

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 25, 2008 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

**READING OF THE MINUTES**

SPATZ Having been appointed to read the minutes of the City Council proceedings of February 11, 2008 reported having done so, found same correct.

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

**PUBLIC HEARING**

CREATING AND ORDERING CONSTRUCTION OF SIDEWALK IMPROVEMENT DISTRICT NO. 95 IN VARIOUS LOCATIONS WITHIN THE CITY AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - Harry Kroos, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

MISC. 08001 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISIONS BY AMENDING SECTION 26.19.010 TO ALLOW FINAL PLATS TO BE DRAWN ON 24 LB. WHITE PAPER AND BY AMENDING SECTION 26.23.140 TO PROVIDE THAT LOTS SHOWN WITHIN THE BOUNDARIES OF AN APPROVED COMMUNITY UNIT PLAN, A PLANNED UNIT DEVELOPMENT, OR USE PERMIT ARE NOT REQUIRED TO FRONT UPON AND TAKE ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, PROVIDED THAT A PERMANENT PUBLIC ACCESS EASEMENT TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH RESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH RESIDENTIAL LOTS AND THAT PERMANENT ACCESS EASEMENT (PUBLIC OR PRIVATE) TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH NONRESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH NONRESIDENTIAL LOTS - Marvin Krout, Director of Planning, came forward to explain that plats were previously accepted only on Mylar, which can easily smear. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07061 - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET;

PRE-EXISTING USE PERMIT NO. 07001A - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES TO DEVELOP 16,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH AN ADJUSTMENT TO THE PARKING REQUIREMENT TO ALLOW A TEMPORARY OUTDOOR STRUCTURE IN CONJUNCTION WITH THE USE OF THE BUILDING AS A CONVENIENCE HARDWARE STORE, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET - Steve Glenn, of Glenn's True Value, came forward to state he wants the ability to sell flowers at his business and be a good neighbor as well. Discussion followed.

Dr. Jayne Snyder, 810 Lakewood Dr., came forward in opposition explaining parking concerns. Discussion followed.

Marvin Krout, Director of Planning, came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

Mr. Glenn came forward in rebuttal and explained what parking changes he will implement. Discussion followed.

This matter was taken under advisement.

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND SOUTH 70TH STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward to state that property owners are in agreement to have the City maintain Shamrock Road as a City street.

Bill Austin, 301 S. 13<sup>th</sup> St., came forward to express his appreciation as well as his clients' appreciation to Mr. & Mrs. Richoux, Mr. Hunzeker, and the Council, for their work on preserving the character of this neighborhood.

This matter was taken under advisement.

ORDERING CONSTRUCTION OF PAVING UNIT NO. 141 IN Q STREET FROM 35<sup>TH</sup> TO 36<sup>TH</sup> STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - Elmer Cole, Public Works & Utilities, came forward to answer questions on the assessment. Discussion followed.

Gerald R. Spahn, 3528 Q St., petitioner, came forward to explain his original intent to subdivide his property and asked Council to vote against the request for paving. Discussion followed.

Barbara Pool, 14700 Holdrege St., duplex owner, came forward in opposition stating paving would add a burden to property owners, not value. Discussion followed.

Tim McCarty, 2220 N. 61<sup>st</sup>. St., duplex owner, came forward in opposition expressing his opinion that paving will not add value. Discussion followed.

Mr. Cole came forward for questioning. Discussion followed.

Marvin Krout, Director of Planning, came forward to answer questions stating that a paved street provides drainage, greater safety and less long-term maintenance. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions regarding Wyuka's non-consent to the assessment. Discussion followed.

This matter was taken under advisement.

MISC. 07010 - DECLARING THE N.W. 48TH & I-80 REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD GENERALLY BOUNDED BY WEST HOLDREGE STREET ON THE NORTH TO INTERSTATE 80 RIGHT-OF-WAY ON THE SOUTH; FROM N.W. 56TH STREET ON THE WEST TO N.W. 40TH STREET ON THE EAST - Wynn Hjermstad, Urban Development, came forward to explain the study, blighting factors and to answer questions. Discussion followed.

DeNay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Ringneck Development, LLC, which is in support of the blight designation. Discussion followed.

This matter was taken under advisement.

