

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 14, 2008 AT 1:30 P.M.**

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

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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of January 7, 2008 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.

MAYOR'S AWARD OF EXCELLENCE

Mayor Beutler came forward to present the Mayor's Award of Excellence for the month of December 2007. The award was presented to Larry Bratt and Gregory Sims of the Lincoln Police Department in the category of Productivity for solving several crimes. Mayor Beutler cited in the case of Scheel's burglary they had recovered 29 of the stolen guns within 14 hours.

Chief Tom Casady came forward to congratulate the Investigators and to state they are good, skilled investigators who get on top of cases quickly.

PUBLIC HEARING

APPLICATION OF DJ SALIA INVESTMENT PROPERTIES DBA DJ SALIA FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS IK LIQUOR LICENSE FROM 901 OAK STREET TO 710 HILL STREET - Dan Loesing, 6001 The Knolls, took the oath and came forward to answer questions.

This matter was taken under advisement.

Jon Camp, Council Member, moved to waive the rules to have Public Hearing on the Consent Agenda.

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

REAPPOINTING DAWN ROCKEY AND RICHARD EVNEN TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR THREE-YEAR TERMS EXPIRING JANUARY 1, 2011 - Dawn Rockey, LES Board member, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPOINTING PATRICK BEANS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING JANUARY 1, 2011 - Patrick Beans, LES Board member, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - David Landis, Director of Urban Development, came forward to ask for approval to sell six lots in this area with one being a double lot and to answer questions. Discussion followed.

Marvin Krout, Director of Planning Dept., came forward to state this is a recommendation of the Planning Department. Discussion followed.

APPROVING A CONTRACT FOR THE OPERATION OF A KENO TYPE LOTTERY ON BEHALF OF THE CITY OF LINCOLN AND LANCASTER COUNTY BETWEEN THE CITY OF LINCOLN AND EHPV LOTTERY SERVICES LLC, FOR A FIVE-YEAR TERM COMMENCING MARCH 10, 2008 - Don Herz, Finance Director, came forward as administrator of the Keno funds and sponsor of this resolution to answer questions.

Bill Harvey, General Counsel for EHPV Lottery Services dba Big Red Keno, came forward to answer questions and stated Big Red Keno has been doing good in spite of the overpass closing. Discussion followed.

This matter was taken under advisement.

RE-ADOPTING THE 2007 WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET

IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2008 - Ron Eklund, LIBA representative, and to introduce Andre Mick, Director of Policy and Research for LIBA.

Andre' Mick, Director of Policy and Research for LIBA, came forward to state LIBA's support of this proposed legislation. Discussion followed.

Fred Hoke, Home Builders Association, came forward in support of a temporary impact fee freeze. Discussion followed.

Kyle Fischer, 1135 M Street, came forward representing the Chamber of Commerce in support. Discussion followed.

John Layman, real estate consultant and appraiser, came forward in support. Discussion followed.

Kent Seacrest, 1111 Lincoln Mall, Suite 350, came forward to state his concerns.

Earl Visser, 3646 N. 48th Street, came forward in support.

Russell Miller, 341 S. 52nd Street, came forward representing his neighborhood association in opposition. Discussion followed.

Richard Esquivel, 733 W. Cuming Street, came forward in opposition. Discussion followed.

Greg MacLean, Director of Public Works & Utilities Dept., came forward to answer questions. Discussion followed.

Michaela Hansen, Public Works & Utilities Dept., came forward to answer questions. Discussion continued.

This matter was taken under advisement.

AMENDING THE FISCAL YEAR 2007/08 TO 2012/13 SIX YEAR CAPITAL IMPROVEMENT PROGRAM TO MOVE FUNDING TO THE FIRST YEAR (2007/08) OF THE CIP, IDENTIFYING FUNDING SOURCES, ESTABLISH A PROJECT FOR THE WEST HAYMARKET REDEVELOPMENT PROJECT AREA AND ITS ENVIRONS, AND ESTABLISH APPROPRIATIONS FOR THAT PROJECT - Don Herz, Finance Director, came forward to request approval of City appropriations for an analysis of the West Haymarket Development Project before 2009 at which time the Mayor would like to present it to the citizens for a vote.

