

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 8, 2007 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of October 1, 2007 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF CA NA KA, INC. DBA MICHEL'S VILLE GRILLE FOR A CLASS C LIQUOR LICENSE AT 2701 N. 48TH STREET;
MANAGER APPLICATION OF DEBRA S. MICHEL FOR CA NA KA, INC. DBA MICHEL'S VILLE GRILLE AT 2701 N. 48TH STREET - Debra Michel, 2741 N. 50th, came forward to take oath and answer questions.

Michael Michel, 2741 N. 50th came forward to take oath and answer questions.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2007 - Gregg Trautmann, 700 Lakewood Dr., came forward to discuss damage to the shut off valve on his rental property. Discussion followed.

LeVern Trautmann, 4231 S. Gate Blvd., came forward to answer questions. Discussion followed.

Steve Masters, Public Works & Utilities Administrator, came forward to answer questions. He stated that the stop box was installed in 1925 and may have served it's life. Discussion followed.

Bob Fish, Public Works & Utilities, came forward to explain that the property owner is responsible for the water service from the water main all the way to the house. Discussion followed.

Mr. Trautmann came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE STARTRAN AUTOMATED VEHICLE LOCATION (AVL) PROJECT - Tim Pratt, Public Works & Utilities, came forward to answer questions. Discussion followed.

Scott Tharnish, Public Works & Utilities/StarTran, came forward to answer questions. He stated the entire project has a cost of \$1.5 million coming from CIP projects from prior years. The wireless system will cost \$31,500, funded in half by the federal government. Discussion followed.

Michael Hansen, 5635 Lenox Ave., came forward in support of the AVL system as it will assist riders with bus timing. Discussion followed.

Lois Newman, 2441 N. 44th, came forward in support of the AVL system.

Jeff Schroeder, 431 Cotner Blvd., came forward with a question about the use of a bus pass.

Terry Jackson, 14th & Lincoln Mall, came forward to comment that online access will meet his needs rather than tying up the StarTran phone line with questions.

James C. Bryant, 333 N. 24th St., came forward to suggest that his bus stop be equipped with a rest bench and cover.

Wes Majerus, 1301 Lincoln Mall, came forward in support of AVL. Discussion followed.

Sitaram Jaswal, 3325 Grimsby Lane, came forward in support of AVL as it would improve service to customers.

Mr. Tharnish came forward in rebuttal. Discussion followed.

Mr. Tim Pratt came forward in rebuttal. Discussion followed.

This matter was taken under advisement.

APPEAL BY DAN MARVIN OF THE STARTRAN ADVISORY BOARD ACTION APPROVING THE TRANSIT DEVELOPMENT PLAN (TDP) AND THE NEAR-TERM ROUTE CHANGES THAT ARE PART OF THE TDP - David Cary, Planning Dept., came forward to give an overview of the study's purpose and its findings. Discussion followed.

Jeff Altman, 2319 Winding Way, representative of the Nebraska Federation of the Blind and employed by the Commission for the Blind, came forward in opposition to the changes as not all areas of the City will be served efficiently. Discussion followed.

Monie Brownson, 2205 Southwood Pl., member of the Southwood Place Association, came forward with concerns that her residential area may not be served.

Wendy Nielsen, 1700 J St. #601, came forward in support of the changes.

Sitaram Jaswal, 3325 Grimsby Lane, came forward to comment on bus routes. Discussion followed.

Terry Jackson, 14th & Lincoln Mall, came forward to comment on his bus usage and requested service to hospitals.

Coby Mach, Director of LIBA, came forward representing their route changes and recommending a 10% cut from the existing StarTran budget with changes going into effect in September 2008. Discussion followed.

Kathryn Johnston, 601 S. 18th St. Apt. 303, came forward to comment on route changes. Discussion followed.

Beatty Brasch, 3303 S. 31st St., Vice Chair of the StarTran Advisory Council and member of the Transit Advisory Committee, came forward in support of the final Transit Development Plan. She said a review of the route system has not been done for 20 years. Discussion followed.

