

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 19, 2007 AT 5:30 P.M.**

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

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 November 5, 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**

Council Chair Marvin recognized Boy Scout Troop 15, who were in attendance working on Citizenship issues.

MANAGER APPLICATION OF JEREMY D. BOYER FOR BRUNO ENTERPRISES TOO DBA BUFFALO WILD WINGS AT 7301 S. 27TH STREET AND 1328 P STREET - Jeremy D. Boyer, 1328 P St., came forward to take oath and answer questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF VESTA LINCOLN PARTNERS LLC DBA HOLIDAY INN FOR A CLASS "CK" LIQUOR LICENSE AT 141 N. 9TH STREET;  
MANAGER APPLICATION OF DENNIS L. HAVRANEK FOR VESTA LINCOLN PARTNERS LLC DBA HOLIDAY INN AT 141 N. 9TH STREET - Dennis Havranek, 152 N. 152<sup>nd</sup> Circle, Omaha, NE, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF BAM PARTNERSHIP DBA THE SPIGOT FOR A CLASS "C" LIQUOR LICENSE AT 1624 O STREET - Michael Schuering, 1025 E St. #2, came forward to take oath and answer questions. Discussion followed.

Russ Fosler, Police Department Investigator, came forward to take oath and answer questions about Mr. Schuering's delayed interview and follow-up background investigation and did not find any areas of concern.

This matter was taken under advisement.

APPLICATION OF ROGELIO ARIAS DBA SUPER TACO FOR A CLASS "IK" LIQUOR LICENSE AT 5501 HOLDREGE STREET - Rogelio Arias, 5501 Holdrege St., Suite D, came forward to take oath and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 07054HP - APPLICATION OF GAMMA PHI BETA HOUSE CORPORATION OF GAMMA PHI BETA SORORITY, TO DESIGNATE THE PROPERTY AT 415 N. 16TH STREET AS A HISTORIC LANDMARK - Ed Zimmer, Planning Department, came forward to show slides of the Federal Revival-style dwelling.

Beth Pederson, 3801 Eagle Ridge Rd. #1, representing Gamma Phi Beta Sorority House, was on hand for questioning.

This matter was taken under advisement.

CHANGE OF ZONE 07056 - APPLICATION OF JOHN AND ANDREA SCHLEICH FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 4.95 ACRES OF PROPERTY GENERALLY LOCATED AT ASHBROOK DRIVE AND HIGHWAY 2;

SPECIAL PERMIT 1992A - APPLICATION OF JOHN AND ANDREA SCHLEICH TO AMEND THE EDENTON WOODS 1ST COMMUNITY UNIT PLAN TO ALLOW AN ADDITIONAL 33 DWELLING UNITS AND TO WAIVE THE MAXIMUM BLOCK LENGTH AND TO ALLOW ROLL-OVER CURBS, ON PROPERTY GENERALLY LOCATED AT ASHBROOK DRIVE AND HIGHWAY 2 - Mike Eckert, Civil Design Group Inc., came forward to represent the applicant and answer questions. Discussion followed.

Pat Mooberry, original developer of Edenton Woods, came forward to state he supports the development but is opposed to the connection of Ashbrook to the cul de sac lot. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 06001 - AMENDING THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD A HOUSING PROJECT TO PROVIDE NEW RENTAL HOUSING FOR LOW INCOME AND LOW INCOME SERIOUSLY MENTALLY ILL PEOPLE, AND NEW SINGLE FAMILY HOMES FOR LOW AND MODERATE INCOME PEOPLE, ON PROPERTY GENERALLY BOUNDED ON THE WEST BY HAYWARD PARK, ON THE NORTH THE SALT CREEK CHANNEL, ON THE EAST BY N. 10TH STREET, AND ON THE SOUTH BY THE EAST-WEST ALLEY NORTH OF CLAREMONT STREET;

COMP. PLAN CONFORMANCE 07022 - DECLARING APPROXIMATELY 6.02 ACRES OF PROPERTY GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD, AS SURPLUS PROPERTY;

CHANGE OF ZONE 07055 - APPLICATION OF HOPPE INC. FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON APPROXIMATELY 6.18 ACRES OF PROPERTY GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD;

