

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

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

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

READING OF THE MINUTES

SPATZ Having been appointed to read the minutes of the City Council proceedings of September 24, 2007 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF NEBRASKA STATE FAIR BOARD DBA NEBRASKA STATE FAIR PARK FOR A CLASS CK LIQUOR LICENSE AT 1800 STATE FAIR PARK DRIVE;
MANAGER APPLICATION OF BARNEY L. COSNER FOR NEBRASKA STATE FAIR BOARD DBA NEBRASKA STATE FAIR PARK AT 1800 STATE FAIR PARK DRIVE - Chairman Dan Marvin stated that Barney Cosner had been called before the Legislature and would not be attending this meeting.

This matter was taken under advisement.

APPLICATION OF EHPV OPERATING GROUP LLC DBA BIG RED KENO SPORTS BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 955 WEST O STREET
MANAGER APPLICATION OF TROY D. OLSON FOR EHPV OPERATING GROUP LLC DBA BIG RED KENO SPORTS BAR & GRILL AT 955 WEST O STREET - Bill Harvey, 11248 John Galt, Omaha, NE, took oath and came forward as attorney representing Big Red Keno Sports Bar & Grill to answer questions.

John Hewitt, 955 West O Street, took oath and came forward to state the manager Troy Olson could not attend and to state he has taken the serving classes.

This matter was taken under advisement.

MANAGER APPLICATION OF ALEX C. COYLE FOR 1339 O STREET INC. DBA BROTHERS EST 1967 AT 1339 O STREET - Alex Coyle, 3233 Fletcher St., took oath and came forward to answer questions. Discussion followed.

Chief Tom Casady, Lincoln Police Dept., took oath and came forward to point out some facts about Brothers and the last drink data taken from Cornhusker Place, Inc. Discussion followed.

Dana Roper, City Attorney, came forward to answer the question referring to changing the time to stop serving alcohol. He answered that the State sets the time and it would be difficult for the City to change this law. Discussion followed.

This matter was taken under advisement.

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND SOUTHEAST LINCOLN ANIMAL CENTER LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS: 07R-197, 07-152) (ACTION DATE: 10/8/07);

CHANGE OF ZONE 07042 - APPLICATION OF SOUTHEAST ANIMAL MEDICAL CENTER FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS: 07R-197, 07-152) - Jack Wolfe, 1248 O St., Ste. 800, came forward to request approval and to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07047 - APPLICATION OF WILLIAM J. WOOD FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN A AND F STREET FROM S. 8TH TO S. 9TH STREETS - William Wood, 808 D Street, came forward in support. He acknowledged neighbors Mr. & Mrs. John Spencer in the audience who are in support as well. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 07051 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO NONCONFORMING SIGNS BY AMENDING SECTION 27.69.320 TO ADD PROVISIONS ALLOWING A NONCONFORMING OFF-PREMISES SIGN TO BE REPLACED WITHOUT BEING BROUGHT INTO COMPLIANCE WITH THE ZONING CODE SIGN REGULATIONS UNDER LIMITED CIRCUMSTANCES - Martha Heyne, 5906 Rolling Hills, came forward representing Lamar Outdoor Advertising asking for approval and to answer questions. Discussion followed.

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

This matter was taken under advisement.

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS BY ADDING A NEW CHAPTER 4.66, CREATING A CITY AUDIT ADVISORY BOARD, SETTING FORTH DEFINITIONS, CREATING THE MEMBERSHIP OF THE BOARD AND THE LENGTH OF TERMS AND REMOVAL FROM OFFICE, SETTING FORTH THE DUTIES AND POWERS OF THE BOARD, ESTABLISHING MEETINGS AND RULES, PROVIDING FOR STAFFING, PROVIDING FOR AUDIT COORDINATION AND A CUSTODIAN OF RECORDS, LAYING OUT THE GROUND RULES FOR ACCESS TO INFORMATION, PROVIDING FOR AN AUDITEE'S RESPONSE, AND SETTING OUT THE PROCESS FOR SELECTING A CONTRACT AUDITOR - Mayor Chris Beutler, came forward to explain the new proposed chapter and to ask for approval. Discussion followed.

Don Herz, Finance Director, came forward to answer questions regarding funding for the Auditor position. Discussion followed.

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

John Cederberg, 7425 Red Oak Rd., CPA, came forward in support. Discussion followed.

Coby Mach, LIBA, came forward in support.