Scott Tharnish, came forward to state the Ride for Five pass program is a big success, having grown to 2000 uses per month which accounts for 30% of all riders. Discussion followed.

Robert Brooke, 1922 Pawnee St., came forward in support of the TDP route changes but in opposition to LIBA route changes.

Aaron Dominguez, 2201 Woodcrest, came forward in support of TDP route changes and in opposition to any budget cuts to StarTran.

Pat Shears, 1235 S. 13th, came forward to comment and asked the Council to ride the bus for a month before making decisions.

James, C. Bryant, 333 N. 24th St., came forward to comment on bus service for his needs. Discussion followed.

Michael Hansen, 5635 Lenox Ave., came forward to comment on transit efficiency and to suggest relocating the hub to 48th & O Streets. Discussion followed.

Pat Stear, 2812 T St., came forward to comment that she would be in support of a tax increase to promote better usage of the transportation system by installing bike racks or promoting cafes close to bus stops.

Deloris Cole, 1207 D St. #3, came forward to comment on her dependence on bus transportation and appreciation for the Ride for Five pass. Discussion followed.

Les Helms, 5721 Gladstone, City Bus Driver and Transit Union President representing mechanics and drivers, came forward in opposition to the TDP with concerns that route changes will reduce ridership. Discussion followed.

Nancy Carpenter, representing ARC and People First, came forward to comment on bus service.

Mike Morosin, no address given, came forward to suggest ways to stop bus pass abuses.

Barbara Loos, 2742 Scott Ave., came forward to request more bus routes. Discussion followed.

Karen Anderson, 600 N. 15th St., UNL Student, came forward with concerns that bus transfers tend to decrease ridership. Discussion followed.

Mr. Cary came forward to answer questions. Discussion followed.

Mr. Tharnish came forward to answer questions. Discussion followed.

Mike Weston, StarTran Operations Supt., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:37 P.M.

RECONVENED 4:52 P.M.

COUNCIL MEMBER EMERY WAS EXCUSED FROM THE MEETING

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND VENTRE A TERRE, LLC, AND TURBINE FLATS PROJECT, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 22ND AND Y STREETS FOR RESEARCH AND DEVELOPMENT INCUBATOR SPACE - Wynn Hjermstad, Urban Development, came forward to explain the project.

Matthew Wegener, 1974 Ryons St., came forward to speak on behalf of the project which would bring an estimated number of 35 to 40 jobs. Discussion followed.

Nichole Bogen, 1148 O St., attorney with Wolfe, Snowden, Hurd, Luers & Ahl, LLP, secretary who serves on the Board of Directors of Turbine Flats Project, came forward to promote and support entrepreneurial groups in an effort to keep young professional people in Nebraska. Discussion followed.

Emily Lowell, 935 Summer, Turbine Flats Project Board of Directors reporter, came forward in support of the project.

Jeff Runyan, 741 Lakeside Dr., came forward representing his company, Allied Strategy, in support of the project. Discussion followed.

This matter was taken under advisement.

APPROVING A RESOLUTION IN SUPPORT OF STATE LEGISLATION FOR THE ADOPTION OF A BABY SAFE HAVEN LAW TO DISCOURAGE UNSAFE BABY ABANDONMENT - Gloria Strope, 7920 Thornview Rd., came forward in support of the resolution.

Betty Wilson, 4700 Valley Rd., case worker representing Nebraska Children's Home Society, came forward in opposition. She stated that their agency is confidential, providing optimal service and options for women who have an unplanned pregnancy. Discussion followed.

Deanna Weeks, 361 Prestwick, came forward in support of the resolution as it sends a message to our state legislature. Discussion followed.

This matter was taken under advisement.

APPEAL OF SOMSRI CHOLLETT DBA MAGNOLIA RESTAURANT OF THE HISTORIC PRESERVATION COMMISSION DECISION APPROVING A CERTIFICATE OF APPROPRIATENESS FOR A SIGN AT 301 N. 8TH STREET WITH THE CONDITION THAT IT NOT INCLUDE NEON ILLUMINATION - Ed Zimmer, Planning Dept., came forward to explain the appeal. Discussion followed.

Somsri Chollett, 301 N. 8th St., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF CA NA KA, INC. DBA MICHEL'S VILLE GRILLE FOR A CLASS C LIQUOR LICENSE AT 2701 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84567 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 Ca Na Ka, Inc. dba Michel's Ville Grille for a Class "C" liquor license at 2701 N. 48th Street, Lincoln, Nebraska, for the license period ending October 31, 2007, 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

MANAGER APPLICATION OF DEBRA S. MICHEL FOR CA NA KA, INC. DBA MICHEL'S VILLE GRILLE AT 2701 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84568 WHEREAS, Ca Na Ka, Inc. dba Michel's Ville Grille located at 2701 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Debra S. Michel be named manager;

WHEREAS, Debra S. Michel 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 Debra S. Michel 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, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

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

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2007 (10/1/07 - CON'T P.H. & ACTION ON CLAIM OF GREGG TRAUTMAN TO 10/8/07) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84569 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated September 17, 2007, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED

ALLOWED OR SETTLED

Gregg L. Trautman 1,450.00

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

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

AUTHORIZING THE MAYOR TO EXECUTE A MULTI-YEAR CONTRACT PER CITY ORDINANCE WHEN FUNDING APPROPRIATIONS COMES FROM MORE THAN ONE FISCAL YEAR CIP FOR THE STARTRAN AUTOMATED VEHICLE LOCATION (AVL) PROJECT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84570 WHEREAS, The City of Lincoln desires to enter into a contract for Cellular data/EVDO service for the StarTran Automated Vehicle Location (AVL) Project to provide a method for the vehicle location and passenger information to be transmitted to and from each vehicle to comply with federal standards and effectively monitor and manage the StarTran fleet; and

WHEREAS, Sprint Solutions, Inc. was selected as the lowest responsible bidder for the implementation of the StarTran AVL Project; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the City Council.

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

That the expenditure of appropriations of more than one year is hereby approved and the Mayor is authorized to execute a contract between the City and Sprint Solutions Inc., for a five year term with an option to renew on a yearly basis for five additional years.

The City Clerk is directed to return one fully executed copy of this Resolution to the Public Works and Utilities Department, for department records.

Introduced by Ken Svoboda

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

APPEAL BY DAN MARVIN OF THE STARTRAN ADVISORY BOARD ACTION APPROVING THE TRANSIT DEVELOPMENT PLAN (TDP) AND THE NEAR-TERM ROUTE CHANGES THAT ARE PART OF THE TDP. (10/1/07 - ACTION DELAYED TO 10/29/07)

APPROVING THE CITY OF LINCOLN REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND

VENTRE A TERRE, LLC, AND TURBINE FLATS PROJECT, INC. RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 22ND AND Y STREETS FOR RESEARCH AND DEVELOPMENT INCUBATOR SPACE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84571 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Ventre A Terre, LLC and Turbine Flats Project, Inc., outlining certain conditions and understandings relating to the redevelopment of property generally located at 22nd and Y Streets for research and development incubator space, is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Redevelopment Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by Ventre A Terre, LLC and Turbine Flats Project, Inc.

Introduced by Ken Svoboda

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

APPROVING A RESOLUTION IN SUPPORT OF STATE LEGISLATION FOR THE ADOPTION OF A BABY SAFE HAVEN LAW TO DISCOURAGE UNSAFE BABY ABANDONMENT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84572 WHEREAS, the Lincoln City Council recognizes that in the last several years there have been unsafe abandonments of newborns and infants in the State of Nebraska; and

WHEREAS, the Lincoln City Council recognizes the need to curtail this unsafe abandonment of newborns and infants; and

WHEREAS, in order to foster the safe abandonment of newborns and infants there is a need for a law to allow a parent to give up an unwanted newborn or infant at a designated safe surrender site such as a hospital emergency room or fire station with no fear of arrest or prosecution for abandonment as long as the newborn or infant has not been abused or neglected; and

