

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, December 3, 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; 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.

COOK Having been appointed to read the minutes of the City Council proceedings of November 26, 2007 reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF ANGELA R. TUCCI FOR LAZLO INC. DBA EMPYREAN BREWING/LAZLO'S AT 700-710 P STREET, 729 Q STREET, 210 N. 7TH STREET, 5900 OLD CHENEY, AND 5750 S. 86TH DR. Angela Tucci, 1570 S. Cotner Blvd., took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF SALEOFF ENTERPRISES INC. DBA SALEOFF FOR A CLASS D LIQUOR LICENSE AT 1930 WEST O STREET;

MANAGER APPLICATION OF WALTER JON SCOTT FOR SALEOFF ENTERPRISES INC. DBA SALEOFF AT 1930 WEST O STREET - Mike Rierden, 645 "M" Street, Suite 200, took oath and came forward representing Saleoff Enterprises, Inc. and Walter Jon Scott to answer questions.

Walter Jon Scott, 1833 SW 22nd Street, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF SANDRA MADSEN FOR INTER COM CLUB INC. DBA NEBRASKA CLUB AT 2000 US BANK BUILDING, 233 S. 13TH STREET - Sandra Madsen, 14440 Castlewood, Waverly, NE, took oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF CYNTHIA ALLEN FOR ALLEN ENTERPRISES INC. DBA EARL'S TAVERN AT 5555 SUPERIOR STREET - Cynthia Allen, 5725 Aylesworth Avenue, took oath and came forward to answer questions.

This matter was taken under advisement.

APPLICATION OF TOKYO STEAKHOUSE INC. DBA TOKYO STEAKHOUSE FOR A CLASS I LIQUOR LICENSE AT 4200 S. 27TH STREET, SUITE 100;

MANAGER APPLICATION OF RICHARD KIM FOR TOKYO STEAKHOUSE INC. DBA TOKYO STEAKHOUSE AT 4200 S. 27TH STREET, SUITE 100 - Richard Kim, 4200 S. 27th Street, took oath and came forward to answer questions. Discussion followed.

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 NOVEMBER 1 - 15, 2007 - Josh Henry, no address given, came forward to request the return of \$1,220 confiscated by police during an arrest in 2004.

Dana Roper, City Attorney, came forward to explain the reason for denial. Discussion followed.

This matter was taken under advisement.

REAPPOINTING AMY TIEMANN-TIPTON, DAVID MCBRIDE AND SHARON WHERRY TO THE AUDITORIUM ADVISORY BOARD FOR TERMS EXPIRING AUGUST 31, 2013;

APPOINTING MICHAEL W. STROUP TO THE AUDITORIUM ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 31, 2013 - Tom Lorenz, General Manager of Pershing, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN FOR SHARED SPACE AT THE NEW ARNOLD ELEMENTARY SCHOOL GYMNASIUM AND BALLFIELDS TO ACCOMMODATE A FUTURE CITY RECREATION CENTER AND ADULT ACTIVITIES - Lynn Johnson, Director of Parks and Recreation Department, came forward to provide information of this agreement. Discussion followed.

This matter was taken under advisement.

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2006 METROPOLITAN MEDICAL RESPONSE SYSTEM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$232,330.00 FOR THE AWARD PERIOD OF 8/30/06 THROUGH 8/30/08;

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2007 METROPOLITAN MEDICAL RESPONSE SYSTEM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$258,145.00 FOR THE AWARD PERIOD OF 10/12/07 THROUGH 6/30/10 - Bruce Dart, Director of Health Department, came forward to comment on the purpose of the agreements. Discussion followed.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN CERTIFICATES OF PARTICIPATION - Steve Hubka, City Budget Officer, came forward to provide information concerning this resolution. Discussion followed.

