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF ARDITH A. BUERSTETTA FOR WHITEHEAD OIL COMPANY DBA U-STOP #2 AT 240 N. 17TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87616 WHEREAS, Whitehead Oil Company dba U-Stop #2 located at 240 N. 17th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ardith A. Buerstetta be named manager;

WHEREAS, Ardith A. Buerstetta appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Ardith A. Buerstetta be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #3 FOR A CLASS D LIQUOR LICENSE AT 610 S. 10TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87617 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 Whitehead Oil Company dba U-Stop #3 for a Class "D" liquor license at 610 S. 10th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF MICHAEL L. STARKEY FOR WHITEHEAD OIL COMPANY DBA U-STOP #3 AT 610 S. 10TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87618 WHEREAS, Whitehead Oil Company dba U-Stop #3 located at 610 S. 10th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Michael L. Starkey be named manager;

WHEREAS, Michael L. Starkey appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael L. Starkey be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #5 FOR A CLASS D LIQUOR LICENSE AT 8231 EAST O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87619 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 Whitehead Oil Company dba U-Stop #5 for a Class "D" liquor license at 8231 East O Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF THOMAS L. DAVISON FOR WHITEHEAD OIL COMPANY DBA U-STOP #5 AT 8231 EAST O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87620 WHEREAS, Whitehead Oil Company dba U-Stop #5 located at 8231 East O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Thomas L. Davison be named manager;

WHEREAS, Thomas L. Davison appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Thomas L. Davison be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

REGULAR MEETING
October 21, 2013
Page 68

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #6 FOR A CLASS D LIQUOR LICENSE AT 942 S. 27TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87621 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 Whitehead Oil Company dba U-Stop #6 for a Class "D" liquor license at 942 S. 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF BOBBIE J. STEPHENSON FOR WHITEHEAD OIL COMPANY DBA U-STOP #6 AT 942 S. 27TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87622 WHEREAS, Whitehead Oil Company dba U-Stop #6 located at 942 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Bobbie J. Stephenson be named manager;

WHEREAS, Bobbie J. Stephenson appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Bobbie J. Stephenson be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPLICATION OF WHITEHEAD OIL COMPANY DBA U-STOP #7 FOR A CLASS D LIQUOR LICENSE AT 5600 S. 56TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87623 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 Whitehead Oil Company dba U-Stop #7 for a Class "D" liquor license at 5600 S. 56th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF MATTHEW M. PRUSA FOR WHITEHEAD OIL COMPANY DBA U-STOP #7 AT 5600 S. 56TH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87624 WHEREAS, Whitehead Oil Company dba U-Stop #7 located at 5600 S. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Matthew M. Prusa be named manager;

WHEREAS, Matthew M. Prusa appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matthew M. Prusa be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPLICATION OF KIECHEL FINE ART LLC DBA KIECHEL FINE ART FOR A CLASS C LIQUOR LICENSE AT 1208 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87625 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 Kiechel Fine Art LLC dba Kiechel Fine Art for a Class "C" liquor license at 1208 O Street, Lincoln, Nebraska, for the license period ending October 31, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF FREDERIC KIECHEL IV FOR KIECHEL FINE ART LLC DBA KIECHEL FINE ART AT 1208 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-87626 WHEREAS, Kiechel Fine Art LLC dba Kiechel Fine Art located at 1208 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Frederic Kiechel IV be named manager;

WHEREAS, Frederic Kiechel IV appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Frederic Kiechel IV be approved as manager of this business for said license.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

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

APPROVING THE 21ST AND N REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND HOPPE BROTHERS LLC RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN L AND N, 21ST AND THE ANTELOPE VALLEY CHANNEL; K AND L, 20TH TO ANTELOPE VALLEY PARKWAY, AND CITY RIGHT-OF-WAY ALONG N STREET FROM S. 17TH STREET THROUGH THE S. 23RD STREET INTERSECTION AND L STREET FROM S. ANTELOPE VALLEY PARKWAY TO 21ST STREET. (RELATED ITEMS: 13R-241, 13R-242, 13-129) (ACTION DATE: 10/28/13) - PRIOR TO READING:

COOK Moved to continue public hearing with action on 10/28/13.

