

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 6, 2008 AT 1:30 P.M.**

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

Council Chair Eschliman 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 September 29, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF KABREDLO'S, INC. DBA KABREDLO'S #126 FOR A CLASS D LIQUOR LICENSE AT 4715 W. ADAMS STREET;
MANAGER APPLICATION OF ANTHONY L. OLDERBAK FOR KABREDLO'S, INC. DBA KABREDLO'S #126 AT 4715 W. ADAMS STREET - Mike Olderbak, 2840 S. 74th St., came forward to take oath and answer questions.

Anthony Olderbak, 6920 Starr St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF MCMANUS ENTERPRISES INC. DBA HEIDELBERG'S FOR THE ADDITION OF A BEER GARDEN AREA MEASURING APPROXIMATELY 14 FT. BY 42 FT. AT THE LICENSED PREMISES AT 4620 BAIR AVE. - John McManus, 4620 Bair Ave., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF FIRETHORN GOLF COMPANY, LLC DBA FIRETHORN GOLF CLUB FOR A CLASS C LIQUOR LICENSE AT 9301 FIRETHORN LANE;
MANAGER APPLICATION OF MARK A. WIBLE FOR FIRETHORN GOLF COMPANY, LLC DBA FIRETHORN GOLF CLUB AT 9301 FIRETHORN LANE - Mark Wible, 9301 Firethorn Lane, came forward to take oath and answer questions.

This matter was taken under advisement.

APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED BETWEEN 13TH AND 14TH STREETS AND O AND P STREETS - David Landis, Urban Development Director, came forward to present the \$5.8 million redevelopment project, involving the under-utilized, mixed-use residential building with commercial on the first floor. He stated while the top three floors of this building have been vacant and dilapidating for five years, the sole purpose would be to remove this major commercial area from blight not create jobs. He clarified the amount of TIF generated by the project depends on whether it is a Developer Purchased Bond (\$595,000) or a Publicly Issued Bond (\$484,000). He said public improvement priorities would be the following: to improve outdated public utilities; redesign the alleyway behind the building as pedestrian friendly; and rejuvenate the façade of the building to a more fitting historical look. Mr. Landis answered questions about parking stalls as they relate to the redevelopment agreement, business & retail use and residential needs. He stated as it relates to value, the most cost-effective parking stall is the transient parking stall because it is rented numerous times a day.

Hallie Salem, Urban Development, came forward to answer questions about the use of funds toward minor public improvements.

Dana Schmidt, Tallgrass Development, LLC, 1225 L St., came forward to answer questions about the project and the development partnership with Concorde Management & Development who owns the building. He said they are working with Smith-Hayes Financial, preliminarily putting numbers together and pressing for a developer-financed bond. In answer to Council questions he stated there will be 24 one and two-bedroom condo units which will fit the country-wide trend of people moving out of suburbs into downtown areas.

Wilma Hansen-McCoy, Tallgrass Development, LLC, 1225 L St., came forward to answer questions and present a finished drawing of the project. She clarified that residential units will occupy the 2nd through 5th floors.

This matter was taken under advisement.

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 303 S. 25TH ST., 3921 S. 19TH ST., 1416 N. 21ST ST., 245 N. 25TH ST., 1046 CHARLESTON ST., 2904 S. 14TH ST., 1200 S. 16TH ST., 3160 T ST., 1625 S. 11TH ST., 1012 PEACH ST., 3150 N. 61ST ST., 504 N. 24TH ST., 1956 JEFFERSON AVE., 2815 E ST., 1141 CLAREMONT ST., 822 MULDER DR., 1340 N. 50TH ST., 1722 N. 29TH ST., 1121 DRIFTWOOD DR., 3625 MOHAWK ST., 5320 S. BRISTOLWOOD PL., 1000 DRIFTWOOD DR., 504 N. 24TH ST., 1245 N. 21ST ST., 136 N. 14TH ST., 407 S. 1ST ST., 7324 COLFAX AVE., 1529 S. 9TH ST., 2335 S. 39TH ST. - Scott Holmes, Environmental Public Health Division Manager, came forward to answer questions and present the 38 abatement properties whose property owners or tenants did not comply following public and specific notice to abate the conditions. He stated his division deals with 800 garbage complaints each year. He said costs are based on actual disposal of the materials, staff time involved with issuance of notices and inspections.

Marcella Barber, 3921 S. 19th St., came forward to express her opinion that aside from the removal of an old appliance she felt 83 plastic bags of kindling were not garbage.

Mr. Holmes came forward to clarify that properties are notified two ways: in person if possible and by letter sent certified & by regular mail. He presented before/after photos of the property which took six pickup loads of wood waste and two days to clean up a serious nuisance situation. In response to Council questions about recovery costs, Mr. Holmes said current department charges have not been updated for two years, but for the most part costs are covered.

Ms. Barber came forward to state she could not afford to pay the \$586.15 bill.

This matter was taken under advisement.

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

COUNCIL ACTION

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 22, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS A-85048 & A-85049 (REQUESTED BY PARKS & RECREATION DEPT.) ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 29, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 30, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2008 AT 1:30 P.M. FOR THE APPLICATION OF HERGERT OIL COMPANY DBA SUPER C #5 FOR AN UPGRADE OF THEIR CURRENT CLASS B TO A CLASS D LIQUOR LICENSE LOCATED AT 3400 VILLAGE DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85052 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 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 application of Hergert Oil Company dba Super C #5 for an upgrade of their current Class B to a Class D liquor license located at 3400 Village Drive.

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2008 AT 1:30 P.M. FOR THE APPLICATION OF HERGERT OIL COMPANY DBA SUPER C #2 FOR AN UPGRADE OF THEIR CURRENT CLASS B TO A CLASS D LIQUOR LICENSE LOCATED AT 3202 S. 10TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85053 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 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 application of Hergert Oil Company dba Super C #2 for an upgrade of their current Class B to a Class D liquor license located at 3202 S. 10th 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 Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2008 AT 1:30 P.M. FOR THE APPLICATION OF RED9, LLC DBA RED9 FOR A CLASS I LIQUOR LICENSE LOCATED AT 322 S. 9TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85054 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 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 application of Red9, LLC dba Red9 for a Class I liquor license located at 322 S. 9th 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 Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 20, 2008 AT 1:30 P.M. FOR THE APPLICATION OF RED9, LLC DBA RED9 FOR THE ADDITION OF A LIQUOR CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE LOCATED AT 322 S. 9TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85055 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 20, 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 application of Red9, LLC dba Red9 for the addition of a liquor catering license to its Class I liquor license located at 322 S. 9th 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 Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF KABREDLO'S, INC. DBA KABREDLO'S #126 FOR A CLASS D LIQUOR LICENSE AT 4715 W. ADAMS STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85056 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 Kabredlo's, Inc. dba Kabredlo's #126 for a Class "D" liquor license at 4715 W. Adams 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 Jon Camp

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

MANAGER APPLICATION OF ANTHONY L. OLDERBAK FOR KABREDLO'S, INC. DBA KABREDLO'S #126 AT 4715 W. ADAMS STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85057 WHEREAS, Kabredlo's, Inc. dba Kabredlo's #126 located at 4715 W. Adams Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Anthony L. Olderbak be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF MCMANUS ENTERPRISES INC. DBA HEIDELBERG'S FOR THE ADDITION OF A BEER GARDEN AREA MEASURING APPROXIMATELY 14 FT. BY 42 FT. AT THE LICENSED PREMISES AT 4620 BAIR AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85058 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 McManus Enterprises Inc. dba Heidelberg's to expand its licensed premises by the addition of a beer garden area measuring approximately 14 feet by 42 feet to the east of the presently licensed premises located at 4620 Bair Ave., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF FIRETHORN GOLF COMPANY, LLC DBA FIRETHORN GOLF CLUB FOR A CLASS C LIQUOR LICENSE AT 9301 FIRETHORN LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85059 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 Firethorn Golf Company, LLC dba Firethorn Golf Club for a Class "C" liquor license at 9301 Firethorn Lane, Lincoln, Nebraska, for the license period ending October 31, 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 Jon Camp

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

MANAGER APPLICATION OF MARK A. WIBLE FOR FIRETHORN GOLF COMPANY, LLC DBA FIRETHORN GOLF CLUB AT 9301 FIRETHORN LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85060 WHEREAS, Firethorn Golf Company, LLC dba Firethorn Golf Club located at 9301 Firethorn Lane, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Mark A. Wible be named manager;

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required) - NONE

PUBLIC HEARING RESOLUTIONS

APPROVING THE 2008-2009 CITY TAX RATE OF 0.28788 PER \$100.00 OF ASSESSED VALUATION - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85061 A RESOLUTION establishing a final property tax levy for the City's 2008-2009 fiscal year and adjusting the City tax rate to that adopted in the City budget resolution.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 22, 2008, which date was at least five days prior to October 6, 2008 being the date upon which

the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

III.

When the budget was adopted on August 25, 2008 the tax rate was anticipated to be .28788 per \$100 of assessed valuation. Final certified valuations from the County Assessor's office have not changed the tax rate necessary to fund the adopted budget.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2008-2009 fiscal year for a property tax request of \$45,875,327.00: \$.28788 per \$100 of assessed valuation which total rate is comprised of the following:

Bond Interest & Redemption	.03464
General	.18062
Library	.03959
Social Security	.01293
Police and Fire Pension	<u>.02010</u>
Total	.28788

Introduced by John Spatz

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

APPROVING AND ADOPTING PROPOSED AMENDMENTS TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR THE LINCOLN FLATS/BANK OF THE WEST REDEVELOPMENT PROJECT ON PROPERTY GENERALLY LOCATED BETWEEN 13TH AND 14TH STREETS AND O AND P STREETS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85062 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 "Lincoln Flats/Bank of the West 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, said proposed Amendments to the Lincoln Center Redevelopment Plan for the Lincoln Flats/Bank of the West Redevelopment Project have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendations; and

WHEREAS, on August 29, 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 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 10, 2008 before the Lincoln City - Lancaster County Planning Commission regarding the Amendment, a copy

of said notice and list of said governing bodies and registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission on September 10, 2008 held a public hearing relating to the proposed Amendments to the Lincoln Center Redevelopment Plan and found the Amendments to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 19, 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 October 6, 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 September 19, 2008 and September 26, 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 October 6, 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, on October 6, 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 Plan; and

WHEREAS, the City Council now desires to modify said Plan by establishing the "Lincoln Flats/Bank of the West Redevelopment Project", on property described as Lots 10 and 11, Block 39, Original Plat, and Lot 6 and Outlot A, University Square Addition, with the adjacent right-of-way to the center lines of N. 13th Street and O Street (Lincoln Flats/Bank of the West Redevelopment Project Area"), to accommodate the redevelopment of an existing structure into a mixed use of residential with commercial on the first floor and related public improvements and streetscape.

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

1. That the Lincoln Flats/Bank of the West 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 Lincoln Flats/Bank of the West 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.

3. That the substandard and blighted conditions in the Lincoln Flats/Bank of the West 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 Lincoln Flats/Bank of the West Redevelopment Project would not be economically feasible without the use of tax-increment financing.

6. That the Lincoln Flats/Bank of the West Redevelopment Project would not occur in the Lincoln Flats/Bank of the West 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 City Council as the governing body for the City of Lincoln and have been found to be in the long-term best interest of the City of Lincoln.

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 Lincoln Flats/Bank of the West 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 Lincoln Flats/Bank of the West 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, Resolution No. A-84603, Resolution No. A-84867, and Resolution No. A-84979.

Introduced by John Spatz

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

ASSESSING PUBLIC HEALTH NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 303 S. 25TH ST., 3921 S. 19TH ST., 1416 N. 21ST ST., 245 N. 25TH ST., 1046 CHARLESTON ST., 2904 S. 14TH ST., 1200 S. 16TH ST., 3160 T ST., 1625 S. 11TH ST., 1012 PEACH ST., 3150 N. 61ST ST., 504 N. 24TH ST., 1956 JEFFERSON AVE., 2815 E ST., 1141 CLAREMONT ST., 822 MULDER DR., 1340 N. 50TH ST., 1722 N. 29TH ST., 1121 DRIFTWOOD DR., 3625 MOHAWK ST., 5320 S. BRISTOLWOOD PL., 1000 DRIFTWOOD DR., 504 N. 24TH ST., 1245 N. 21ST ST., 136 N. 14TH ST., 407 S. 1ST ST., 7324 COLFAX AVE., 1529 S. 9TH ST., 2335 S. 39TH ST. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85063 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2008 and draw interest as provided for in Neb. Rev. Stat. § 45-104.1 for assessments.

Introduced by John Spatz

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

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

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN A TO PROVIDE A 1.5% COLA AND A 4% INCREASE IN MEMBER CONTRIBUTIONS. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241) - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 2.62 of the Lincoln Municipal Code relating to the Police & Fire Pension, Plan A, by amending Section 2.62.020 to add a definition for "COLA (Cost of Living Adjustment) contribution"; amending Section 2.62.045 to require applicable members to make COLA contributions while enrolled in the DROP program; amending Section 2.62.070 to provide that members who terminate with less than ten years of service are not entitled to reimbursement of COLA contributions; amending Section 2.62.140 to clarify that members not entitled to COLA pursuant to Section 2.62.145 shall continue to receive lump sum payments (13th check); adding a new section numbered 2.62.145 to provide for an annual percentage increase as a cost of living adjustment for eligible members; amending Section 2.62.160 to establish the COLA contribution percentage from applicable members; and repealing Sections 2.62.020, 2.62.045, 2.62.070, 2.62.140, and 2.62.160 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN B TO PROVIDE A 1.5% COLA AND A 4% INCREASE IN MEMBER CONTRIBUTIONS. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241) - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police & Fire Pension, Plan B, by amending Section 2.65.020 to add a definition for "COLA (Cost of Living Adjustment) contribution"; amending Section 2.65.045 to require applicable members to make COLA contributions while enrolled in the DROP program; amending Section 2.65.070 to provide that members who terminate with less than ten years of service are not entitled to reimbursement of COLA contributions; amending Section 2.65.140 to clarify that members not entitled to COLA pursuant to Section 2.65.145 shall continue to receive lump sum payments (13th check); adding a new section numbered 2.65.145 to provide for an annual percentage increase as a cost of living adjustment for eligible members; amending Section 2.65.160 to establish the COLA contribution percentage from applicable members; and repealing Sections 2.65.020, 2.65.045, 2.65.070, 2.65.140, and 2.65.160 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN C TO PROVIDE A 1.5% COLA AND A 4% INCREASE IN MEMBER CONTRIBUTIONS. (RELATED ITEMS: 08-133, 08-134, 08-135, 08R-240, 08R-241) - CLERK read an ordinance, introduced by Ken Svoboda, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police & Fire Pension, Plan B, by amending Section 2.66.020 to add a definition for "COLA (Cost of Living Adjustment) contribution"; amending Section 2.66.045 to require applicable members to make COLA contributions while enrolled in the DROP program; amending Section 2.66.070 to provide that members who terminate with less than ten years of service are not

entitled to reimbursement of COLA contributions; amending Section 2.66.107 to clarify that members not entitled to COLA pursuant to Section 2.66.108 shall continue to receive lump sum payments (13th check); adding a new section numbered 2.66.108 to provide for an annual percentage increase as a cost of living adjustment for eligible members; amending Section 2.66.120 to establish the COLA contribution percentage from applicable members; and repealing Sections 2.66.020, 2.66.045, 2.66.070, 2.66.107, and 2.66.120 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING THE TRANSFER OF CASH AND APPROPRIATION OF UNSPENT FUND BALANCE IN THE AMOUNT OF \$750,000 IN FY 2008-09 FROM THE STREET CONSTRUCTION FUND BALANCE TO PROJECT NO. 070716 SIDEWALK MAINTENANCE AND REPAIR - CLERK read an ordinance, introduced by Ken Svoboda, approving the transfer of cash and appropriation of unspent fund balance from the Street Construction Fund Balance to Sidewalk Maintenance and Repair in accordance with Ordinance 18863 for the issuance of Highway Allocation Bonds, the first time.

CHANGE OF ZONE 08040 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY ADDING A NEW SECTION NUMBERED 27.03.638 TO DEFINE WIND ENERGY CONVERSION SYSTEM (WECS); BY AMENDING SECTIONS 27.07.020, 27.09.020, 27.11.020, 27.13.020, 27.15.020, 27.17.020, 27.19.020, 27.21.020, 27.23.020, 27.24.020, 27.25.020, 27.26.020, 27.27.020, 27.29.020, 27.31.030, 27.33.020, 27.37.020, 27.39.020, 27.41.020, 27.43.020, 27.45.020 TO ADD WECS AS A PERMITTED USE IN THE AG, AGR, R-1 THROUGH R-8, O-1 THROUGH O-3, B-1, B-2, B-3, B-5 AND H-1 THROUGH H-4 ZONING DISTRICTS; BY AMENDING SECTIONS 27.07.030, AND 27.09.030 TO ADD WECS OVER THE DISTRICT HEIGHT AS A PERMITTED CONDITIONAL USE IN THE AG AND AGR DISTRICTS, AMENDING SECTIONS 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.25.030, 27.26.040, 27.27.030, 27.29.040, 27.31.050, 27.33.040, 27.35.030, 27.37.030, 27.45.030, 27.47.030, 27.49.040 AND 27.51.050 TO ADD WECS OVER THE DISTRICT HEIGHT AS A PERMITTED SPECIAL USE IN THE R-1 THROUGH R-8, O-1 THROUGH O-3, B-1 THROUGH B-5, H-1 THROUGH H-4, AND I-1 THROUGH I-3 ZONING DISTRICTS; AMENDING SECTION 27.63.420 TO AMEND THE SPECIAL PERMIT REQUIREMENTS FOR WECS; AMENDING SECTION 27.71.025 TO CLARIFY WECS MAY EXCEED THE HEIGHT OF THE DISTRICT IN WHICH THE WECS IS LOCATED; AND REPEALING SECTIONS 27.07.020, 27.07.030, 27.09.020, 27.09.030, 27.11.020, 27.11.040, 27.13.020, 27.13.040, 27.15.020, 27.15.040, 27.17.020, 27.17.040, 27.19.020, 27.19.040, 27.21.020, 27.21.040, 27.23.020, 27.23.040, 27.24.020, 27.24.040, 27.25.020, 27.25.030, 27.26.020, 27.26.040, 27.27.020, 27.27.030, 27.29.020, 27.29.040, 27.31.030, 27.31.050, 27.33.020, 27.33.040, 27.35.030, 27.37.020, 27.37.030, 27.39.020, 27.39.030, 27.41.020, 27.41.040, 27.43.020, 27.43.040, 27.45.020, 27.45.030, 27.47.030, 27.49.040, 27.51.050, 27.63.420, AND 27.71.025 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Ken Svoboda, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new Section numbered 27.03.638 to define Wind Energy Conversion System (WECS); by amending Sections 27.07.020, 27.09.020, 27.11.020, 27.13.020, 27.15.020, 27.17.020, 27.19.020, 27.21.020, 27.23.020, 27.24.020, 27.25.020, 27.26.020, 27.27.020, 27.29.020, 27.31.030, 27.33.020, 27.37.020, 27.39.020, 27.41.020, 27.43.020, 27.45.020 to add WECS as a permitted use in the AG, AGR, R-1 through R-8, O-1 through O-3, B-1, B-2, B-3, B-5 and H-1 through H-4 zoning districts; by amending Sections 27.07.030, and 27.09.030 to add WECS over the district height as a permitted conditional use in the AG and AGR Districts, amending Sections 27.11.040, 27.13.040, 27.15.040, 27.17.040, 27.19.040, 27.21.040, 27.23.040, 27.24.040, 27.25.030, 27.26.040, 27.27.030, 27.29.040, 27.31.050, 27.33.040, 27.35.030, 27.37.030, 27.45.030, 27.47.030, 27.49.040 and 27.51.050 to add WECS over the district height as a permitted special use in the R-1 through R-8, O-1 through O-3, B-1 through B-5, H-1 through H-4, and I-1 through I-3 zoning districts; amending Section 27.63.420 to amend the special permit requirements for WECS; amending Section 27.71.025 to clarify WECS may exceed the height

of the district in which the WECS is located; and repealing Sections 27.07.020, 27.07.030, 27.09.020, 27.09.030, 27.11.020, 27.11.040, 27.13.020, 27.13.040, 27.15.020, 27.15.040, 27.17.020, 27.17.040, 27.19.020, 27.19.040, 27.21.020, 27.21.040, 27.23.020, 27.23.040, 27.24.020, 27.24.040, 27.25.020, 27.25.030, 27.26.020, 27.26.040, 27.27.020, 27.27.030, 27.29.020, 27.29.040, 27.31.030, 27.31.050, 27.33.020, 27.33.040, 27.35.030, 27.37.020, 27.37.030, 27.39.020, 27.39.030, 27.41.020, 27.41.040, 27.43.020, 27.43.040, 27.45.020, 27.45.030, 27.47.030, 27.49.040, 27.51.050, 27.63.420, and 27.71.025 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 08043 - REQUEST OF WRK, LLC, ON BEHALF OF HAYMARKET SOUTH LLC AND INFINITY S DEVELOPMENT CO. FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON APPROXIMATELY 1.03 ACRES GENERALLY LOCATED AT S. 8TH STREET AND M STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to 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 08046 - REQUEST OF THE HISTORIC PRESERVATION COMMISSION, ON BEHALF OF AGINVEST, FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 2.7 ACRES GENERALLY LOCATED AT N. 14TH STREET AND MORTON STREET. (RELATED ITEMS: 08-139, 08-73) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to 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 08048 - REQUEST OF HARTLAND HOMES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON APPROXIMATELY 8.500 SQ. FT. OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND W. ADAMS STREET - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATION 08005 - VACATING THE EAST-WEST ALLEY IN BLOCK 21, ORIGINAL PLAT, LINCOLN, GENERALLY LOCATED BETWEEN R AND S STREETS FROM N. 8TH STREET TO N. 9TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between R Street and S Street from N. 8th Street to N. 9th Street, in Block 21, Original Plat, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING THE MASTER FIBER IRU CONVEYANCE AND CONDUIT SHARING AGREEMENT BETWEEN THE CITY AND UNITE PRIVATE NETWORKS FOR THE PLACEMENT AND SHARING OF NETWORK FACILITIES ON CITY EASEMENT AREAS FROM LINCOLN TO THE ASHLAND WATER TREATMENT FACILITIES - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving the Master Fiber IRU Conveyance and Conduit Sharing Agreement between the City of Lincoln, Nebraska, a municipal corporation, and Unite Private Networks, LLC, (Unite) for the placement and sharing of network facilities upon certain City easement areas between Lincoln and the Ashland facilities and authorizing the Mayor to sign such Agreement on behalf of the City, the first time.

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

CHANGE OF ZONE 08030 - AMENDING SECTION 27.63.400 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PRESERVATION OF A HISTORIC STRUCTURE AS A PERMITTED SPECIAL USE TO ALLOW THE CITY COUNCIL TO GRANT ADJUSTMENTS TO THE HEIGHT

AND AREA REGULATIONS OF THE DISTRICT IN WHICH A HISTORIC STRUCTURE IS LOCATED, AND REPEALING SECTION 27.63.400 AS HITHERTO EXISTING. (RELATED ITEMS: 08-129, 08-130, 08R-231) - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 08-129 in the following manner:
1. On page 3, line 4, delete the letter "(e)" and insert in lieu thereof the letter (f).
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Dan Marvin, amending Section 27.63.400 of the Lincoln Municipal Code relating to the preservation of a historic structure or site and reuse thereof as a permitted special use to allow the City Council to grant adjustments to the height and area regulations of the district in which a historic structure is located; and repealing Section 27.63.400 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as amended.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19154, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08031 HP - APPLICATION OF CHARLES AND NANCY OGDEN TO DESIGNATE PROPERTY KNOWN AS THE GRISWOLD HOUSE AS A HISTORIC LANDMARK LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) - CLERK read an ordinance, introduced by Dan Marvin, 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.

MARVIN Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19155, is recorded in Ordinance Book #26, Page

SPECIAL PERMIT 08027 - APPLICATION OF CHARLES AND NANCY OGDEN TO PERMIT THE USE OF A DESIGNATED LANDMARK (HISTORIC STRUCTURE) FOR A SINGLE FAMILY DWELLING TO ALSO INCLUDE CONSTRUCTION OF A CARRIAGE HOUSE (GUEST HOUSE PLUS GARAGE) AS AN ACCESSORY USE AND TO MODIFY THE REAR AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT 1256 FALL CREEK ROAD. (RELATED ITEMS: 08-129, 08-130, 08R-231) (ACTION DATE: 10/6/08) - PRIOR to reading:

COOK Moved MTA #1 to amend Bill No. 08R-231 in the following manner:
1. On page 2, line 3, delete the word "unit" and insert in lieu thereof the word space.
2. On page 2, line 5, after the year 2008 insert the continued wording: , provided that the carriage house shall not be considered to be a single-family dwelling separate and distinct from the Griswold House, but rather all the occupants of the carriage house and the Griswold House shall meet the definition of "Family" as set forth in Lincoln Municipal Code 27.03.220.

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

CLERK Read the following amended resolution, introduced by Dan Marvin, who moved its adoption:

A-85064 WHEREAS, Charles and Nancy Ogden have submitted an application designated as Special Permit No. 08027 to permit the use of a designated Landmark (historic structure) for a single family dwelling to also include construction of a carriage house (guest house plus garage) as an accessory use and to modify the rear and side yard setbacks on property located at 1256 Fall Creek Road, and legally described to wit:

Lot 8, Block 10, Piedmont Subdivision,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this construction of a carriage house and reduction to the rear and side yards will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Charles and Nancy Ogden, hereinafter referred to as "Permittee", to permit the use of a designated Landmark (historic structure) for a single family dwelling to also include construction of a carriage house (guest house plus garage) as an accessory use and to modify the rear and side yard setbacks, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said carriage house with garage be in substantial compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits construction of a carriage house (dwelling ~~with~~ space plus garage) of the design and location submitted and approved by Historic Preservation Commission on August 21, 2008, provided that the carriage house shall not be considered to be a single-family dwelling separate and distinct from the Griswold House, but rather all the occupants of the carriage house and the Griswold House shall meet the definition of "Family" as set forth in Lincoln Municipal Code 27.03.220.

2. Any substantive modifications to the proposed design (including materials) must be submitted and approved for a Certificate of Appropriateness by the Historic Preservation Commission.

3. The City Council must approve the associated requests Changes of Zone #08031HP and #08030.

4. Before occupying the carriage house all development and construction shall have been completed in compliance with the approved plans.

5. All privately-owned improvements shall be permanently maintained by the Permittee.

6. The physical location of all setbacks and yards, buildings, parking and circulation elements, and similar matters must be in substantial compliance with the location of said items as shown on the approved site plan.

7. The terms, conditions, and requirements of this resolution shall run with the land and shall bind and obligate the Permittee, their successors and assigns.

8. The Permittee shall sign and return the letter of acceptance to the City Clerk within 60 days following the approval of the special permit, provided, however, said 60-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the Permittee.

Introduced by Dan Marvin

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

CHANGE OF ZONE 08047 - APPLICATION OF CASEY'S RETAIL COMPANY FOR A CHANGE OF ZONE FROM H-3 COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND SUPERIOR STREET - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MARVIN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19156, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 13, 2008.
Seconded by Svoboda & 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 October
13, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:38 P.M.

CAMP Moved to adjourn the City Council meeting of October 6, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Teresa J. Meier, Deputy City Clerk

Sandy L. Dubas, Senior Office Assistant