WHEREAS, unless parents of newborns and infants are protected from prosecution for their abandonment of a newborn or infant, then the incidents of newborns and infants being left in dangerous circumstances where they could be injured or even die will continue to occur; and

WHEREAS, forty-eight states have adopted laws providing for the safe placement of newborns and infants also known as "Baby Safe Haven Law"; and

WHEREAS, newborns and infants of the State of Nebraska deserve at least the same protection and consideration as provided in the other forty-eight states; and

WHEREAS, the Unicameral proposed this protection in LB 157 in the 100th Legislature - 1st Session 2007 which was not enacted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the City Council goes on record in support of State legislation which would adopt a Baby Safe Haven Law to discourage unsafe baby abandonment.

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution to the Nebraska Legislature and urges the Nebraska Legislature to adopt a Baby Safe Haven Law in the upcoming legislative session.

Introduced by Ken Svoboda

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

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF IMPROVEMENTS TO THE ANTELOPE CREEK CHANNEL IN CONJUNCTION WITH IMPROVEMENTS TO BE MADE BY THE UNITED STATES ARMY CORPS OF ENGINEERS FROM THE PROCEEDS OF TAX-EXEMPT OBLIGATIONS OF THE CITY - PRIOR to reading:

SVOBODA Moved to withdraw the resolution.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4559 & was placed on file in the Office of the City Clerk.

APPEAL OF SOMSRI CHOLLETT DBA MAGNOLIA RESTAURANT OF THE HISTORIC PRESERVATION COMMISSION DECISION APPROVING A CERTIFICATE OF APPROPRIATENESS FOR A SIGN AT 301 N. 8TH STREET WITH THE CONDITION THAT IT NOT INCLUDE NEON ILLUMINATION - CLERK read the following resolution, introduced by Svoboda, who moved its adoption:

A-84573 WHEREAS, Magnolia Restaurant submitted a request to the Historic Preservation Commission for a Certificate of Appropriateness for a neon illuminated projecting sign to be located on the southeast corner of the Seaton & Lea Ironworks Building in the Haymarket Landmark District; and

WHEREAS, the Historic Preservation Commission, on September 20, 2007, conditionally approved the Certificate of Appropriateness upon condition that the sign not be neon illuminated after holding a public hearing thereon; and

WHEREAS, on September 24, 2007 Somsri Chollett, on behalf of Magnolia Restaurant, filed a notice of appeal objecting to the condition that the sign not be neon illuminated; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.57.180 the decision appealed from is deemed advisory and the City Council is authorized to take final action on the matter; and

WHEREAS, the City Council finds that the proposed sign would not unduly hinder the protection, enhancement, perpetuation and use of the Haymarket Landmark District; and

WHEREAS, the City Council further finds that neon illumination of the sign is appropriate for this particular building as it is consistent with other restaurant signs approved at this intersection and throughout the district.

NOW, THEREFORE, BE IT RESOLVED by the Lincoln City-Lancaster County Planning Commission of Lincoln, Nebraska:

That the request of Magnolia Restaurant for a Certificate of Appropriateness for a neon illuminated projecting sign at the southeast corner of the Seaton & Lea Ironworks Building in the Haymarket Landmark District be and the same is hereby granted.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2007 AT 1:30 P.M. FOR THE APPLICATION OF SIS VENTURES, INC. DBA LEGENDS BAR & GRILL FOR A CLASS C LIQUOR LICENSE LOCATED AT 8300 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84574 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 22, 2007, 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 SIS Ventures, Inc. dba Legends Bar & Grill for a Class C liquor license located at 8300 Northwoods Drive.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF BRIAN J. KAWA FOR LEVY PREMIUM FOODSERVICE LTD DBA LEVY RESTAURANTS AT HAYMARKET PARK LOCATED AT 403 LINE DRIVE CIRCLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84575 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, October 22, 2007, 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 Brian J. Kawa for Levy Premium Foodservice, LTD dba Levy Restaurants at Haymarket Park located at 403 Line Drive Circle.