MISC. 08003 - DECLARING THE SOUTH 19TH STREET BLIGHT UPDATE AREA AS BLIGHTED AND SUBSTANDARD GENERALLY BOUNDED BY THE CENTERLINE OF WASHINGTON STREET ON THE NORTH TO THE CENTERLINE OF GARFIELD STREET ON THE SOUTH; AND THE CENTER LINE OF SOUTH 18TH STREET ON THE WEST TO EAST OF SOUTH 19TH STREET, INCLUDING LOTS 4 - 7, BLOCK 4, WILLIAMS SUBDIVISION, AND ASSOCIATED ALLEYS - Wynn Hjermstad, Urban Development, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE TRANSFER OF UNSPENT APPROPRIATIONS IN THE AMOUNT OF \$35,297 FROM ACCOUNT 10001.5621 (PERSONNEL DEPARTMENT) TO 02014.5021 (MAYOR'S DEPARTMENT HUMAN RIGHTS) FOR THE AFFIRMATIVE ACTION FUNCTION - Council Member Camp stated this transfer is a Federal requirement and the funds will be moved back into the budget.

This matter was taken under advisement.

TOOK BREAK 8:22 P.M.

RECONVENED 8:30 P.M.

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

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS - NONE**

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

CREATING AND ORDERING CONSTRUCTION OF SIDEWALK IMPROVEMENT DISTRICT NO. 95 IN VARIOUS LOCATIONS WITHIN THE CITY AND ASSESSING THE COST AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by John Spatz, creating and ordering construction of Sidewalk Improvement District No. 95, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

MISC. 08001 - AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO LAND SUBDIVISIONS BY AMENDING SECTION 26.19.010 TO ALLOW FINAL PLATS TO BE DRAWN ON 24 LB. WHITE PAPER AND BY AMENDING SECTION 26.23.140 TO PROVIDE THAT LOTS SHOWN WITHIN THE BOUNDARIES OF AN APPROVED COMMUNITY UNIT PLAN, A PLANNED UNIT DEVELOPMENT, OR USE PERMIT ARE NOT REQUIRED TO FRONT UPON AND TAKE ACCESS TO A PUBLIC STREET OR PRIVATE ROADWAY, PROVIDED THAT A PERMANENT PUBLIC ACCESS EASEMENT TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH RESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH RESIDENTIAL LOTS AND THAT PERMANENT ACCESS EASEMENT (PUBLIC OR PRIVATE) TO AND FROM A PUBLIC STREET OR PRIVATE ROADWAY FOR SUCH NONRESIDENTIAL LOTS IS DEDICATED IN THE FINAL PLAT CREATING SUCH NONRESIDENTIAL LOTS - CLERK read an ordinance, introduced by John Spatz, amending Title 26 of the Lincoln Municipal Code relating to land subdivisions by amending Section 26.19.010 to allow the final plat to be drawn on 24 lb. white paper; by amending Section 26.23.140 to provide that lots shown within the boundaries of an approved community unit plan, a planned unit development or use permit are not required to front upon and take access to a public street or private roadway, provided that a permanent public access easement to and from a public street or private roadway, provided that a permanent public access easement to and from a public street or private roadway for such residential lots is dedicated in the final plat creating such residential lots and that permanent access easement (public or private) to and from a public street or private roadway for such nonresidential lots is dedicated in the final plat creating such nonresidential lots; and repealing Sections 26.19.010 and 26.23.140 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 07061 - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET. (RELATED ITEMS: 08-11, 06R-50) (ACTION DATE: 3/3/08) - CLERK read an ordinance, introduced by John Spatz, 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.

PRE-EXISTING USE PERMIT NO. 07001A - APPLICATION OF STEVE GLENN OF MGG ENTERPRISES TO DEVELOP 16,000 SQUARE FEET OF COMMERCIAL FLOOR AREA, WITH AN ADJUSTMENT TO THE PARKING REQUIREMENT TO ALLOW A TEMPORARY OUTDOOR STRUCTURE IN CONJUNCTION WITH THE USE OF THE BUILDING AS A CONVENIENCE HARDWARE STORE, ON PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF VAN DORN STREET AND SOUTH 70TH STREET. (RELATED ITEMS: 08-11, 06R-50) (ACTION DATE: 3/3/08)