Lauren Wismer, Gilmore & Bell, was available for questions as bond counsel.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF ANGELA R. TUCCI FOR LAZLO INC. DBA EMPYREAN BREWING/LAZLO'S AT 700-710 P STREET, 729 Q STREET, 210 N. 7TH STREET, 5900 OLD CHENEY, AND 5750 S. 86TH DR. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84633 WHEREAS, Lazlo Inc. dba Empyrean Brewing/Lazlo's and Fireworks Restaurant located at (1) 700-710 P Street & 729 Q Street & 210 N. 7th Street; (2) 5900 Old Cheney Road; and (3) 5750 S. 86th Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Angela R. Tucci be named manager;

WHEREAS, Angela R. Tucci 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 Angela R. Tucci 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 SALEOFF ENTERPRISES INC. DBA SALEOFF FOR A CLASS D LIQUOR LICENSE AT 1930 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84634 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 Saleoff Enterprises, Inc. dba Saleoff for a Class "D" liquor license at 1930 West O Street, Lincoln, Nebraska, for the license period ending April 30, 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 WALTER JON SCOTT FOR SALEOFF ENTERPRISES INC. DBA SALEOFF AT 1930 WEST O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84635 WHEREAS, Saleoff Enterprises, Inc. dba Saleoff located at 1930 West O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Walter Jon Scott be named manager;

WHEREAS, Walter Jon Scott 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 Walter Jon Scott 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 SANDRA MADSEN FOR INTER COM CLUB INC. DBA NEBRASKA CLUB AT 2000 US BANK BUILDING, 233 S. 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84636 WHEREAS, Inter Com Club Inc. dba Nebraska Club at 2000 US Bank Building, 233 S. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Sandra Madsen be named manager;

WHEREAS, Sandra Madsen 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 Sandra Madsen 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 CYNTHIA ALLEN FOR ALLEN ENTERPRISES INC. DBA EARL'S TAVERN AT 5555 SUPERIOR STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84637 WHEREAS, Allen Enterprises Inc. dba Earl's Tavern at 5555 Superior Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Cynthia Allen be named manager;

WHEREAS, Cynthia Allen 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 Cynthia Allen 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 TOKYO STEAKHOUSE INC. DBA TOKYO STEAKHOUSE FOR A CLASS I LIQUOR LICENSE AT 4200 S. 27TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84638 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 Tokyo Steakhouse Inc. dba Tokyo Steakhouse for a Class "I" liquor license at 4200 S. 27th Street, Suite 100, Lincoln, Nebraska, for the license period ending April 30, 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 RICHARD KIM FOR TOKYO STEAKHOUSE INC. DBA TOKYO STEAKHOUSE AT 4200 S. 27TH STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84639 WHEREAS, Tokyo Steakhouse Inc. dba Tokyo Steakhouse at 4200 S. 27th Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Richard Kim be named

manager;

WHEREAS, Richard Kim 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 Richard Kim 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.

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

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF NOVEMBER 1 - 15, 2007 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84640 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 15, 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>
Tony Herrera	\$ 414.00	Dawnell Stoki \$1,570.59
Susan Baird	271.78	Dan Cook 4,128.00
Joshua Henry	1,220.00	Kathy Hoefs 5,000.00
		Ashley Alm 100.00
		Cole Miller 1,244.94

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 Jon Camp

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

REAPPOINTING AMY TIEMANN-TIPTON, DAVID MCBRIDE AND SHARON WHERRY TO THE AUDITORIUM ADVISORY BOARD FOR TERMS EXPIRING AUGUST 31, 2013- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84641 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Amy Tiemann-Tipton, David McBride and Sharon Wherry to the Auditorium Advisory Board for terms expiring August 31, 2013 is hereby approved.

Introduced by Jon Camp

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

APPOINTING MICHAEL W. STROUP TO THE AUDITORIUM ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 31, 2013 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84642 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Michael W. Stroup to the Auditorium Advisory Board to fill an unexpired term expiring August 31, 2013 is hereby approved.

Introduced by Jon Camp

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN LINCOLN PUBLIC SCHOOLS AND THE CITY OF LINCOLN FOR SHARED SPACE AT THE NEW ARNOLD ELEMENTARY SCHOOL GYMNASIUM AND BALLFIELDS TO ACCOMMODATE A FUTURE CITY RECREATION CENTER AND ADULT ACTIVITIES - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84643 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County School District 001, aka Lincoln Public Schools, for shared space at the new Arnold Elementary School gymnasium and ballfields to accommodate a future City Recreation Center and adult activities, upon the terms and conditions set forth in said Contract, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to forward one fully executed original of said Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to Lincoln Public Schools.

