

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 23, 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 (arrived at 2:15 p.m.), 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**

MARVIN Having been appointed to read the minutes of the City Council proceedings of October 16, 2006, reported having done so, found same correct.

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

**PUBLIC HEARING**

ANNEXATION NO. 06014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.67 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND PENNSYLVANIA AVENUE;

CHANGE OF ZONE NO. 06053 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND PENNSYLVANIA AVENUE;

APPEAL OF HARTLAND HOMES INC. FROM THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 5015A, FOR THE DEVELOPMENT OF HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED NORTHWEST OF N. 14TH STREET AND PENNSYLVANIA AVENUE - Peter Katt, 1045 Lincoln Mall, Suite 200, came forward representing the applicant, to propose two solutions for street connections, and to answer questions. Discussion followed.

Tom Cajka, Planning Dept., came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to explain the appeal vote. Discussion followed.

Mr. Katt came forward for rebuttal.

This matter was taken under advisement.

DIRECTING THE PERSONNEL AND LAW DEPARTMENTS TO DRAFT AN EARLY RETIREMENT PROGRAM IN ACCORDANCE WITH THE AGE DISCRIMINATION IN EMPLOYMENT ACT AND THE OLDER WORKER'S BENEFIT PROTECTION ACT - Don Taute, Director of Personnel, came forward to explain the resolution. Discussion followed.

This matter was taken under advisement.

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION AND MATTICE FAMILY REVOKABLE TRUST FOR THE ACQUISITION OF PROPERTY GENERALLY LOCATED AT 819 H STREET - Dana Roper, City Attorney, came forward to answer Council questions. Discussion followed.

This matter was taken under advisement.

MISC. NO. 06013 - DECLARING THE NORTHWEST CORRIDORS REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD 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 blight study.

Tom Huston, 233 S. 13<sup>th</sup> St., Suite 1900, attorney representing Technology Park, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS - NONE

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE FIRTH COMMUNITY CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 311 NEMAHA STREET, FIRTH, NE FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Dan Marvin, accepting and approving a Lease Agreement between the City of Lincoln and Firth Community Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 311 Nemaha Street, Firth, NE for a term beginning September 1, 2006 through August 31, 2007, the second time.

STREET NAME CHANGE NO. 06008 - NAMING THE UNNAMED STREET ENTERING EAST CAMPUS AS "DAIRY STORE DRIVE" LOCATED NORTH OFF OF HOLDREGE STREET BETWEEN 37TH AND 38TH STREETS - CLERK read an ordinance, introduced by Dan Marvin, naming the unnamed street entering East Campus as "Dairy Store Drive" located north off of Holdrege Street between 37<sup>th</sup> and 38<sup>th</sup> Streets, as recommended by the Street Name Committee, the second time.

STREET NAME CHANGE NO. 06007 - RENAMING "SALT CREEK ROAD" AS "OX BOW ROAD" AND "ENTERPRISE CIRCLE" AS "OX BOW COURT" IN LANDMARK CORPORATE CENTER PRELIMINARY AND FINAL PLATS GENERALLY LOCATED AT N. 33RD STREET AND FOLKWAYS BOULEVARD - CLERK read an ordinance, introduced by Dan Marvin, changing the name of "Salt Creek Road" to "Ox Bow Road" and "Enterprise Circle" to "Ox Bow Court" located N. 33<sup>rd</sup> Street and Folkways Boulevard, as recommended by the Street Name Committee, the second time.

ANNEXATION NO. 06014 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.67 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND PENNSYLVANIA AVENUE. (RELATED ITEMS: 06-187, 06-188, 06R-204), - CLERK read an ordinance, introduced by Dan Marvin, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE NO. 06053 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 14TH STREET AND PENNSYLVANIA AVENUE. (RELATED ITEMS: 06-187, 06-188, 06R-204) - CLERK read an ordinance, introduced by Dan Marvin, 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 second time.

APPEAL OF HARTLAND HOMES INC. FROM THE CONDITIONS OF THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 5015A, FOR THE DEVELOPMENT OF HARTLAND'S GARDEN VALLEY COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED NORTHWEST OF N. 14TH STREET AND PENNSYLVANIA AVENUE. (RELATED ITEMS: 06-187, 06-188, 06R-204) (ACTION DATE: 10/30/06).

### RESOLUTIONS

DIRECTING THE PERSONNEL AND LAW DEPARTMENTS TO DRAFT AN EARLY RETIREMENT PROGRAM IN ACCORDANCE WITH THE AGE DISCRIMINATION IN EMPLOYMENT ACT AND THE OLDER WORKER'S BENEFIT PROTECTION ACT - PRIOR to reading:

CAMP Moved to place Bill No. 06R-201 on pending.