Seconded by Christensen and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

APPROVING AN AMENDMENT TO THE FY 13/14 CIP TO AUTHORIZE AND APPROPRIATE \$4,474,000 IN TIF FUNDS FOR THE 21ST AND N REDEVELOPMENT PROJECT. (RELATED ITEMS: 13R-241, 13R-242, 13-129) (ACTION DATE: 10/28/13)- PRIOR TO READING:

COOK Moved to continue public hearing with action on 10/28/13.

Seconded by Christensen and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

AUTHORIZING THE ISSUANCE OF 21ST AND N STREETS REDEVELOPMENT PROJECT TAX ALLOCATION BONDS. (RELATED ITEMS: 13R-241, 13R-242, 13-129) - PRIOR TO READING:

COOK Moved to continue public hearing with action on 10/28/13.

Seconded by Christensen and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

CLERK Read an ordinance, introduced by Roy Christensen, authorizing and providing for the issuance of City of Lincoln, Nebraska Tax Allocation Bonds, Notes or other obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$5,000,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's 21st & N Streets Redevelopment Project Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other

obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the finance director to exercise his independent discretion and judgement in determining and finalizing certain terms and provision of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

CREATING PAVING DISTRICT NO. 2633 IN WEST NANCE AVENUE FROM N.W. 8TH STREET TO N.W. 9TH STREET - CLERK read an ordinance, introduced by Roy Christensen, creating Paving District No. 2633, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CHANGE OF ZONE 05026C - APPLICATION OF DICKEY'S BARBEQUE TO AMEND THE APPLE'S WAY PLANNED UNIT DEVELOPMENT TO DELETE THE NOTE WHICH PROHIBITS FAST FOOD RESTAURANTS WITH DRIVE-THROUGH FACILITIES AND BUSINESSES WHICH OPERATE 24 HOURS A DAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND HIGHWAY 2 - CLERK read an ordinance, introduced by Roy Christensen, amending the Development Plan for the Apple's Way Planned Unit Development on property generally located at South 66th Street and Highway 2 and legally described as Lot 1 and Lot 2, Block 1, Lots 1-5, Block 3, and Outlot B, all in Apples Way Addition, and Lots 1 and 2, Apples Way 1st Addition, Lincoln, Lancaster County, Nebraska, to allow fast food restaurants with drive-through facilities aspermitted uses on Lot 3, Block 3, Apples Way Addition, the second time.

CHANGE OF ZONE 13017 - APPLICATION OF DARYLL LIGHTNER FOR A CHANGE OF ZONE FROM AG AGRICULTURE DISTRICT AND R-2 RESIDENTIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT, AND FROM AG AGRICULTURE DISTRICT, R-2 RESIDENTIAL DISTRICT AND H-3 HIGHWAY COMMERCIAL DISTRICT TO P PUBLIC USE DISTRICT, ON PROPERTY GENERALLY LOCATED AT N.W. 27TH STREET AND WEST VINE STREET - CLERK read an ordinance, introduced by Roy Christensen, 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 second time.

CHANGE OF ZONE 13021 - APPLICATION OF BRUCE BRINKMAN FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND EIGER DRIVE - CLERK read an ordinance, introduced by Roy Christensen, 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 second time.

AMENDING SECTIONS 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, AND 6.12.145 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS TO DELETE THE WORDS "HOBBY KENNEL" AS IT IS AN OBSOLETE AND DUPLICATIVE TERM - CLERK read an ordinance, introduced by Roy Christensen, amending Sections 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, and 6.12.145 of the Lincoln Municipal Code relating to Cats to delete the words "hobby kennel" as it is an obsolete and duplicative term; and repealing Sections 6.02.300, 6.12.045, 6.12.130, 6.12.132, 6.12.136, 6.12.140, and 6.12.145 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 6.04.150 OF THE LINCOLN MUNICIPAL CODE RELATING TO SHELTER FEES TO INCREASE THE FIRST TIME IMPOUNDMENT FEE BY \$5.00 PER ANIMAL - CLERK read an ordinance, introduced by Roy Christensen, amending Section 6.04.150 of the Lincoln Municipal Code relating to Shelter Fees to increase the first time impoundment fee by \$5.00 per animal; and repealing Section 6.04.150 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE, DANGEROUS AND POTENTIALLY DANGEROUS DOGS, BY DELETING SECTION 6.10.100, BITES UNLAWFUL, AND AMENDING SECTION 6.10.090, CONFISCATION, TO DELETE A REFERENCE TO SAID SECTION 6.10.100 - CLERK read an ordinance, introduced by Roy Christensen, amending Chapter 6.10 of the Lincoln Municipal Code, Dangerous and Potentially Dangerous Dogs, by deleting Section 6.10.100, Bites Unlawful, and amending Section 6.10.090, Confiscation, to delete a reference to said Section 6.10.100; and repealing Section 6.10.090 of the Lincoln Municipal code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