Introduced by Jon Camp

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

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2006 METROPOLITAN MEDICAL RESPONSE SYSTEM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$232,330.00 FOR THE AWARD PERIOD OF 8/30/06 THROUGH 8/30/08 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84644 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Nebraska Emergency Management Agency and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$232,330.00, for the Metropolitan Medical Response System Grant Program, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Director of the Lincoln Lancaster County Health Department.

Introduced by Jon Camp

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

APPROVING THE SUB-GRANT AWARD AGREEMENT BETWEEN THE NEBRASKA EMERGENCY MANAGEMENT AGENCY AND THE CITY OF LINCOLN REGARDING THE 2007 METROPOLITAN MEDICAL RESPONSE SYSTEM FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT IN THE AMOUNT OF \$258,145.00 FOR THE AWARD PERIOD OF 10/12/07 THROUGH 6/30/10 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84645 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the Nebraska Emergency Management Agency and the Lincoln-Lancaster County Health Department to accept a subgrant in the amount of \$258,145.00, for the 2007 Department of Homeland Security Grant - MMRS, in accordance with the terms, conditions and assurances contained in said Agreement is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreement to Bruce Dart, Director of the Lincoln Lancaster County Health Department.

Introduced by Jon Camp

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

A RESOLUTION REVOKING SPECIAL PERMIT 1135C AS ADOPTED BY RESOLUTION NO. A-9989 WHICH AMENDED THE FLINT RIDGE 2ND CUP TO ADD 10 DWELLING UNITS FRONTING ON PRIVATE ROADWAYS ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND SOUTH STREET FOR THE REASON THAT PERMITTEE HAS FAILED TO COMPLY WITH THE REQUIREMENT THAT LOTS 7 AND 8, BLOCK 4, OF THE CUP BE CONNECTED TO AND SERVED BY THE PRIVATE SANITARY SEWER AND TO HAVE ACCESS TO THE PRIVATE ROADWAY - Prior to reading:

CAMP Moved to Withdraw Bill No. 07R-235.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4560 & was placed on file in the Office of the City Clerk.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES FROM THE PROCEEDS OF CITY OF LINCOLN CERTIFICATES OF PARTICIPATION - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-84646 A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA TO REIMBURSE CERTAIN EXPENSES IN CONNECTION WITH THE ACQUISITION, PURCHASE AND INSTALLATION OF LIGHT POLES AND RELATED EQUIPMENT FROM THE PROCEEDS OF CITY OF LINCOLN, NEBRASKA CERTIFICATES OF PARTICIPATION

BE IT RESOLVED by the Council (the Council) of the City of Lincoln, Nebraska (the City") as follows:

Section 1. Findings.

(a) The City has begun the acquisition and installation of light poles and related equipment (the Project) in the current fiscal year for the lighting of streets to provide for the health, safety and welfare of its residents.

(b) Pursuant to Section 15-201.02, Reissue Revised Statutes of Nebraska, as amended (Section 15-201.02), the City is authorized to enter into installment contracts for the purchase of personal property, which contracts need not be restricted to a single year and may provide for the purchase of the property in installment payments to be paid over more than one fiscal year.

(c) The City anticipates entering into a lease-purchase agreement (the Lease Agreement") pursuant to its authority under Section 15-201.02 in connection with the Project to finance all or a portion of the costs of the Project through issuance, sale and delivery of not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000) in aggregate principal amount of Certificates of Participation in the Lease Agreement (the COPs).

(d) The City anticipates incurring a portion of the costs of the Project prior to the issuance of the COPs and desires to preserve its ability to reimburse such costs under the provisions of the Internal Revenue Code of 1986, as amended (the Code), and the applicable regulations thereunder (the Regulations).

