

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 19, 2008 AT 1:30 P.M.

ELECTION OF CHAIR AND VICE CHAIR

Mayor Chris Beutler came forward to conduct nominations for the office of Chair for the City Council. Council Member Jonathan Cook nominated Robin Eschliman, Seconded by Ken Svoboda, and the motion carried 6-0; Camp absent.

As newly elected Chair, Robin Eschliman, conducted the nominations for the office of Vice Chair for the City Council. Council Member John Spatz nominated Doug Emery, seconded by Ken Svoboda, and the motion carried 6-0; Camp absent.

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

The Meeting was called to order at 1:40 p.m. Present: Council Chair Eschliman; Council Members: Cook, Emery, Marvin, Spatz, Svoboda; City Clerk, Joan E. Ross; Absent: Camp.

READING OF THE MINUTES

SPATZ Having been appointed to read the minutes of the City Council proceedings of May 12, 2008 reported having done so, found same correct. Seconded by Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp.

PUBLIC HEARING

APPLICATION OF SWIG LLC DBA BILLY BROWNS FOR A CLASS I LIQUOR LICENSE AT 1422 O STREET;
MANAGER APPLICATION OF BRETT A. RICHARDSON FOR SWIG LLC DBA BILLY BROWNS AT 1422 O STREET - Brett Richardson, 1928 S. 8th Street, took oath, and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN L-SHAPED SIDEWALK CAFÉ MEASURING APPROXIMATELY 11 FEET BY 60 FEET TO THE SOUTH AND EAST AT 301 N. 8TH STREET - Somsri Chollett, 301 N. 8th Street, took oath and came forward requesting an addition of a sidewalk café on the south and east of her restaurant. It was mentioned by the City Clerk that there has been a request to change this application and this is to be approved by the Sidewalk Dining Committee first so will need to delay the vote for two weeks.

This matter was taken under advisement.

APPLICATION OF AQUA MATIC INC. DBA ROC'S STOP & SHOP FOR A CLASS D LIQUOR LICENSE AT 2700 SOUTH STREET;
MANAGER APPLICATION OF LARRY E. SEMIN FOR AQUA MATIC INC. DBA ROC'S STOP & SHOP AT 2700 SOUTH STREET - Jan Semin, 3442 Old Dominion Rd., took oath and came forward to answer questions. In response to Council question they are wanting to sell other liquors such as whiskey along with beer. This is not unusual for a convenience store.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$625,000 OF GENERAL OBLIGATION TAX ANTICIPATION NOTES TO THE CITY OF LINCOLN. (RELATED ITEMS: 08-58, 08R-107);

APPROVING A PLEDGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNF CHARITABLE GIFT FUND TO PROVIDE FUNDING TO THE CITY FOR PRELIMINARY DESIGN, ENGINEERING AND FEASIBILITY STUDIES RELATED TO THE ARENA PROJECT AND RELATED AMENITIES. (RELATED ITEMS: 08-58, 08R-107)- Don Herz, Finance Director, came forward to report funding for the preliminary design, engineering and feasibility study for the Arena Project has been obtained. The County Board has approved a \$750,000 grant from the County's Visitor Improvement Fund which receives money from the Hotel Lodging Tax. The tax anticipation notes ordinance is no longer necessary so recommend to withdraw or indefinitely postpone this item. The minimum match has been met as required in the pledge agreement with the University of Nebraska Foundation Charitable Gift Fund. In answer to what the \$600,000 that remains in the left over funds from the \$stormwater Bond issue will be used for, as requested by the Council, it will be used to pay debt service in the future.

This matter was taken under advisement.

RESOLUTION APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE ESTABLISHMENT OF PHASE V OF THE 12TH STREET REVITALIZATION AREA (GALLUP REDEVELOPMENT PROJECT) AT N. 11TH AND P STREET - Dallas McGee, Urban Development, came forward to report this project involves the renovation of the Lincoln Commercial Club building which houses the Gallup facilities as well as the redevelopment of the building to the north. It is planned to be under construction later this summer. A TIFF project area is to be created and then a redevelopment agreement will be negotiated with the developer. Information providing the cost benefit analysis and the change in the title of the project from Gallup Redevelopment Project to Lincoln Commercial Club Redevelopment Project was handed out.