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

ESCHLIMAN Moved to amend Bill No. 06R-201 in the following manner:

1. On line 8 after the word "program" insert the words to be brought forward for consideration and vote of the City Council.

Seconded by McRoy & carried by the following vote: AYES: Cook,

Eschliman, Marvin, McRoy, Newman; NAYS: Camp, Svoboda.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84080 WHEREAS, employee payroll expense is a significant portion of the City budget; and

WHEREAS, controlling the long-term growth in the cost of personnel expense is a responsible and fiscally prudent management practice; and

WHEREAS, many governmental entities, including the City of Lincoln have offered early retirement packages to their employees.

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

That the Personnel and Law Departments will draft an early retirement program to be brought forward for consideration and vote of the City Council in accordance with the Age Discrimination in Employment Act (ADEA) and the Older Worker's Benefit Protection Act (OWBPA), 29 U.S.C. § 621-634, which will include the following elements:

1. Voluntary participation;
2. Applicable to employees age of 55 or older;
3. Establishes the number of years of service for eligibility;
4. Establishes the period of enrollment eligibility for employees;
5. Provision for an incentive payment into the employee's Post Employment Health Plan (PEHP); and
6. Such other terms and conditions as are necessary or useful in establishing such a program.

Introduced by Annette McRoy

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

APPROVING A REAL ESTATE SALES AGREEMENT BETWEEN THE PUBLIC BUILDING COMMISSION AND MATTICE FAMILY REVOKABLE TRUST FOR THE ACQUISITION OF PROPERTY GENERALLY LOCATED AT 819 H STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84081 WHEREAS, the Public Building Commission has entered into a Real Estate Sales Agreement with Mattice Family Revokable Trust, for the purchase of the west 24.5 feet of Lot 4, Block 145, Original Plat of the City of Lincoln, Lancaster County, Nebraska, also known as 819 H Street; and

WHEREAS, title to this property will be held in the name of the City of Lincoln, a municipal corporation, and the County of Lancaster, Nebraska, a political subdivision of the State of Nebraska, for the Public Building Commission as authorized by Neb. Rev. Stat. § 13-1304(4); and

WHEREAS, the property shall be used for additional parking for the County and the City which is the same purpose for which the bonds are being issued; and

WHEREAS, the money for this acquisition will come from the parking garage bonds approved and authorized by Ordinance No. 18035, passed by the City Council on July 15, 2002.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, and the Board of County Commissioners of the County of Lancaster, Nebraska that the attached Real Estate Sales Agreement for the acquisition of 819 H Street, with funding for the purchase to come from the parking garage bond fund, is hereby approved.

Introduced by Dan Marvin

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

MISC. NO. 06013 - DECLARING THE NORTHWEST CORRIDORS REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD 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 Annette McRoy who moved its adoption:

A-84082 WHEREAS, it is desirable and in the public interest that the City of Lincoln, Nebraska, a municipal corporation and a city of the primary class, undertake and carry out urban redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

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

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

WHEREAS, this Council has received and duly considered evidence relating to the present condition of the Northwest Corridors Redevelopment Area, as shown and described on Attachment "A"; and

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

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

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

WHEREAS, on September 19, 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 September 27, 2006, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the Northwest Corridors Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on September 27, 2006 recommended that the Northwest Corridors Redevelopment Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said Northwest Corridors Redevelopment Area as shown and described on Attachment "A" constitutes both a substandard and blighted area as defined in said Community Development Law, which area is in need of redevelopment.

WHEREAS, on October 12, 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 October 23, 2006 regarding the proposed determination that the Northwest Corridors Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 6, 2006 and October 13, 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 October 23, 2006 regarding the proposed determination that the Northwest Corridors Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 23, 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 determination

that the Northwest Corridors Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

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

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

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

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the Northwest Corridors Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Annette McRoy

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 6, 2006 AT 1:30 P.M. FOR THE APPLICATION OF DOUGHBOYZ, INC. DBA DOUGHBOYZ BISTRO/SCRUMPY JACKS FOR AN ADDITION TO PREMISE AT 5520 S. 56TH ST., SUITES 185 & 195 BY THE ADDITION OF A SIDEWALK CAFÉ MEASURING APPROX. 15' X 20' - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84083 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 6, 2006, at 1:30 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 Doughboyz, Inc. dba Doughboyz Bistro/Scrumpy Jacks for an addition to premise at 5520 S. 56th Street, Suites 185 & 195 by the addition of a sidewalk café measuring approx. 15' x 20'.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 6, 2006 AT 1:30 P.M. FOR THE APPLICATION OF LEAD DOG ENTERTAINMENT, INC. DBA THE PIT CREW FOR A CLASS C LIQUOR LICENSE LOCATED AT 3223 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-84084 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 6, 2006, at 1:30 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 Lead Dog Entertainment, Inc. dba The Pit Crew for a Class C liquor license located at 3223 Cornhusker Highway.

