

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 22, 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, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross; Emery Absent.

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

COOK Having been appointed to read the minutes of the City Council proceedings of October 15, 2007 reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler presented the award of excellence for September 2007 to Tim Beckman of the Public Works & Utilities Department/StarTran Division in the Category of Productivity. As Field Supervisor, he accepted the responsibility of creating an extensive and informative training program for the implementation of the new bus fare boxes. His time and effort to the project resulted in a reduction of conversion issues.

Mike Weston, StarTran Operations Superintendent, came forward to commend Mr. Beckman for his dedicated service to the City.

Karl Fredrickson, Public Works & Utilities Department Director, came forward expressing appreciation for Mr. Beckman's dedicated work.

PUBLIC HEARING

MANAGER APPLICATION OF BRIAN J. KAWA FOR LEVY PREMIUM FOODSERVICE LTD D/B/A LEVY RESTAURANTS AT HAYMARKET PARK LOCATED AT 403 LINE DRIVE CIRCLE - Brian J. Kawa, 2515 J Street, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF SIS VENTURES, INC. D/B/A LEGENDS BAR & GRILL FOR A CLASS C LIQUOR LICENSE LOCATED AT 8300 NORTHWOODS DRIVE;
MANAGER APPLICATION OF LINDA DENISE FREDRICK FOR SIS VENTURES, INC. D/B/A LEGENDS BAR & GRILL LOCATED AT 8300 NORTHWOODS DRIVE - Linda Denise Fredrick, 14700 Country Lane, came forward to take oath and answer questions. 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 WATER PROJECT THAT PROVIDES FOR CONSTRUCTION OF THE GREENWOOD TO LINCOLN TRANSMISSION MAIN FOR THE LINCOLN WATER SYSTEM - Nick McElvain, Water Operations Support Manager, came forward to explain the water project. Discussion followed.

This matter was taken under advisement.

AMENDING THE CITY'S RESOLUTION ON LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES REGARDING THE MAYOR'S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE ELIGIBILITY DEFINITION, THE WEBSITE ADDRESS, THE NOMINATION PROCEDURE AND NOMINATION CRITERIA, AND CLARIFICATION OF TEAM WINNERS FOR MONTHLY AND ANNUAL AWARDS - Dana Roper, City Attorney, came forward to answer questions. discussion followed.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF NILES FORD AS THE DIRECTOR OF THE FIRE AND RESCUE DEPARTMENT - Niles Ford, no address given, came forward to share his prior fire and rescue experience, education background and answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING THE APPOINTMENT OF DAVID LANDIS AS THE URBAN DEVELOPMENT DIRECTOR - David Landis, 4810 S. 44th, came forward to share his education experience and ideas for change in the department. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF BRIAN J. KAWA FOR LEVY PREMIUM FOODSERVICE LTD D/B/A LEVY RESTAURANTS AT HAYMARKET PARK LOCATED AT 403 LINE DRIVE CIRCLE

A-84586 WHEREAS, Levy Premium Foodservice Ltd. dba Levy Restaurants at Haymarket Park located at 403 Line Drive Circle, Lincoln, Nebraska has been approved for a Retail Class "IK" liquor license, and now requests that Brian J. Kawa be named manager;

WHEREAS, Brian J. Kawa 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 Brian J. Kawa 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.

APPLICATION OF SIS VENTURES, INC. D/B/A LEGENDS BAR & GRILL FOR A CLASS C LIQUOR LICENSE LOCATED AT 8300 NORTHWOODS DRIVE

A-84587 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 SIS Ventures, Inc. dba Legends Bar & Grill for a Class "C" liquor license at 8300 Northwoods Drive, Lincoln, Nebraska, for the license period ending October 31, 2008, 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 LINDA DENISE FREDRICK FOR SIS VENTURES, INC. D/B/A LEGENDS BAR & GRILL LOCATED AT 8300 NORTHWOODS DRIVE