Robert Scott, WRK, LLC, came forward as developer of this project. It was reported that the building to the north will be torn down and a new structure 75 feet tall will be built along with the redevelopment of the Lincoln Commercial Club Building. This will provide approximately 5,000 sq. ft of street level retail and hopefully, 42,000 sq. ft of additional office space.

Josh Berger, WRK, LLC, stated in answer to what Gallup anticipates using the building for they have three different types of offices; the executive office, customer service orientation and training facilities along with the call center in this one building. It is envisioned to include a green roof. In reference to the concern of this building being protected by the National Historic Society Registry it is planned to be renovated back to its original state including balconies and renovating the ballroom.

Mr. McGee stated there have been some changes to the building since its original construction so it is not currently on the Register and is questionable whether it would be eligible.

Mr. Berger stated the designs meet the standards and guidelines of the Downtown Urban Design Committee.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING MICHELLE PENN TO THE URBAN DESIGN COMMITTEE FOR A THREE-YEAR TERM EXPIRING FEBRUARY 1, 2011 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84859 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Michelle Penn to the Urban Design Committee for a three-year term expiring February 1, 2011, is hereby approved.

Introduced by John Spatz

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON MAY 5, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS - NONE

LIQUOR RESOLUTIONS

APPLICATION OF SWIG LLC DBA BILLY BROWNS FOR A CLASS I LIQUOR LICENSE AT 1422 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-84860 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Swig LLC dba Billy Browns for a Class "I" liquor license at 1422 O Street, Lincoln, Nebraska, for the license period ending April 30, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APPLICATION OF BRETT A. RICHARDSON FOR SWIG LLC DBA BILLY BROWNS AT 1422 O STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84861 WHEREAS, Swig LLC dba Billy Browns located at 1422 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Brett A. Richardson be named manager; WHEREAS, Brett A. Richardson appears to be a fit and proper person to manage said business.

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

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

Introduced by Doug Emery

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

APPLICATION OF MAGNOLIA RESTAURANT INC. DBA MAGNOLIA RESTAURANT TO EXPAND ITS PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN L-SHAPED SIDEWALK CAFÉ MEASURING APPROXIMATELY 11 FEET BY 60 FEET TO THE SOUTH AND EAST AT 301 N. 8TH STREET - PRIOR to reading:

MARVIN Moved to delay for two weeks with continued public hearing and action on June 2, 2008.

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

APPLICATION OF AQUA MATIC INC. DBA ROC'S STOP & SHOP FOR A CLASS D LIQUOR LICENSE AT 2700 SOUTH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84862 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Aqua Matic Inc. dba Roc's Stop & Shop for a Class "D" liquor license at 2700 South Street, Lincoln, Nebraska, for the license period ending April 30, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Doug Emery

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

MANAGER APPLICATION OF LARRY E. SEMIN FOR AQUA MATIC INC. DBA ROC'S STOP & SHOP AT 2700 SOUTH STREET - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption for approval:

A-84863 WHEREAS, Aqua Matic Inc. dba Roc's Stop & Shop located at 2700 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Larry E. Semin be named manager; WHEREAS, Larry E. Semin appears to be a fit and proper person to manage said business.

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

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

Introduced by Doug Emery

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

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

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$625,000 OF GENERAL OBLIGATION TAX ANTICIPATION NOTES TO THE CITY OF LINCOLN. (RELATED ITEMS: 08-58, 08R-107) (REQUEST 2ND, 3RD READINGS ON 5/19/08) - PRIOR to reading:

COOK Moved to Withdraw Bill No. 08-58.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4571 & was placed on file in the Office of the City Clerk.

APPROVING A PLEDGE AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNF CHARITABLE GIFT FUND TO PROVIDE FUNDING TO THE CITY FOR PRELIMINARY DESIGN, ENGINEERING AND FEASIBILITY STUDIES RELATED TO THE ARENA PROJECT AND RELATED AMENITIES. (RELATED ITEMS: 08-58, 08R-107)- CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84864 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Pledge Agreement between the City of Lincoln and UNF Charitable Gift Fund to provide funding to the City for preliminary design, engineering and feasibility studies related to the Arena project and related amenities in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return a fully executed copy of the Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to the UNF Charitable Gift Fund.