PUBLIC HEARING RESOLUTIONS

AMENDING RESOLUTION NO. A-70031 ADOPTED ON APRIL 15, 1985 TO WAIVE THE REQUIREMENT THAT SUBDIVISION OF THE PROPERTY BE ACCOMPLISHED BY THE CITY'S FORMAL PLATTING PROCEDURES WHEN A STREET IS NEEDED WITHIN THE AREA OF THE PROPOSED LOTS IN ORDER TO ALLOW FOR THE ADMINISTRATIVE SUBDIVISION OF PROPERTY GENERALLY LOCATED AT SHAMROCK ROAD AND SOUTH 70<sup>TH</sup> STREET (1/28/08 - Amended, 7-0; Lost as Amended, 2-5; Eschliman & Svoboda Assenting; #38-4561) (2/4/08 - Reconsidered & to have P.H. & Action on 2/11/08) (2/11/08 - P.H. & Action con't. 2 weeks to 2/25/08) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84740 WHEREAS, Resolution No. A-70031, adopted by the City Council on April 15, 1985, accepted and approved an application from Jonathan L. Waterbury and JoAnne Waterbury as subdividers to waive the requirement that subdivision of their property be accomplished by the City's formal platting procedures when a street is needed within the area of the proposed lots in order to allow for the administrative subdivision of the Waterbury property described in Resolution No. A-70031 as Parcel Numbers 1 - 4; and

WHEREAS, the conditions of approval provided: "a. The requirement that the subdivision be accomplished by the platting procedure when a street is needed within the area of the proposed lots is hereby waived under the following conditions: The subdividers, their successors and assigns agree: . . . 3. That failure to accomplish the platting of the subject property within one year from the date the administrative subdivision approval is granted shall render the administrative subdivision permit null and void."; and

WHEREAS, on April 23, 1985 the Planning Director approved the application of Jonathan L. Waterbury and JoAnne Waterbury for Subdivision Permit (#2405) creating Parcel Numbers 1 - 4 in accordance with the requirements of Resolution No. A-70021; and

WHEREAS, Mr. and Mrs. Howard N. Richoux on April 23, 1985 purchased Parcels Numbers 3 and 4 from the Waterburys; and

WHEREAS, the Waterburys failed to timely accomplish the platting of Parcel Numbers 1 through 4; and

WHEREAS, Mr. and Mrs. Richoux desire the City Council to cure any title defects regarding their ownership of Parcel Numbers 3 and 4 by removing of the condition in Resolution No. A-70031 that the subdivision permit shall be null and void if the parcels are not final platted within one year from the approval of the administrative subdivision permit; and

WHEREAS, the City Council is willing to cure said title defect and allow such subdivision to be approved and for development to continue thereon.

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

That Resolution No. A-70031, adopted by the City Council on April 15, 1985, be amended as follows:

1. On page 1, delete line 31.
2. On page 1, lines 32 and 33, delete the words "The Subdivision be accomplished by the platting procedure when".
3. On page 1, line 34, delete the words "under the following conditions".
4. On page 1, delete lines ~~36~~ 35 - 41.
5. On page 2, delete lines 1 - 7.

Introduced by Jon Camp

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

ORDERING CONSTRUCTION OF PAVING UNIT NO. 141 IN Q STREET FROM 35<sup>TH</sup> TO 36<sup>TH</sup> STREETS AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES - PRIOR to reading:

SVOBODA Moved to place Bill No. 08R-30 on Indefinite Pending.

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

MISC. 07010 - DECLARING THE N.W. 48TH & I-80 REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD GENERALLY BOUNDED BY WEST HOLDREGE STREET ON THE NORTH TO INTERSTATE 80 RIGHT-OF-WAY ON THE SOUTH; FROM N.W. 56TH STREET ON THE WEST TO N.W. 40TH STREET ON THE EAST - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84741 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 N.W. 48th and I-80 Area, as shown and described on Attachment "A" (entitled Northwest 48th Street Redevelopment Area Blight and Substandard Determination Study); and

