

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

The Meeting was called to order at 1:30 p.m. Present: Council Chair Newman; Council Members: Camp, Cook, Eschliman, Marvin, McRoy, Svoboda; City Clerk, Joan E. Ross; Absent: None.

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

READING OF THE MINUTES

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

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

PUBLIC HEARING

APPLICATION OF LEAD DOG ENTERTAINMENT, INC. DBA THE PIT CREW FOR A CLASS C LIQUOR LICENSE AT 3223 CORNHUSKER HIGHWAY;

MANAGER APPLICATION OF DAVID B. MILLER FOR LEAD DOG ENTERTAINMENT, INC. DBA THE PIT CREW AT 3223 CORNHUSKER HIGHWAY - Daniel Klaus, 1201 Lincoln Mall, Ste. #102, came forward to take oath and answer questions.

David B. Miller, 3010 Loveland Dr., came forward to take oath and answer questions.

Tom Casady, Chief of Police, came forward to take oath and make comments about law violations and advertising low-cost drink specials. Discussion followed.

Mr. Klaus came forward for rebuttal stating that his client will comply with the law and also cut back on the discounted drink specials. Discussion followed.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$27,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HIGHWAY ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - Don Herz, Director of Finance, came forward to discuss the ordinance and answer questions.

Lauren Wismer, Gilmore & Bell PC, City's Bond Counsel, 1248 O Street, came forward to discuss the bond issuance and answer questions. Discussion followed.

Scott Keene, Ameritas Investment Corp, came forward to comment that they expect a competitive sale.

Karl Fredrickson, Director of Public Works & Utilities, came forward to discuss projects and answer questions. Discussion followed.

Bob VanValkenburg, 7921 Reno Road, came forward to comment on City debt concerns. Discussion followed.

Tim Carlson, 1934 SW 36th St., representing Timber Ridge Homeowners Association, came forward in support of street improvements and pedestrian facilities.

Fred Hoke, 721 Driftwood Dr., representing the Homebuilders Association, came forward in support of the bond issue. Discussion followed.

Coby Mach, representing LIBA Board of Directors, came forward in support of the proposal as it provides needed infrastructure that leads to job creation and sales tax revenue increases.

Doug Rotthaus, Realtors Association of Lincoln, came forward in support of the bond issue to finance improvements. Discussion followed.

Wendy Birdsall, President of the Lincoln Chamber of Commerce, came forward in support stating it serves neighborhoods and businesses alike.

Bruce Bohrer, Exec. Vice President and General Counsel representing the Lincoln Chamber of Commerce, 1135 M St., came forward in support stating it will be an investment in the City's future.

Richard Esquivel, 733 W. Cuming St., came forward to comment and ask questions about the bond issue. Discussion followed.

Mr. Herz came forward in rebuttal. Discussion followed.
Mr. Fredrickson came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE TO REVISE AND CLARIFY THAT FUNERAL LEAVE IS ALLOWED FOR EMPLOYEES ATTENDING THE FUNERAL OF A FELLOW EMPLOYEE - Richard Esquivel, 733 W. Cuming St., came forward asking for clarification of the revision.

Don Taute, Director of Personnel, came forward and stated that funeral leave was always a part of the Code, that this clarifies that two hours can be granted. Discussion followed.

This matter was taken under advisement.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT VAN DORN PARK GENERALLY LOCATED AT S. 10TH AND VAN DORN STREET;
APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT PIONEERS PARK GENERALLY LOCATED AT 3403 WEST VAN DORN STREET - Sam Mandolfo, 2611 S. 117th St., came forward to answer questions.

This matter was taken under advisement.

VACATION NO. 06006 - VACATING THE EAST-WEST ALLEY BETWEEN Q AND R STREETS FROM 24TH STREET TO 25TH STREET - Brian Watkins, 2039 Q St., came forward representing the applicant and to answer questions.

Mike Morosin, no address given, came forward asking for explanation of the vacation. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06059 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO ADD DEFINITIONS FOR THE TERMS ANIMATION, DISSOLVE, FADE, NIT AND SCROLL AND TO REVISE THE DEFINITIONS OF THE TERMS CHANGEABLE COPY SIGN, ELECTRIC CHANGEABLE COPY SIGN, FLASHING/BLINKING/PULSATING SIGN, AND ILLUMINATED SIGN; AMENDING SECTION 27.69.030 TO PROVIDE STANDARDS FOR ILLUMINATION, TO PROHIBIT SIGNS WHICH DISPLAY AN ANIMATED MESSAGE OR SIMULATES ANIMATION AND TO PROVIDE REGULATIONS FOR ELECTRONIC CHANGEABLE COPY SIGNS; BY AMENDING SECTION 27.69.035 TO MODIFY PROVISIONS REGARDING ADMINISTRATIVE PERMITS FOR OFF-PREMISES SIGNS, TO REQUIRE THAT ANY TWO OFF-PREMISES ELECTRONIC CHANGEABLE COPY SIGNS BE 5,000 FEET APART MEASURED IN ALL DIRECTIONS, TO ALLOW EXISTING OFF-PREMISES SIGNS TO BE CONVERTED TO ELECTRONIC CHANGEABLE COPY SIGNS PROVIDED THE SIGN IS LOCATED AT LEAST 150 FEET FROM AND DOES NOT FACE A RESIDENTIAL DISTRICT, CEMETERY OR PARK, TO ALLOW ILLUMINATION OF OFF-PREMISES SIGNS BETWEEN MIDNIGHT AND 5:00 A.M. FOR GOVERNMENT INITIATED EMERGENCY INFORMATION ANNOUNCEMENTS, TO REVISE PROVISIONS REGARDING REMOVAL OF EXISTING NONCONFORMING OFF-PREMISES SIGNS IN ORDER TO INSTALL A NEW OFF-PREMISES SIGN; BY AMENDING SECTION 27.69.070 TO ALLOW ON-PREMISES SIGNS IN THE B-4 DISTRICT TO BE ANIMATED OR TO SIMULATE ANIMATION; BY REPEALING SECTION 27.69.270 RELATING TO PUBLIC SERVICE INFORMATION SIGNS IN NONRESIDENTIAL DISTRICTS; AND AMENDING SECTION 27.69.330 TO ALLOW LED OR SIMILAR TECHNOLOGIES TO HAVE EXPOSED ILLUMINATION - Marvin Krout, Director of Planning, came forward to clarify the change of zone and answer questions. Discussion followed.

Bob VanValkenburg, 7921 Reno Road, came forward to comment.

Martha Lee Heyne, 5906 Rolling Hills Blvd., representing Lamar Advertising, came forward in support of the amendments. Discussion followed.

Bob Norris, 1140 N. 21st St., Nebraska Neon Sign Company, came forward commenting about on-premise signs, requirements and safety concerns. Discussion followed.

Mitch Spencer, 436 Pheasant Drive, Grand Island, NE, General Manager for Electronic Display Systems, came forward to demonstrate and explain lighted messages and discuss safety issues. Discussion followed.

Coby Mach, Director of LIBA, came forward to comment about on-premise signage stating that the amendments fix a problem that does not exist. Discussion followed.

Don Wesely, 5300 Leighton Ave., came forward representing Anderson-Ford on North 27th Street, requesting Planning Dept. to work with the business to resolve their sign issue.

Susan Coffey, 201 N. 46th St., General Manager for Enterprise Properties, came forward in opposition to sign restrictions.

Carrie Marquis, 3323 Melrose Ave, Lambert Hospitality Management, came forward in opposition to sign restrictions as an on-premise sign is a critical component to the visibility of a business. Discussion followed.

Darl Naumann, Economic Development Coordinator, came forward to answer questions. Discussion followed.

Mr. Krout came forward in rebuttal stating the City should be proactive with today's technology. He stated I-80 is the gateway to this community and signing relates to quality of life and economic development. He asked for direction from Council. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:16 P.M.

RECONVENED 4:25 P.M.

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS TO ENSURE THAT FEDERAL FUNDING MAY BE USED FOR THE CONSTRUCTION OF THE ANTELOPE VALLEY CHANNEL PHASE II R TO Y PROJECT - Bob VanValkenburg, 7921 Reno Road, came forward in opposition to the project.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to clarify that if Federal funds are not received, the funds would come from SO funds from the Antelope Valley project.

This matter was taken under advisement.

APPROVING THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN GENERALLY ALONG SUN VALLEY BOULEVARD FROM WEST O STREET TO CORNHUSKER HIGHWAY, ALONG CORNHUSKER HIGHWAY FROM I-180 TO N.W. 12TH STREET, ALONG N.W. 12TH STREET FROM CORNHUSKER HIGHWAY TO HIGHLANDS BOULEVARD, HIGHLANDS BOULEVARD FROM N.W. 12TH STREET TO N.W. 1ST STREET AND WEST SUPERIOR STREET FROM N.W. 1ST STREET TO I-180 - Darl Naumann, Economic Development Coordinator, came forward to explain the plan. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LEAD DOG ENTERTAINMENT, INC. DBA THE PIT CREW FOR A CLASS C LIQUOR LICENSE AT 3223 CORNHUSKER HIGHWAY - PRIOR to reading:

MARVIN Moved to delay application one week for action only on 11/13/06.
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

MANAGER APPLICATION OF DAVID B. MILLER FOR LEAD DOG ENTERTAINMENT, INC. DBA THE PIT CREW AT 3223 CORNHUSKER HIGHWAY - PRIOR to reading:

MARVIN Moved to delay application one week for action only on 11/13/06.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPLICATION OF DOUGHBOYZ INC. DBA DOUGHBOYZ BISTRO/SCRUMPY JACKS TO EXPAND ITS LICENSED PREMISES BY ADDING A SIDEWALK CAFÉ AREA MEASURING 15 FEET BY 20 FEET TO THE NORTH AT 5520 S. 56TH STREET, SUITES 185 AND 195 - PRIOR to reading:

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4540 & was placed on file in the Office of the City Clerk.

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$27,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION HIGHWAY ALLOCATION BONDS OF THE CITY OF LINCOLN, NEBRASKA - CLERK read an ordinance, introduced by Ken Svoboda, authorizing and providing for the issuance of General Obligation Highway Allocation Fund Bonds, Series 2006 in an aggregate principal amount not to exceed \$27,000,000 for the purpose of providing funds to pay the costs of constructing improvements to streets and state highway or federal-aid routes of the City and to pay the costs of issuing the bonds; prescribing certain of the terms of the bonds; delegating, authorizing and directing the Finance Director to exercise his or her own independent judgement and absolute discretion in (A) determining, fixing and finalizing the principal amount, rates of interest and the other terms and provisions of the bonds not specified herein, (B) determining the manner in which such bonds shall be sold, (C) accepting a bid or negotiating an agreement for the purchase of such bonds, and (D) determining and fixing the terms and provisions of any such sale agreement; pledging funds received from the Nebraska Highway Allocation Fund and providing for the levy of a tax on all of the taxable property within the City to pay the principal and interest on such bonds; establishing the terms and conditions upon which additional highway allocation fund bonds may be issued; and related matters, the second time.

APPROVING A ONE-YEAR LEASE AGREEMENT BETWEEN THE CITY AND SPIRITS BY BECKMAN FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 N. CHESTNUT, WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) at 708 N. Chestnut, Wahoo, NE 68066, for a one-year term from September 1, 2006 through August 31, 2007 the second time.

AMENDING SECTION 2.76.385 OF THE LINCOLN MUNICIPAL CODE TO REVISE AND CLARIFY THAT FUNERAL LEAVE IS ALLOWED FOR EMPLOYEES ATTENDING THE FUNERAL OF A FELLOW EMPLOYEE - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.76.395 of the Lincoln Municipal Code relating to funeral leave to clarify that funeral leave is allowed for an employee to attend the funeral of a fellow employee; and repealing Section 2.76.385 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT VAN DORN PARK GENERALLY LOCATED AT S. 10TH AND VAN DORN STREET - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC dba Cingular for the placement of telecommunications facilities upon City property located in Van Dorn Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT PIONEERS PARK GENERALLY LOCATED AT 3403 WEST VAN DORN STREET - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC dba Cingular for the placement of telecommunications facilities upon City property located in Pioneers Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

APPROVING A LICENSE AGREEMENT BETWEEN THE CITY AND VERIZON WIRELESS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT HOLMES LAKE PARK GENERALLY LOCATED AT 3801 S. 70TH STREET. STREET - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the License Agreements between the City of Lincoln, Nebraska, a municipal

corporation, and Verizon Wireless (VAW) LLC dba Verizon Wireless for the placement of telecommunications facilities upon City property located in Holmes Lake Park and authorizing the Mayor to sign such License Agreement on behalf of the City, the second time.

VACATION NO. 06006 - VACATING THE EAST-WEST ALLEY BETWEEN Q AND R STREETS FROM 24TH STREET TO 25TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between Q and R Streets from 24th Street to 25th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 06059 - AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO ADD DEFINITIONS FOR THE TERMS ANIMATION, DISSOLVE, FADE, NIT AND SCROLL AND TO REVISE THE DEFINITIONS OF THE TERMS CHANGEABLE COPY SIGN, ELECTRIC CHANGEABLE COPY SIGN, FLASHING/BLINKING/PULSATING SIGN, AND ILLUMINATED SIGN; AMENDING SECTION 27.69.030 TO PROVIDE STANDARDS FOR ILLUMINATION, TO PROHIBIT SIGNS WHICH DISPLAY AN ANIMATED MESSAGE OR SIMULATES ANIMATION AND TO PROVIDE REGULATIONS FOR ELECTRONIC CHANGEABLE COPY SIGNS; BY AMENDING SECTION 27.69.035 TO MODIFY PROVISIONS REGARDING ADMINISTRATIVE PERMITS FOR OFF-PREMISES SIGNS, TO REQUIRE THAT ANY TWO OFF-PREMISES ELECTRONIC CHANGEABLE COPY SIGNS BE 5,000 FEET APART MEASURED IN ALL DIRECTIONS, TO ALLOW EXISTING OFF-PREMISES SIGNS TO BE CONVERTED TO ELECTRONIC CHANGEABLE COPY SIGNS PROVIDED THE SIGN IS LOCATED AT LEAST 150 FEET FROM AND DOES NOT FACE A RESIDENTIAL DISTRICT, CEMETERY OR PARK, TO ALLOW ILLUMINATION OF OFF-PREMISES SIGNS BETWEEN MIDNIGHT AND 5:00 A.M. FOR GOVERNMENT INITIATED EMERGENCY INFORMATION ANNOUNCEMENTS, TO REVISE PROVISIONS REGARDING REMOVAL OF EXISTING NONCONFORMING OFF-PREMISES SIGNS IN ORDER TO INSTALL A NEW OFF-PREMISES SIGN; BY AMENDING SECTION 27.69.070 TO ALLOW ON-PREMISES SIGNS IN THE B-4 DISTRICT TO BE ANIMATED OR TO SIMULATE ANIMATION; BY REPEALING SECTION 27.69.270 RELATING TO PUBLIC SERVICE INFORMATION SIGNS IN NONRESIDENTIAL DISTRICTS; AND AMENDING SECTION 27.69.330 TO ALLOW LED OR SIMILAR TECHNOLOGIES TO HAVE EXPOSED ILLUMINATION - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Sections 27.69.020, 27.69.030, 27.69.035, 27.69.070, 27.69.270, and 27.69.330 of the Lincoln Municipal Code as hitherto existing, the second time.

RESOLUTIONS

APPLICATION OF OHANA, LLC TO USE THE PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A NEW FACADE AND RAMP ON PROPERTY AT 1442 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84097 WHEREAS, Ohana, LLC has submitted an application for a permit to use the public right-of-way at 1442 O Street, for construction of a new facade and accessible ramp; and

WHEREAS, said applicant 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, said applicant has 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 application aforesaid of Ohana, LLC to use the public right-of-way at 1442 O Street for the purpose of constructing a new facade and an accessible ramp, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and 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 of the annual fee for the use of the surface of the public right-of-way fixed at ten percent of the square foot value of the lot directly abutting such use multiplied by the square footage of the use of the space.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its 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. That 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.

5. 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 applicant, its successors and assigns.

6. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant 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.

Introduced by Ken Svoboda

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

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS TO ENSURE THAT FEDERAL FUNDING MAY BE USED FOR THE CONSTRUCTION OF THE ANTELOPE VALLEY CHANNEL PHASE II R TO Y PROJECT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84098 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. STPC-5265(2), State CN-12833, City Project No. 780202, for the construction of concrete retaining walls as part of the channel project between Y and S Streets along the Antelope Valley channel, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by Ken Svoboda

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

APPROVING THE NORTHWEST CORRIDORS REDEVELOPMENT PLAN GENERALLY ALONG SUN VALLEY BOULEVARD FROM WEST O STREET TO CORNHUSKER HIGHWAY, ALONG CORNHUSKER HIGHWAY FROM I-180 TO N.W. 12TH STREET, ALONG N.W. 12TH STREET FROM CORNHUSKER HIGHWAY TO HIGHLANDS BOULEVARD, HIGHLANDS BOULEVARD FROM N.W. 12TH STREET TO N.W. 1ST STREET AND WEST SUPERIOR STREET FROM N.W. 1ST STREET TO I-180 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84099 WHEREAS, the City's Urban Development Department has prepared the Northwest Corridors Redevelopment Plan ("Redevelopment Plan") to cover an area generally along Sun Valley Boulevard from West O Street to Cornhusker Highway, along Cornhusker Highway from I-180 to N.W. 12th Street, along N.W. 12th Street from Cornhusker Highway to Highlands Boulevard, Highlands Boulevard from N.W. 12th Street to N.W. 1st Street and West Superior Street from N.W. 1st Street to I-180; and

WHEREAS, the City Council, after consideration of the Northwest Corridors Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on October 23, 2006; and

WHEREAS, the Director of Urban Development has filed with the City Clerk the Redevelopment Plan to install public improvements including streets, sidewalks and street lighting and to support commercial and industrial redevelopment efforts in the redevelopment area including supporting commercial redevelopment of a dilapidated hotel south of I-80, west of N.W. 12th Street; supporting commercial/industrial development northwest of N.W. 12th Street and Highlands Boulevard

adjacent to the Highlands Golf Course; and supporting commercial/industrial development in the University of Nebraska Technology Park zoned O-3 with a use permit for technology transfer. Said plan is attached hereto and marked Exhibit "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on September 29, 2006 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on October 11, 2006 before the Lincoln City - Lancaster County Planning Commission regarding the Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Exhibit "B" and "C" respectively; and

WHEREAS, said proposed Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on October 11, 2006 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 26, 2006 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 November 6, 2006 regarding the proposed Redevelopment Plan, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on October 20, 2006 and October 27, 2006 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 November 6, 2006 regarding the proposed Redevelopment Plan, a copy of such notice having been attached hereto and marked as Exhibit "E"; and

WHEREAS, on November 6, 2006 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

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

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

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

4. That for projects utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of

the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and Estimated Expenditures.

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

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

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

Introduced by Ken Svoboda

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

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2006 AT 5:30 P.M. FOR THE MANAGER APPLICATION OF CLARK D. DAWSON FOR SUMMIT PROPERTIES, LLC DBA SIDELINES DELI LOCATED AT 1000 SAUNDERS AVENUE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84100 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2006, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the manager application of Clark D. Dawson for Summit Properties, LLC dba Sidelines Deli located at 1000 Saunders Avenue.

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2006 AT 5:30 P.M. FOR THE APPLICATION OF JAMES HARMON DBA CHEAPEST DAMN CIGARETTES FOR A CLASS B LIQUOR LICENSE AT 4821 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84101 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2006, at 5:30 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 James Harmon dba Cheapest Damn Cigarettes for a Class B liquor license located at 4821 Cornhusker Highway.

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 20, 2006 AT 5:30 P.M. FOR THE APPLICATION OF CENTER STAGE & SALON, SPA & TANNING, INC. DBA CENTER STAGE & SALON, SPA & TANNING FOR A CLASS C LIQUOR LICENSE AT 4001 PIONEER WOODS DRIVE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84102 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 20, 2006, at 5:30 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 Center Stage & Salon, Spa & Tanning, Inc. dba Center Stage & Salon, Spa & Tanning for a Class C liquor license located at 4001 Pioneer Woods Drive.

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON OCTOBER 23, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 30, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED SEPTEMBER 30, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84103 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended September 30, 2006, \$460,687.08 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

REAPPOINTING DAVID FIKAR, SITARAM JASWAL, AND LORI LOPEZ URDIALES TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2009 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84104 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the re-appointment of David Fikar, Sitaram Jaswal, and Lori Lopez Urdiales to the Lincoln Commission on Human Rights for a three-year terms expiring December 31, 2009 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING JOE TIDBALL TO THE PARKS AND RECREATION ADVISORY BOARD FOR AN UNEXPIRED THREE-YEAR TERM EXPIRING APRIL 27, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84105 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the re-appointment of Joe Tidball to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2007 is hereby approved.

Introduced by Ken Svoboda

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

ORDINANCES - 1ST READING & RELATED RESOLUTIONS

CREATING A SPECIAL ASSESSMENT DISTRICT NO. 1 FOR THE ACQUISITION OF RIGHT-OF-WAY, GRADING, PAVING, RE-PAVING, SIDEWALKS, ORNAMENTAL STREET LIGHTING, AND STREET TREES IN N. 50TH STREET BOUNDED BY O STREET ON THE SOUTH TO APPROXIMATELY 800 FEET NORTH TO THE EXISTING ROADWAY AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Jonathan Cook, creating a Joint Paving, Re-paving, Ornamental Lighting, Sidewalk and Street Tree District No. 1, defining the limits thereof, establishing the width of the roadway and the width of the grading to be done, providing for paving, re-paving, street lighting, construction of sidewalks, and street trees, 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 first time.

CHANGE OF ZONE 06069 - APPLICATION OF HIDDEN VALLEY ESTATES LLC FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF S. 112TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 06068 - APPLICATION OF MICHAEL RAASCH FOR A CHANGE OF ZONE FROM R-8 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT, ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 18TH STREET AND M STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY OF LINCOLN, URBAN DEVELOPMENT DEPARTMENT DBA ONE STOP EMPLOYMENT SOLUTIONS AND SECURITY NATIONAL PROPERTIES FUNDING, LLC FOR LEASE OF OFFICE SPACE LOCATED AT 1010 N STREET, SUITE 150 FOR THE TIME PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2016 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Security National Properties Funding, LLC for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a 10-year term from January 1, 2007 through December 31, 2016, whereby the City of Lincoln is leasing 13,718 square feet space for the One Stop Career Center to unify the employment and training programs into a single system under the Workforce Investment Act, the first time.

ORDINANCES - 3RD READING & RELATED RESOLUTIONS (as required) - NONE

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

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

UPCOMING RESOLUTIONS -

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

ADJOURNMENT 4:41 P.M.

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

Joan E. Ross, CMC, City Clerk

Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING
November 6, 2006
Page 832