Introduced by John Spatz

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

ACCEPTING WILLOW SPRINGS HOMEOWNERS ASSOCIATION'S OFFER TO DEDICATE THE RIGHT-OF-WAY FOR LUCILE DRIVE AT PIONEERS BLVD - CLERK read an ordinance, introduced by John Spatz, accepting Willow Springs Homeowners Association's right-of-way for Lucile Drive at Pioneers Boulevard, the second time.

PUBLIC HEARING RESOLUTIONS

SPECIAL PERMIT 08015 - APPLICATION OF ROGER SCHWISOW FOR AUTHORITY TO ALLOW MINING/EXTRACTION OF SOIL OF AGRICULTURAL ZONED PROPERTY LOCATED NORTHWEST OF THE INTERSECTION OF N.W. 56TH STREET AND WEST O STREET. (3/31/08 - CON'T P.H. W/ACTION ON 4/14/08) (4/14/08 - CON'T P.H. W/ACTION TO 4/28/08) (4/28/08 - CON'T. P.H. W/ACTION TO 5/19/08)- PRIOR to reading:

MARVIN Moved to place Bill No. 08R-82 on Pending with no date certain.

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

AUTHORIZING THE MAYOR AND FINANCE DIRECTOR TO APPROPRIATE CITY FUNDS FOR THE MULTI-YEAR JOINT ANTELOPE VALLEY PROJECT NO. 780110, ANTELOPE VALLEY J STREET BRIDGE - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84865 WHEREAS, the Antelope Valley J Street Bridge Project described as City Project 780110, State Project STPC-5226(1) - Control No. 11215j, has been approved by the City; and

WHEREAS, construction of the Antelope Valley J Street Bridge Project is scheduled to begin in May 2008 with the bridge open to traffic in the Fall of 2008 and completion of all work including seeding and construction of the new channel liner adjacent to the bridge by June 2009; and

WHEREAS, the project is shown in the City's 2007-2013 Capital Improvement Program as Project No. 780110, Antelope Valley J Street Bridge; and

WHEREAS, funding for this work includes Federal Funds and City Funds; and

WHEREAS, the Public Works & Utilities Department believes it is in the public interest for the Joint Antelope Valley Authority ("JAVA") to enter into a City funded multi-year contract for the Antelope Valley J Street Bridge Project to coordinate the construction of the project and to match the funding appropriation to the cash outlay; and

WHEREAS, Article VII, Section 3 of the Charter of the City of Lincoln provides that no contract involving the expenditure of money from appropriations of more than one year, other than appropriations of borrowed money, shall be valid unless approved by ordinance or resolution of the City Council.

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

That the Mayor and Finance Director are authorized to approve expenditures and related transfers of funds or approvals in connection with the multi-year Joint Antelope Valley Authority (JAVA) Antelope Valley J Street Bridge Project to be paid from Capital Improvement Program, funds for fiscal years 2007-2008 and 2008-2009.

Introduced by John Spatz

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

APPROVING A FOUR-YEAR CONTRACT BETWEEN THE CITY AND VONBUSCH AND SONS REFUSE TO COLLECT RECYCLABLES DEPOSITED AT THE CITY SPONSORED RECYCLING DROP-OFF SITES IN THE CITY AND COUNTY AND TRANSPORT THEM TO A MATERIAL RECOVERY FACILITY - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84866 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the four-year contract between the City of Lincoln and Von Busch and Sons Refuse for the collection of recyclable materials from City sponsored recycling drop-off sites under the terms and conditions as set forth in said contract, which is attached hereto, marked as Attachment "A", and made a part hereof by reference, 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 transmit one copy of the executed original contract to Gene Hanlon, Recycling Coordinator for the transmittal to Von Busch and Sons Refuse.

Introduced by John Spatz

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

RESOLUTION APPROVING AND ADOPTING A PROPOSED AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE ESTABLISHMENT OF PHASE V OF THE 12TH STREET REVITALIZATION AREA (GALLUP REDEVELOPMENT PROJECT) AT N. 11TH AND P STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84867 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69713 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb.Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, The City Council has previously adopted the Lincoln Center Redevelopment Plan and amendments thereto (hereinafter the "Lincoln Center Redevelopment Plan" or "Plan") including plans for various redevelopment projects within said blighted and substandard area in accordance with the requirements and procedures of the Nebraska Community Development Law; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk proposed amendments to the Plan (hereinafter the "Amendments") for said blighted and substandard area contained in the document entitled "Gallup Redevelopment Project" which is attached hereto, marked as Attachment "A", and made a part hereof by reference; and