This matter was taken under advisement.

APPROVING TAM O'SHANTER AS A KENO SATELLITE SITE AT 105 S. 25TH STREET - John Hewitt, Big Red Keno, came forward requesting approval and stating that Bunkers is no longer going to have keno so this will not increase the number of keno sites.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2007 - Vince Rea, 6253 S. 79th St., came forward to request his claim be allowed. Discussion followed.

This matter was taken under advisement.

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE DEVELOPMENT OF A NEIGHBORHOOD PARK LOCATED IN THE HARTLAND GARDEN VALLEY DEVELOPMENT NEAR N. 14TH STREET AND HUMPHREY AVE. - Lynn Johnson, Director of Parks and Recreation Dept., came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ASSESSING NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 3141 S ST., 901 N. 23RD ST., 1920 S. 17TH ST., 2026 LAKE ST., 6432 LEIGHTON AVE., 1140 FAIRFIELD ST., 2302 S. 11TH ST., 920 GARFIELD ST., 3102 N. 48TH ST., 1851 GARFIELD ST., 3019 STARR ST., 724 WASHINGTON ST., 2948 STARR ST., 245 N. 25TH ST., 960 S. 40TH ST., 3051 U ST., 2718 ALPHA ST., 2540 S ST., 2436 VINE ST., 2925 N. 54TH ST., 1536 LEGROS AVE., 600 VILLAGE AVE., 3035 S. 46TH ST., 631 N. 26TH ST., 1530 N. 23RD ST., 1240 N. 66TH ST., 3846 SUMNER ST., 7211 STEVENS RIDGE RD., 2163 S. 8TH ST., 4126 MADISON AVE., 2335 S. 39TH ST., 1648 S. 24TH ST., 1520 D ST., 4702 COOPER AVE., 3160 T ST., 1035 S. 23RD ST., 1401 S. 21ST ST., 847 N. 29TH ST., 4139 LEWIS AVE. - Scott Holmes, Environmental Manager for the Health Dept., came forward to explain the reason for these assessments and the process involved. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF NEBRASKA STATE FAIR BOARD DBA NEBRASKA STATE FAIR PARK FOR A CLASS CK LIQUOR LICENSE AT 1800 STATE FAIR PARK DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84551 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 Nebraska State Fair Board dba Nebraska State Fair Park for a Class "CK" liquor license at 1800 State Fair Park Drive, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF BARNEY L. COSNER FOR NEBRASKA STATE FAIR BOARD DBA NEBRASKA STATE FAIR PARK AT 1800 STATE FAIR PARK DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84552 WHEREAS, Nebraska State Fair Board dba Nebraska State Fair Park located at 1800 State Fair Park Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Barney L. Cosner be named manager;

WHEREAS, Barney L. Cosner 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 Barney L. Cosner 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 EHPV OPERATING GROUP LLC DBA BIG RED KENO SPORTS BAR & GRILL FOR A CLASS C LIQUOR LICENSE AT 955 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84553 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 EHPV Operating Group LLC dba Big Red Keno Sports Bar & Grill for a Class "C" liquor license at 955 West O Street, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF TROY D. OLSON FOR EHPV OPERATING GROUP LLC DBA BIG RED KENO SPORTS BAR & GRILL AT 955 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84554 WHEREAS, EHPV Operating Group LLC dba Big Red Keno Sports Bar & Grill located at 955 West O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Troy D. Olson be named manager;

WHEREAS, Troy D. Olson 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 Troy D. Olson 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.

MANAGER APPLICATION OF ALEX C. COYLE FOR 1339 O STREET INC. DBA BROTHERS EST 1967 AT 1339 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84555 WHEREAS, 1339 O Street Inc. dba Brothers Est 1967 located at 1339 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Alex C. Coyle be named manager; WHEREAS, Alex C. Coyle 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 Alex C. Coyle 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, Marvin, Spatz, Svoboda; NAYS: Eschliman.