SPECIAL PERMIT 07047 - APPLICATION OF HOPPE, INC. TO DEVELOP THE 10TH AND MILITARY COMMUNITY UNIT PLAN FOR 61 MULTI-FAMILY UNITS AND 10 SINGLE-FAMILY ATTACHED UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED SCREENING, REDUCTION IN PARKING, REDUCTION IN THE FRONT YARD SETBACK, STORMWATER DETENTION, SPACING OF LOCAL STREETS TO MAJOR STREETS, AND MINIMUM ELEVATION OF STREETS IN A FLOODPLAIN, ON APPROXIMATELY 6.18 ACRES GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD - Fred Hoppe, 1600 Stonyhill Rd., came forward to discuss the project and answer questions. He stated his company is committed to a well-designed project that will be a positive visual entrance for the City of Lincoln coming down 10<sup>th</sup> Street. Discussion followed.

Dave Landis, Urban Development Director, came forward to answer questions. He stated that this project allows for our community to make progress in providing affordable housing and housing for the seriously mentally ill. He said the neighborhood is not in favor of the project because the area is already congested with noise, parking and students and that it is in a floodplane. Discussion followed.

Topher Hansen, Executive Director of Center Pointe, 2633 P St., came forward in support of the project stating that low income individuals tend to be victims of crime not perpetrators of it. Discussion followed.

Bill Crawford, 105 N. 8<sup>th</sup> St., came forward in support. He stated it would provide affordable housing for people with low incomes and/or mental illness.

John Badami, 5909 Normal Blvd., architect for the applicant, came forward to present examples of the building types for the project.

Fred Hoke, representing the Home Builders Association of Lincoln, came forward in support stating that individuals deserve housing options, the area is well suited for development and the project will provide benefits to the City.

Jennifer Gaughan, 941 O St., Suite 825, came forward representing Legal Aid of Nebraska, stating that qualifying individuals are on a waiting list ranging between 1 and 2 years for public housing.

Walt Bleich, 1062 Y St., came forward in opposition stating concerns of development in a floodplane.

Keith Napolitano, 3121 Denver Ct., came forward in support of the housing project.

Glenn Johnson, General Manager of Lower Platte South Natural Resources District, came forward stating the District recommends keeping the property in public ownership, to not declare surplus and to retain conservation easements to protect floodplane functions. Discussion followed.

Christine Bleich, 1062 Y St., came forward in opposition stating the area needs better public transportation and mixed-use retail.

Marilyn McNabb, 1701 W. Rose St., came forward in opposition due to floodplane in public land, lack of information for public review and the rushed process. Discussion followed.

Tom McCormick, 1406 D St., came forward in opposition, stating concerns of development in the floodplane.

Russell Miller, 341 S. 52<sup>nd</sup> St., came forward in opposition as he feels it would be anti-business. Discussion followed.

Rachel Carlson, 2820 Sumner, came forward representing the shooting sports community in opposition. She said development would eliminate the Parks & Recreation shooting range facility.

Annette McRoy, 1142 New Hampshire, came forward to state she welcomes new development in the area but is opposed to compromising public policy by not placing surplus property for sale in an open and fair manner. Discussion followed.

Michelle Aylor, 4731 Faulkner Ct., came forward in opposition to the loss of the shooting range facility.

Steve Larrick, South Salt Creek Neighborhood home dweller, came forward in opposition as the project must meet comprehensive plan standards. He suggested focusing on transportation by building a high-speed rail service between Omaha and Lincoln instead.

Richard Halvorson, 6311 Inverness Rd., came forward in opposition, stating concerns of flooding. Discussion followed.

Ed Patterson, 700 N. 24<sup>th</sup> St., came forward in opposition presenting floodplane issues. Discussion followed.

Foster Collins, 2100 Calvert St., came forward to state his opposition to the project unless it is done correctly. Discussion followed.

Patte Newman, Past City Council Member, came forward in opposition as the application for development has missing data. Discussion followed.

Mike Morosin, no address given, came forward to comment that financial figures for the project must be presented as a responsibility to the neighbors.

Gary Irvin, came forward to suggest that the area be developed into a holding pond.

Dennis Restau, 2724 Sumner St., came forward with concerns about the loss of the shooting range. Discussion followed.

Lynn Moorner, 404 S. 27<sup>th</sup> St., came forward in opposition to development in a floodplane. Discussion followed.