WHEREAS, the Director of Urban Development has reviewed said Amendments and has found that if adopted the Amendments and The Plan meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (2006 Cum. Supp.); and

WHEREAS, the City Council now desires to modify said Plan by establishing the "Gallup Redevelopment Project", as Phase V of the 12th Street Revitalization Area, on property described as Lincoln Original Block 36, Lots 7 and 8, including all of the east-west alley in Block 36, that portion of South 11th Street abutting on the west and that portion of the north half of P Street abutting on the south ("Gallup Redevelopment Project Area"), to strengthen and extend the 12th Street Revitalization Area by removal of blighted and substandard conditions, to redevelop an existing structure and the demolition and reconstruction of a new structure into a mixed use office, restaurant, retail building with the possibility of some residential on upper floors; and

WHEREAS, on April 11, 2008, a notice of public hearing was mailed postage prepaid 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 April 23, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, on May 2, 2008 a notice of public hearing was mailed postage prepaid to the foregoing registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on May 19, 2008, regarding the proposed Amendments to the Lincoln Center Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on May 2, 2008 and May 9, 2008 a Notice of Public Hearing was published in the Lincoln Journal Star newspaper, setting the time, date, place and purpose of the public hearing to be held on May 19, 2008 regarding the proposed Amendments to the Lincoln Center Redevelopment

Plan for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, said proposed Amendments to the Lincoln Center Redevelopment Plan for the Gallup Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations, and said Planning Commission on April 23, 2008 found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on May 19, 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 Amendments to the Lincoln Center Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments to the Plan; and

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

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

1. That the Lincoln Center Redevelopment Plan as amended by changing said Plan to incorporate the Gallup Redevelopment Project is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted and harmonious development of the City and its environs which will promote the general health, safety and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That incorporating the Gallup Redevelopment Project into 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 determinations set forth in the Community Development Law; and

3. Such substandard and blighted conditions in the Gallup Redevelopment Project Area 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.

4. That 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; and

5. That the Gallup Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the Gallup Redevelopment Project would not occur in the Gallup Redevelopment Project Area without the use of tax-increment financing.

7. That 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.

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

1. That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments to the Lincoln Center Redevelopment Plan attached hereto as Attachment "A", establishing the Gallup Redevelopment Project are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

2. 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 as they relate to the above-described amendments.

3. That the Gallup Redevelopment Project Area is the Redevelopment Project Area comprising the property to be included in the area subject to the tax increment provision authorized in the Nebraska Community Development Law.

4. That the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization to provide necessary funds including Community Improvement Financing in accordance with the Community Development Law to finance related necessary and appropriate public acquisitions, improvements and activities set forth in said Amendments to the Lincoln Center Redevelopment Plan.

5. That it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution No. A-68489, Resolution No. A-70273, Resolution No. A-71073, Resolution No. A-71490, Resolution No. A-71701, Resolution No. A-72046, Resolution No. A-72329, Resolution No. A-72774, Resolution No. A-73000, Resolution No. A-73698, Resolution A-74165, Resolution No. A-74186, Resolution A-74291, Resolution No. A-74583, Resolution No. A-74603, Resolution No. A-75257, Resolution A-75784, Resolution A-75974, Resolution A-76438, Resolution No. A-77828, Resolution No. A-78138, Resolution No. A-78688, Resolution No. A-80587, Resolution No. A-81681, Resolution No. A-83005, Resolution No. A-83839, Resolution No. A-84238, Resolution No. A-84478, and Resolution No. A-84603.