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

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

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that prior to the preparation by the City of an urban redevelopment plan for a redevelopment project for the N.W. 48th Street & I-80 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 January 18, 2008, notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 30, 2008, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the N.W. 48th Street and I-80 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 January 30, 2008 recommended that the N.W. 48th Street and I-80 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 N.W. 48th Street and I-80 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 February 8, 2008 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 25, 2008 regarding the proposed determination that the N.W. 48th Street and I-80 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 February 8, 2008 and February 15, 2008 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 25, 2008 regarding the proposed determination that the N.W. 48th Street and I-80 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 February 25, 2008 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the N.W. 48th Street and I-80 Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Northwest 48th Street Redevelopment Area Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the N.W. 48th Street and I-80 Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

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

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the N.W. 48th Street and I-80 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 John Spatz

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

MISC. 08003 - DECLARING THE SOUTH 19TH STREET BLIGHT UPDATE AREA AS BLIGHTED AND SUBSTANDARD GENERALLY BOUNDED BY THE CENTERLINE OF WASHINGTON STREET ON THE NORTH TO THE CENTERLINE OF GARFIELD STREET ON THE SOUTH; AND THE CENTER LINE OF SOUTH 18TH STREET ON THE WEST TO EAST OF SOUTH 19<sup>TH</sup>

STREET, INCLUDING LOTS 4 - 7, BLOCK 4, WILLIAMS SUBDIVISION, AND ASSOCIATED ALLEYS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84742 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 South 19th Street Blight Update Area, located within the North 27th Corridor/Enterprise Community Target Neighborhood Area (for which a Blight and Substandard Determination Study was completed in April 1996), as shown and described on Attachment "A" (Letter of Hanna Keelan Associates of January 4, 2008 Re: Confirmation of Blight and Substandard Conditions); 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 South 19th Street Blight Update 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 January 18, 2008, (and on January 22, 2008 corrected) notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within a one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on January 30, 2008, before the Lincoln City - Lancaster County Planning Commission regarding the proposed determination that the South 19th Street Blight Update 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 January 30, 2008 recommended that the South 19th Street Blight Update Area be found to be both a substandard and blighted area as defined in said Community Development Law and the evidence demonstrates that said South 19th Street Blight Update 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 February 8, 2008 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on February 25, 2008 regarding the proposed determination that the South 19th Street Blight Update 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 February 8, 2008 and February 15, 2008 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on February 25, 2008 regarding the proposed determination that the South 19th Street Blight Update 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 February 25, 2008 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the South 19th Street Blight Update Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

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

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

1. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (Letter of Hanna Keelan Associates of January 4, 2008 Re: Confirmation of Blight and Substandard Conditions) attached hereto and incorporated herein as though fully set forth verbatim.

2. That it is hereby found and determined that the South 19th Street Blight Update Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

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

4. That the elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

5. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aid provided by the Community Development law, specifically including Tax Increment Financing.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the South 19th Street Blight Update 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 John Spatz

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

APPROVING THE TRANSFER OF UNSPENT APPROPRIATIONS IN THE AMOUNT OF \$35,297 FROM ACCOUNT 10001.5621 (PERSONNEL DEPARTMENT) TO 02014.5021 (MAYOR'S DEPARTMENT HUMAN RIGHTS) FOR THE AFFIRMATIVE ACTION FUNCTION - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84743 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$35,297.00 from Personnel Department, Account 10001.5621 to Mayor's Department, Human Rights, Account 02014.5021, for the Affirmative Action function, is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by John Spatz

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

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, MARCH 3, 2008 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF JESS VETROVSKY FOR GAS N SHOP, INC. DBA GAS N SHOP LOCATED AT 345 WEST O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84744 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 3, 2008, 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 manager application of Jess Vetrovsky for Gas N Shop, Inc. dba Gas N Shop located at 345 West O Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, MARCH 10, 2008 AT 5:30 P.M. FOR THE APPLICATION OF GRANDSTAND LLC DBA THE ELEMENT FOR A CLASS I LIQUOR LICENSE LOCATED AT 5601 S. 56TH ST., SUITE 21 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84745 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, March 10, 2008, 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 Grandstand LLC dba The Element for a Class I liquor license located at 5601 S. 56th St., Suite 21.

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

Introduced by Ken Svoboda

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08006 - Req. by the Director of Planning, amending Section 27.45.020 of the Lincoln Municipal Code to add churches as a permitted use in the H-4 General Commercial District; and repealing Section 27.45.020 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08007 - App. of Olsson Associates, from AGR Agricultural Residential District to R-3 Residential District, on property generally located at S. 84th Street and Pine Lake Road.