Kent Morgan, Planning Department, came forward to answer questions. Discussion continued.

Kent Seacrest, 1111 Lincoln Mall, came forward as a member of the 2015 Vision Committee in support of the resolution. Discussion followed.

Curt Donaldson, 2860 R Street, came forward to suggest \$600,000 be taken from the Keno Funds designated for Antelope Valley. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF DJ SALIA INVESTMENT PROPERTIES DBA DJ SALIA FOR A CHANGE OF LOCATION OF THEIR EXISTING CLASS IK LIQUOR LICENSE FROM 901 OAK STREET TO 710 HILL STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84676 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, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of DJ Salia Investment Properties dba DJ Salia to move its presently licensed premise and existing Class "IK" liquor license from 901 Oak Street to 710 Hill Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

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

APPROVING TWO FIVE-YEAR/3,500 HOUR LEASE/PURCHASE AGREEMENTS BETWEEN THE CITY AND MERCHANTS CAPITOL RESOURCES, INC. TO PROVIDE TWO 2008 CATERPILLAR ARTICULATED FRAME FOUR-WHEEL DRIVE LOADERS FOR USE BY THE PUBLIC WORKS & UTILITIES STREET MAINTENANCE OPERATIONS IN CONSTRUCTION, MAINTENANCE AND SNOW REMOVAL PROJECTS - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving two five-year lease agreements with option to purchase between the City of Lincoln, Nebraska and Merchants Capitol Resources, Inc. for two 2008 Caterpillar 938HX Articulated Frame Four Wheel Drive Wheel Loaders per Specification #07-345 for use by the Department of Public Works & Utilities, the second time.

AMENDING SECTION 2.76.375 OF THE LINCOLN MUNICIPAL CODE TO CLARIFY THE LANGUAGE REGARDING ELIGIBILITY FOR HOLIDAY PAY - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.76.375 of the Lincoln Municipal Code to clarify that an employee must be in a pay status the normal hours scheduled the working day before and the normal hours scheduled the working day after the authorized holiday in order to be eligible for holiday pay; and repealing Section 2.76.375 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP BY CREATING THE CLASSIFICATION OF LIBRARIES SYSTEM COORDINATOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 1 of Ordinance No. 18967 passed August 6, 2007, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A," by creating the job classification of "Libraries System Coordinator," the second time.

AMENDING SECTION 14.20.020 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE PROCEDURE FOR VACATION OF PUBLIC WAYS TO CLARIFY RESPONSIBILITIES AND TO PROVIDE FOR THE EXPIRATION OF APPLICATIONS FOR THE VACATION OF A PUBLIC WAY - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 14.20.020 of the Lincoln Municipal Code relating to the procedure for vacation of public ways to clarify responsibilities and to provide for the expiration of applications for the vacation of a public way; and repealing Section 14.20.020 of the Lincoln Municipal Code as hitherto existing, the second time.

COMP. PLAN CONFORMITY 07025 - DECLARING APPROXIMATELY 43,200 SQUARE FEET GENERALLY LOCATED AT N.W. 52ND STREET AND WEST HUNTINGTON AVE. AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately 43,200 square feet of City-owned property generally located near N.W. 52nd Street and West Huntington Avenue as surplus and authorizing the sale thereof, the second time.