APPLICATION OF MONTY FROEHLICH TO USE THE PUBLIC RIGHT-OF-WAY AT 815 O STREET FOR A CONCRETE LEVEL SLAB TO SERVE AS AN OUTDOOR DINING AREA - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-87627 WHEREAS, Monte Froehlich, on behalf of Monte L. Froehlich and Lisa R. Froehlich (collectively "Owners") has submitted an application for a permit to use approximately 273 square feet of public right-of-way abutting the north side of the Owner's property at 815 O Street to install a 19'5" by 14'0" concrete slab for outdoor seating/sidewalk cafe in the right-of-way; and

WHEREAS, the applicant, on behalf of the Owners, has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, the Owners have complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the Owners' application to use approximately 273 square feet of public right-of-way on the north side of the building at 815 O Street for installation of a concrete slab to be used for outdoor seating/sidewalk café, be and is hereby granted as a privilege only and subject to strict compliance with the following terms, conditions and requirements:

1. Use of the public right-of-way is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment for rent as set forth in Section 14.54.090 and as it may be amended from time to time for the use of the surface of the public right-of-way.

2. Use of the public right-of-way shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The Owners, their heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. The Owners shall require their contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.

5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

6. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Owners, their successors and assigns.

7. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named Owners shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Roy Christensen

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None. ABSENT: Camp

MISC. NO. 13002 -- DECLARING THE PIEDMONT REDEVELOPMENT AREA CONSISTING OF APPROXIMATELY 8.6 ACRES GENERALLY LOCATED BETWEEN A STREET AND C STREET FROM 50TH STREET TO COTNER BOULEVARD, AS BLIGHTED AND SUBSTANDARD - PRIOR TO READING:

COOK Moved Motion to Amend No. 1 to amend Bill No. 13R-244 by accepting the attached Attachment "A" Blight and Substandard Determination Study for the Piedmont Redevelopment Area to replace Attachment "A" previously provided with Bill No. 13R-244.

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

CLERK Read the following resolution, introduced by Roy Christensen, who moved its adoption as amended:

A-87628 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes of 1943, as amended, known as the Community Development Law, is the urban renewal and redevelopment law for the State of Nebraska and prescribes the requirements and procedures for the planning and implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the laws of the State of Nebraska applicable to cities of the primary class has duly prepared and approved a general plan for the development of the City known as its Comprehensive Plan, all as required by Section 18-2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the Piedmont Redevelopment Area, generally bounded by A Street, C Street, 50th Street, and Cotner Boulevard, as shown and described on Attachment "A" (entitled Piedmont Redevelopment Area Blight and Substandard Determination Study); and

WHEREAS, this Council has received and duly considered other evidence, including evidence relating to the scope and limitations of the nearby redevelopment plans in the area, and the inability of the other plans to effectively remedy the substandard and blighted conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of Nebraska requires that said area must be found to be both substandard and blighted in order for tax increment financing to be used in said area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the Piedmont Redevelopment Area, this Council as governing body of the City, by resolution, after review and recommendation from the Lincoln City Lancaster County Planning Commission, find and determine that said area is both a substandard and blighted area as defined in said Community Development Law, and in need of redevelopment; and

WHEREAS, on September 20, 2013, 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 a 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 October 2, 2013, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the Piedmont Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on October 2, 2013 recommended that the Piedmont Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said Piedmont Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on October 4, 2013 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 October 21, 2013 regarding the proposed determination that the Piedmont Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 4, 2013 and October 11, 2013 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 October 21, 2013 regarding the proposed determination that the Piedmont Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 21, 2013 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 determination that the Piedmont Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law 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 determination.