Special Permit No. 08010 - App. of Keith Fizkenscher, to allow a propane dispensing station on the northwest corner of the property generally located at S. 48th Street and Highway 2.

Special Permit No. 08011 - App. of Katie Halperin, for expansion of a nonconforming use, on property located at 1531 S. 19th Street and 1541 S. 19th Street.

Special Permit No. 08012 - App. of Olsson Associates, for a domicillary care facility for approximately 57 residents, on property generally located at S. 84th Street and Pine Lake Road.

Special Permit No. 08013 - App. of ESP, Inc., for an early childhood care facility for up to approximately 120 children, with requests to waive the location of the permitted sign to be shown at time of sign permits and to not require access to a collector street, on property generally located at S. 61st Street and Pine Lake Road.

Special Permit No. 08014 - App. of ESP, Inc., for a private dance school for approximately 36 students, with waiver request to allow the location of the permitted sign to be shown at the time of the sign permits, on property generally located at S. 61st Street and Pine Lake Road.

**MISCELLANEOUS BUSINESS - NONE**

**REPORTS OF CITY OFFICERS**

ASSESSMENT RESOLUTION FOR BOARD OF EQUALIZATION, GROUP I TO BE HELD MONDAY, MARCH 3, 2008 AT 10:00 A.M. - CLERK requested a motion to approve the Assessment Resolution.

SVOBODA So moved.

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION, GROUP I TO BE HELD MONDAY, MARCH 3, 2008 AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON FEBRUARY 11, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

AMENDING SECTION 12.20.050 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITS AND REQUIREMENTS FOR PLANTING, MAINTAINING, REMOVAL, AND DESTRUCTION OF TREES ALONG PUBLIC WAYS TO INCORPORATE THE STREET TREE VOUCHER PROGRAM - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 12.20.050 the Lincoln Municipal Code relating to permits and requirements for the planting, maintaining, removal, and destruction of trees along public ways to incorporate the Street Tree Voucher Program; and repealing Section 12.20.050 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATION NO. 07009 - VACATING N. 1ST STREET FROM THE NORTH RIGHT-OF-WAY LINE OF Q STREET TO THE NORTH PROPERTY LINE OF LOT 57 I.T. (RELATED ITEMS: 08-13, 06R-60) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, vacating North 1st Street from the north right-of-way line of Q Street to the north property line of Lot 57 I.T., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN PEOPLE'S CITY MISSION HOME AND THE CITY OF LINCOLN OVER APPROXIMATELY .92 ACRES GENERALLY LOCATED AT N. 1ST AND Q STREET, TO PRESERVE FLOOD STORAGE CAPACITY OF THE EASEMENT AREA. (RELATED ITEMS: 08-13, 06R-60) (ACTION DATE: 3/10/08)

ANNEXATION 08001 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 9.22 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS 08-14, 08-15) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

CHANGE OF ZONE 08001 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD. (RELATED ITEMS 08-14, 08-15) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, 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 08005 - AMENDING SECTION 27.63.280 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE SPECIAL PERMITS TO ALLOW A SPECIAL PERMIT TO BE GRANTED FOR THE EXPANSION OR ENLARGEMENT OF A PREMISES DEVOTED TO OR OCCUPIED BY BUILDINGS OR STRUCTURES, THE USE OF WHICH CONSTITUTES A NONCONFORMING OR NONSTANDARD USE - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 27.63.280 of the Lincoln Municipal code relating to Zoning Code Special Permits to allow a special permit to be granted for the expansion or enlargement of a premises devoted to or occupied by buildings or structures, the use of which constitutes a nonconforming or nonstandard use, and repealing Section 27.63.280 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08002 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC AND FOSTER INVESTMENT, LLC FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S.W. 6TH STREET AND WEST A STREET - CLERK read an ordinance, introduced by Ken Svoboda, 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 08003 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH AND MEREDETH STREET. (RELATED ITEMS: 08-17, 08R-65) (ACTION DATE: 3/10/08) - CLERK read an ordinance, introduced by Ken Svoboda, 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 as shown thereon, the first time.

SPECIAL PERMIT 08007 - APPEAL OF KEITH SACKSCHEWSKY TO THE PLANNING COMMISSION'S CONDITIONAL APPROVAL OF THE APPLICATION OF OLDERBAK ENTERPRISES NORTH LLC TO EXPAND A NONCONFORMING USE TO INCREASE THE AREA WHERE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES IS ALLOWED, ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF S. 48TH STREET AND MEREDETH STREET. (RELATED ITEMS: 08-17, 08R-65) (ACTION DATE: 3/10/08)

CHANGE OF ZONE 08004 - APPLICATION OF OLDERBAK ENTERPRISES NORTH, LLC FOR A CHANGE OF ZONE FROM R-T RESIDENTIAL TRANSITION DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 48TH STREET AND HARTLEY STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 2007 AND DECEMBER, 2007 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Ken Svoboda, adopting the supplements to the Lincoln Municipal Code dated June 2007 and December 2007 as part of the official Lincoln Municipal Code, the first time.

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

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007. (1/8/07 - Project #902269, placed on pending, no date certain; all other projects approved) (Request to remove from Pending) (1/28/08 - Removed from Pending to have 2nd Reading & Public Hearing on 2/11/08) - CLERK read an ordinance, introduced by Ken Svoboda, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds and within the Water Construction Fund within the Public Works & Utilities Department, the third time.

SVOBODA Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered #19046, is recorded in Ordinance Book #26, Page

RECONSIDERATION

COMP. PLAN AMENDMENT 07002 - AMENDING THE 2030 LINCOLN CITY/LANCASTER COUNTY COMPREHENSIVE PLAN TO ADD THE DEADMANS RUN WATERSHED MASTER PLAN TO THE LIST OF SUB-AREA PLANS IN THE PLAN IMPLEMENTATION SECTION AND TO THE LIST OF APPROVED WATERSHED STUDIES IN THE UTILITIES SECTION OF THE COMPREHENSIVE PLAN. (2/11/08 - Action Delayed for 60 days to 4/14/08) - PRIOR to reading:

SPATZ Moved to reconsider Bill No. 08R-36.

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

SPATZ Moved MTA #2 to amend Bill No. 08R-36 in the following manner:

1. On page 1, after line 10, strike the paragraph which was adopted by Motion to Amend No. 1 and insert in lieu thereof the following new paragraph:

BE IT FURTHER RESOLVED that prior to the final design and construction of Projects 1 through 6, the preliminary engineering reports for Projects 5 and 6 will be brought before the City Council for public hearing and approval.

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

COOK Moved to reconsider MTA #1, adopted 2/11/08, to withdraw.

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

COOK Moved MTA #1 to amend Bill No. 08R-36.

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

CLERK Read the following amended resolution, introduced by Robin Eschliman, who moved its adoption:

A-84746 WHEREAS, the Planning Director has made application to amend the 2030 Lincoln/Lancaster County Comprehensive Plan to incorporate the Deadmans Run Watershed Master Plan as a subarea plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended amendments to the Deadmans Run Watershed Master Plan; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has recommended approval of said proposed amendment as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the Deadmans Run Watershed Master Plan, on file in the office of the Planning Director and incorporated herein by this reference is adopted as an approved subarea plan.

BE IT FURTHER RESOLVED that prior to the final design and construction of Projects 5 and 6 for stormwater detention, the preliminary engineering reports for each project will be brought before the City Council for public hearing and approval.

BE IT FURTHER RESOLVED that prior to the final design and construction of Projects 1 through 6, the preliminary engineering reports for Projects 5 and 6 will be brought before the City Council for public hearing and approval.

BE IT FURTHER RESOLVED that the 2030 Lincoln/Lancaster County Comprehensive Plan be amended as follows:

1. Add the "Deadmans Run Watershed Master Plan, 2007" to the list of approved subarea plans on Page F155.
2. Add the Deadmans Run Watershed Master Plan 2007 to the list of adopted watershed studies at the end of the Watershed Management section on page 81.

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

Introduced by Robin Eschliman

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

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to March 3, 2008.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP Moved to approve the resolutions to have Public Hearing on March 3, 2008.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**ADJOURNMENT 9:04 P.M.**

CAMP Moved to adjourn the City Council meeting of February 25, 2008.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant

REGULAR MEETING  
February 25, 2008  
Page 674