Introduced by John Spatz

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

CHANGE OF ZONE 08016 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE, THE ZONING CODE, BY AMENDING SECTION 27.63.170 RELATING TO SPECIAL PERMITS FOR PARKING LOTS TO ALLOW THE CITY COUNCIL TO ADJUST THE LOCATION OF SIGNS AND PARKING UNDER A SPECIAL PERMIT; AMENDING SECTION 27.67.030 RELATING TO GENERAL PARKING CONDITIONS TO ALLOW PARKING IN THE FRONT YARD UNDER A SPECIAL PERMIT FOR PARKING LOTS PURSUANT TO SECTION 27.63.170; AND AMENDING SECTION 27.69.030 RELATING TO GENERAL SIGN PROVISIONS TO ALLOW SIGNS IN THE FRONT YARD IF AUTHORIZED UNDER THE CONDITIONS OF APPROVAL OF THE SPECIAL PERMITTED USE FOUND IN CHAPTER 27.63; AND REPEALING SECTIONS 27.63.170, 27.67.030, AND 27.69.030 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING. (RELATED ITEMS: 08-60, 08R-119) - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Section 27.63.170 relating to special permits for parking lots to allow the City Council to adjust the location of signs and parking under a special permit; amending Section 27.67.030 relating to general parking conditions to allow parking in the front yard under a special permit for parking lots pursuant to Section 27.63.170; amending Section 27.69.020 relating to general sign provisions to allow signs in the front yard if authorized under the conditions of approval for the special permitted use found in Chapter 27.63; and repealing Sections 27.63.170, 27.67.030, and 27.69.030 of the Lincoln Municipal Code as hitherto existing, the first time.

SPECIAL PERMIT 08018 - APPLICATION OF FIRST PLYMOUTH CONGREGATIONAL CHURCH TO ALLOW A PARKING LOT IN A RESIDENTIAL ZONING DISTRICT; TO WAIVE THE MINIMUM 15 FOOT SITE PENETRATION; TO ALLOW PARKING IN THE FRONT YARD ALONG S. 21ST STREET AND F STREET; AND TO ALLOW FOR A SIGN IN THE FRONT YARD, ON PROPERTY GENERALLY LOCATED AT S. 21ST STREET AND F STREET. (RELATED ITEMS: 08-60, 08R-119) (ACTION DATE: 6/9/08).

AMENDING TITLE 2 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFICERS, DEPARTMENTS AND PERSONNEL OF THE CITY OF LINCOLN BY AMENDING SECTION 2.02.020 TO ADD THE "LIBRARY DEPARTMENT" AND THE "LIBRARY DIRECTOR" TO THE LIST OF DEPARTMENTS AND DIRECTORS UNDER THE SUPERVISION OF THE MAYOR; BY ADDING A NEW SECTION 2.02.085 TO PROVIDE THE LIBRARY DIRECTOR SHALL HAVE CHARGE AND SUPERVISION OF THE LIBRARY DEPARTMENT AND TO SET FORTH THE DUTIES OF THE LIBRARY DIRECTOR; BY CREATING A NEW CHAPTER 2.25 ENTITLED "LIBRARY DEPARTMENT" BY ADDING A NEW SECTION 2.25.010 TO ESTABLISH THE NAME OF THE DEPARTMENT; BY ADDING A NEW SECTION 2.25.020 TO ESTABLISH A PROCESS FOR THE HIRING AND REMOVAL OF THE LIBRARY DIRECTOR; BY ADDING A NEW SECTION 2.25.030 TO ESTABLISH JOB DUTIES OF THE LIBRARY DIRECTOR; AND BY ADDING A NEW SECTION 2.25.040 TO ESTABLISH A PROCEDURE FOR PERFORMANCE REVIEWS OF THE LIBRARY DIRECTOR; BY AMENDING SECTION 2.76.070 TO REMOVE THE LIBRARY DIRECTOR POSITION FROM CLASSIFIED SERVICE; AND REPEALING SECTIONS 2.02.020 AND 2.76.070 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 2 of the Lincoln Municipal Code relating to Officers, Departments and Personnel of the City of Lincoln by amending Section 2.02.020 to add the "Library Department" and the "Library Director" to the list of departments and directors under the supervision of the Mayor; by adding a new Section 2.02.085 to provide the Library Director shall have charge and supervision of the Library Department and to set forth the duties of the Library Director; by creating a new Chapter 2.25 entitled "Library Department" by adding a new Section 2.25.010 to establish the name of the department; by adding a new Section 2.25.020 to establish a process for the hiring and removal of the Library Director; by adding a new Section 2.25.030 to establish

job duties of the Library Director; and by adding a new Section 2.25.040 to establish a procedure for performance reviews of the Library Director; by amending Section 2.76.070 to remove the Library Director position from classified service; and repealing Sections 2.02.020 and 2.76.070 of the Lincoln Municipal Code as hitherto existing, the first time.