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Piedmont Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the Piedmont Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

3. That it is hereby found and determined that said area is an eligible site for redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

4. That 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.

5. 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 aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new

redevelopment plan and associated projects for the Piedmont Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Roy Christensen

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None; ABSENT: Camp.

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

APPROVING A SUBLEASE AGREEMENT BETWEEN EXPERIENCE WORKS AND THE CITY OF LINCOLN FOR THE SUBLEASE BY EXPERIENCE WORKS OF 316.74 SQUARE FEET OF SPACE AT 1111 O STREET FOR PURPOSES OF WORKFORCE INVESTMENT ACT SERVICES AND THE AMERICAN JOB CENTER FOR A ONE YEAR TERM OF OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014 WITH THE OPTION TO RENEW FOR THREE ADDITIONAL ONE YEAR TERMS - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Experience Works for the sublease of space at 1111 O Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2013 through September 30, 2014 with the option to renew for three additional one year terms, whereby the City of Lincoln is subleasing space to Experience Works for the purposes of Workforce Investment Act Services and the American Job Center, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19930**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO BODY ART ESTABLISHMENTS BY AMENDING SECTION 8.08.060 TO INCREASE THE PERMIT FEES FOR A BODY ART ESTABLISHMENT AND AMENDING SECTION 8.08.350 TO INCREASE THE REINSTATEMENT FEE FOR A BODY ART ESTABLISHMENT - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.08 of the Lincoln Municipal Code relating to Body Art Establishments by amending Section 8.08.060 to increase the permit fees for a body art establishment; amending Section 8.08.350 to increase the reinstatement fee for a body art establishment; and repealing Sections 8.08.060 and 8.08.350 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Fellers and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19931**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.14 OF THE LINCOLN MUNICIPAL CODE RELATING TO CHILD CARE PROGRAMS BY AMENDING SECTION 8.14.037 TO INCREASE THE PERMIT FEES ASSOCIATED WITH CHILD CARE PROGRAMS AND AMENDING SECTION 8.14.150 TO INCREASE THE FEE FOR REINSTATEMENT OF A SUSPENDED CHILD CARE PROGRAM CERTIFICATE OF COMPLIANCE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.14 of the Lincoln Municipal Code relating to Child Care Programs by amending Section 8.14.037 to increase the permit fees associated with child care programs; amending Section 8.14.150 to increase the fee for reinstatement of a suspended child care program certificate of compliance; and repealing Sections 8.14.037 and 8.14.150 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Gaylor Baird and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19932**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.20 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN FOOD CODE BY AMENDING SECTION 8.20.150 TO INCREASE THE PERMIT FEES ASSOCIATED WITH FOOD ESTABLISHMENTS AND AMENDING SECTION 8.20.170 TO INCREASE THE FEE FOR REINSTATEMENT OF A PERMIT ASSOCIATED WITH FOOD SERVICE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.20 of the Lincoln Municipal Code relating to the Lincoln Food Code by amending Section 8.20.150 to increase the permit fees associated with food establishments; amending Section 8.20.170 to increase the fee for reinstatement of a permit associated with food service; and repealing Sections 8.20.150 and 8.20.170 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19933**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE NOISE CONTROL ORDINANCE BY AMENDING SECTION 8.24.150 TO INCREASE THE PERMIT FEE FOR A VARIANCE TO THE PROVISIONS OF LMC SECTION 8.24.090 RELATING TO NOISE DISTURBANCES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.24 of the Lincoln Municipal Code relating to the Noise Control Ordinance by amending Section