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

APPROVING THE DEVELOPMENT AND CONDITIONAL ZONING AGREEMENT BETWEEN THE CITY AND SOUTHEAST LINCOLN ANIMAL CENTER LLC RELATING TO THE DEVELOPMENT OF PROPERTY GENERALLY LOCATED AT S. 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS: 07R-197, 07-152) (ACTION DATE: 10/8/07)

CHANGE OF ZONE 07042 - APPLICATION OF SOUTHEAST ANIMAL MEDICAL CENTER FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. 84TH STREET AND OLD CHENEY ROAD. (RELATED ITEMS: 07R-197, 07-152) - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 07047 - APPLICATION OF WILLIAM J. WOOD FOR A CHANGE OF ZONE FROM R-6 RESIDENTIAL DISTRICT TO R-4 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN A AND F STREET FROM S. 8TH TO S. 9TH STREETS - CLERK read an ordinance, introduced by John Spatz, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 07051 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO NONCONFORMING SIGNS BY AMENDING SECTION 27.69.320 TO ADD PROVISIONS ALLOWING A NONCONFORMING OFF-PREMISES SIGN TO BE REPLACED WITHOUT BEING BROUGHT INTO COMPLIANCE WITH THE ZONING CODE SIGN REGULATIONS UNDER LIMITED CIRCUMSTANCES - CLERK read an ordinance, introduced by John Spatz, amending Section 27.69.320 of the Lincoln Municipal Code relating to nonconforming signs by adding provisions allowing a nonconforming off-premises sign to be replaced without being brought into compliance with the zoning code sign regulations under limited circumstances; and repealing Section 27.69.320 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS BY ADDING A NEW CHAPTER 4.66, CREATING A CITY AUDIT ADVISORY BOARD, SETTING FORTH DEFINITIONS, CREATING THE MEMBERSHIP OF THE BOARD AND THE LENGTH OF TERMS AND REMOVAL FROM OFFICE, SETTING FORTH THE DUTIES AND POWERS OF THE BOARD, ESTABLISHING MEETINGS AND RULES, PROVIDING FOR STAFFING, PROVIDING FOR AUDIT COORDINATION AND A CUSTODIAN OF RECORDS, LAYING OUT THE GROUND RULES FOR ACCESS TO INFORMATION, PROVIDING FOR AN AUDITEE'S RESPONSE, AND SETTING OUT THE PROCESS FOR SELECTING A CONTRACT AUDITOR - CLERK read an ordinance, introduced by John Spatz, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions by adding a new Chapter 4.66, creating the City

Audit Advisory Board, setting forth definitions, creating the membership of the Board and the length of terms and removal, setting forth the duties and powers of the Board, establishing meetings and rules providing for staffing, providing for audit coordination and a custodian of records, laying out the ground rules for access to information, providing for an auditee's response, and setting out the process for selecting a contract auditor, the second time.

PUBLIC HEARING RESOLUTIONS

APPROVING TAM O'SHANTER AS A KENO SATELLITE SITE AT 105 S. 25TH STREET - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84556 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for a joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of a keno type lottery with Lincoln's Big Red Lottery Services, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno Contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno Contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the city of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Tam O'Shanter, 105 S. 25th Street, Lincoln, NE 68510.

The City Clerk is directed to return an executed copy of this Resolution To Tam O'Shanter and a copy to Lincoln's Big Red Lottery Services, Ltd.

Introduced by John Spatz

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF SEPTEMBER 1 - 15, 2007 - PRIOR to reading:

ESCHLIMAN Moved to amend Bill No.07R-191 by removing the Trautman claim to have public hearing and action on October 8, 2007.

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

SVOBODA Moved to amend Bill No. 07R-191 on line 11, the claim of Vince Rea in the amount of \$192.42 should be stricken from the list of DENIED claims and added to the list of ALLOWED claims.

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

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption:

A-84557 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

	<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Kelli Finke	\$3,499.88	Concrete Designs, LLC	\$2,252.73
Vince Rea	192.42	California Casualty	
Lawnpride Landscape & Irrigation		(Policy/Claim #03300080604)	2,133.40
(Roger H. Powell)	465.45	Kevin Boyce	4,500.00
Gregg L. Trautman	1,450.00	Vince Rea	192.42
Christopher Engles	53.00		

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

Introduced by John Spatz

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

APPROVING THE HARVEST PROJECT CONTRACT BETWEEN THE CITY'S LINCOLN AREA AGENCY ON AGING AND LANCASTER COUNTY ON BEHALF OF THE COMMUNITY MENTAL HEALTH CENTER TO PROVIDE MENTAL HEALTH, SUBSTANCES ABUSE, AND AGING SERVICES TO ELDERLY RESIDENTS OF LINCOLN COUNTY FOR A ONE YEAR PERIOD - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84558 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Harvest Project Contract between the Lincoln Area Agency on Aging and Lancaster County on behalf of Community Mental Health Center to assist in obtaining specialized professional services and staff to provide mental health, substance abuse, and aging services to elderly residents of Lancaster County, upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Harvest Project Contract on behalf of the City.

Introduced by John Spatz

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE FUNDING OF THE DESIGN, RIGHT-OF-WAY ACQUISITION, AND CONSTRUCTION ACTIVITIES FOR PHASE 1 OF THE ANTELOPE VALLEY PROJECT - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84559 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate together in the design, right-of-way acquisition and construction activities for Phase 1 of the Antelope Valley Project; and

WHEREAS, the District has allotted \$500,000 in its 2007-2008 budget for participation in the project.

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

That the Agreement between the City and the District attached hereto as Exhibit "A" in connection with the final design, right-of-way acquisition and construction activities for Phase 1 of the Antelope Valley Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by John Spatz

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE FUNDING OF THE DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION ACTIVITIES FOR THE NEW BRIDGE CONSTRUCTION OF THE S.W. 40TH STREET OVERPASS OVER THE BNSF RAILYARD - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84560 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate together in the design, right-of-way acquisition and construction activities for the S.W. 40th Street/BNSF Overpass Project; and

WHEREAS, the District has allotted \$600,000 in its 2007-2008 budget for participation in the project.

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

That the Agreement between the City and the District attached hereto as Exhibit "A" in connection with the final design, right-of-way acquisition and construction activities for the S.W. 40th Street/BNSF Overpass Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by John Spatz

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE FUNDING OF THE DESIGN, RIGHT-OF-WAY ACQUISITION AND CONSTRUCTION ACTIVITIES FOR THE NEW BRIDGE CONSTRUCTION OF THE HARRIS OVERPASS ON O STREET, 3RD TO 9TH STREETS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84561 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln/Lancaster County Railroad Transportation Safety District (District) desire to cooperate together in the design, right-of-way acquisition and construction activities for the Harris Overpass Project on O Street, 3rd to 9th Streets; and

WHEREAS, the District has allotted \$5,800,000 in its 2007-2008 budget for participation in the project.

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

That the Agreement between the City and the District attached hereto as Exhibit "A" in connection with the final design, right-of-way acquisition and construction activities for the Harris Overpass Project on O Street, 3rd to 9th Streets in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

Introduced by John Spatz

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

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE DEVELOPMENT OF A NEIGHBORHOOD PARK LOCATED IN THE HARTLAND GARDEN VALLEY DEVELOPMENT NEAR N. 14TH STREET AND HUMPHREY AVENUE - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84562 WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for assistance from the Nebraska Game and Parks Commission for Land and Water Conservation funds for the purpose of development of a new neighborhood park in the Hartland Garden Valley Subdivision; and

WHEREAS, the City of Lincoln has available and will apply its share of the project cost (\$50,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of maintenance of the completed improvements in a safe and attractive manner for the public.

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

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Land and Water Conservation grant fund for the purpose of constructing park improvements.

That the City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to maintain the completed improvements in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by making the facilities accessible to the handicapped.

That the Mayor is hereby authorized to sign all documents necessary and required by the Land and Water Conservation Fund administrators to acquire the grant funds.

That no property developed under this project will, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to non-public outdoor recreation purposes.

The City Clerk is directed to transmit a certified copy of this Resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by John Spatz

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

ASSESSING NUISANCE ABATEMENT COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES BY THE HEALTH DEPARTMENT TO THE FOLLOWING BENEFITTED PROPERTIES: 3141 S ST., 901 N. 23RD ST., 1920 S. 17TH ST., 2026 LAKE ST., 6432 LEIGHTON AVE., 1140 FAIRFIELD ST., 2302 S. 11TH ST., 920 GARFIELD ST., 3102 N. 48TH ST., 1851 GARFIELD ST., 3019 STARR ST., 724 WASHINGTON ST., 2948 STARR ST., 245 N. 25TH ST., 960 S. 40TH ST., 3051 U ST., 2718 ALPHA ST., 2540 S ST., 2436 VINE ST., 2925 N. 54TH ST., 1536 LEGROS AVE., 600 VILLAGE AVE., 3035 S. 46TH ST., 631 N. 26TH ST., 1530 N. 23RD ST., 1240 N. 66TH ST., 3846 SUMNER ST., 7211 STEVENS RIDGE RD., 2163 S. 8TH ST., 4126 MADISON AVE., 2335 S. 39TH ST., 1648 S. 24TH ST., 1520 D ST., 4702 COOPER AVE., 3160 T ST., 1035 S. 23RD ST., 1401 S. 21ST ST., 847 N. 29TH ST., 4139 LEWIS AVE. - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84563 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2007 and draw interest as provided for in Neb. Rev. Stat. § 45-104.1 for assessments.

Introduced by John Spatz

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 07053 - App. of Airpark Holdings V, LLC from O-3 to H-4 on property located at NE corner of 27th Street and Yankee Hill Rd.

Special Permit 1685A - App. of Rega Engineering for an amendment to increase the number of children and staff at the child-care facility, and waive the requirement that such facility shall be located on an arterial street per Section 27.63.070 of the LMC and the requirement to provide a conversion plan on property located at 1037 S. 12th Street.

Special Permit 2022B - App. of Airpark Holdings V, LLC to expand the existing special permit for Planned Service Commercial to include an additional 40,800 sq. ft. of commercial uses and to waive sign restrictions on the property located at NE corner of 27th Street and Yankee Hill Rd.

Special Permit 07044 - App. of Terri Sherman for a parking lot in a residential zoning district on property located at 1800 F Street.

Special Permit 07045 - App. of Faulk & Foster for an approximately 198' tall wireless facility on property located at S. 70th Street and Saltillo Rd.

Special Permit 07046 - App. of Gerald Maddox for extraction of soil on property located at SE of the intersection of S. 40th Street & Yankee Hill Rd.

Use Permit 04005A - App. of E-S-P on behalf of Regal Building Systems to reduce the rear yard setback on property located at NW 1st Street and Barons Ridge.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2007 AT 1:30 P.M. FOR GJR, LLC DBA RANDY'S GRILL & CHILL FOR A LIQUOR CATERING LICENSE AT 4947 HOLDREGE STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84564 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 15, 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 Application of GJR, LLC dba Randy's Grill and Chill for a liquor catering license located at 4947 Holdrege Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2007 AT 1:30 P.M. APP. OF CARMELA'S BISTRO & WINE BAR, LLC DBA CARMELA'S BISTRO WINE BAR FOR A CLASS C LIQUOR LICENSE LOCATED AT 4141 PIONEER WOODS DR., STE. 110 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84565 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 15, 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 Application of Carmela's Bistro & Wine Bar for a Class C liquor license located at 4141 Pioneer Woods Dr., Ste. 110.

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

Introduced by Ken Svoboda

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

CITY CLERK AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON SEPTEMBER 17, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

APPOINTING BRENT JOHNSON TO THE PEDESTRIAN/BICYCLE COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 1, 2008 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-84566 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Brent Johnson to the Pedestrian/Bicycle Advisory Committee to fill an unexpired term expiring September 1, 2008, is hereby approved.

Introduced by John Spatz

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

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

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

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE TO REPEAL CHAPTER 4.10 "COMMUNITY DEVELOPMENT TASK FORCE" - CLERK read an ordinance, introduced by Robin Eschliman, amending Title 4 of the Lincoln Municipal Code relating to Board and Commission by repealing Chapter 4.10 entitled "Community Development Task Force" in its entirety by repealing Sections 4.10.010, 4.10.020, 4.10.030, and 4.10.040, the third time.

ESCHLIMAN 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 #19002, is recorded in Ordinance Book #26, Page

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE ASIAN COMMUNITY & CULTURAL CENTER FOR THE LEASE OF SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS ACTIVAGE CENTER PROGRAM AT 2615 O STREET FOR A PERIOD OF OCTOBER 1, 2007 THROUGH AUGUST 31, 2008 - CLERK read an ordinance, introduced by Robin Eschliman, accepting and approving a Lease Agreement between the City of Lincoln and Asian Community and Cultural Center for the lease of office space by the Lincoln Area Agency on Aging for its ActivAge Center program at 2615 O Street, Lincoln, NE for a term beginning October 1, 2007 through August 31, 2008, the third time.

ESCHLIMAN 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 #19003, is recorded in Ordinance Book #26, Page

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to October 8, 2007.

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

UPCOMING RESOLUTIONS -

SPATZ Moved to have Public Hearing on Bill No. 07R-200 on Oct. 8, 2007 and Action delayed to October 29, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on October 8, 2007.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 3:05 P.M.

CAMP Moved to adjourn the City Council meeting of October 1, 2007.
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