A-84588 WHEREAS, SIS Ventures, Inc. dba Legends Bar & Grill located at 8300 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Linda Denise Fredrick be named manager;

WHEREAS, Linda Denise Fredrick 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 Linda Denise Fredrick 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

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 WATER PROJECT THAT PROVIDES FOR CONSTRUCTION OF THE GREENWOOD TO LINCOLN TRANSMISSION MAIN FOR THE LINCOLN WATER SYSTEM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84589 WHEREAS, the City of Lincoln desires to enter into a contract for the water project that provides for the construction of the Greenwood to Lincoln Transmission Main for the Lincoln Water System; 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 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 Mayor is authorized to execute a contract between the City and the recommended, lowest responsible bid contractor for construction of the Greenwood to Lincoln Transmission Main (702278) for the Lincoln Water System.

The City Clerk is directed to return one fully executed copy of this resolution to Jerry Obrist, Utilities Coordinator, Lincoln Water System.

Introduced by Jonathan Cook

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

AMENDING THE CITY'S RESOLUTION ON LOCAL GOVERNMENT MISCELLANEOUS EXPENDITURES REGARDING THE MAYOR'S AWARD OF EXCELLENCE, INCLUDING CHANGES TO THE ELIGIBILITY DEFINITION, THE WEBSITE ADDRESS, THE NOMINATION PROCEDURE AND NOMINATION CRITERIA, AND CLARIFICATION OF TEAM WINNERS FOR MONTHLY AND ANNUAL AWARDS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84590 WHEREAS, the Local Government Miscellaneous Expenditure Act authorizes the City Council to reimburse expenses incurred by elected and appointed officials, employees, or volunteers; and

WHEREAS, the City Council adopted a formal policy in Resolution No. A-77093 passed November 27, 1995, which resolution has been amended from time to time and most recently by Resolution No. A-83077 on November 15, 2004; and

WHEREAS, this policy governs educational workshops, conferences, training programs, official functions, hearings and meetings, registration fees, mileage, meals and lodging, travel expenditures, recognition dinners, plaques, certificates of achievement, and other miscellaneous expenditures; and

WHEREAS, this policy recognizes the various budget limitations, job assignments, and training needs of departments; and

WHEREAS, this policy needs to be updated to reflect current conditions.

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

That it hereby adopts the following policy governing the expenditure of public funds for payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers.

I. EXPENSES FOR EDUCATION, TRAINING, OR TRAVEL

Payment or reimbursement of actual and necessary expenses incurred by elected and appointed officials, employees, or volunteers at educational workshops, conferences, training programs, official functions, hearings, job duties, or meetings whether incurred within or outside of City limits may be reimbursed as herein authorized.

Travel expenses, which are defined as those costs a traveler must pay for conducting City business and which are necessary for the purpose of travel, may be approved by the department head. It is understood that not all expenses are automatically reimbursable even if they are addressed in this resolution. Rather, the reimbursement of expenses may vary between departments and employees within a department as determined by the department head. Nothing herein shall be construed as requiring reimbursement of any meal. Under no circumstances will expenses be reimbursed in excess of those identified in this resolution.

Anyone authorized to travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, except for meals and tips, and to submit expense statements in accordance with this resolution.

A. TRANSPORTATION EXPENSES

The maximum payable transportation allowance for any motor transportation shall not exceed the actual round-trip cost of coach air fares for that particular trip.