PUBLIC HEARING RESOLUTIONS

APPROVING A CONTRACT FOR THE OPERATION OF A KENO TYPE LOTTERY ON BEHALF OF THE CITY OF LINCOLN AND LANCASTER COUNTY BETWEEN THE CITY OF LINCOLN AND EHPV LOTTERY SERVICES LLC, FOR A FIVE-YEAR TERM COMMENCING MARCH 10, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84677 WHEREAS, the City of Lincoln entered into a non-exclusive contract with Lincoln's Big Red Keno, Ltd. (now known as Lincoln's Big Red Lottery Services Ltd.) a Nebraska limited partnership, for the operation of keno type lottery on behalf of the City of Lincoln and the County of Lancaster, dated March 10, 1993; and

WHEREAS, the City Council, on December 4, 1995, exercised its right of renewal for an additional five-year term for the operation of a keno type lottery on behalf of the City of Lincoln and the County of Lancaster commencing March 10, 1998 and extending through March 9, 2003; and

WHEREAS, Section 28 of the contract between Lincoln's Big Red Lottery Services, Ltd. and the City of Lincoln provides that: "The City shall have the right, through its City Council, to renew this contract for one additional term of not to exceed five years. Such renewal shall be effective by passage of a resolution by the City

Council exercising such right of renewal and giving operator notice of such action by the City Council at least 30 days before expiration of the original term." Thereafter, the parties may mutually agree to additional extensions to the term; and

WHEREAS, the City has approved the assignment of the contract with Lincoln's Big Red Lottery Services Ltd. to EHPV Lottery Services LLC; and

WHEREAS, EHPV Lottery Services LLC has requested an additional renewal for its contract for the operation of a keno type lottery within the City of Lincoln and the County of Lancaster; and

WHEREAS, the City Council is now desirous of mutually agreeing to such extension renewal for an additional term of five years.

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

The City Council does hereby mutually agree with EHPV Lottery Services LLC to extend the term of its contract, attached hereto marked as Attachment "A", for the operation of a keno type lottery on behalf of the City of Lincoln and the County of Lancaster for an additional term of five years commencing on March 10, 2008 and terminating on March 9, 2013 without further extensions of the term of said contract unless mutually agreed to by the parties.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit one copy of this resolution to EHPV Lottery Services LLC c/o Gary Vander Woude, Chief Financial Officer, 11248 John Galt Blvd., Omaha, NE 68137; one copy to the City's Finance Director; and one copy to Steve Schatz, Charitable Gaming Division, Nebraska Department of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Ken Svoboda

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

RE-ADOPTING THE 2007 WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2008 - PRIOR to reading:

EMERY Moved to amend Bill No. 08R-4 in the following manner: 1. On page 2, line 7, strike the words, "and shall not be subject to adjustment for inflation until January 1, 2009" and insert in lieu thereof the following language: for calendar year 2008. 2. On page 2, between lines 7 and 8, insert a new paragraph to read as follows: BE IT FURTHER RESOLVED that on January 1, 2009 and on January 1 of each following year, unless and until said re-adopted impact fee schedules beginning January 1, 2007 are otherwise revised or replaced, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study.

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

COOK Moved to amend Bill No. 08R-4 in the following manner: 1. On page 1, line 19, delete the words "January 1, 2007" and insert in lieu thereof the words, June 2, 2003. 2. On page 2, line 5, delete the words "January 1, 2007" and insert in lieu thereof the words, June 2, 2003.

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

MARVIN Moved to amend Bill No. 08R-4 in the following manner: 1. On page 1, at the end of line 20, delete the period, insert a semi-colon and the word and, and insert a new paragraph as follows: 1. On page 1, at the end of line 20, delete the period, insert a semi-colon and the word and, and insert a new paragraph as follows: WHEREAS, the City Council has determined that the Water System Fee Schedule and Wastewater Fee Schedule, that were adopted in 2007, should be maintained for 2008, and the City Council should not vote to increase water/wastewater rates during calendar year 2008. Furthermore, the Water and Wastewater CIP should be adjusted accordingly to reflect the reduced amount of revenue brought about by freezes in rates. 2. On page 2, after line 9, insert a new paragraph as follows: BE IT FURTHER RESOLVED that the City Council shall not vote to increase the water/wastewater rates during calendar year 2008 and the Water and Wastewater CIP shall be adjusted accordingly to reflect the reduced amount of revenue.