REGULAR MEETING
October 21, 2013
Page 74

8.24.150 to increase the permit fee for a variance to the provisions of LMC Section 8.24.090 relating to noise disturbances; and repealing Section 8.24.150 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19934**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.38 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC SWIMMING POOLS BY AMENDING SECTION 8.38.090 TO INCREASE THE PERMIT FEE FOR THE OPERATION OF A CLASS A OR CLASS B SWIMMING POOL - CLERK read an ordinance, introduced by John Camp, amending Chapter 8.38 of the Lincoln Municipal Code relating to Public Swimming Pools by amending Section 8.38.090 to increase the permit fee for the operation of a Class A or Class B swimming pool; and repealing Section 8.38.090 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19935**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.40 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPA FACILITIES BY AMENDING SECTION 8.40.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH THE OPERATION OF SPA FACILITIES - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.40 of the Lincoln Municipal Code relating to Spa Facilities by amending Section 8.40.070 to increase the permit fees associated with the operation of spa facilities; and repealing Section 8.40.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19936**, is recorded in Ordinance Book # 28, Page .

AMENDING CHAPTER 8.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO WATER WELLS BY AMENDING SECTION 8.44.070 TO INCREASE THE PERMIT FEES ASSOCIATED WITH WATER WELLS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 8.44 of the Lincoln Municipal Code relating to Water Wells by amending Section 8.44.070 to increase the permit fees associated with water wells; and repealing Section 8.44.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19937**, is recorded in Ordinance Book # 28, Page .

AMENDING SECTION 24.38.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO FEES FOR ON-SITE WASTEWATER TREATMENT SYSTEMS TO INCREMENTALLY INCREASE SAID FEES TO COVER COSTS OF PROVIDING REQUIRED SERVICES TO BUSINESS AND INDUSTRY AND TO PROTECT THE HEALTH OF THE RESIDENTS OF CITY - CLERK read an ordinance, introduced by Jon Camp, amending Section 24.38.070 of the Lincoln Municipal Code relating to fees for On-site Wastewater Treatment Systems to incrementally increase said fees to cover costs of providing required services to business and industry and to protect the health of the residents of City; and repealing Section 24.38.070 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19938**, is recorded in Ordinance Book # 28, Page .

AMENDING SECTION 24.42.110 OF THE LINCOLN MUNICIPAL CODE TO INCREASE FEES ASSOCIATED WITH THE REGULATION OF PROPERTY TRANSFERS WITH ON-SITE WASTEWATER TREATMENT SYSTEMS - CLERK read an ordinance, introduced by Jon Camp, amending Section 24.42.110 of the Lincoln Municipal Code to increase fees associated with the regulation of property transfers with on-site wastewater treatment systems; and repealing Section 24.42.110 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Emery and carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYES: None; Absent: Camp.
The ordinance, being numbered **#19939**, is recorded in Ordinance Book # 28, Page .

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required) - NONE

RESOLUTIONS - 1ST READING - ADVANCE NOTICE

REAPPOINTING RODNEY M. CONFER AS THE CITY ATTORNEY FOR A TWO-YEAR TERM EFFECTIVE NOVEMBER 1, 2013.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 1 - 15, 2013.

MISCELLANEOUS BUSINESS

PENDING LIST - DATE CERTAIN:

CREATING SPECIAL ASSESSMENT RE-PAVING DISTRICT NO. 158 FOR THE PURPOSE OF RECONSTRUCTING PORTIONS OF 66TH STREET, ALMIRA LANE, MARCUS ROAD, AND ANNS COURT WITHIN THE COUNTRY MEADOWS HOMEOWNERS ASSOCIATION BOUNDARIES, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES. (10/7/13 - ACTION DELAYED WITH CONT'D PUBLIC HEARING FOR 3 WEEKS TO 10/28/13):

FELLERS Moved to delay action on Bill No. 13-108 with continued public hearing on 11/4/13.

Seconded by Gaylor Baird and carried by the following vote: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None. ABSENT: Camp.

OPEN MICROPHONE - NONE

ADJOURNMENT 4:17 P.M.

CHRISTENSEN Moved to adjourn the City Council meeting of October 21, 2013.
Seconded by Fellers & carried by the following vote: AYES: Christensen, Cook, Emery, Eskridge, Fellers, Gaylor Baird; NAYS: None. ABSENT: CAMP

Teresa J. Meier
City Clerk

Soulinnee Mychackavane
Office Specialist

REGULAR MEETING
October 21, 2013
Page 76