1. Air Travel. The latest rates for air travel from the City of Lincoln will be used in calculating all transportation expenses and allowances. Coach fare shall be used. A traveler shall make reservations through a travel agency and charge the tickets to the City of Lincoln; provided, however, a traveler who wishes to take advantage of electronic tickets, shop for the lowest fare on the Internet, or call airlines directly, will be required to personally pay for the tickets and request reimbursement from the City by submitting proper documentation. The City will not advance money for the purchase of airline tickets.
2. Motor Vehicles - Privately Owned. When the use of a private motor vehicle has been authorized, the owner of the vehicle shall be reimbursed at a mileage rate established by the Mayor in Administrative Regulation No. 4 and as the same may be amended from time to time, for the most direct round-trip route between Lincoln and the place visited. This amount shall not exceed the coach round-trip fare to and from that point and shall be documented by a City mileage reimbursement form. When more than one eligible employee performs such travel in an authorized private motor vehicle, only one eligible employee may obtain reimbursement for transportation. Lodging, meals, and other expenses for employees other than the employee receiving mileage are allowable en route to the destination if the cost does not exceed coach airfare.
3. Local Transportation. Local transportation costs, including such costs as airport limousine and taxi fare (including reasonable tips) may be reimbursed. Expenses for rental cars may be reimbursed when the employee's department head has decided that such rental will serve the best interests of the City. Requests for a rental car must be approved in writing in advance of the trip. Car rentals may be authorized when such rental will be cheaper than taxi fares or when the use of the car permits the traveler to

accomplish the purpose of the trip in a more efficient manner.

4. Travel by City Owned Vehicle. A traveler may use a City owned vehicle if the employee's department head has decided that such use will serve the best interests of the City. The traveler may be reimbursed for out-of-pocket expenses, such as gasoline, etc. Receipts must be obtained for all out-of-pocket expenses incurred for a City owned vehicle. Use of the City vehicle shall be restricted to City of Lincoln purposes only, and no private passengers shall be authorized.

B. LIVING EXPENSES

1. Lodging. Hotel and/or motel lodging should be selected well in advance and should be within a reasonable distance from or at the site of the official meeting place. Reimbursement shall be for a single occupancy rate. Detailed receipts for all lodging costs must be secured.
2. Meals. Individuals traveling on City business with an overnight stay will be allowed a daily per diem to cover the cost of meals and tips. The daily per diem amount shall not exceed thirty dollars (\$30.00 - \$7.00 breakfast, \$7.00 lunch, \$16.00 dinner) for most areas in the United States. Other areas in the United States are designated as high-cost areas, qualifying for a daily per diem not to exceed thirty-eight dollars (\$38.00 - \$9.00 breakfast, \$9.00 lunch, \$20.00 dinner). A list of these high-cost areas will be maintained and made available by the City Controller. Each Department's Director will determine whether any reimbursement shall be made and the amount of the reimbursement to be made (in compliance with the terms and not to exceed the maximums set above). The City will not reimburse employees for any meal provided by the conference or airline. Additionally, the City will not reimburse employees for any meal where there is no overnight stay.
3. Registration Costs. The City will pay in advance, or reimburse an eligible traveler for, the registration fee paid when a receipt for the registration fee is obtained and is included with the travel expense statement. The proper procedure for advance payment of registration is to submit a payment voucher with a copy of the completed registration form or an invoice, payable to the conference, to the Controller's Office in sufficient time to allow a warrant to be drawn and mailed to the conference prior to the deadline for registration.
4. Miscellaneous Expenses. Telephone expenses will be allowed only when necessary for City purposes. Expenses for tips should be included with the transportation and meal per diem.
5. Disallowance of Expenses. All major expenses including transportation (excluding taxi fares), lodging, and registration fees that are not supported by receipts attached to the travel expense statement may be disallowed for reimbursement at the discretion of the City Controller.

C. TRAVEL APPROVAL

When a department head decides that a trip for an employee is essential for City business, the department head may approve such travel. When the trip is to be taken by the department head, approval of the Mayor shall be obtained. Department heads shall be required to submit to the Mayor's Office a semi-annual report outlining travel requests which have been approved for department employees during that semi-annual time period. The semi-annual report shall list the department employees who were approved for travel; the purpose of the travel; and the budget impact resulting from the travel approvals.

D. TRAVEL ADVANCE

Travel advance for expenses will be granted to approved travelers. When a traveler desires an advance of funds, the department shall submit

to the City Controller, a standard claim form itemizing estimated expenses. No travel advance may be considered prior to approval as set out in Section C. No advance may be considered prior to reconciliation of any prior travel advance.