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

AMENDING CHAPTER 8.46 OF THE LINCOLN MUNICIPAL CODE RELATING TO WEED ABATEMENT BY AMENDING SECTIONS 8.46.010 AND 8.46.020 TO RAISE THE HEIGHT OF WEEDS OR WORTHLESS VEGETATION THAT MUST BE CUT FROM SIX INCHES TO TWELVE INCHES ABOVE THE GROUND; AND REPEALING SECTIONS 8.46.010 AND 8.46.020 AS HITHERTO EXISTING. (4/14/08 - P.H./2ND READING DELAYED 4 WKS. TO 5/12/08) - PRIOR to reading:

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned the File #38-4572 & was placed on file in the Office of the City Clerk.

APPROVING THE PLATTE RIVER WELL FIELD FARM LEASE BETWEEN THE CITY (OWNER) AND DENNIS M. THOMAS (TENANT) FOR THE LEASE OF APPROXIMATELY 240 ACRES AROUND THE CITY OF LINCOLN ASHLAND WELLHEAD WATER OPERATIONS IN ASHLAND, NEBRASKA FOR A ONE-YEAR TERM FROM JUNE 1, 2008 THROUGH MAY 31, 2009 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving the Platte River Well Field Farm Lease Between the City of Lincoln and Dennis M. Thomas for a lease of approximately 240 acres of property generally located around the City of Lincoln Ashland Wellhead Water Operations in Ashland, Nebraska for farming operations, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19087, is recorded in Ordinance Book #26, Page

COMP. PLAN CONFORMITY 08005 - DECLARING APPROXIMATELY 19.37 ACRES OF PROPERTY GENERALLY LOCATED AT N. 56TH STREET AND BLUFF ROAD AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO THE NEBRASKA GAME AND PARKS COMMISSION - CLERK read an ordinance, introduced by Robin Eschliman, declaring approximately 19.37 acres of City-owned property generally located at N. 56th Street and Bluff Road as surplus and authorizing the sale thereof, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19088, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08015 - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION FOR A CHANGE OF ZONE FROM I-2 INDUSTRIAL PARK DISTRICT TO O-3 OFFICE PARK DISTRICT ON PROPERTY GENERALLY LOCATED AT N.W. 7TH STREET AND HIGHLAND BLVD (RELATED ITEMS: 08-56, 08-57) - CLERK read an ordinance, introduced by Robin Eschliman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19089, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 2938C - APPLICATION OF THE UNIVERSITY OF NEBRASKA FOUNDATION TO EXPAND THE AREA OF THE UNIVERSITY OF NEBRASKA TECHNOLOGY PARK SPECIAL SIGN DISTRICT BY APPROXIMATELY 12 ACRES ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND W. HIGHLAND BLVD (RELATED ITEMS: 08-56, 08-57) - CLERK read an ordinance, introduced by Robin Eschliman, amending the "Standards of University of Nebraska Technology Park Special Sign District" originally adopted by Ordinance No. 16901 passed by the City Council on December 4, 1995, designating the University of Nebraska Technology Park as a special sign district, and subsequently amended by Ordinance No. 17504 on May 10, 1999 and Ordinance No. 18936 on June 11, 2007, to expand the area of the University of Nebraska Technology Park Special Sign District to include approximately 12 acres of property

generally located at N.W. 1st Street and W. Highland Boulevard and legally described as: Lot 78 I.T., in the North Half of Section 10, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, the third time.

ESCHLIMAN Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Camp. The ordinance, being numbered #19090, is recorded in Ordinance Book #26, Page

RESOLUTION FOR ACTION ONLY

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND CAPITOL COLD LLC RELATING TO THE CONSTRUCTION OF STORAGE BUILDINGS FOR COMMERCIAL USE WITHIN THE WEST O STREET REDEVELOPMENT PLAN FOR PUBLIC IMPROVEMENTS INCLUDING LANDSCAPING AND NEW SIDEWALKS ABUTTING THE PROJECT AREA GENERALLY LOCATED AT 301 S.W. 32ND STREET - PRIOR to reading:

MARVIN Moved to delay Bill No. 08R-104 for action only on June 16, 2008.

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

MARVIN Moved to extend the Pending List to June 2, 2008.

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

UPCOMING RESOLUTIONS -

MARVIN Moved to approve the resolutions to have Public Hearing on June 2, 2008.

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

ADJOURNMENT 2:16 P.M.

MARVIN Moved to adjourn the City Council meeting of May 19, 2008.

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

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
May 19, 2008
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