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

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

A-84678 WHEREAS, Lincoln Municipal Code Section 27.82.050 provides for the City Council to determine the amount of each required impact fee through the use of impact fee schedules; and

WHEREAS, the City Council has considered the Lincoln Impact Fee Study prepared by Duncan & Associates dated October, 2002; and

WHEREAS, the City Council has adopted the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule, establishing such impact fees for 2003, 2004, 2005, 2006, and 2007 as set forth in Attachments A, B, C, D, and E to Resolution No. A-81905; and

WHEREAS, pursuant to subsection (k) of Lincoln Municipal Code 27.82.110 beginning on January 1, 2005 and on January 1 of each following year unless and until the impact fee schedules are otherwise revised or replaced by the City Council each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs set forth in the Impact Fee Study; and

WHEREAS, the City Council has determined that the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 should be re-adopted beginning January 1, 2008 without any adjustment for inflation.

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

That the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 (Attachments A, B, C, D, and E respectively) established by Resolution No. A-81905 are hereby re-adopted ~~and shall not be subject to adjustment for inflation until January 1, 2009~~ for calendar year 2008.

BE IT FURTHER RESOLVED that on January 1, 2009 and on January 1 of each following year, unless and until said re-adopted impact fee schedules beginning January 1, 2007 are otherwise revised or replaced, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study.

BE IT FURTHER RESOLVED that the City Council will study the effect of Impact Fees on development and the economic health of the City.

Introduced by Ken Svoboda,
Jon Camp, Robin Eschliman,
John Spatz

SVOBODA So Moved.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF DECEMBER 1 - 31, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84679 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 January 2, 2008, 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>	
Carol Koch	\$3,000.00	John Lukes & Lois Lukes	\$4,243.73
Ronnie Beetem	NAS*	Bryan Moody	740.02
Scott Renfro	NAS*	Jesus Castillo	683.74
Jason Koerner	17.00	Louis Clupny	15.00
		Todd Fraun	2,505.60
		Julie Beasley	304.49
		Anthony B. Schutz	999.20

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

AMENDING THE FISCAL YEAR 2007/08 TO 2012/13 SIX YEAR CAPITAL IMPROVEMENT PROGRAM TO MOVE FUNDING TO THE FIRST YEAR (2007/08) OF THE CIP, IDENTIFYING FUNDING SOURCES, ESTABLISH A PROJECT FOR THE WEST HAYMARKET REDEVELOPMENT PROJECT AREA AND ITS ENVIRONS, AND ESTABLISH APPROPRIATIONS FOR THAT PROJECT - PRIOR to reading:

SVOBODA Moved to strike the words "the 2005 Stormwater Bond Issue Interest Earnings (GO)" and replace it with (OF).

Seconded by Camp & carried by the following vote: AYES: Camp,

Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
CAMP Requested a friendly amendment of clarification to distinguish \$600,000 as City money and \$1,650,000 from private sector. Request to say City (OF) and Private (OF).

SVOBODA Approved.

ESCHLIMAN Moved to delay action and to have continued public hearing of Bill No. 08R-13 February 25, 2008.

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

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

A-84680 WHEREAS, Resolution No. A-84483, adopted by the City Council of Lincoln, Nebraska on August 20, 2007, adopted the fiscal year 2007-2008 annual budget for the City of Lincoln and further adopted the Capital Improvement Program attached to Resolution No. A-84483 as Schedule No. 5; and

WHEREAS, Resolution No. A-84483 appropriated all money received or to be received from the County of Lancaster, the State of Nebraska, or the United States, as well as from any grants, donations, or contributions received for public purposes and the interest thereon notwithstanding any sum limitation set forth in the annual budget; and

WHEREAS, the City of Lincoln has adopted the West Haymarket Redevelopment Project (including a new area) as an approved project within the Lincoln Center Redevelopment Plan; and

WHEREAS, a capital improvement project for the West Haymarket Redevelopment Project was not included within Schedule No. 5 of the Annual Budget as a capital improvement project to be funded in fiscal year 2007-2008; and