(e) The Regulations govern the City's use of proceeds derived from the sale of the COPs to reimburse "original expenditures made by the City prior to the authorization of the COPs. Specifically, the Code requires the City to declare its official intent to reimburse original expenditures made in furtherance of the Project not later than 60 days after payment of such original expenditures. The Code requires that tax-exempt obligations be issued, and a reimbursement allocation be made, from the proceeds of those obligations within 18-months after the later of the date the original expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(f) It is necessary, desirable, advisable and in the best interests of the City that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse costs of the Project made by the City from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

Section 2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of this Resolution and Section 1.150-2 of the Regulations, the Council hereby declares the official intent of the City to reimburse all or part of the costs of the Project through the execution and delivery of the Lease Agreement and the issuance of the COPs in connection therewith, the interest portion of which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended. Prior to the execution and delivery of the Lease Agreement and the issuance of the COPs, the City is authorized to advance moneys in an amount not to exceed \$1,000,000 for the purposes hereinbefore described.

(b) Except for (i) expenditures to be paid or reimbursed from sources other than the COPs, (ii) de minimus expenditures defined under Section 1.150-2(f)(1) of the Regulations, and (iii) preliminary expenditures" defined under Section 1.150-2(f)(2) of the Regulations, no expenditures made in furtherance of the Project have been paid by the City more than 60 days prior to the adoption of this Resolution.

(c) Payments under the Lease Agreement constituting debt service on the COPs will be paid from the City's General Fund.

(d) The COPs will be issued in the amount, and upon the terms and conditions agreed to between or among the City, the lessor under the Lease Agreement and the purchaser(s) of the COPs, as authorized by the Council at a meeting held for such purpose.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than the contemplated issuance of the COPs.

Section 3. Authorizations.

(a) The Finance Director and the City Controller (each an Authorized Officer") are hereby authorized to take any further action that is necessary to preserve the ability of the City to reimburse original expenditures made in furtherance of the Project from and after the date of the passage and adoption of this Resolution from the proceeds of the COPs.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) An Authorized Officer shall be responsible for making the "reimbursement allocations described in Section 1.150-2 of the Regulations by transferring the appropriate amount of COPs proceeds to the City accounts used to temporarily finance some or all of the Project. Each allocation must be evidenced by an entry on the official books of the City maintained for the Project and must specifically identify the original expenditure being reimbursed.

Section 4. Ratification. All acts and deeds heretofore done by any officer, employee or agent of the City, on behalf of the City, to preserve the City's ability to reimburse expenditures made in furtherance of the Project with the proceeds of the COPs are hereby ratified, confirmed and approved.

Section 5. Effective Dates. This Resolution will be in full force and effect from and after its passage and adoption by the Council.

Section 6. Conflicting Resolutions Repealed. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Jon Camp

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

-CONSENT AGENDA-

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 07058 - Application of Brett Richardson amending Title 27 of the LMC by amending Section 27.63.680 relating to Permitted Special Use: Sale of Alcoholic Beverages for Consumption on the Premises, to allow the sale of alcohol in restaurants in the O-3, B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2, and I-3 zoning districts no less than 25 feet away from a residential zoning district under certain conditions and repealing Section 27.63.680 of the LMC as hitherto existing.

Change of Zone 07059 - Application of Olsson Associates, from B-2 to O-3 and from O-3 to B-2 on property located at the northeast corner of 84th Street and Holdrege Street.

Use Permit 128B - Application of Olsson Associates, for an amendment to change office use to hotel, restaurants and retail shops with a request to increase the B-2 height limitation to 45' on property located at the northeast corner of 84th Street and Holdrege Street.

Special Permit 07051 - Application of Rogelio Arias for the authority to sell alcoholic beverages for consumption on the premises on property located at the southeast corner of North 56th Street and Holdrege Street. The Planning Commission action is final action, unless appealed to the City Council.

SETTING THE HEARING DATE OF MONDAY, DECEMBER 17, 2007 AT 1:30 P.M. FOR APPLICATION OF LOS DOS HERMANOS MEXICAN CAFÉ, INC. DBA LOS DOS HERMANOS FOR A CLASS I LIQUOR LICENSE LOCATED AT 6117 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84647 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., December 17, 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 Los Dos Hermanos Mexican Café, Inc. dba Los Dos Hermanos for a Class I liquor license located at 6117 Havelock Avenue.

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

Introduced by Doug Emery

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

CLERK'S LETTER AND MAYORS APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON NOVEMBER 19, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

SETTING THE PUBLIC HEARING DATE OF MON., DEC. 17, 2007, AT 1:30 P.M. ON THE ASSESSMENT OF THE COST OF WEED REMOVAL INCURRED FOR THE PERIOD OF JAN. 1, 2007 THROUGH DEC. 31, 2007 - CLERK requested motion to approve assessment for weed removal.

EMERY So moved.

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

-END CONSENT AGENDA-

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

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CREATING THE JOB CLASSIFICATIONS OF "WATER SERVICE TECHNICIAN I," "WATER SERVICE TECHNICIAN II," AND "SENIOR WATER SERVICE TECHNICIAN" - CLERK read an ordinance, introduced by Doug Emery, amending Section 1 of Ordinance No. 18972 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 "N," by creating the job classifications of "Water Service Technician I," "Water Service Technician II," and "Senior Water Service Technician," the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE JOB CLASSIFICATIONS OF "WATERSHED MANAGEMENT SPECIALIST" AND "COMMUNICATIONS SUPERVISOR" - CLERK read an ordinance, introduced by Doug Emery, 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 classifications of "Watershed Management Specialist" and "Communications Supervisor," the first time.

CHANGE OF ZONE 3134C - APPLICATION OF ALPHA DEVCO, LLC, TO AMEND THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO INCREASE THE AMOUNT OF MEDICAL OFFICE FLOOR AREA FROM 18,000 SQ. FT. TO APPROXIMATELY 22,500 SQ. FT., ON PROPERTY GENERALLY LOCATED AT PIONEERS BOULEVARD AND LUCILLE DRIVE - CLERK read an ordinance, introduced by Doug Emery, amending the Development Plan for Willow Springs Planned Unit Development on property generally located at Pioneers Boulevard and Lucille Drive, the first time.

CHANGE OF ZONE 04075A - APPLICATION OF VILLAGE GARDENS DEVELOPMENT COMPANY, LLC, TO AMEND 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 ROAD - CLERK read an ordinance, introduced by Doug Emery, amending the underlying zoning and the Development Plan for Village Gardens Planned Unit Development to change the zoning on 2.17 acres from R-3 Residential to B-3 Commercial and to adjust the sign requirements to allow center identification signs near the intersections of South 59th Street and Pine Lake Road, and at Boboli Lane and South 56th Street, on property generally located at South 59th Street and Pine Lake Road, the first time.

CHANGE OF ZONE 07057 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTIONS 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070 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, RESPECTIVELY, TO INCREASE THE MAXIMUM HEIGHT OF BUILDINGS TO 55 FEET AND TO PROVIDE THAT, IF THE HEIGHT OF THE BUILDING IS OVER 40

FEET IN THE B-2 AND B-5 DISTRICTS AND OVER 45 FEET IN THE H-1, H-2, H-3, AND H-4 DISTRICTS, THAT PORTION OF THE BUILDING IN EXCESS OF SUCH HEIGHT SHALL BE REQUIRED TO HAVE ONE ADDITIONAL FOOT OF SETBACK TO ANY REQUIRED SIDE AND/OR REAR YARD ABUTTING AN R-1 THROUGH R-4 RESIDENTIAL DISTRICT FOR EACH ONE FOOT OF BUILDING HEIGHT IN EXCESS OF THE APPLICABLE 40 FEET OR 45 FEET DEPENDING ON THE ZONING DISTRICT IN QUESTION, EXCEPT THAT THE ADDITIONAL REAR YARD SETBACK IS NOT REQUIRED IN THE B-5 DISTRICT - CLERK read an ordinance, introduced by Doug Emery, amending Title 27 of the Lincoln Municipal Code, the Zoning Code, by amending Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, 27.45.070 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, respectively to increase the maximum height of buildings to 55 feet and to provide that if the height of the building is over 40 feet in the B-2 and B-5 districts and over 45 feet in the H-1, H-2, H-3, and H-4 districts, that portion of the building in excess of such height shall be required to have one additional foot of setback to any required side and/or rear yard abutting an R-1 through R-4 Residential District for each one foot of building height in excess of the applicable 40 feet or 45 feet depending on the zoning district in question, except that the additional rear yard setback is not required in the B-5 district; and repealing Sections 27.31.090, 27.37.060, 27.39.070, 27.41.080, 27.43.080, and 27.45.070 of the Lincoln Municipal Code as hitherto existing, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND THE SPIRITS BY BECKMAN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 708 N. CHESTNUT ST., WAHOO, NEBRASKA - CLERK read an ordinance, introduced by Doug Emery, accepting and approving a Lease Agreement between the City of Lincoln and Spirits by Beckman for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 708 N. Chestnut, Wahoo, NE 68066, for a 12-month term from January 1, 2008 through December 31, 2008, the first time.

ORDINANCES - 3RD 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 third time.

SVOBODA 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 **#19023**, is recorded in Ordinance Book #26, Page

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 third time.

SVOBODA 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 **#19024**, is recorded in Ordinance Book #26, Page

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) - PRIOR to reading:

MARVIN Moved Amendment No. 1 to amend Bill No. 07R-227.

Seconded by Camp.

MARVIN Moved to Withdraw motion to approve Amendment No. 1.

Seconded by Camp.

MARVIN Moved Amendment No. 2 to amend Bill No. 07R-227 in the following manner:

1. On page 3, between lines 18 and 19, insert the following: 2. This approval waives the requirement of Lincoln Municipal Code § 26.23.130 that block length shall not exceed 1,320 feet between cross streets for Ashbrook Drive provided that (1) a ten foot wide pedestrian easement is located between Lots 8 and 9, and Lots 21 and 22, Block 1, and constructed at the same time as Ashbrook Drive is constructed, and (2) a ten foot wide pedestrian easement is located between Lots 33 and 34, Block 2, and constructed at such time as residential development occurs on Outlot H.

2. On page 4, delete lines 1 and 2, requiring a street to be shown breaking the block length on the west side of Ashbrook Drive and insert the following: ii. Locate a ten foot wide pedestrian way easement between Lots 8 and 9, and Lots 21 and 22, Block 1, and locate a ten foot wide pedestrian way easement between Lots 33 and 34, Block 2.

3. On page 4, between 30 and 31, insert the following: 4. Prior to the approval of a final plat involving Lots 8 and 9 and Lots 21 and 22, Block 1, and/or Lots 33 and 34, Block 2, of the Community Unit Plan, provide the City with separate bonds or escrow of security agreements approved by the City Law Department in the amount determined by the Department of Public Works & Utilities sufficient to guarantee construction of the sidewalk within the pedestrian way easement located on Lots 8 and 9, and Lots 21 and 22, Block 1, and to guarantee construction of the sidewalk within the pedestrian way easement located on Lots 30 and 34, Block 2.

4. Renumber the subsequent paragraphs accordingly.

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

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

A-84648 WHEREAS, John and Andrea Schleich have submitted an application designated as Special Permit No. 1992A for authority to amend the Edenton Woods Community Unit Plan to expand the area of the Community Unit Plan, to add 33 dwelling units, and to waive the Land Subdivision requirement that block lengths not exceed 1,320 feet in length, on property generally located at Ashbrook Drive and Highway 2 and legally described as:

A portion of Lot 80 Irregular Tract, along with all of Edenton Woods Addition, Edenton Woods First Addition, and Edenton Woods Second Addition, all located in the Southwest Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described by metes and bounds as follows:

Commencing at the northwest corner of the Southwest Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M.; thence north 89 degrees 59 minutes 42 seconds east (an assumed bearing) on the north line of the Southwest Quarter of Section 15, a distance of 2064.27 feet to the point of beginning; thence north 89 degrees 59 minutes 42 seconds east for a distance of 591.67 feet on the north line of the Southwest Quarter, to the center of said Section 15; thence south 00 degrees 04 minutes 40 seconds west for a distance of 1080.00 feet on the east line of the Southwest Quarter; thence north 52 degrees 06 minutes 36 seconds west for a distance of 161.94 feet on the southerly line of Outlot C, Edenton Woods; thence north 79 degrees 45 minutes 02 seconds west for a distance of 218.51 feet on said southerly line; thence south 89 degrees 57 minutes 05 seconds west for a distance of 150.84 feet on said southerly line; thence south 35 degrees 59 minutes 55 seconds west for a distance of 166.58 feet on said southerly line, to a point on the east line of Lot 80 Irregular Tract; thence north 00 degrees 02 minutes 21 seconds east for a distance of 138.14 feet on the east line of Lot 80 Irregular Tract; thence south 76 degrees 22 minutes 09 seconds west for a distance of 116.17 feet; thence along a curve to the left having a radius of 50.00 feet and an arc length of 32.96 feet, being subtended by a chord of south 57 degrees 28 minutes 57 seconds west for a distance of 32.37 feet; thence south 38 degrees 35 minutes 44 seconds west for a distance of 172.20 feet; thence along a curve to the left having a radius of 60.00 feet and an arc length of 94.23 feet, being subtended by a chord of south 06 degrees 23 minutes 37 seconds east for a distance of 84.84 feet;

thence south 51 degrees 22 minutes 57 seconds east for a distance of 2.72 feet; thence south 38 degrees 37 minutes 02 seconds west for a distance of 120.00 feet; thence north 51 degrees 23 minutes 02 seconds west for a distance of 2.72 feet on the westerly right of way of Ashbrook Drive; thence along a curve to the right having a radius of 180.00 feet and an arc length of 282.68 feet, being subtended by a chord of north 06 degrees 23 minutes 37 seconds west for a distance of 254.51 feet on said right of way; thence north 38 degrees 35 minutes 44 seconds east for a distance of 172.20 feet on said southeasterly right of way of Ashbrook Drive; thence along a curve to the right having a radius of 170.00 feet and an arc length of 112.08 feet, being subtended by a chord of north 57 degrees 28 minutes 57 seconds east for a distance of 110.06 feet on said right of way; thence north 76 degrees 22 minutes 09 seconds east for a distance of 145.44 feet on the southerly right of way of Ashbrook Drive; thence north 00 degrees 07 minutes 08 seconds east for a distance of 61.47 feet; thence south 76 degrees 28 minutes 30 seconds west for a distance of 160.05 feet on the northerly right of way of Ashbrook Drive; thence along a curve to the left having a radius of 230.00 feet and an arc length of 151.63 feet being subtended by a chord of south 57 degrees 29 minutes 26 seconds west for a distance of 148.90 feet on said northerly right of way; thence south 38 degrees 36 minutes 21 seconds west for a distance of 93.67 feet; thence north 36 degrees 24 minutes 13 seconds west for a distance of 256.49 feet; thence north 00 degrees 01 minutes 13 seconds west for a distance of 737.31 feet; thence north 89 degrees 59 minutes 53 seconds east for a distance of 300.72 feet; thence north 89 degrees 59 minutes 42 seconds east for a distance of 192.37 feet to the point of beginning; said property contains 24.14 acres more or less;

WHEREAS, the Lincoln City - Lancaster County Planning Commission approved said application, except for the requested waiver to allow block length to exceed 1320 feet, after holding a public hearing thereon; and

WHEREAS, the applicants filed a Notice of Appeal appealing the action of the Planning Commission conditionally approving Special Permit 1992A; and

WHEREAS, pursuant to Lincoln Municipal Code § 27.63.025, the final action appealed from is deemed advisory and the City Council is authorized to take final action on the matter; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amendment to the community unit plan, will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 John and Andrea Schleich, hereinafter referred to as "Permittee", to amend Edenton Woods Community Unit Plan to expand the area of the Community Unit Plan and to add 33 dwelling units, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This approval permits 79 single-family attached and detached dwelling units consistent with the approved site plan.

2. This approval waives the requirement of Lincoln Municipal Code § 26.23.130 that block length shall not exceed 1,320 feet between cross streets for Ashbrook Drive provided that (1) a ten foot wide pedestrian easement is located between Lots 8 and 9, and Lots 21 and 22, Block 1, and constructed at the same time as Ashbrook Drive is constructed, and (2) a ten foot wide pedestrian easement is located between Lots 33 and 34, Block 2, and constructed as such time as residential development occurs on Outlot H.

2.3. The City Council must approve the associated request, Change of Zone #07056.

~~3.~~ 4. The Permittee shall cause to be prepared and submitted to the Planning Department a revised and reproducible final site plan including 5 copies with all required revisions and documents as listed below before a final plat is approved.

a. Revise the site plan as follows:
Show the breach limits of the Pine Lake dam structure and wetlands as delineated on the Edenton Woods preliminary plat and community unit plan.

- ~~ii.~~ ii. Show a street breaking the block length on the west side of Ashbrook Drive.
- ~~ii.~~ Locate a ten foot wide pedestrian way easement between Lots 8 and 9, and Lots 21 and 22, Block 1, and locate a ten foot wide pedestrian way easement between Lots 33 and 34, Block 2.
- iii. Show a street layout for Outlot H.
- iv. Show 4' between the back of curb and the sidewalk along Camellia Court.
- v. Add correct legal description.
- vi. Combine General Site Notes #5 and #8 to state "EASEMENTS AS SHOWN SHALL BE GRANTED FOR PUBLIC USE AND FOR SIDEWALKS. ALL SIDEWALKS ADJACENT TO STREETS TO BE IN PUBLIC RIGHT-OF-WAY EXCEPT ALONG BO CREEK BAY AND BO CREEK COURT. ALL SIDEWALKS ARE TO 4' WIDE. SIDEWALKS TO BE BUILT ALONG BOTH SIDES OF ALL PUBLIC STREETS AND PRIVATE ROADWAYS, EXCEPT BO CREEK COURT AND BO CREEK BAY WHERE SIDEWALKS ARE ALLOWED ALONG ONE SIDE."
- vii. Revise General Site Note #8 to state ".....EXCEPT ON BO CREEK BAY, BO CREEK COURT, AND CAMELLIA COURT. ALL SIDEWALKS ARE TO BE 4' WIDE."
- viii. Add a General Site Note that states "STREET TREES/SCREENING TO COMPLY WITH DESIGN STANDARDS AND TITLE 26 AT THE TIME OF BUILDING PERMITS AND FINAL PLAT."
- ix. Add a General Site Note that states "GARAGES MUST BE SET BACK NO LESS THAN 22' FROM THE BACK OF SIDEWALK."
- x. Add a General Site Note that states "SETBACKS PER THE R-3 DISTRICT UNLESS OTHERWISE NOTED."
- xi. Revise the Waivers table to include "MINIMUM LOT AREA" per SP#1992.
- xii. Show revisions to the satisfaction of Public Works Engineering Services/Watershed Management.
- b. The construction plans must comply with the approved plans.

4. Prior to the approval of a final plat involving Lots 8 and 9 and Lots 21 and 22, Block 1, and/or Lots 33 and 34, Block 2, of the Community Unit Plan, provide the City with separate bonds or escrow of security agreements approved by the City Law Department in the amount determined by the Department of Public Works & Utilities sufficient to guarantee construction of the sidewalk within the pedestrian way easement located on Lots 8 and 9, and Lots 21 and 22, Block 1, and to guarantee construction of the sidewalk within the pedestrian way easement located on Lots 30 and 34, Block 2.

~~4.~~ 5. Before occupying the dwelling units all development and construction must comply with the approved plans.

~~5.~~ 6. All privately-owned improvements, including landscaping and recreational facilities, must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City.

~~6.~~ 7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

~~7.~~ 8. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.

~~8.~~ 9. The Permittee 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 City 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 Permittee.

~~9.~~ 10. 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 Camp & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

RESOLUTION - FOR ACTION ONLY

HEARING ON THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2008. (ACTION DATE: 12/3/07) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-84649 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2005 was approved by the LES Administrative Board on October 19, 2007; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 19, 2007, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2008, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Ken Svoboda

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

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION

Boyd Ready, 2901 A Street, came forward to read an article written in the Lincoln Journal Star by Cindy Kubik-Lange about the flood plain issues.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to December 10, 2007.
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

REGULAR MEETING
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UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
December 10, 2007.
 Seconded by Spatz & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 2:39 P.M.

CAMP Moved to adjourn the City Council meeting of December 3, 2007.
 Seconded by Spatz & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
 So ordered.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant