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

Introduced by Jon Camp

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED AUGUST 31, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84576 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended August 31, 2007, \$722,594.73 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS AUGUST 31, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON SEPTEMBER 24, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF AUGUST, 2007 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE MONTH OF APRIL 2007: TIME WARNER CABLE; AUGUST 2007: AT&T COMMUNICATIONS OF MIDWEST, COMTEL TELCOM ASSETS LP, LEVEL 3 COMMUNICATIONS LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

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

APPROVING THE 9TH TO 10TH STREETS, SOUTH OF SOUTH STREET DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND RED CLOUD DEVELOPMENT RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED AT 9TH AND SOUTH STREETS FOR COMMERCIAL AND RETAIL USES. (RELATED ITEMS: 07R-206, 07-156, 07-157) (ACTION DATE: 10/22/07)

CHANGE OF ZONE 07027 - APPLICATION OF RJJ&T, LLC AND RED CLOUD DEVELOPMENT FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-3 COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF SOUTH STREET BETWEEN 9TH AND 10TH STREETS. (RELATED ITEMS: 07R-206, 07-156, 07-157) - CLERK read an ordinance, introduced by Jon Camp, 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, changing the boundaries of the districts established and shown thereon, the first time.

VACATION 07003 - VACATING THE EAST-WEST ALLEY AND A PORTION OF THE NORTH-SOUTH ALLEY BETWEEN 9TH STREET AND 10TH STREET SOUTH OF SOUTH STREET. (RELATED ITEMS: 07R-206, 07-156, 07-157) - CLERK read an ordinance, introduced by Jon Camp, vacating the east-west alley and a portion of the north-south alley between 9th Street and 10th Street, south of South Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING SECTION 6.08.060 LICENSE FEE TO INCREASE FEES FOR LICENSING DOGS EFFECTIVE JANUARY 1, 2008 - CLERK read an ordinance, introduced by Jon Camp, amending Section 6.08.060 of the Lincoln Municipal Code relating to license fees for dogs to increase the fee for licensing a dog; and repealing Section 6.08.060 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 6.12.120 LICENSE FEE TO INCREASE FEES FOR LICENSING CATS EFFECTIVE JANUARY 1, 2008 - CLERK read an ordinance, introduced by Jon Camp, amending Section 6.12.120 of the Lincoln Municipal Code relating to license fees for cats to increase the fee for licensing a cat; and repealing Section 6.12.120 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND SOUTHEAST LINCOLN ANIMAL CENTER LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS: 07R-197, 07-152) (ACTION DATE: 10/8/07) - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:
A-84577 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Development and Conditional Zoning Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Southeast Lincoln Animal Medical Center, LLC, for a change of zone from O-2 Suburban Office District to B-1 Local Business District for development of the property with certain restrictions on the property generally located at S. 84th Street and Old Cheney Road, is hereby approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Development and Conditional Zoning Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Applicant.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Development and Conditional Zoning Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Applicant.

Introduced by John Spatz

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

CHANGE OF ZONE 07042 - APPLICATION OF SOUTHEAST ANIMAL MEDICAL CENTER FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS: 07R-197, 07-152) - 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 third time.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered #19004, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07047 - APPLICATION OF WILLIAM J. WOOD FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN A AND F STREET FROM S. 8TH TO S. 9TH STREETS - 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 third time.

SPATZ Moved to pass the ordinance as read.

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

The ordinance, being numbered #19005, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07051 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO NONCONFORMING SIGNS BY AMENDING SECTION 27.69.320 TO ADD PROVISIONS ALLOWING A NONCONFORMING OFF-PREMISES SIGN TO BE REPLACED WITHOUT BEING BROUGHT INTO COMPLIANCE WITH THE ZONING CODE SIGN REGULATIONS UNDER LIMITED CIRCUMSTANCES - PRIOR to reading:

CAMP Moved to amend Bill No. 07-154 in the following manner:

1. On page 1, line 12, show the word "by" as overstricken.

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

CLERK Read an ordinance, introduced by John Spatz, amending Section 27.69.320 of the Lincoln Municipal Code relating to nonconforming signs by adding provisions allowing a nonconforming off-premises sign to be replaced without being brought into compliance with the zoning code sign regulations under limited circumstances; and repealing Section 27.69.320 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19006, is recorded in Ordinance Book #26, Page

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS BY ADDING A NEW CHAPTER 4.66, CREATING A CITY AUDIT ADVISORY BOARD, SETTING FORTH DEFINITIONS, CREATING THE MEMBERSHIP OF THE BOARD AND THE LENGTH OF TERMS AND REMOVAL FROM OFFICE, SETTING FORTH THE DUTIES AND POWERS OF THE BOARD, ESTABLISHING MEETINGS AND RULES, PROVIDING FOR STAFFING, PROVIDING FOR AUDIT COORDINATION AND A CUSTODIAN OF RECORDS, LAYING OUT THE GROUND RULES FOR ACCESS TO INFORMATION, PROVIDING FOR AN AUDITEE'S RESPONSE, AND SETTING OUT THE PROCESS FOR SELECTING A CONTRACT AUDITOR - PRIOR to reading:

ESCHLIMAN Moved amendment #1 to Bill No. 07-155 as follows:

1. On page 3, lines 24 and 25, delete the last sentence ("The unanimous agreement of the selection committee is required for any action of the selection committee.") and insert in lieu thereof the following: "Two affirmative votes are required for action."

2. On page 8, line 11, delete the words "governmental unit" and insert in lieu thereof the phrase "auditee or the City,".

3. On page 8, line 12, insert a comma after the word "officers".

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

MARVIN Passed the gavel to Vice Chair Eschliman and moved amendment #2 to Bill No. 07-155 as follows:

1. On page 4, lines 9 and 13, delete the phrase "a certificate as a public accountant or internal auditor" and insert in lieu thereof the following: "an active license as a certified public accountant in Nebraska, or be a certified internal auditor".

2. On page 8, lines 13 through 21, delete the paragraph as it now reads and insert in lieu thereof the following: "The contract with the contract auditor shall include language requiring the contract auditor to retain all working papers or other documents gathered or created in the course of conducting the audit for a period of ten years. During and after that ten-year period, the contract auditor may not disseminate such information except as required by law. The contract shall further require that upon receipt of a request for such information, in the form of a public record request, subpoena, or otherwise, the contract auditor shall, within one working day of receiving such request, forward such request to the City Attorney and shall not fulfill the request. At the end of the ten years, the contract auditor shall destroy all such documents, working papers, and information, in whatever form, by shredding, incinerating, wiping, or otherwise rendering such data unrecoverable, and shall confirm such destruction in writing to the City Clerk; provided, however, that the City may require an extension of the ten year period as may be reasonable prior to destruction of the material. Nothing in this section is intended to prohibit the contract auditor and the City from agreeing to reasonable terms for access to such data by the City."

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

CLERK Read an ordinance, introduced by John Spatz, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions by adding a new Chapter 4.66, creating the City Audit Advisory Board, setting forth definitions, creating the membership of the Board and the length of terms and removal, setting forth the duties and powers of the Board, establishing meetings and rules providing for staffing, providing for audit coordination and a custodian of records, laying out the ground rules for access to information, providing for an auditee's response, and setting out the process for selecting a contract auditor, the third time.

SPATZ Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19007, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Mike Morosin, no address given, came forward to comment on his loss of property and relocation due to the Joint Antelope Valley Authority Project.

Dana Roper, City Attorney, came forward to answer Council questions. He stated JAVA is a separate entity and any grievances can be brought before its monthly meeting.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 15, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on October
15, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

ADJOURNMENT 6:15 P.M.

CAMP Moved to adjourn the City Council meeting of October 8, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant