

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 6, 2006 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of January 30, 2006, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF BIG SAL'S, INC. DBA BIG SAL'S FOR A CLASS C LIQUOR LICENSE AT 838 N. 27TH STREET;

MANAGER APPLICATION OF STEPHEN F. DISALVO FOR BIG SAL'S, INC. DBA BIG SAL'S AT 838 N. 27TH STREET - Stephen F. DiSalvo, 5016 Woodhaven Drive, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF NOLAN CLASSEN FOR M & R VENTURES, LLC, DBA BENNIGAN'S RESTAURANT AT 8701 ANDERMATT DRIVE - Nolan Classen, 2208 West Washington, came forward to answer questions.

This matter was taken under advisement.

AMENDING CHAPTER 8.22 OF THE LINCOLN MUNICIPAL CODE RELATING TO LITTERING BY ADDING A NEW SECTION NUMBERED 8.22.175 TO PROVIDE THAT PERSONS OR BUSINESSES ADVERTISING THROUGH MATERIALS DISTRIBUTED IN A MANNER IN VIOLATION OF CHAPTER 8.22 SHALL BE EQUALLY LIABLE ALONG WITH THE PERSON DISTRIBUTING SUCH MATERIALS AND PROVIDING A REBUTTABLE PRESUMPTION THAT ANY PERSON OR BUSINESS ADVERTISED IN THE POSTING SHALL BE GUILTY OF VIOLATING THE SECTION; BY AMENDING SECTION 8.22.210, RELATING TO PENALTIES FOR VIOLATIONS, TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF CHAPTER 8.22 FROM \$100.00 TO \$500.00 - Tom Lorenz, General Manager of Pershing Center, came forward to comment on how this amendment could negatively target Pershing as well as other sponsors of events. Discussion followed.

Dana Roper, City Attorney, came forward to answer Council questions. Further discussion followed.

Danny Walker, 427 "E" Street, came forward with concerns about distribution of his neighborhood newsletters.

Fred Freytag, 530 S. 38th Street, came forward to comment that this ordinance would make criminals out of good citizens. Further discussion followed.

Glen Cekal, 1420 "C" Street, came forward in support to make us aware of litter.

Mr. Roper came forward to clarify the ordinance for Council.

This matter was taken under advisement.

APPROVING THE INTENT TO CREATE THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY IN THE DOWNTOWN BUSINESS MANAGEMENT DISTRICT, GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREET;

APPROVING THE INTENT TO CREATE THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT IN THE DOWNTOWN BUSINESS MANAGEMENT DISTRICT, GENERALLY BOUNDED BY 6TH & 17TH STREETS FROM H TO R STREETS - Jeff Cole, Urban Development Dept., came forward to explain the resolutions and answer any Council questions.

Drew Stange, Pres. Downtown Lincoln Association, came forward in support and to answer Council questions. Discussion followed.

Polly McMullen, Downtown Lincoln Assn., came forward to answer Council questions. Discussion followed.

Danny Walker, 427 "E" Street, came forward for comment.
Richard Esquivel, 733 W. Cuming, came forward to ask questions of Council. Discussion followed.

Glen Cekal, 1420 "C" Street, came forward to ask questions of Council.

Ms. McMullen came forward to clarify boundaries of the BID.
This matter was taken under advisement.

WAIVER OF DESIGN STANDARDS 05009 - APPLICATION OF F. PACE WOODS, II, TO WAIVE THE REQUIRED SIDEWALK IN A BLOCK THAT EXCEEDS 1,000 FEET IN LENGTH IN THE ROLLING HILLS RIDGE ADDITION, GENERALLY LOCATED AT S. 19TH STREET AND RIDGELINE DRIVE - F. Pace Woods, II, came forward to request approval and to answer any questions. Discussion followed.

Jason Thiellen, 2200 Fletcher Ave. Suite 102, representing Mr. Woods, came forward to request approval and to answer Council questions. Discussion followed.

Fred Hoppe, 1600 Stoney Hill, came forward representing Woods Investment Co., in support of the waiver stating that the easement runs counter to the flow of traffic and leads to a dead end.

Glen Cekal, 1420 "C" Street, came forward in opposition.

Marvin Krout, Director of Planning, came forward in support and to state their office is dropping the opposition to this waiver due to its indirection and the fact that it does not improve walk-ability. Discussion followed.

This matter was taken under advisement.

APPROVING A LINCOLN ELECTRIC SYSTEM 4.5 PERCENT INCREASE IN ELECTRIC RATES AND IMPLEMENTATION OF A POWER COST ADJUSTMENT, BOTH TO BE EFFECTIVE WITH BILLING STATEMENTS RENDERED ON AND AFTER FEBRUARY 1, 2006. (1/23/06 - P.H. AND ACTION CON'T. 2 WKS. TO 2/6/06) - Terry Bundy, CEO of LES, came forward to answer Council questions. Discussion followed.

Bob Caldwell, Chairman of Lincoln Employers Coalition, came forward in support and asked for businesses to support an effort to find additional funding for charities that provide a need for the underprivileged in the community. Discussion followed.

Coby Mach, Exec. Dir. of LIBA, came forward in support but also stated his concern about the increase of aid to construction costs. Discussion followed.

Beatty Brasch, Exec. Dir. of the Center for People in Need, came forward in opposition stating that the increased fees will hurt low income individuals and families. Discussion followed.

Nicole McCoy, Dir. Community Services with Lincoln Action Program, came forward in opposition of customer service fees that target the low income community. Discussion followed.

Matt Carlson, Lincoln Chamber of Commerce, came forward in support of cost cutting measures that impact all rate payers but stated that the rate increase affects our largest power users who are also job creators. He stated the Chamber of Commerce opposes the inclusion of the aid to construction fee. Discussion followed.

Bonnie Armstrong, no address given, came forward as a private citizen in opposition to the increased fees and requested the public to conserve energy.

Glen Cekal, 1420 "C" Street, came forward in opposition to the fee increases.

Fred Hoppe, Vice Pres. of the Homebuilders Assoc. of Lincoln and Dir. of Nebraska Housing Resource, came forward in support of operating fee increases, but in opposition to the aid to construction increase. Discussion followed.

Milo Mumgaard, 1841 S. 45th St., Exec. Dir. of Nebraska Appleseed, came forward in opposition to the increased fees because they target low income residents across the board. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, representing the Homebuilders Assn. of Lincoln, came forward in opposition to the aid to construction fee increase. He stated that this unfairly charges a fee to the first-time, energy efficient home buyer while charging utility rates to subsidize burying lines in an older neighborhood. Discussion followed.

Richard Esquivel, 733 W. Cuming, came forward in support of the aid to construction fee increase.

Danny Walker, 427 "E" Street, came forward in support of the aid

to construction fee increase but in opposition to the service charge increases.

TOOK BREAK 4:55 P.M.

RECONVENED 5:10 P.M.

Mr. Bundy came forward in rebuttal. He stated that LES has a cold weather and hot weather rule that is followed voluntarily, not as an agency requirement. He stated the rate would be reduced with a PCA. Economically, LES is not only competitive statewide but nationally as well. Further discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF BIG SAL'S, INC. DBA BIG SAL'S FOR A CLASS C LIQUOR LICENSE AT 838 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83727 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 Big Sal's, Inc. dba Big Sal's for a Class "C" liquor license at 838 N. 27th Street, Lincoln, Nebraska, for the license period ending October 31, 2006, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF STEPHEN F. DISALVO FOR BIG SAL'S, INC. DBA BIG SAL'S AT 838 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83728 WHEREAS, Big Sal's, Inc. dba Big Sal's located at 838 N. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Stephen F. DiSalvo be named manager;

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF NOLAN CLASSEN FOR M & R VENTURES, LLC, DBA BENNIGAN'S RESTAURANT AT 8701 ANDERMATT DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-83729 WHEREAS, M & R Ventures, LLC, dba Bennigan's Restaurant located at 8701 Andermatt Dr., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Nolan Classen be named manager;

WHEREAS, Nolan Classen 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 Nolan Classen 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 Jon Camp

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

ORDINANCES - 2ND READING

AMENDING CHAPTER 8.22 OF THE LINCOLN MUNICIPAL CODE RELATING TO LITTERING BY ADDING A NEW SECTION NUMBERED 8.22.175 TO PROVIDE THAT PERSONS OR BUSINESSES ADVERTISING THROUGH MATERIALS DISTRIBUTED IN A MANNER IN VIOLATION OF CHAPTER 8.22 SHALL BE EQUALLY LIABLE ALONG WITH THE PERSON DISTRIBUTING SUCH MATERIALS AND PROVIDING A REBUTTABLE PRESUMPTION THAT ANY PERSON OR BUSINESS ADVERTISED IN THE POSTING SHALL BE GUILTY OF VIOLATING THE SECTION; BY AMENDING SECTION 8.22.210, RELATING TO PENALTIES FOR VIOLATIONS, TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF CHAPTER 8.22 FROM \$100.00 TO \$500.00 - CLERK read an ordinance, introduced by Jon A. Camp, amending Chapter 8.22 of the Lincoln Municipal Code relating to Littering by adding a new section numbered 8.22.175 to provide that persons or businesses advertising through materials distributed in a manner in violation of Chapter 8.22 shall be equally liable along with the person distributing such materials and providing a rebuttable presumption that any person or business advertised in the posting shall be guilty of violating the section; by amending Section 8.22.210, relating to penalties for violations, to increase the maximum fine for violations of Chapter 8.22 from \$100.00 to \$500.00; and repealing Section 8.22.210 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPROVING THE INTENT TO CREATE THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY IN THE DOWNTOWN BUSINESS MANAGEMENT DISTRICT, GENERALLY BOUNDED BY CENTENNIAL MALL, M, 9TH AND Q STREETS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83730 RESOLUTION of intention to establish a Management Business Improvement District to be known as the Core Business Improvement District Overlay bounded roughly by Centennial Mall, M., 9th and Q Streets in the City of Lincoln as more specifically described herein.

WHEREAS, the City Council of the City of Lincoln created a Business Area Improvement Board by Resolution Nos. A-83646 and A-83647 within the boundaries of a business area zoned for business, public, or commercial purposes in downtown Lincoln.

WHEREAS, the City Council determined the defined business area was in need of development and lacked the necessary funds to provide and maintain improvements;

WHEREAS, the Business Area Improvement Board, on January 17, 2006, recommended that the City Council create two new business improvement districts to become effective September 1, 2006 for a ten-year period ending August 31, 2016 funded by special assessments based on valuation consisting of a Downtown B.I.D. and a Core B.I.D. Overlay to replace the existing Management Business Improvement Districts; and

WHEREAS, the City of Lincoln intends to consider at public hearing an ordinance to establish the recommended districts.

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

Under the authority of the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue 1997) and based upon the recommendations received from the duly appointed Downtown Area Business Improvement Board and the Lincoln-Lancaster County Planning Commission, the City Council of the City of Lincoln hereby states its intention to create a Management Business Improvement District to be known as the Core Business Improvement District Overlay for the purpose of providing work and improvement programs under the act for the betterment of the district and employing or contracting personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvement District Act as provided in the ordinance creating the district.

BE IT FURTHER RESOLVED that in accordance with the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue

1997) (the Act) the following information is provided regarding the creation of such Management Business Improvement District to be known as the Core Business Improvement District Overlay:

1. The following described property represented on the attached map (Attachment "A") shall be included within the business improvement district boundary:

In the original plat of the City of Lincoln: The south 1/2 of Blocks 25, 26, 27 (including all of Bigelow's Subdivision and Quiggle's Subdivision), and 28; all of Blocks 34 (including all of J.G. Miller's subdivision), 35 (including all of the County Clerk's Subdivision of Block 35, all of the Schaberg Menlove's Subdivision and all of the Walsh, Putnam and Brocks Subdivision), 36, 37 (including all of Webster & Bonnell's Subdivision), 38, 39 (including all of the University Square addition), 40 (including all of Lansing's Subdivision), 41 (including all of the County Clerk's Subdivision of Block 41), 57, 58, 64, 65, 66; the North 1/2 of Blocks 67 (including all of Ballantine Subdivision), and Old Federal 2nd Addition; the east 1/2 of Block 44; Lots 20 and 21 of Block 42; all of Block 55 except Lots 7-12 (including all of the County Clerk's Subdivision of Block 55, all of Cropsey's Subdivision, and all of Referee Subdivision; and Block 59 of the original plat of the City of Lincoln including all those portions of vacated streets and alleys abutting thereon;

[42] All of Imhoff & Hyatt's Subdivision of Block 42 of the original plat of the City of Lincoln including all those portions of vacated streets and alleys abutting thereon;

[42] Lots 4, 5, 6, 7, 8, of Block 42 of the original plat of the City of Lincoln including all those portions of vacated streets and alleys abutting thereon;

[316] All of Lots 37, 38, 60, 61, and 62 of S.W. Little's Subdivision including all those portions of vacated streets and alleys abutting thereon;

[322] All of Lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Little and Alexander's Subdivision of Lot 63 S.W. Little's Subdivision, including all of the east-west alley abutting thereon and including all those portions of vacated streets and alleys abutting thereon; and

[89] All of Cornhusker Square and Cornhusker Square 1st Addition including all those portions of vacated streets and alleys abutting thereon;

[56] All of Centrum Addition, Block 1;

Where properties are located on the outer edge of such district, the boundary of the district shall extend to the centerline of any street or alley abutting thereon.

2. That the City Council of the City of Lincoln will consider the establishment of such business improvement district at a public hearing on March 6, 2006, at the hour of 1:30 p.m., or as soon thereafter as possible in the City Council Chambers, first floor, County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508.

3. That examples of the work to be performed and specific improvements proposed to be made or maintained for such core business improvement district consist of:

- a. Planning and feasibility studies for civic projects and improvements, including projects identified in the 2005 Downtown Master Plan that are located within the Core Overlay area;
- b. Capital costs of holiday decorations;
- c. Banners, lighting and other signage to create a core district identity;
- d. Enhanced maintenance and landscaping services;
- e. Cosmetic capital improvements, including streetscape design plans, landscaping, lighting and sidewalk improvements;
- f. Public art;
- g. Tourism and visitor information services and promotions that benefit downtown hotels and the hospitality segment;
- h. Retail promotions to support shopping activity;
- i. Event management support and seed funds for new special events;
- j. Street furniture, including kiosks and benches;
- k. Other Core Overlay area promotions and improvements;
- l. Staff support to support core Overlay promotions and improvements.

4. The proposed district would become effective on September 1, 2006 for a period of 10 years to terminate on August 31, 2016. The

estimated total annual costs and expenses for the work proposed to be performed within such district are \$159,349 (first year estimate); provided that maximum amount of the first year's annual assessment for the district would not exceed \$159,349. In the subsequent 9 years the maximum amount of the annual assessment for the district will not exceed the first year maximum assessment amount (\$159,349), plus an increase equal to the amount of the Lincoln Consumer Price Index or 5%, whichever is less. The specific improvements for the first year are listed for purposes of estimating the costs and expenses of performing the proposed work and improvements. The assessments levied shall not exceed \$159,349 for the first year. Although the district proposal is for a ten-year period, the City Council after public hearing shall approve an annual budget for specific work and improvements in each succeeding year consistent with the ordinance creating the district. The City Council retains the authority to change, modify and remove proposed improvements; however, the proposed improvements cannot exceed the scope of improvements and the annual assessment cannot exceed the maximum amounts of the annual assessment provided by the ordinance creating the district.

5. The costs and expenses for the work proposed to be performed within such business improvement district will be raised through special assessments based upon the special benefits to the property as fairly and equitably assessed by the City Council. The assessments will be levied annually as a percentage of assessed valuation of taxable property within the districts. Based on the recommendation of the Business Area Improvement Board, residential properties, both owner-occupied and rental, are expected to receive full benefit from communications and advocacy services. This adjustment results in residential properties being assessed at 35% of the Downtown BID assessment rate for the purpose of Downtown BID assessments. Thirty-five percent (35%) is the proportion of communication and advocacy services in the Downtown BID budget. For income-assisted residential properties that provide low-to-moderate income owner-occupied and/or rental housing, the residential assessment rate will be 50% of the full residential rate, or 17.5% of the Downtown BID assessment rate for the purpose of Downtown BID assessments. The income-assisted adjustment will apply only to units that are restricted to occupancy be low-to-moderate income households. For mixed use buildings that combine residential and other uses, the property owner may submit evidence supporting a percentage split of the assessed value between residential and other uses for the City Council to consider when sitting as a board of equalization.

6. Based on the recommendation of the Business Area Improvement Board, all owners of property exempt from ad valorem taxes within the district will be invited annually to contribute annually to the City of Lincoln to support B.I.D. activities, promotions and improvements. Any contributions shall be allocated to reduce assessment rates in the district.

7. Commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the district unless otherwise determined by the City Council when sitting as a Board of Equalization.

Introduced by Jon Camp

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

APPROVING THE INTENT TO CREATE THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT IN THE DOWNTOWN BUSINESS MANAGEMENT DISTRICT, GENERALLY BOUNDED BY 6TH & 17TH STREETS FROM H TO R STREETS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83731 RESOLUTION of intention to establish a Management Business Improvement District to be known as the Downtown Business Improvement District bounded roughly by H, 6th, R and 17th Streets in the City of Lincoln as more specifically described herein;

WHEREAS, the City Council of the City of Lincoln created a Business Area Improvement Board by Resolution Nos. A-83646 and A-83647 within the boundaries of a business area zoned for business, public, or commercial purposes in downtown Lincoln;

WHEREAS, the City Council determined the defined business area was in need of development and lacked the necessary funds to provide and maintain improvements;

WHEREAS, the Business Area Improvement Board, on January 17, 2006, recommended that the City Council create 2 new business improvement

districts to become effective September 1, 2006 for a ten-year period ending August 31, 2016 funded by special assessments based on valuation consisting of a Downtown B.I.D. and a Core B.I.D. Overlay to replace the existing Management Business Improvement Districts; and

WHEREAS, the City of Lincoln intends to consider at public hearing an ordinance to establish the recommended districts.

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

Under the authority of the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue 1997) and based upon the recommendations received from the duly appointed Downtown Area Business Improvement Board and the Lincoln-Lancaster County Planning Commission, the City Council of the City of Lincoln hereby states its intention to create a Management Business Improvement District to be known as the Downtown Business Improvement District for the purpose of providing work and improvement programs under the act for the betterment of the district and employing or contracting personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvement District Act as provided in the ordinance creating the district.

BE IT FURTHER RESOLVED that in accordance with the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue 1997) (the Act) the following information is provided regarding the creation of such business improvement district:

1. The following described property represented on the attached map (Attachment "A") shall be included within the business improvement district boundary:

In the original plat of the City of Lincoln: The south 1/2 of Blocks 25, 26, 27 (including all of Bigelow's Subdivision and Quiggle's Subdivision), and 28; all of Blocks 30 (including all of Haymarket Parking Garage Addition), 31 (including all of Buck's Subdivision), 32 (including all of the Candy Factory Subdivision), 33 (including all of the Hambleton-Webb Subdivision and all of the County Clerk's Subdivision of Block 33), 34 (including all of J.G. Miller's subdivision), 35 (including all of the County Clerk's subdivision of Block 35, all of the Schaberg Menlove's Subdivision and all of the Putnam and Brocks Subdivision), 36 (including all of "Que" place Addition), 37 (including all of Webster & Bonnell's Subdivision), 38, 39 (including all of the University Square Addition), 40 (including all of Lansing's Subdivision), 41 (including all of the County Clerk's Subdivision of Block 41), 42 (including all of Imhoff & Hyatt's Subdivision) Old Federal 2nd Addition, 44, 45, 53 (including all of the County Clerk's Subdivision of Block 53, and Lots 1-7 of the Lincoln Land Co. Subdivision of Block 53), 54 (including all of the County Clerk's Subdivision of the north 1/2 of Block 54 and all of the County Clerk's Subdivision of the south 1/2 of Block 54) 55 (including all of the Referees Subdivision of Block 55, all of the County Clerk's Subdivision of Block 55 and all of Cropsey's Subdivision of Block 55), 57, 58 (including all of McDonald's Subdivision), 59, 60, 61 (including Koch's Subdivision), 62, 63, 64, 65, 66, 67 (including all of Baird's Subdivision, all of Masonic Temple Ass'n replat of Block 67, and all of Ballantine Subdivision), 68 (including all of Cropsey's subdivision of Block 68 and all of Brocks Subdivision), 69 (including all of the City Real Estate Co Subdivision of Block 69), 70, 85 (including lots 1-7 of the Lincoln Land Co. Subdivision of Block 85), 86, 87 (including all of the County Clerk's Subdivision of Block 87 and all of Brock's Subdivision of Block 87), 88 (including all of N.C. Brock's Subdivision of Block 88 and all of Sheldon's Subdivision), 90, 91, 92, 93, 94, 95, 96, 97 (including all of Kennard's Subdivision), 98, 99 (including all of Barretts Subdivision and all of Billingsley's Subdivision), 100 (including all of the County Clerk's Subdivision of Block 100, all of Beynon Addition, and all of Jones Subdivision), 101 (including all of the County Clerk's Subdivision of Block 101 and all of Sheffield's Subdivision), 102 (including Lots 1-7 of the Lincoln Land Co. Subdivision of Block 102), 119, 120, 121 (including all of the County Clerk's Subdivision of Block 121), 122 (including all of the County Clerk's Subdivision of Block

122); and the North 1/2 of Blocks, 125, 126, 127, and 128 of the original plat of the City of Lincoln including all those portions of vacated streets and alleys abutting thereon;

[56] All of Centrum Addition including all those portions of vacated streets and alleys abutting thereon;

[89] All of the Cornhusker Square and Cornhusker Square First Addition including all those portions of vacated streets and alleys abutting thereon;

[316, 317, 318] All of lots 37, 38, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 60, 61, and 62 of S.W. Little's Subdivision including all those portions of vacated streets and alleys abutting thereon.

[322] All of lots 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 of Little and Alexander's Subdivision of Lot 63 S.W. Little's Subdivision, including all of the east-west alley abutting thereon and including all those portions of vacated streets and alleys abutting thereon.

[323] All of Richard's Addition to Lot 64 S.W. Little's Subdivision.

[324] All of the Co. Clerk's Subdivision of Lot 65 S.W. Little's Subdivision including all those portions of vacated streets and alleys abutting thereon.

[324] All of the 1st Nat'l Bank Subdivision of Lot 65 S.W. Little's Subdivision including all those portions of vacated streets and alleys abutting thereon.

All of lots 1, 2, 3, 4, and 5 of Lincoln Station Subdivision including all those portions of vacated streets and alleys abutting thereon.

Where properties are located on the outer edge of such district, the boundary of the district shall extend to the centerline of any street or alley abutting thereon.

2. That the City Council of the City of Lincoln will consider the establishment of such business improvement district at a public hearing on March 6, 2006, at the hour of 1:30 p.m., or as soon thereafter as possible in the City Council Chambers, first floor, County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508.

3. That the work to be performed and specific improvements proposed to be made or maintained for such business improvement district consist of:

a. Economic Development.

Economic development activities will aim to improve the business climate of downtown with the goal of attracting and retaining businesses, jobs and investment. While annual work programs and budgets will be developed in collaboration with stakeholders and approved by the Downtown Lincoln Association board of directors, programs will be selected from a variety of options that may include the following:

(1) Facilitate efforts with property owners, brokers and businesses to fill under-utilized downtown properties.

(2) Conduct business retention efforts to encourage existing businesses to grow, including initiatives and support services to encourage local independent retail.

(3) Help attract new investment and catalytic projects that are consistent with the vision and goals of the 2005 Downtown Master Plan.

(4) Design and produce investor marketing packages to assist real estate brokers, developers and property owners in business recruitment efforts.

(5) Maintain a district database with local market and real estate information.

(6) Trouble-shoot and liaison services to assist property and business owners to invest and operate in the district.

(7) Enhance research and development of the downtown website.

(8) Advertising, including branding and cooperative campaigns and increased placement and frequency in local media.

(9) Promote housing and residential development in downtown.

(10) Work with the Lincoln Partnership for Economic Development (LPED) and the Lincoln Chamber of Commerce to collaboratively position Lincoln for new business and downtown as a prime business location.

b. Parking and Transportation.

Parking and transportation initiatives aim to make it

easier for customers, employees and visitors to park in and get around the downtown. Approaches include a combination of improved parking management, promotion, innovative finance and partnerships.

Virtually all parking and transportation recommendations from the 1999 Management BID Business Plan have been implemented, including:

(1) Allocation of revenue from a meter increase to the City's parking enterprise fund that has allowed the City to reinvest parking revenues in Downtown parking improvements.

(2) Construction of the Haymarket parking garage.

(3) Creation of a database of parking options.

(4) Management of a parking validation program for customers.

(5) Marketing and education of parking and transportation options.

For the next five years, new parking and transportation initiatives may include:

(1) Implement parking management system recommendations from the 2005 Carl Walker parking study.

(2) Investigate options for improving mobility for all modes of transportation, including bicycles and shuttles, within the downtown and consistent with the Downtown Master Plan.

(3) Continue efforts to market and educate downtown stakeholders on parking and transportation options.

c. Communications and Advocacy.

The Management BIDs support ongoing efforts by the Downtown Lincoln Association to champion downtown interests and involve property owners, businesses and residents in crafting pro-active solutions to issues that affect downtown. Ongoing communications and advocacy initiatives may include:

(1) Continue to publish a downtown newsletter.

(2) Conduct periodic BID ratepayer surveys to measure overall satisfaction with programs.

(3) Manage media relations activities to project a positive image in local, regional and national media.

(4) Increase distribution and enhance the quality of publications, including the downtown map and directory and activity guides.

(5) Maintain and improve the Downtown Lincoln website.

(6) Public relations efforts to promote a positive image and overall experience.

(7) Conduct periodic forums and "town hall" meetings to keep ratepayers informed and involved in downtown development and management issues.

d. Management, Support and Reserve:

Through the Downtown Lincoln Association, the Management BIDs support a professional staff that delivers programs and advocates on behalf of downtown. The BIDs allow downtown property owners to project a unified voice and elevate their influence in policies and issues that affect the central business district. Funds are allocated to office and support services such as bookkeeping, office rent, insurance, office equipment and professional development and training for the staff and Downtown Lincoln Association board. An operating reserve is also budgeted as a contingency for any payment delinquencies and/or unforeseen budget adjustments.

4. The proposed district would become effective on September 1, 2006 for a period of 10 years to terminate on August 31, 2016. The estimated total annual costs and expenses for the work proposed to be performed within such district are \$355,651 (first year estimate); provided that, maximum amount of the first year's annual assessment for the district would not exceed \$285,651. In the subsequent nine years the maximum amount of the annual assessment for the district will not exceed the first year maximum assessment amount (\$285,651), plus an increase equal to the amount of the Lincoln Consumer Price Index or 5%, whichever is less. The specific improvements for the first year are listed for purposes of estimating the costs and expenses of performing the proposed work and improvements. The assessments levied shall not exceed \$285,651 for the first year. Although the district proposal is for a ten year period, the City Council after public hearing shall approve an annual budget for specific work and improvements in each succeeding year consistent with the ordinance creating the district. The City Council retains the authority to change, modify and remove proposed improvements; however, the proposed improvements cannot exceed the scope

of improvements and the annual assessment cannot exceed the maximum amounts of the annual assessment provided by the ordinance creating the district.

5. The costs and expenses for the work proposed to be performed within such business improvement district will be raised through special assessments based upon the special benefits to the property as fairly and equitably assessed by the City Council. The assessments will be levied annually as a percentage of assessed valuation of taxable property within the districts. Based on the recommendation of the Business Area Improvement Board, residential properties, both owner-occupied and rental, are expected to receive full benefit from communications and advocacy services. This adjustment results in residential properties being assessed at 35% of the Downtown BID assessment rate for the purpose of Downtown BID assessments. Thirty-five percent (35%) is the proportion of communication and advocacy services in the Downtown BID budget. For income assisted residential properties that provide low-to-moderate income owner-occupied and/or rental housing, the residential assessment rate will be 50% of the full residential rate, or 17.5% of the Downtown BID assessment rate for the purpose of Downtown BID assessments. The income-assisted adjustment will apply only to units that are restricted to occupancy be low-to-moderate income households. For mixed use buildings that combine residential and other uses, the property owner may submit evidence supporting a percentage split of the assessed value between residential and other uses for the City Council to consider when sitting as a board of equalization.

6. Based on the recommendation of the Business Area Improvement Board, all owners of property exempt from ad valorem taxes within the district will be invited annually to contribute annually to the City of Lincoln to support B.I.D. activities, promotions and improvements. Any contributions shall be allocated to reduce assessment rates in the district.

7. Commonly owned properties that are intersected by a boundary line establishing the district shall be considered as entirely within the district unless otherwise determined by the City Council when sitting as a Board of Equalization.

Introduced by Jon Camp

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

WAIVER OF DESIGN STANDARDS 05009 - APPLICATION OF F. PACE WOODS, II, TO WAIVE THE REQUIRED SIDEWALK IN A BLOCK THAT EXCEEDS 1,000 FEET IN LENGTH IN THE ROLLING HILLS RIDGE ADDITION, GENERALLY LOCATED AT S. 19TH STREET AND RIDGELINE DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83732 WHEREAS, the Final Plat of Rolling Hills Ridge Addition was previously approved by the City of Lincoln; and

WHEREAS, Section 26.23.125 of the Land Subdivision Ordinance requires a pedestrian way when a block exceeds 1,000 feet in length and where needed for pedestrian traffic; and

WHEREAS, Block 2, Rolling Hills Ridge Addition exceeds 1,000 feet in length and approval of said Final Plat included the requirement for a pedestrian way easement on Lots 6, 7, 32 and 33, Block 2, to allow pedestrian traffic between Rolling Hills Court and South 19th Street; and

WHEREAS, the applicant, F. Pace Woods, II has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code to eliminate the pedestrian way in Block 2; and

WHEREAS, the Planning Commission has reviewed said request and has recommended approval thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:
That the requirement of the Final Plat of Rolling Hills Ridge Addition relating to the required pedestrian way easement and installation of a pedestrian sidewalk on Lots 6, 7, 32, and 33, Block 2, Rolling Hills Ridge Addition, is hereby waived.

All other conditions for approval of the Final Plat of Rolling

Hills Ridge Addition shall remain in full force and effect.

Introduced by Jon Camp

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

APPROVING A LINCOLN ELECTRIC SYSTEM 4.5 PERCENT INCREASE IN ELECTRIC RATES AND IMPLEMENTATION OF A POWER COST ADJUSTMENT, BOTH TO BE EFFECTIVE WITH BILLING STATEMENTS RENDERED ON AND AFTER FEBRUARY 1, 2006. (1/23/06 - P.H. AND ACTION CON'T. 2 WKS. TO 2/6/06) - PRIOR to reading:

COOK Moved to adopt Substitute Resolution No. 1 to Bill No. 06R-5S.
Seconded by McRoy.

COOK Moved to accept Substitute Resolution No. 2 to Bill No. 06R-5S
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CAMP Moved amendment #1 to Bill No. 06R-5S2 as follows:
1. On page 2, delete line 19 through 21, being all of paragraph number 3.

2. Renumber paragraph number 4 as paragraph number 3.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-83733 WHEREAS, it is the responsibility of the City Council of the City of Lincoln to set rates and adopt service regulations for electric service to ratepayers in the Lincoln Electric System (LES) service area; and

WHEREAS, LES is experiencing extreme volatility in fuel prices for its generating units as well as volatility in the price of wholesale power purchases which tend to follow the price of natural gas; and

WHEREAS, LES held a public hearing on a rate adjustment proposal on Thursday, December 1, 2005, for the purpose of receiving public input from customers, following notice given to all customers through a billing insert in customer billing statements; and

WHEREAS, on December 16, 2005, the LES Administrative Board unanimously approved a 4.5 percent increase in base electric rates and implementation of a PCA to cover increased power costs and to meet LES' obligations to its bond holders and to maintain LES' financial integrity, and recommended approval of such by the Lincoln City Council; and

WHEREAS, on January 23, 2006, the Lincoln City Council rejected the recommendation to implement a PCA and directed that an alternative approach be developed incorporating a combination of LES budget reductions, implementation of new service fees or increases to existing fees, and an increase in base rates; and

WHEREAS, the Lincoln City Council recognizes its obligation to set electric rates and service fees that generate revenue sufficient to allow LES' to cover its costs, maintain adequate debt service coverages, and maintain its financial integrity.

NOW, THEREFORE, BE IT RESOLVED, that the Lincoln City Council has adopted and approves the following electric rate measures:

1) Implementing a 4.5 percent rate increase applied equally across all customer rate classes plus a 5 percent increase in the monthly customer and facilities charge for each residential and general service customer, and a 5 percent increase in customer charge for each general service demand and large light & power customer and large power contract customer effective with bills rendered on and after February 13, 2006.

2) Implementing the following service fees in the amounts identified in the fee schedule attached hereto and fully incorporated herein, effective with bills and services rendered on and after March 1, 2006:

- New account service fees;
- Late payment fees;

- Increase in the fee for non-sufficient fund (NSF) checks;
 - Increase in the fee for payments in field to avoid disconnect;
 - Meter reread fee; and
 - Increase in fees for reconnection after termination for non-payment.
- 3) Increasing the aid-to-construction charge to customers or developers for installing underground service in new residential areas from \$180.00 per lot to \$400.00 per lot, subject to review annually.
- 4) Reducing LES' new service installation contribution from five (5) times to 2.5 times the estimated additional annual revenue resulting from providing the new service.

BE IT FURTHER RESOLVED, that the Lincoln City Council understands the LES staff will make cuts in its 2006 budgeted costs in the amount of \$530,000, as well as eliminating \$230,000 of 2005 deferred costs.

BE IT FURTHER RESOLVED, that the Lincoln City Council approves the 2006 LES Rate Schedules that embody these rate measures and are herein incorporated by reference.

Introduced by Jon Camp

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

PETITIONS AND COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 04079 - App. of Jensen Park, L.L.C., for a change from AG Agricultural District to R-3 Residential District and R-4 Residential District, on property located at S. 84th Street and Yankee Hill Road.

Change of Zone No. 05082 - App. of Mark Hunzeker/Shanna Cole for a change from R-6 Residential District to B-3 Commercial District, on property located at S. 21st Street and K Street.

Change of Zone No. 06004 - App. of the Director of Planning Dept. for an amendment to Title 27 of the Lincoln Municipal Code relating to the Zoning Ordinance, by amending Section 27.67.040 (d) (3) to adjust the parking requirements for mini-warehousing.

Change of Zone No. 06005 - App. of John Wragge, for a change from R-2 Residential District to O-2 Suburban Office District, on property located at 2221 S. 39th Street.

Change of Zone No. 06006 - App. of Charleston Heights L.L.C. for a change from H-4 General Commercial District to R-3 Residential District, on property located at SW 27th Street and West A Street.

Special Permit No. 06003 - App. of Yaser and Loretta Eddmeiri for a variance to the front yard setback to allow expansion of a nonstandard dwelling unit in the required front yard setback, on property located at S. 59th Street and Pine Lake Road.

Special Permit No. 06004 - App. of Patricia Moore, for an early childhood care facility, on property located at N. 73rd Street and Logan Avenue.

Special Permit No. 06005 - App. of Devon Seacrest for dwelling units above the first story with windows in walls that lack required yards, on property located at 14th & "O" Streets.

Use Permit No. 108A - App. of J. Michael Rierden for an amendment to Pioneer Greens to allow an additional sign on property located at S. 84th Street and Pioneers Boulevard.

REPORTS OF CITY OFFICERS

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR JANUARY, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 30, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF DECEMBER, 2005 FROM AQUILA - CLERK presented said report which was placed on file in

the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF MAY, 2005: DIGIZIP; JULY 2005: ASSOCIATION ADMIN., INC.; AUGUST, 2005: ASSOCIATION ADMIN., INC.; SEPTEMBER, 2005: ASSOC. ADMIN., INC.; 4TH QUARTER, 2005: MATRIX TELECOM, CLARICOM NETWORKS, AMERIVISION COMM., IONEX COMM. NORTH, NECC, TRINSIC, COMTECH 21, TOUCH 1 COMM., VOICESTREAM, ALIANT; NOVEMBER 2005: NETWORK BILLING SYSTEMS, STAR NUMBER, BUSINESS PROD. SOLUTIONS, OCMC, TELECORP COMM., QWEST COMM. CORP, VIRGIN MOBILE, ACN, VOICECOM, TRACFONE WIRELESS, CINCINNATI BELL, QUANTUM SHIFT, KDDI AMERICA, IBM GLOBAL, T-NETIX TELECOM., BT AMERICAS, TRANS NATIONAL, BROADWING, GLOBAL CROSSING, ACN COMM. SERVICES, VERIZON LONG DISTANCE, INTELLICALL OPERATOR SERVICES, ONSTAR CORP., MCLEODUSA, GUARANTEED PHONE SERVICE, WORKING ASSETS FUNDING SERVICE, UCN, VERIZON-BELL ATLANTIC COMM., XO COMMUNICATIONS SERVICES, ADVANCED TEL, USCOC OF GREATER IOWA, NEW CINGULAR WIRELESS, NEBRASKA TECHNOLOGY, CRICKET, AT&T COMM. OF MIDWEST; DECEMBER 2005: NOSVA, OCMC, ACCERIS, AFFINITY NETWORK, VARTEC, ZONE TELECOM, NOS COMM., LIGHTYEAR NETWORK, GLOBALCOM, TRI-M, EXCEL TELECOMM., NEXTEL WEST, ACCERIS MGMT. AND ACQUISITION, GTC TELECOM, LDMI, GUARANTEED PHONE SERVICE, BT AMERICAS, SBC LONG DISTANCE, TWC INFO SERVICES, SPRINT, SPRINT SPECTRUM, NPCR, MCI WORLDCOM NETWORK SERVICES - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK AND TRUST COMPANY IN AN AMOUNT NOT TO EXCEED \$3,100,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and approving a lease-purchase agreement among the City, Union Bank & Trust Company, as lessor, and Union Bank & Trust Company, as registrar and paying agent, with respect to the purchase and installation of street light poles and related equipment; approving the issuance, sale and delivery by the lessor of not to exceed \$3,100,000 aggregate principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the first time.

CREATING AND CONSTRUCTING AN 8-INCH SANITARY SEWER MAIN SERVING THE NORTHEAST CORNER OF S. 84TH STREET AND OLD CHENEY ROAD AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Jonathan Cook, creating Sewer District. No. 1181, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, 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 first time.

VACATION NO. 05009 - VACATING A PORTION OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY 6TH AND 7TH, C AND D STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of the north/south alley in the block bounded by 6th and 7th, C and D Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

CHANGE OF ZONE 05083 - APPLICATION OF THE NEBRASKA SCHOOL OF GYMNASTICS SOUTH, INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT 7545 PIONEERS BLVD - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln

Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

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

The ordinance, being numbered **#18671**, is recorded in Ordinance Book #25, Page

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FIRST UNITED METHODIST CHURCH/LINCOLN FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2723 N. 50TH STREET - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and First United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2723 N. 50th Street, Lincoln, NE for a one-year term beginning September 1, 2005, the third time.

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

The ordinance, being numbered **#18672**, is recorded in Ordinance Book #25, Page

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND ST. JAMES UNITED METHODIST CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2400 S. 11TH STREET - CLERK read an ordinance, introduced by Patte Newman, accepting and approving a Lease Agreement between the City of Lincoln and St. James United Methodist Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2400 S. 11th Street, Lincoln, NE for a one-year term beginning September 1, 2005, the third time.

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

The ordinance, being numbered **#18673**, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 05054A - APPLICATION OF PRAIRIE HOME BUILDERS FOR A CHANGE OF ZONE FROM AG TO R-3 PUD LOCATED NORTH OF ADAMS STREET; A CHANGE OF ZONE FROM AG TO B-2 PUD AND O-3 PUD LOCATED SOUTH OF ADAMS STREET; AND THE REQUESTED APPROVAL OF THE DEVELOPMENT PLAN FOR THE PRAIRIE VILLAGE NORTH PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED GENERALLY AT N 84TH AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (12/19/05 - BILL NO. 05-165 AMENDED TO BE SPLIT INTO 2 ORDINANCES) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164);

CHANGE OF ZONE 05054B - APPLICATION OF PRAIRIE HOME BUILDERS FOR A CHANGE OF ZONE FROM AG TO R-5 PUD LOCATED NORTH OF ADAMS STREET; AND A CHANGE OF ZONE FROM AG TO B-2 PUD AND O-3 PUD LOCATED NORTH OF ADAMS STREET; AND THE REQUESTED APPROVAL OF THE DEVELOPMENT PLAN FOR THE PRAIRIE VILLAGE CENTER PLANNED UNIT DEVELOPMENT ON PROPERTY LOCATED GENERALLY AT N 84TH AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (12/19/05 - BILL NO. 05-165 AMENDED TO BE SPLIT INTO 2 ORDINANCES) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164);

APPROVING THE PRAIRIE VILLAGE NORTH CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND DUBOIS LAND LLC, PRAIRIE VILLAGE NORTH LLC, PRAIRIE HOME BUILDERS INC., ROLAND GROUP LLC, AND FAITH EVANGELICAL LUTHERAN CHURCH, RELATING TO THE ANNEXATION OF APPROXIMATELY 149.09 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET AND THE USE OF SAID 149.09 ACRES ALONG WITH APPROXIMATELY 23 ACRES LOCATED AT THE SOUTHEAST CORNER OF N. 84TH STREET AND ADAMS STREET UNDER A PLANNED UNIT DEVELOPMENT. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (1/9/06 - ACTION DELAYED 4 WKS. TO 2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164);

ANNEXATION 05013 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 149.09 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 84TH STREET AND ADAMS STREET. (RELATED ITEMS: 05-164, 05R-262, 05-165) (11/7/05 - P.H. CON'T. 3 WKS. TO 11/28/05) (ACTION DELAYED 2 WKS TO 12/12/05) (12/12/05 - ACTION DELAYED 1 WK TO 12/19/05) (12/19/05 - ACTION DELAYED 3 WKS. TO 1/9/06) (1/9/06 - ACTION DELAYED 4 WKS. TO

2/6/06 & ITEMS TO BE RE-ORDERED ON THE AGENDA AS FOLLOWS: 05-165A, 05-165B, 05R-262, 05-164) - PRIOR to reading:

CAMP Moved to place Bill Nos. 05-165A, 05-165B, 05R-262, 05-164 on pending for three weeks to 2/27/06.
Seconded by Marvin & carried by the following vote: AYES: Camp, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: Cook.

AMENDING THE PAY SCHEDULE FOR THE EMPLOYEE GROUP PREFIXED BY THE LETTER M TO PROVIDE FOR A COST OF LIVING ADJUSTMENT. (8/8/05 - ACTION DELAYED 2 WKS. TO 8/22/05) (8/22/05 - PLACED ON PENDING, NO DATE CERTAIN) (1/30/06 - REMOVED FROM PENDING FOR ACTION 2/6/06) - PRIOR to reading:

MCCROY Moved to accept the substitute ordinance.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read a substitute ordinance, introduced by Annette McRoy, amending the existing hourly pay rates of employees in pay ranges prefixed by the letter "M" but not increasing the maximum pay rates of such pay ranges as adopted by Ordinance No. 18479, the third time.

Final vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

The ordinance, being numbered #18674, is recorded in Ordinance Book #25, Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 13, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on February 13, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 6:15 P.M.

CAMP Moved to adjourn the City Council meeting of February 6, 2006.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
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