Danny Walker, 427 "E" Street, came forward to comment on floodplane areas.

Mary Heyer, 1007 New Hampshire, came forward to share her concerns about safety for the mentally ill as well as for the young people in her neighborhood. Discussion followed.

J. Rock Johnson, 1342 S. 11<sup>th</sup> St., came forward in support as she feels housing is needed.

**TOOK BREAK 10:03 P.M.**

**RECONVENED 10:15 P.M.**

Chad Blahak, Public Works & Utilities Dept., came forward to answer questions. Discussion followed.

Lynn Johnson, Director of Parks & Recreation, came forward to answer questions about the shooting range facility. Discussion followed.

Mr. Hoppe came forward for rebuttal. Discussion followed.

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

Wynn Hjerstad, Planning Department, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

HEARING ON THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2008 - Terry Bundy, Administrator and CEO of LES, came forward to present operating expenses including the cost of new programs relating to sustainable energy. Discussion followed.

Keith Brown, CFO of LES, was on hand for questioning.  
Ed Patterson, 700 N. 24<sup>th</sup> St., came forward to comment on sustainable energy and nuclear technology.  
Mike Morosin, no address given, came forward to suggest that LES bring back incentives for the purchase of a heat pump.  
Mr. Bundy came forward in rebuttal. Discussion followed.  
This matter was taken under advisement.

USE PERMIT 04005A - APPLICATION OF RLM, LLC TO AMEND USE PERMIT NO. 04005 TO REDUCE THE SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR LOTS 1 - 17, BLOCK 1, AND LOTS 1 - 13, BLOCK 2; TO REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 25 FEET ON LOTS 1 - 17, BLOCK 1; AND TO REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 20 FEET FOR LOTS 1 - 13, BLOCK 2, ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND BARONS ROAD - Dan Klein, 1960 SW 112<sup>th</sup> St., came forward to state that this request allows the conformance to the adjacent neighborhood of single family homes. Discussion followed.

Chad Cederberg, 5235 NW Pemberly Lane, came forward in support as it would be consistent with the rest of the neighborhood.  
This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JEREMY D. BOYER FOR BRUNO ENTERPRISES TOO DBA BUFFALO WILD WINGS AT 7301 S. 27TH STREET AND 1328 P STREET - PRIOR TO READING:  
CAMP Moved its adoption for approval.  
Seconded by Emery & **LOST** by the following vote: AYES: Camp, Emery, Marvin; NAYS: Cook, Eschliman, Spatz, Svoboda.  
CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for denial:  
A-84617 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 Jeremy D. Boyer as manager of Bruno Enterprises Too dba Buffalo Wild Wings located at 7301 S. 27th Street and 1328 P Street, Lincoln, Nebraska, be denied. 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, Spatz, Svoboda; NAYS: Emery, Marvin Dissenting.

APPLICATION OF VESTA LINCOLN PARTNERS LLC DBA HOLIDAY INN FOR A CLASS "CK" LIQUOR LICENSE AT 141 N. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-84618 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 Vesta Lincoln Partners LLC dba Holiday Inn for a Class "CK" liquor license at 141 N. 9th Street, 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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

MANAGER APPLICATION OF DENNIS L. HAVRANEK FOR VESTA LINCOLN PARTNERS LLC DBA HOLIDAY INN AT 141 N. 9TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84619 WHEREAS, Vesta Lincoln Partners LLC dba Holiday Inn located at 141 N. 9th Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Dennis L. Havranek be named manager;

WHEREAS, Dennis L. Havranek 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 Dennis L. Havranek 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 BAM PARTNERSHIP DBA THE SPIGOT FOR A CLASS "C" LIQUOR LICENSE AT 1624 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84620 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 BAM Partnership dba The Spigot for a Class "C" liquor license at 1624 O Street, 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, Emery, Marvin, Spatz, Svoboda; NAYS: Eschliman.

APPLICATION OF ROGELIO ARIAS DBA SUPER TACO FOR A CLASS "IK" LIQUOR LICENSE AT 5501 HOLDREGE STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84621 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 Rogelio Arias dba Super Taco for a Class "IK" liquor license at 5501 Holdrege Street, Lincoln, Nebraska, for the license period ending April 30, 2008, be approved with the conditions that the applicant obtains a valid special permit, and that the premise complies in every respect with the conditions of its special permit and 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.

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

CHANGE OF ZONE 07054HP - APPLICATION OF GAMMA PHI BETA HOUSE CORPORATION OF GAMMA PHI BETA SORORITY, TO DESIGNATE THE PROPERTY AT 415 N. 16TH STREET AS A HISTORIC LANDMARK - CLERK read an ordinance, introduced by Ken Svoboda, 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 second time.

CHANGE OF ZONE 07056 - APPLICATION OF JOHN AND ANDREA SCHLEICH FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON APPROXIMATELY 4.95 ACRES OF PROPERTY GENERALLY LOCATED AT ASHBROOK DRIVE AND HIGHWAY 2 (RELATED ITEMS: 07-170, 07R-227) - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 1992A - APPLICATION OF JOHN AND ANDREA SCHLEICH TO AMEND THE EDENTON WOODS 1ST COMMUNITY UNIT PLAN TO ALLOW AN ADDITIONAL 33 DWELLING UNITS AND TO WAIVE THE MAXIMUM BLOCK LENGTH AND TO ALLOW ROLL-OVER CURBS, ON PROPERTY GENERALLY LOCATED AT ASHBROOK DRIVE AND HIGHWAY 2. (RELATED ITEMS: 07-170, 07R-227) (ACTION DATE: 12/3/07)

COMP. PLAN CONFORMITY 06001 - AMENDING THE ANTELOPE VALLEY REDEVELOPMENT PLAN TO ADD A HOUSING PROJECT TO PROVIDE NEW RENTAL HOUSING FOR LOW INCOME AND LOW INCOME SERIOUSLY MENTALLY ILL PEOPLE, AND NEW SINGLE FAMILY HOMES FOR LOW AND MODERATE INCOME PEOPLE, ON PROPERTY GENERALLY BOUNDED ON THE WEST BY HAYWARD PARK, ON THE NORTH THE SALT CREEK CHANNEL, ON THE EAST BY N. 10TH STREET, AND ON THE SOUTH BY THE EAST-WEST ALLEY NORTH OF CLAREMONT STREET. (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (ACTION DATE: 12/3/07) (REQUEST TO HAVE ACTION ON 11/19/07) - PRIOR to reading:

SPATZ Moved to amend the Council Schedule to hold a meeting on Monday November 26, 2007 at 1:30 p.m. to have action only on Bill No. 07R-228. Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Cook.

COMP. PLAN CONFORMANCE 07022 - DECLARING APPROXIMATELY 6.02 ACRES OF PROPERTY GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD, AS SURPLUS PROPERTY (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (REQUEST TO HAVE 2ND & 3RD READINGS W/ACTION ON 11/19/07) - PRIOR to reading:

SPATZ Moved to amend the Council Schedule to hold a meeting on Monday November 26, 2007 at 1:30 p.m. to have action only on Bill No. 07-171. Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Cook.

CLERK Read an ordinance, introduced by Ken Svoboda, declaring approximately 6.02 acres of City-owned property generally located near North 10<sup>th</sup> Street and Military Road as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 07055 - APPLICATION OF HOPPE INC. FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO R-4 RESIDENTIAL DISTRICT ON APPROXIMATELY 6.18 ACRES OF PROPERTY GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (REQUEST TO HAVE 2ND & 3RD READINGS W/ACTION ON 11/19/07) - PRIOR to reading:

SPATZ Moved to amend the Council Schedule to hold a meeting on Monday November 26, 2007 at 1:30 p.m. to have action only on Bill No. 07-172. Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Cook.

CLERK Read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 07047 - APPLICATION OF HOPPE, INC. TO DEVELOP THE 10TH AND MILITARY COMMUNITY UNIT PLAN FOR 61 MULTI-FAMILY UNITS AND 10 SINGLE-FAMILY ATTACHED UNITS, WITH REQUESTED WAIVERS OF THE REQUIRED SCREENING, REDUCTION IN PARKING, REDUCTION IN THE FRONT YARD SETBACK, STORMWATER DETENTION, SPACING OF LOCAL STREETS TO MAJOR STREETS, AND MINIMUM ELEVATION OF STREETS IN A FLOODPLAIN, ON APPROXIMATELY 6.18 ACRES GENERALLY LOCATED AT N. 10TH STREET AND MILITARY ROAD. (RELATED ITEMS: 07R-228, 07-171, 07-172, 07R-229) (ACTION DATE: 12/3/07) (REQUEST TO HAVE ACTION ON 11/19/07) - PRIOR to reading:

SPATZ Moved to amend the Council Schedule to hold a meeting on Monday November 26, 2007 at 1:30 p.m. to have action only on Bill No. 07R-229. Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: Cook.

#### 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 OCTOBER 16 - 31, 2007 - PRIOR to reading:

ESCHLIMAN Moved to pull the name of Allan Abbott from the list in Bill No. 07R-224 as he had expressed concerns but was not present to testify. Motion died due to the lack of a second.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84622 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 November 1, 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:

	<u>DENIED</u>		<u>ALLOWED/SETTLED</u>
Randy Thimm	\$695.50	Dale Carpenter	\$49.22
Jack Adams & Corina Adams	NAS*		
Allan Abbott	326.00		

\* No Amount Specified

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

HEARING ON THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2008. (ACTION DATE: 12/3/07)

USE PERMIT 04005A - APPLICATION OF RLM, LLC TO AMEND USE PERMIT NO. 04005 TO REDUCE THE SIDE YARD SETBACK FROM 7.5 FEET TO 5 FEET FOR LOTS 1 - 17, BLOCK 1, AND LOTS 1 - 13, BLOCK 2; TO REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 25 FEET ON LOTS 1 - 17, BLOCK 1; AND TO REDUCE THE REAR YARD SETBACK FROM 30 FEET TO 20 FEET FOR LOTS 1 - 13, BLOCK 2, ON PROPERTY GENERALLY LOCATED AT N.W. 1ST STREET AND BARONS ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption: A-84623 WHEREAS, RLM, LLC, has submitted an application in accordance with Sections 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 04005A to reduce the side and rear yard setbacks on property generally located at N.W. 1st Street and Barons Road, and legally described as:

Lots 1 - 15, Block 1; Lots 1 - 13, Block 2, Outlots A and B; Baron's Ridge Addition; and Lots 1 and 2, Block 1; Lots 1 and 2, Block 2; Baron's Ridge 2nd Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to the development within the use permit 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 RLM, LLC, hereinafter referred to as "Permittee", to reduce the side and rear yard setbacks, on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 of the Lincoln Municipal Code upon condition that construction and operation of said development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 10,000 square feet of office and 30 dwelling units and reduces the rear yard setback from 30' to 25' for Lots 1-17, Block 1 and from 30' to 20' for Lots 1-13, Block 2; and reduces the side yard setback from 7.5 feet to 5 feet for Lots 1-17, Block 1 and Lots 1-13, Block 2. All previous waivers approved by Use Permit #04005 remain in effect.
2. Final plats within the area of this Use Permit must be approved by the City.
3. If any final plat on all or a portion of the approved use permit is submitted five (5) years or more after the approval of the use permit, the city may require that a new use permit plan be submitted, pursuant to all the provisions of section 26.31.015. A new use permit may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the City; and as a result, the use permit as originally approved does not comply with the amended rules and regulations.
4. Before the approval of a final plat, the public streets, private roadway improvements, sidewalks, public sanitary sewer system, public water system, drainage facilities, land preparation and grading, sediment and erosions control measures, storm water detention/retention facilities, drainageway improvements, street lights, landscaping screens, street trees, temporary turnaround and barricades, and street name signs, must be completed or provisions (bond, escrow or security agreement) to guarantee completion must be approved by the City Law Department. The improvements must be completed in conformance with adopted design standards and within the time period specified in the Land Subdivision Ordinance. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for sidewalks and street trees along major streets that have not been improved to an urban cross section. A cash contribution to the City in lieu of a bond, escrow, or security agreement may be furnished for street trees on a final plat with 10 or fewer lots.
5. Before the approval of a final plat, the Permittee must enter into a Subdivision Agreement with the City wherein Permittee as Subdivider agrees:
  - a. To complete the paving of private roadway, and temporary turnarounds and barricades located at the temporary dead-end of the private roadways shown on the final plat within two (2) years following the approval of this final plat.
  - b. To complete the installation of sidewalks along both sides of NW Pemberly Lane as shown on the final plat within four (4) years following the approval of the final plat.
  - c. To complete the public water distribution system to serve this plat within two (2) years following the approval of the final plat.
  - d. To complete the public wastewater collection system to serve this plat within two (2) years following the approval of the final plat.

- e. To complete the enclosed public drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- f. To complete the enclosed private drainage facilities shown on the approved drainage study to serve this plat within two (2) years following the approval of the final plat.
- g. To complete land preparation including storm water detention/retention facilities and open drainageway improvements to serve this plat prior to the installation of utilities and improvements but not more than two (2) years following the approval of the final plat
- h. To complete the installation of private street lights along the private street within this plat within two (2) years following the approval of the final plat.
- i. To complete the planting of the street trees along NW Pemberly Lane within this plat within four (4) years following the approval of the final plat.
- j. To complete the planting of the landscape screen within this plat within two (2) years following the approval of the final plat.
- k. To complete the installation of the street name signs within two (2) years following the approval of the final plat.
- l. To complete the installation of the permanent markers prior to construction on or conveyance of any lot in the plat.
- m. To complete any other public or private improvement or facility required by Chapter 26.23 (Development Standards) of the Land Subdivision Ordinance in a timely manner which inadvertently may have been omitted from the above list of required improvements.
- n. To complete the public and private improvements shown on the Use Permit.
- o. To submit to the Director of Public Works a plan showing proposed measures to control sedimentation and erosion and the proposed method to temporarily stabilize all graded land for approval.
- p. To retain ownership of and the right of entry to the outlots in order to perform the above-described maintenance of the outlots and private improvements on a permanent and continuous basis. However, Subdivider(s) may be relieved and discharged of such maintenance obligations upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance subject to the following conditions:
  - (1) Subdivider shall not be relieved of Subdivider's maintenance obligation for each specific private improvement until a register professional engineer or nurseryman who supervised the installation of said private improvement has certified to the City that the improvement has been installed in accordance with approved plans.
  - (2) The maintenance agreements are incorporated into covenants and restrictions in deeds to the subdivided property and the documents creating the association and the restrictive covenants have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- q. To maintain the outlots and private improvements on a permanent and continuous basis.
- r. To continuously and regularly maintain the street trees along the private roadways and landscape screens.
- s. To properly and continuously maintain and supervise the private facilities which have common use or benefit, and to recognize that there may be additional maintenance issues or costs associated with providing for the proper functioning

- of storm water detention/retention facilities as they were designed and constructed within the development, and that these are the responsibility of the land owner.
- t. To maintain the street trees along the private roadways and landscape screens on a permanent and continuous basis.
  - u. To submit to the lot buyers and home builders a copy of the soil analysis.
6. Upon approval of the Use Permit by the City Council, the developer shall cause to be prepared and submitted to the Planning Department a revised and reproducible final plot plan including 5 copies with all required revisions and documents as listed below.
- a. Add to the General Notes, "Signs need not be shown on this site plan, but need to be in compliance with chapter 27.69 of the Lincoln Zoning Ordinance, and must be approved by Building & Safety Department prior to installation".
  - b. Delete Note #18 under General Notes. Administrative Amendment #06048 deleted this note.
  - c. In Waiver #1, change 40 feet to 30 feet.
  - d. In Waiver #2, change 15 feet to 7.5 feet and 7.5 feet to 5 feet.
  - e. Identify the lot line for Lots 14 & 15, Block 2.
7. Prior to building permit:
- a. Ornamental street lights for private roadways and pedestrian way easements are approved by L.E.S.
  - b. The construction plans comply with the approved plans.
8. Before occupying the dwelling units / buildings all development and construction is to comply with the approved plans.
9. All privately-owned improvements, including landscaping and recreational facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
10. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
11. This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
12. The applicant 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 clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.
13. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 3134C - App. of Rega Engineering for an amendment to the Willow Springs Planned Unit Development to expand Medical Office space from 18,000 sq. ft. to 22,500 sq. ft. on property generally located at Lucille Dr. and Pioneers Blvd.

Change of Zone No. 04075A - App. of Village Gardens Development Company, LLC for an amendment to the Village Gardens Planned Unit Development to revise the internal zoning district boundary line between the B-3 PUD area and the R-3 PUD area, to specify that all signage in the underlying B-3 district is governed by the B-3 signage regulations instead of the

PUD signage regulations, and to allow a center identification ground sign at the main arterial entrance to the B-3 zoned area on property generally located at S. 56th Street and Pine Lake Rd.

Change of Zone No. 07057 - App. of Dial-Salt Creek Limited Partnership amending Title 27 of the Lincoln Municipal Code by amending various sections relating to Height and Area Regulations in the B-2 Planned Neighborhood Business District, B-5 Planned Regional Business District, H-1 Interstate Commercial District, H-2 Highway Business District, H-3 Highway Commercial District, and H-4 General Commercial District.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 3, 2007 AT 1:30 P.M. FOR THE APPLICATION OF TOKYO STEAKHOUSE, INC. DBA TOKYO STEAKHOUSE FOR A CLASS I LIQUOR LICENSE LOCATED AT 4200 S. 27TH ST., SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84624 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 3, 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 Tokyo Steakhouse, Inc. dba Tokyo Steakhouse for a Class I liquor license located at 4200 S. 27th St., Suite 100.

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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 3, 2007 AT 1:30 P.M. FOR THE APPLICATION OF SALEOFF ENTERPRISES, INC. DBA SALEOFF FOR A CLASS D LIQUOR LICENSE LOCATED AT 1930 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84625 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 3, 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 Saleoff Enterprises, Inc. dba Saleoff for a Class D liquor license located at 1930 West O Street.

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

Introduced by Jon Camp

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 3, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF ANGELA R. TUCCI FOR THE FOLLOWING LOCATIONS: LAZLO INC. DBA EMPYREAN BREWING/LAZLO'S LOCATED AT 700-710 Q ST. & 210 N. 7TH ST.; LAZLO INC. DBA EMPYREAN LAZLO'S BREWERY & GRILL LOCATED AT 5900 OLD CHENEY ROAD; AND LAZLO, INC. DBA FIREWORKS RESTAURANT LOCATED AT 5750 S. 86TH DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84626 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 3, 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 Angela R. Tucci for the following locations: Lazlo Inc. dba Empyrean Brewing/Lazlo's located at 700-710 Q St. & 210 N. 7th St.; Lazlo Inc. dba Empyrean Lazlo's Brewery & Grill located at 5900 Old Cheney Road; and Lazlo, Inc. dba Fireworks Restaurant located at 5750 S. 86th 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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 3, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF SANDRA MADSEN FOR INTER COM CLUB, INC. DBA NEBRASKA CLUB LOCATED AT 2000 US BANK BLDG., 233 S. 13TH ST - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84627 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 3, 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 Sandra Madsen for Inter Com Club, Inc. dba Nebraska Club located at 2000 US Bank Bldg., 233 S. 13th St.

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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 3, 2007 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF CYNTHIA ALLEN FOR ALLEN ENTERPRISES, INC. DBA EARL'S TAVERN LOCATED AT 5555 SUPERIOR ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84628 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 3, 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 Cynthia Allen for Allen Enterprises, Inc. dba Earl's Tavern located at 5555 Superior St.

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, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

#### MISCELLANEOUS BUSINESS - NONE

#### REPORTS OF CITY OFFICERS

RESOLUTION ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84629 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed October 29, 2007, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Jon Camp

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

APPROVING THE CITY OF LINCOLN'S INVESTMENT ACTIVITY REPORT FROM THE CITY TREASURER FOR THE FISCAL YEAR 2006-2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84630 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the Investment Activity report and attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Jon Camp

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR OCTOBER, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 5, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE

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

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND ROBERT AND JANETTE FIALA FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 370 FIFTH STREET, DAVID CITY, NEBRASKA - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Lease Agreement between the City of Lincoln and Robert & Janette Fiala for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program at 370 Fifth Street, David City, NE 68632, for a 13-month term from May 1, 2007 through May 31, 2008, the third time.

SPATZ 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 #19019, is recorded in Ordinance Book #26, Page

AMENDING CHAPTER 2.81 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN LIVING WAGE ORDINANCE TO ADD A DEFINITION FOR "NONPROFIT ORGANIZATION" AND TO EXEMPT NONPROFIT ORGANIZATIONS FROM THE APPLICATION OF THE ORDINANCE - PRIOR to reading:

MARVIN Read the following letter for the record from Rick G. Carter, Executive Director of the Human Services Federation of Lincoln & Lancaster County stating opposition to the proposed non-profit exemption to the living wage ordinance: "The Human Services Federation Executive Committee has passed a resolution in opposition to the proposed nonprofit exemption to the living wage ordinance and once again reiterating our support of the concept of living wages as defined by the Lincoln Living Wage Ordinance. The Human Services Federation appreciates the sentiment behind the exemption to the ordinance but believes there are better ways to support the business and charitable missions of our community's nonprofit agencies.

It appears that many myths regarding what is contained in the living wage ordinance, who it affects, and to what extent it affects them are prevalent. It has been the experience of the Human Services Federation that we have not seen a significant financial impact on most nonprofits affected by the living wage ordinance. It is our belief that the City of Lincoln could take part in more productive strategies to support our community's vital nonprofit agencies than exempting them from the living wage.

**The Human Services Federation believes that the living wage ordinance is a way for the City of Lincoln to use its purchasing and funding powers to make a principled stand that they will not subsidize poverty-level wages except in cases of demonstrated need.**

The nonprofits agencies and organizations in Lincoln are the vehicles through which we take responsibility for the well-being of our community. Nonprofit organizations steward our environment, advocate for civil rights and equity, celebrate creativity and diversity, provide the opportunity for exploration and learning, serve community members in need, give people the skills to better their lives, and struggle for worldwide justice and peace. Nonprofits embody our most cherished values, inspiring us to care about every aspect of the human experience. But nonprofits are more than that. They are also significant employers, they help to drive the economic engine of this community, faith-based nonprofits and congregations provide us support and guidance in times of

spiritual need or celebration, and nonprofits in all their forms contribute to the quality of life in Lincoln. It is my opinion that nonprofits are where real community change can and does occur.

Jim Collins, the author of several books including Good to Great, has this to say about the relationship between the business, government, and social sectors in a community. "Economic growth and power are the means, not the definition, of a great community. It is simply not good enough as a community to focus solely on having a great business sector. If we only have great companies, we may merely have a prosperous community, not a great one."

A great community must have great schools, and great human services, and great jobs that pay wages that allow a full-time worker to live above the poverty level, and we have to have great arts and recreation opportunities, and we have to have great health care systems. To progress as a community we have to continue to build upon our relationships and partnerships between the business, government, and social sectors in Lincoln.

Greatness it turns out is largely a matter of conscious choice and discipline.

To make a real difference, and reward the public's faith in nonprofit groups, charities need to attract the best staff members, and that can't be done unless organizations spend part of their budgets on living wages, decent benefits, and retirement packages to retain workers. We believe that the Lincoln Living Wage Ordinance as passed is a step in the right direction and provides an incentive to those organizations who wish to do business with the city to pay their employees above poverty-level wages.

We are opposed to the nonprofit exemption to the Lincoln Living Wage Ordinance. I would welcome discussion or questions related to our position.

Thank you, Rick Carter, Executive Director."

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 2.81 of the Lincoln Municipal Code relating to the Lincoln Living Wage Ordinance by amending Section 2.81.020 to add a definition for "nonprofit organization"; amending Section 2.81/090 to exempt nonprofit organizations from the application of the ordinance; and repealing Sections 2.81.020 and 2.81.090 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, Eschliman, Spatz, Svoboda; NAYS: Cook, Emery, Marvin.

The ordinance, being numbered #19020, is recorded in Ordinance Book #26, Page

#### REGISTERED TO SPEAK SESSION - NONE

#### OPEN MICROPHONE SESSION

Mike Morosin, 1500 N. 15<sup>th</sup> St., came forward regarding the mold issue in his home.

Council Member Svoboda responded that he has spoken with Joel Pedersen from JAVA who is putting together a memo and time line of all explanations and documents related to Mr. Morosin's case and if necessary they will do a Pre-Council.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 3, 2007.  
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  
December 3, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 12:26 A.M.

CAMP Moved to adjourn the City Council meeting of November 19, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
So ordered.

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Teresa J. Meier, Deputy City Clerk

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Sandy L. Dubas, Senior Office Assistant

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