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

Introduced by Annette McRoy

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

#### REPORTS OF CITY OFFICERS

APPOINTING BOB FITZSIMMONS AND STEVE WILLBORN TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL UNEXPIRED TWO-YEAR TERMS EXPIRING JANUARY 1, 2008 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-84085 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Bob FitzSimmons and Steve Willborn to the Lincoln-Lancaster Women's Commission to fill an unexpired two-year term expiring January 1, 2008 is hereby approved.

Introduced by Dan Marvin

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MONDAY, NOVEMBER 6, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS - NONE

#### ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY AMENDING OR REPEALING SECTIONS WITHIN CHAPTER 5.41, SALVAGING, RECYCLING AND COMPOSTING OPERATIONS, TO DELETE PROVISIONS RELATING TO SALVAGING OPERATIONS AND TO MAKE CHAPTER 5.41 APPLY ONLY TO RECYCLING AND COMPOSTING OPERATIONS; ADDING A NEW CHAPTER 5.43 ENTITLED SALVAGE DEALERS AND SALVAGE COLLECTORS TO ESTABLISH AND RELOCATE PROVISIONS DEALING WITH SALVAGING OPERATIONS PREVIOUSLY FOUND IN CHAPTER 5.41. (8/14/06 - P.H. & ACTION CON'T. TO 9/11/06) (9/11/06 - P.H. & ACTION CON'T. TO 10/9/06) (10/9/06 - P.H. & ACTION CON'T. TO 10/16/06) (10/16/06 - ACTION DELAYED 1 WK TO 10/23/06) - PRIOR TO READING:

COOK Moved Amendment #1 to Bill No. 06-137S in the following manner:

1. On page 3, strike line 19-22, and insert in lieu thereof the following:

Established Place of Business shall mean a permanent business location that conforms with applicable zoning laws at which the facility conducts its business and may be accessed by the public during posted reasonable business hours which shall not be less than forty hours per week.

2. On page 3, strike lines 25-28, and insert in lieu thereof the following:

High Value Salvage Collector shall mean any person not having a premises as defined in this section who gathers, collects, buys, sells or otherwise deals in any high value salvage material.

3. On page 8, after line 24, insert a new paragraph (b) as follows and renumber the subsequent paragraphs accordingly:

(b) A salvage operation or recycling processing center operation permit shall not be suspended or revoked for failure to comply with the requirements under LMC 5.41.210 or 5.41.220, if such failure is due to mistake or inadvertence, except as provided in LMC 5.41.090(b). If any such failure to comply is discovered, the Director or Chief of Police shall notify the permit holder of such deficiencies and shall afford the permit holder a reasonable opportunity and time, not exceeding thirty days, to correct said deficiencies. If a permit holder has been given

three or more opportunities during any two-year period to correct such deficient record-keeping practices, its permit to operate may be suspended or revoked.

4. On page 8, beginning on line 29, amend paragraph (d) to read as follows:

(d) No suspension or revocation shall be effective until after the ten-day period provided for appeal. If an appeal is filed it shall operate as a stay to such suspension or revocation until the appeal is heard by the Director. Appeals of the Director's final decision may be appealed as provided by state law.

5. On page 10, beginning on line 29, amend paragraph (d) to read as follows:

(d) No suspension or revocation shall be effective until after the ten-day period provided for appeal. If an appeal is filed it shall operate as a stay to such suspension or revocation until the appeal is heard by the Chief of Police. Appeals of the Chief of Police's final decision may be appealed as provided by state law.

6. On page 15, strike lines 12 through 14 and insert in lieu thereof the following language:

On January 1, 2008 the Chief of Police shall provide a report to the Mayor and City Council evaluating the effectiveness of the permit and reporting program for high value salvage materials and making recommendations for any changes necessary to improve the program, and thereafter, upon request of the Mayor or City Council, the Chief of Police shall provide such reports.

7. On page 15, after line 14, insert a new Section 21 to read as follows:

Section 21. That Chapter 5.41 of the Lincoln Municipal Code be amended by adding a new section numbered 5.41.270 to read as follows: 5.41.270 Grace Period.

This ordinance shall not go into effect until December 1, 2006 with the exception of Section 5.41.220(b). In order to allow time for high value salvage collectors to apply for a permit, Section 5.41.220(b) shall not go into effect until February 1, 2007.

8. Renumber the subsequent paragraph numbers accordingly.

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

COOK Moved Amendment #3 to Bill No. 06-137 by accepting the Substitute Ordinance attached hereto.

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

COOK Requested Law Dept. to come forward to clarify the contractual agreement for the record.

Margaret Blatchford, Asst. City Attorney, came forward to state the following: Councilman Cook describes a situation where if you are a salvage operator and you have some type of contractual relationship with a commercial facility that they provide bins to that facility wherein they essentially put their scrap material in that bin pursuant to a contract. So the question came up: How do you record or get a signature for each time they fill up that bin and the operator goes and picks it up? For the record, we think that the contract itself fulfills the requirements under 5.41.210(b) sub-section 3 and 6. That the contract would fulfill the signature of the customer and the information about the name, address or operator's license of the customer.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations by amending or repealing sections within Chapter 5.41, Salvaging Recycling and Composting Operations, to delete provisions relating to salvaging operations and to make Chapter 5.41 apply only to recycling and composting operations; adding a new Chapter 5.43 entitled Salvage Dealers and Salvage Collectors to establish and relocate provisions dealing with salvaging operations previously found in Chapter 5.41, the third time.

COOK Moved to pass the substitute ordinance as amended.

The ordinance, being numbered #18831, is recorded in Ordinance Book #25, Page

CHANGE OF ZONE 06061 - APPLICATION OF KAPPA HOUSE CORPORATION OF DELTA DELTA DELTA SORORITY TO DESIGNATE THE DELTA DELTA DELTA SORORITY HOUSE AT 1601 R STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Robin Eschliman, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time.

ESCHLIMAN 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 **#18832**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 8.12 OF THE LINCOLN MUNICIPAL CODE ENTITLED CHILD CARE FACILITIES TO UPDATE THE PROVISIONS SPECIFICALLY GOVERNING THE OPERATION OF SMALL FAMILY CHILD CARE HOMES INCLUDING REQUIRING TRAINING IN FIRST AID/CPR, DISEASE PREVENTION AND INJURY PREVENTION; PROHIBITING SMOKING IN THE HOME AT ALL TIMES; MODIFYING RECORD REVIEW PERMIT DENIALS; ADOPTING NEW OPERATIONAL REGULATIONS; CLARIFYING ENFORCEMENT PROVISIONS; AND CLARIFYING ENFORCEMENT PROVISIONS TO ASSURE DUE PROCESS - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 8.12 of the Lincoln Municipal Code entitled Child Care Facilities to update the provisions specifically governing the operation of small family child care homes including requiring training in first aid/CPR, disease prevention and injury prevention; prohibiting smoking in the home at all times; modifying record review permit denials; adopting new operational regulations; clarifying enforcement provisions; and clarifying enforcement provisions to assure due process, the third time.

ESCHLIMAN Moved to pass the ordinance as read.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered **#18833**, is recorded in Ordinance Book #25, Page

AMENDING CHAPTER 8.14 OF THE LINCOLN MUNICIPAL CODE ENTITLED EARLY CHILDHOOD PROGRAMS TO UPDATE THE PROVISIONS OF THE CHAPTER TO REQUIRE TRAINING IN INJURY AND DISEASE PREVENTION AND SAFE FOOD HANDLING, CREATE PERMIT FEES, ADOPT NEW OPERATIONAL REGULATIONS, AND CLARIFY ENFORCEMENT PROVISIONS TO ASSURE DUE PROCESS - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 8.14 of the Lincoln Municipal Code entitled Early Childhood Programs to update the provisions of the chapter to require training in injury and disease prevention and safe food handling, create permit fees, adopt new operational regulations, and clarify enforcement provisions to assure due process, the third time.

ESCHLIMAN 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 **#18834**, is recorded in Ordinance Book #25, Page

UPDATING AND AMENDING THE RULES AND REGULATIONS FOR THE CARE OF CHILDREN AND THE OPERATION OF SMALL FAMILY CHILD CARE HOMES ADOPTED PURSUANT TO LINCOLN MUNICIPAL CODE 8.12 TO ADDRESS ISSUES WHICH POSE HEALTH AND SAFETY RISKS TO YOUNG CHILDREN IN HOME BASED CHILD CARE. (ACTION DATE: 10/23/06) - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84086 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Rules and Regulations for the Care of Children and the Operation of Small Family Child Care Homes adopted pursuant to Lincoln Municipal Code Chapter 8.12, Small Family Child Care Homes, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, is hereby approved.

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE PANAMA PRESBYTERIAN CHURCH FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2ND AND PINE STREETS, PANAMA, NEBRASKA FOR A PERIOD OF SEPTEMBER 1, 2006 THROUGH AUGUST 31, 2007 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Panama Presbyterian Church for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2<sup>nd</sup> and Pine Streets, Panama, NE for a term beginning September 1, 2006 through August 31, 2007, the third time.

ESCHLIMAN 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 **#18835**, is recorded in Ordinance Book #25, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 30, 2006.  
Seconded by Marvin & 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  
October 30, 2006.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 3:05 P.M.

CAMP Moved to adjourn the City Council meeting of October 23, 2006.  
Seconded by Marvin & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk, CMC

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
October 23, 2006  
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