WHEREAS, the City desires to amend project 070600000351, Arena Improvements or Replacement, in the second year (2008-2009) of the Fiscal Year 2007-2008 - 2012-13 Six Year Capital Improvement Program (CIP) to move funding to the first year (2007-2008) of the CIP, identify funding sources, establish a project for the West Haymarket Redevelopment Project area and its environs, and establish appropriations for that project; and

WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that, "The [city] council shall not appropriate any money in any budget for any capital improvements project unless and until the conformity or non-conformity of the project has been reported on by the Planning Department by special report or in connection with the Capital Improvements Programming process." The Charter definition of "Planning Department" includes the Planning Commission; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has reviewed the West Haymarket Redevelopment Project for conformity or nonconformity with the Comprehensive Plan as a capital improvement project as part of the review of amendments to the Lincoln Center Redevelopment Plan approved by Resolution No. A-84603; and

WHEREAS, the Planning Commission found the proposed West Haymarket Redevelopment Project to be in conformity with the Comprehensive Plan.

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

That the implementation of the West Haymarket Redevelopment Project to include studies, services, and other items such as flood plain analysis and stormwater analysis, wetlands delineation evaluation, facilities design, soils, geotechnical, and archeological assessment, procurement assistance, regulatory coordination, traffic, pedestrian, parking and other transportation studies, urban design and historic preservation review, program management, financing options, land purchases and related tasks, utility plans, and structure reuse, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-84483 be amended by adding the West Haymarket Redevelopment Project to the Finance Department's list capital of improvement projects on page F-1 of Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of \$2,850,000, to designate \$500,000 from the Municipal Infrastructure Redevelopment Fund (MF), \$100,000 from Advance Acquisition (AQ), \$600,000 from City (OF) the 2005 Stormwater Bond Issue Interest Earnings (GO), and \$1,650,000 from Other Private Funding (OF), for this West Haymarket Redevelopment Project.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO CREATE A PAVING DISTRICT FOR THE ALLEY THAT RUNS NORTH TO SOUTH, BETWEEN 33RD STREET AND 34TH STREET, FROM D STREET NORTH TO F STREET SUBMITTED BY AUGUST PONSTINGL - CLERK presented said petition which was referred to the Public Works Department.

SETTING THE HEARING DATE OF MON., FEBRUARY 4, 2008 AT 1:30 P.M. FOR APPLICATION OF SMITH ENTERPRISES, INC. DBA JACKPOT CONVENIENCE STORE FOR A CLASS D LIQUOR LICENSE LOCATED AT 501 WEST A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84681 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 4, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Smith Enterprises, Inc. dba Jackpot Convenience Store for a Class D liquor license located at 501 West A 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 MON., FEBRUARY 4, 2008 AT 1:30 P.M. FOR MANAGER APPLICATION OF DIANA NASSEFF FOR MISSION 3 LLC DBA U-STOP CONVENIENCE SHOP LOCATED AT 110 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84682 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 4, 2008 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Manager Application of Diana Nasseff for Mission 3 LLC dba U-Stop Convenience Shop located at 110 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 MON., JANUARY 28, 2008 AT 5:30 P.M. FOR APPLICATION OF BLACK CADILLAC, INC. DBA LIBATIONS, TOO FOR A CLASS C LIQUOR LICENSE LOCATED AT 5310 S. 56TH STREET, STE. 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80682 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 28, 2008 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of Black Cadillac, Inc. dba Libations, Too for a Class C liquor license located at 5310 S. 56th Street, Ste. 1.