E. REIMBURSEMENT PROCEDURES

1. Traveler's Processing of Expenditure Statements
 - a. Within ten (10) working days after completion of the authorized travel, the traveler shall complete an itemized travel expense statement, attaching all necessary supporting receipts, and other documentation (noncompliance may result in denial of future advances to an employee). Attached documentation should include at least the following: lodging receipt, auto rental receipt (when authorized by department head), and airline itinerary.
 - b. When arrangements are made for airline travel on weekends/Saturdays for purposes of securing lower ticket rates, payment for the hotel and meal costs incurred on the weekend are also authorized as long as the total of the lower airline ticket rate and the weekend hotel/meal costs do not exceed the Sunday/weekday airline ticket costs. It is expected that employees will exercise reasonable judgment to acquire all travel necessities at the lowest reasonable cost to the City. This may include scheduling travel in a way that results in a lower net cost to the City, such as group travel by auto, weekend travel for discount air fares, early ordering of airline tickets for the best discount fares, etc.
2. Departmental Processing of Travel Statement of Expenditures

Department heads or their designees shall examine the traveler's expense statements for proper accounting and documentation. They should insure that all necessary supporting documents and/or statements of explanation are attached before signing the travel expense statement.
3. Finance Department Audit and Payment

Upon receipt of the request for funds, the Controller shall perform an audit to insure compliance with this resolution. The City Controller is authorized to request and receive additional information on any and all expenses.

 - a. No Travel Advance Drawn. When no travel advance has been made, upon verification of an expense statement submitted, the City Controller shall process the payment of funds reimbursing the traveler.
 - b. Travel Advance Drawn. When a travel advance has been made and the cost of the trip is less than the amount advanced, the traveler shall return the balance of the funds to the City Controller within ten (10) working days after completion of travel. Upon verification of the expense statement by the Controller, a Treasurer's receipt shall be processed to deposit the balance of funds back to the fund from which the original advance was drawn.
 - c. Actual Expenses are Equal to Travel Advance. When a travel advance has been made and the actual cost of the trip is equal to the amount of the advance, the procedure outlined in the preceding paragraph (b) shall be followed with the exception that no funds shall be returned by the traveler.
 - d. Actual Expenses are More than Travel Advance. When the travel advance has been made and the actual cost of the trip is more than the amount advanced, then upon approval of the expense statement by the department head and verification by the City Controller, a warrant shall be issued to the traveler.

II. PLAQUES AND AWARDS

A. The Mayor's Award of Excellence

The Mayor's Award of Excellence recognizes employees who consistently provide outstanding service and work that demonstrates exemplary personal commitment to the City of Lincoln.

1. Eligibility:

All employees are eligible except ~~individuals in the Management Compensation Plan Directors, Mayoral Aides,~~ and elected officials. Individuals or teams of employees are eligible for monthly or annual awards. Entire departments, divisions or sections are not eligible as a team.

2. Nomination Procedure:

Employees or teams may be nominated by supervisors, contemporaries, subordinates, and the general public. Nominations shall be submitted by completing the Mayor's Award of Excellence Form. Nomination forms will be available from department heads, the City Personnel Office, or employee bulletin boards or at <http://www.lincoln.ne.gov/city/person/city/index.htm>. Team nominations should be specific as to each member's involvement. Additional supporting documentation such as correspondence relating to the employee's or team's performance by other City employees may be attached. All nominations must be signed by the employee's or team's department head or appropriate designee. Said signature indicates that the nomination has been validated. Nominations that are not validated must be returned to the person making the nomination within thirty (30) days. All completed nomination forms need to be returned to the City Personnel Office by the fifth (5th) day of the month for the following month's award.

3. Nomination Criteria:

Employees or teams may be nominated for the award based on any of the following criteria:

- | | |
|---------------------|---|
| Safety: | Practices safety on the job and promotes and encourages others to do the same. |
| Productivity: | Always gives the best of oneself and encourages and promotes co-workers to perform their best. |
| Loss Prevention: | Demonstrates wise use of City resources and makes recommendations that result in substantial savings to the City outside the normal course of expected job functions. |
| Customer Relations: | Represents the City with a positive attitude, takes pride in ones work, and encourages co-workers to do the same. |
| Valor: | Performs an act of bravery, <u>which may include life-saving,</u> above and beyond the call of duty. |

Consideration may also be given to nominations that demonstrate that the accomplishment was self-initiated and/or that the accomplishment was outside of the nominee's job description.

4. Selection Process:

All validated nominations will be reviewed by the Mayor's Award of Excellence Committee. The committee may select no more than one (1) individual or team based on the selection criteria. Nominees will be eligible for three (3) months. Employees or teams will not be able to receive the monthly award more than once in any consecutive twelve (12) months. If a member of a new team has been previously selected for a monthly award, it will not nullify the team's eligibility to win an award. However, a previous winner cannot receive the monetary award and day off but still can be recognized. The Mayor's Monthly Award of Excellence may be presented every

month and the Mayor's Annual Award of Excellence will be presented once every calendar year. An employee or team does not have to receive the Monthly Award to be eligible for the Mayor's Annual Award of Excellence.

5. Award Recognition:

All individuals/teams nominated will receive a letter and certificate. All individual monthly winners and team winners (five or less members) will be presented a one hundred dollar (\$100) U.S. Savings Bond (cost fifty dollars (\$50)), one day off with pay, and a plaque not to exceed a cost of fifty dollars (\$50). In the event team winners have greater than five members, there will be no monetary award; however, the team members will each receive one day off with pay and a plaque not to exceed a cost of fifty dollars (\$50). The Mayor's Annual Award of Excellence Recipient will receive a five hundred dollar (\$500) U.S. Savings Bond (cost of two hundred fifty dollars (\$250)), two (2) days off with pay, and a plaque not to exceed a cost of one hundred dollars (\$100). When the annual award recipient is a team, the \$500 savings bond will be divided equally among members. When it is impossible to divide the bond equally due to purchase increment issue price, the division will be made as close to the \$250 purchase price as possible, without going over. In the event the team winners have greater than five members, there will be no monetary award. Each team member will receive two days off with pay and a plaque not to exceed a cost of \$100. ~~All awards will be presented before the City Council.~~ The Mayor's Annual Award of Excellence committee may recommend Annual Honorable Mention Recipients who would receive a plaque not to exceed a cost of fifty dollars (\$50). Recommendations for the annual award will be forwarded to the Mayor for consideration and approval. All awards will be presented before the City Council. All monetary awards will be considered compensation and subject to normal withholding and all applicable IRS regulations.

6. Mayor's Award of Excellence Committee:

The committee is made up of one (1) representative from each union, and a non-union representative appointed by the Mayor. Representatives will be appointed by September thirtieth (30th) of each year. The term of the committee members will be for two (2) years. If a committee member is unable to complete his/her term, another appointee will finish the term. Three consecutive absences or four (4) absences in a calendar year will result in notification to the respective bargaining unit.

7. Administration:

- a. The Personnel Department will oversee the Mayor's Award of Excellence Program.
- b. The City reserves the right to rescind this policy at any time.
- c. This program should not be interpreted as a negotiable item.
- d. The costs incurred to purchase a U.S. Savings Bond and to fund the day(s) off with pay will be charged to the employee's department budget.
- e. The costs incurred to purchase the plaques and awards and other expenditures will be charged to the Personnel Department budget.
- f. An individual or team winner will be chosen every month by the Mayor's Award of Excellence Committee when three or more members are present.

B. Other Plaques and Awards

Employees, appointed officials, and volunteers may be given plaques, certificates of achievement, or items of value provided the cost shall not exceed one hundred dollars (\$100.00) in value, notwithstanding mandated recognition under federal volunteer programs.

Such awards shall recognize outstanding service and must be approved in advance by the employee's department head, the Mayor, or by the City Council. Such awards recognizing safety achievements must be approved in advance by the safety committee.

III. MISCELLANEOUS

A. Employee Appreciation - Development Days

Within each calendar year, all departments may conduct an employee development-appreciation day for the purpose of education, planning, and department betterment.

B. Recognition Dinners/Meals

Each year recognition dinners/meals may be held for elected and appointed officials, employees, or volunteers of the local government. The maximum cost per person for such dinner shall not exceed twenty-five dollars (\$25.00). An annual recognition dinner/meal may be held separately for employees of each department or separately for volunteers or any of them in combination.

C. Expenses of Spouses

Nothing in this resolution shall authorize the expenditure of funds to pay for any expenses incurred by the spouse of an elected or appointed official, employee, or volunteer unless the spouse is also an elected or appointed official, employee, or volunteer of the local government and such expenditure has been authorized as set out herein.

E. Meals for Council Members

Authorized expenditures shall not include expenditures for meals of paid members of the City Council while attending a public meeting of the Council unless it is a joint meeting with one or more other governing bodies.

BE IT FURTHER RESOLVED that Resolution No. A-83077 passed by the City Council on November 15, 2004 as hitherto existing, be and the same is hereby repealed.

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS - NONE

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

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

REAPPOINTING MICHAEL DONNELLY TO THE POLICE AND FIRE PENSION PLAN INVESTMENT BOARD FOR A FIVE-YEAR TERM EXPIRING SEPTEMBER 1, 2012 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84591 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Michael Donnelly to the Police and Fire Pension Plan Investment Board for a five-year term expiring September 1, 2012 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING BRENNAN MILLER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A ONE-YEAR TERM EXPIRING JUNE 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84592 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the reappointment of Brennan Miller to the Parks and Recreation Advisory Board for a one-year term expiring June 1, 2008 is hereby approved.
Introduced by Jonathan Cook
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

APPOINTING BARBARA J. WALKOWIAK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A ONE-YEAR TERM EXPIRING JUNE 1, 2008 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84593 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Barbara J. Walkowiak to the Parks and Recreation Advisory Board for a one-year term expiring June 1, 2008 is hereby approved.
Introduced by Jonathan Cook
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

APPROVING THE APPOINTMENT OF DAVID LANDIS AS THE URBAN DEVELOPMENT DIRECTOR - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84594 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of David Landis to the position of Urban Development Director effective June 22, 2007, is hereby approved.
Introduced by Jonathan Cook
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

APPROVING THE APPOINTMENT OF NILES FORD AS THE DIRECTOR OF THE FIRE AND RESCUE DEPARTMENT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84595 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Niles Ford to the position of Director of the Fire and Rescue Department effective October 1, 2007, is hereby approved.
Introduced by Jonathan Cook
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 SEPTEMBER 30, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND SPIRITS BY BECKMAN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 NORTH CHESTNUT STREET, WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 708 North Chestnut, Wahoo, Nebraska, for a term commencing on May 1, 2007 and terminating on December 31, 2007, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE PANAMA CAFÉ FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 310 LOCUST STREET, PANAMA, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a

Lease Agreement between the City of Lincoln and The Panama Café for the lease of space by the Lincoln Area Agency on Aging for its ActivAge Center Program at 310 Locust Street, Panama, NE 68419, for a term commencing October 2, 2007 and terminating on August 31, 2008, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE POLK SENIOR CENTER FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) MEDICAID WAIVER PROGRAM AT 230 NORTH MAIN STREET, POLK, NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and the Polk Senior Center for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Medicaid Waiver Program located within the Center at 230 N. Main Street, Polk, NE 68654, for a 13-month term from May 1, 2007 through May 31, 2008, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E HIGHWAY 33, SUITE 6, CRETE NEBRASKA - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer and Dittmer for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 1005 E Highway 33, Suite 6, Crete, NE 68333, for a 13-month term from May 1, 2007 through May 31, 2008, the first time.

CHANGE OF ZONE 07053 - APPLICATION OF AIRPARK HOLDINGS V, LLC FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK DISTRICT TO H-4 GENERAL COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217) - 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, by changing the boundaries of the districts established and shown thereon, the first time.

SPECIAL PERMIT 2022B - APPLICATION OF AIRPARK HOLDINGS V, LLC TO EXPAND THE EXISTING PINE LAKE HEIGHTS PLANNED SERVICE COMMERCIAL TO ADD APPROXIMATELY 44,875 SQUARE FEET OF COMMERCIAL USE ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF SOUTH 27TH STREET AND GRAINGER PARKWAY. (RELATED ITEMS: 07-163, 07R-217) (ACTION DATE: 11/5/07)

COMP. PLAN CONFORMANCE 07020 - DECLARING APPROXIMATELY 6,651 SQ. FT., MORE OR LESS, OF PROPERTY GENERALLY LOCATED AT 2730 DUDLEY STREET, AS SURPLUS - CLERK read an ordinance, introduced by Robin Eschliman, declaring the City-owned property generally located at 2730 Dudley Street as surplus and authorizing the sale thereof, the first time.

CHANGE OF ZONE 07050 - AMENDING SECTION 27.71.140 OF THE LMC TO CLARIFY THAT A LOT OR TRACT LOCATED IN THE R-1 THROUGH R-4 ZONING DISTRICTS MAY ONLY BE OCCUPIED BY A GROUP OF TWO OR MORE BUILDINGS TO BE USED AS A UNIT FOR ANY COMBINATION OF TWO-FAMILY DWELLINGS, MULTIPLE-FAMILY DWELLINGS, OR INSTITUTIONAL PURPOSES UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT AND TO FURTHER PROVIDE THAT THE LOT OR TRACT MUST MEET THE MINIMUM LOT REQUIREMENTS AND CONDITIONS IN SAID DISTRICT FOR EACH MAIN BUILDING OR USE EXCEPT AS MODIFIED BY THE CONDITIONS OF APPROVAL FOR SUCH USE UNDER A SPECIAL PERMIT OR PLANNED UNIT DEVELOPMENT - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 27.71.140 of the Lincoln Municipal Code relating to height and area regulations to clarify that a lot or tract located in the R-1 through R-4 zoning districts may only be occupied by a group of two or more buildings to be used as a unit for any combination of two-family dwellings, multiple-family dwellings, or institutional purposes under a special permit or planned unit development and to further provide that the lot or tract must meet the minimum lot requirements and conditions in said district for each main building or use except as modified by the conditions of

approval for such use under a special permit or planned unit development; amending Section 27.81.010 clarify that Chapters 27.60 and 27.63 also apply; and repealing Sections 27.71.140 and 27.81.010 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3RD 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) - PRIOR to reading:

CAMP Moved to amend Bill No. 07R-206 by substituting the Conditional Annexation and Zoning Agreement attached hereto marked as Attachment A for the Conditional Annexation and Zoning Agreement attached to Bill No. 07R-206.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption as amended:

A-84596 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled 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 Red Cloud Development, for a change of zone from R-4 Residential District to B-3 Commercial District for development of the property with certain restrictions on the property generally located at between 9th and 10th Streets south of the east/west alley south of South Street, 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 two fully executed copies 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 Jon Camp

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

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered #19008, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.
The ordinance, being numbered #19009, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.
The ordinance, being numbered #19010, is recorded in Ordinance Book #26, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.
The ordinance, being numbered #19011, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

COOK Moved to remove Bill No. 07R-185 from pending to have Public
Hearing & Action on November 5, 2007.
Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

CAMP Moved to extend the remaining Pending List to October 29, 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
29, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Emery.

REGULAR MEETING
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ADJOURNMENT 2:12 P.M.

CAMP Moved to adjourn the City Council meeting of October 15, 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