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

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

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

REPORT FROM CITY TREASURER OF EMERGENCY 911 SURCHARGES FOR THE MONTH OF NOVEMBER, 2007: TWC DIGITAL PHONE LLC, LEVEL 3 COMM. LLC, LEVEL 3 COMM., LLC, AT&T COMM. OF MIDWEST, COMTEL TELCOM ASSETS - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF OCTOBER, 2007: NEBRASKA TECH. & TELECOMM., WINDSTREAM NEBRASKA, FLYING J, ALLTEL, ALLTEL COMM. OF NE, TWC DIGITAL PHONE, USCOC OF GREATER IOWA, WINDSTREAM SYSTEMS OF THE MIDWEST, CRICKET, AT&T COMM. OF MIDWEST, NEW CINGULAR WIRELESS PCS, CIMCO, BUSINESS PROD. SOLUTIONS, TCG OMAHA, ONSTAR, MCLEODUSA, TELECORP, LDMI, IBM GLOBAL, QUANTUM SHIFT, KDDI AMERICA, GUARANTEED PHONE SERVICE, PRIMUS, WORKING ASSETS FUNDING SERVICE, USCOC OF NE/KS, QWEST, VERIZON-BELL ATLANTIC, BROADWING, VERIZON SELECT, VIRGIN MOBILE USA, WHOLESALE CARRIER SERVICES, VCN, GLOBAL CROSSING BANDWIDTH, MOVIDA, TANS NATIONAL, GLOBAL CROSSING, GLOBALSTAR USA, ACN, TRACFONE, XO COMM., ADVANCED TEL, BROADBAND DYNAMICS, EARTHLINK, VOICECOM, INTELICALL OPERATOR, CINCINNATI BELL ANY DISTANCE, NORSTAN NETWORK, NETWORK BILLING, TELEPLUS WIRELESS; NOVEMBER, 2007: D&D&, ALLTEL COMM. OF NEBRASKA, ALLTEL, NEXTEL PARTNERS, SPRINT SPECTRUM, SPRINT, VERIZON, WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM NEBRASKA, LIGHTYEAR NETWORK SOLUTIONS, GLOBALCOM, GTC TELECOM, ENHANCED, TRI-M, ZONE TELECOM, ACCERIS, BUSINESS TELECOM, LONG DISTANCE, NOSVA, NOS, NETWORK BILLING SYSTEMS, FIRST COMM., NEXTEL WEST, 360NETWORKS(USA), ATS MOBILE, COVISTA, BT AMERICAS, COMPLIANCE SOLUTIONS - CLERK presented said report which was placed on file in the Office of the City Clerk.

REAPPOINTING DAWN ROCKEY AND RICHARD EVNEN TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR THREE-YEAR TERMS EXPIRING JANUARY 1, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84684 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dawn Rockey and Richard Evnen to the Lincoln Electric System Administrative Board for three-year terms expiring January 1, 2011, is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING PATRICK BEANS TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING JANUARY 1, 2011 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84685 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Patrick Beans to the Lincoln Electric System Administrative Board for a three-year term expiring January 1, 2011, is hereby approved.

Introduced by Ken Svoboda

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

APPROVING THE APPOINTMENT OF GREGORY MACLEAN AS THE DIRECTOR OF THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84686 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Gregory MacLean to the position of Director of the Public Works and Utilities Department effective December 17, 2007, is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING DOUG BIGGERSTAFF TO THE EXAMINING BOARD OF PLUMBERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84687 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Biggerstaff to the Examining Board of Plumbers for a three-year term expiring September 4, 2010, is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING DOUG BIGGERSTAFF TO THE WATER CONDITIONING BOARD OF EXAMINERS FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 4, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84688 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Doug Biggerstaff to the Water Conditioning Board of Examiners for a three-year term expiring September 4, 2010, is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING CARL ESKRIDGE TO THE CITIZEN POLICE ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING NOVEMBER 17, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84689 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Carl Eskridge to the Citizen Police Advisory Board for a three-year term expiring November 17, 2010, is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING JIM ELSENER TO THE CITIZEN POLICE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING NOVEMBER 17, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84690 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jim Elsener to the Citizen Police Advisory Board to fill an unexpired term expiring November 17, 2008, is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING JEFFREY JENKINS AND JOSEPH SKOPP TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 1, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84691 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jeffrey Jenkins and Joseph Skopp to the Air Pollution Control Advisory Board for three-year terms expiring November 1, 2008, is hereby approved.

Introduced Ken Svoboda

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

REAPPOINTING JOEL GAJARDO AND COLETTE MAST TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2010 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84692 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Joel Gajardo and Colette Mast to the Multicultural Advisory Committee for a three-year term expiring September 18, 2010, is hereby approved.

Introduced by Ken Svoboda

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Experience Work for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of August 1, 2007 through June 30, 2008 whereby the City of Lincoln is subleasing space to Experience Works, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the third time.

SPATZ Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
The ordinance, being numbered #19037, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 07058 - AMENDING SECTION 27.63.680 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES BY SPECIAL PERMIT TO ALLOW SUCH SALES ON THE PREMISES OF A RESTAURANT IN THE B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, AND I-3 DISTRICTS SUBJECT TO APPROVAL OF A SPECIAL PERMIT AND PROVIDING CONDITIONS THEREFOR - PRIOR to reading:

COOK Moved amendment #1 to Bill No. 07-186 in the following manner:
1. On page 3, between lines 9 and 10, add a new condition (4) as follows: (4) Hours of operation must not commence prior to 8:00 a.m. and shall end no later than 10:00 p.m. 2. Renumber the subsequent conditions accordingly.

Seconded by Camp & **LOST** by the following vote: AYES: Cook, Eschliman; NAYS: Camp, Emery, Marvin, Spatz, Svoboda.
COOK Moved amendment #1a to Bill No. 07-186 in the following manner:
1. On page 3, between lines 9 and 10, add a new condition (4) as follows: (4) Hours of operation must not commence prior to 8:00 a.m. and shall end no later than 11:00 p.m. 2. Renumber the subsequent conditions accordingly.

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

COOK Moved amendment #2 to Bill No. 07-186 in the following manner:
1. On page 3, line 11, delete "11:00" insert in lieu thereof 10:00.

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

COOK Moved amendment #3 to Bill No. 07-186 in the following manner:
1. On page 3, line 9, after the period, add the following language: Alcoholic beverages shall only be sold to the customer purchasing a full course meal. For the purpose of this section, full course meal shall mean a diversified selection of food which is ordinarily consumed with the use of tableware and cannot conveniently be consumed while standing or walking. Appetizers, such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not full course meals.

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

COOK Moved amendment #4 to Bill No. 07-186 in the following manner:
1. On page 3, line 1, insert a new condition to read as follows: (1) The Permittee as the holder of any liquor license issued on the premises pursuant to a special permit for the sale of alcoholic beverages for consumption on the premises of a restaurant shall agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. If the Permittee is not the holder of the liquor license, the Permittee shall require such holder to agree in writing to voluntarily surrender and consent to the cancelling of the liquor license in the event the special permit is revoked by the City. In addition, the City shall request that the Nebraska Liquor Control Commission issue

the liquor license contingent upon the premises having such special permit.

2. Renumber the subsequent paragraphs accordingly.

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

CLERK Read an ordinance, introduced by John Spatz, amending Section 27.63.680 of the Lincoln Municipal Code relating to sale of alcoholic beverages for consumption on the premises by special permit to allow such sales on the premises of a restaurant in B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-1 districts subject to approval of a special permit and providing conditions therefor; and repealing Section 27.63.680 of the Lincoln Municipal Code as hitherto existing, the third time.

SPATZ Moved to pass the ordinance read.

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

The ordinance, being numbered #19038, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Gary Hoffman, 4741 S. 47th Street, came forward for Faith United

Church at 9th and Charleston to ask why the City put up "No Parking Anytime" signs along north side of Charleston Street to accommodate the traffic due to the Harris Overpass closure. The church is needing parking for their Sunday services.

Chad Blahak, Public Works & Utilities Dept., came forward to answer questions and stated he did not know about the parking arrangement, but would look into it.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to January 28, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on January 28, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 7:05 P.M.

CAMP Moved to adjourn the City Council meeting of January 14, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant