

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 10, 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.

EMERY Having been appointed to read the minutes of the City Council proceedings of December 3, 2007 reported having done so, found same correct.  
Seconded by Eschliman & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Beutler's Award of Excellence for the month of November 2007 was presented to Sergeant Luke Wilke with the Lincoln Police Department in the Category of Productivity.

Jim Peschong, Assistant Chief of Police, came forward to sadly recount the disappearance and discovery of the remains of Melissa Schmidt. He stated Sgt. Wilke was instrumental in solving the 12-year old case.

Captain Jon Sundermeier, came forward to commend Sgt. Wilke for overseeing the murder case, which in closure sent a predator to prison for life.

**RESOLUTION**

RESOLUTION ON BEHALF OF THE CITIZENS OF THE CITY OF LINCOLN, EXTENDING THEIR HEARTFELT SORROW FOR THE LOSS OF LIVES AND INJURIES SUFFERED BY THE VICTIMS OF THE OMAHA TRAGEDY AND DOES HEREBY EXTEND ITS HEARTFELT CONDOLENCES TO THE VICTIMS AND THEIR FAMILIES - PRIOR to reading:

SPATZ Moved to waive the rules to have action on this day.  
Seconded by Camp & 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-84650 WHEREAS, the City of Omaha, Nebraska experienced a tragic event on Wednesday, December 5, 2007, which claimed the lives of eight innocent victims and wounded five others; and

WHEREAS, THE City of Lincoln was shocked and saddened by what happened; and

WHEREAS, the City of Lincoln grieves for this unnecessary loss of lives and injuries; and

WHEREAS, the City of Lincoln wishes to join the rest of Nebraska and the nation in expressing our condolences to the families of the victims as well as to the employees of Von Maur, Westroads Mall, and the entire Omaha community.

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

That on behalf of the citizens of the City of Lincoln, the City Council does hereby express its sorrow for the loss of lives and injuries suffered by the victims of the Omaha tragedy and does hereby extend its heartfelt condolences to the victims and their families.

BE IT FURTHER RESOLVED that our thoughts and prayers are with them during this difficult time.

Introduced by John Spatz

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

PUBLIC HEARING

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 - Gus Ponstingl, 4827 Pioneers Blvd., Ste. A, came forward representing the applicant and to answer questions.

Glen Friendt, Alpha Devco, LLC, 3433 Cape Charles Rd., came forward to present the change of zone and answer questions. Discussion followed.

This matter was taken under advisement.

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 - Dick Campbell, 6111 Chartwell Lane, came forward representing the applicant to answer questions. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward to present the change of zone and answer questions. Discussion followed.

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

Mr. Seacrest came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

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 - Marvin Krout, Director of Planning, came forward to present the change of zone and answer questions. Discussion followed.

Jeannine DeVetter, Dial Corporation, 5523 Spaulding St., Omaha, NE, came forward as the applicant to answer questions. Discussion followed.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Colorado Hospitality Services, Inc., and to answer questions. Discussion followed.

Mr. Krout, came forward to answer questions.

This matter was taken under advisement.

SPECIAL PERMIT 07049 - APPEAL OF DANELLE CATLETT TO THE PLANNING COMMISSION CONDITIONAL APPROVAL OF THE APPLICATION OF DAN LESOING DBA D.J.'S BARTENDING FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES GENERALLY LOCATED AT 710 HILL STREET - Dan Lesoing, 6001 The Knoll's, came forward representing D.J.'s Bartending and to answer questions. Discussion followed.

Danelle Catlett, 2010 Southern Light Dr., came forward as appellant to answer questions. Discussion followed.

Don Frank, 1411 Sioux St., came forward in opposition to the special permit. Discussion followed.

Russ Fosler, Police Investigator, came forward to answer questions. Discussion followed.

Dana Roper, City Attorney, came forward to answer questions. Discussion followed.

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

Brian Will, Planning Department, came forward to answer questions. Discussion followed.

Dan Lesoing came forward for rebuttal. Discussion followed.  
This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS - NONE**

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

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 second 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 second 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 second 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 59<sup>th</sup> Street and Pine Lake Road, and at Boboli Lane and South 56<sup>th</sup> Street, on property generally located at South 59<sup>th</sup> Street and Pine Lake Road, the second 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 second 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 second time.

#### PUBLIC HEARING RESOLUTIONS

AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY REGARDING THE WIDENING AND RECONSTRUCTION OF N.W. 56TH STREET TO ADD WORK, INCLUDING ACQUISITION OF RIGHT-OF-WAY, AND MAINTENANCE RESPONSIBILITIES IN W. ADAMS STREET FROM A POINT 731 FEET WEST OF N.W. 56TH STREET TO N.W. 48TH STREET, AND TO EXTEND THE COMPLETION DATE OF THE PROJECT UNTIL THE FALL OF 2008 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84651 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendment to the Interlocal Agreement between the City of Lincoln and Lancaster County regarding the widening and reconstruction of N.W. 56th Street to add work, including acquisition of right-of-way, and maintenance responsibilities in W. Adams Street from a point 731

feet west of N.W. 56th Street to N.W. 48th Street, and to extend the completion date of the project until the Fall of 2008, upon the terms and conditions set forth in said Amendment attached hereto, is hereby approved and the Mayor is authorized to execute said Amendment on behalf of the City.

The City Clerk is hereby directed to transmit the executed original of said Amendment and a copy of this Resolution to the Lancaster County Clerk for approval by the County.

Introduced by Doug Emery

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

SPECIAL PERMIT 07049 - APPEAL OF DANELLE CATLETT TO THE PLANNING COMMISSION  
CONDITIONAL APPROVAL OF THE APPLICATION OF DAN LESOING DBA D.J.'S  
BARTENDING FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON  
THE PREMISES GENERALLY LOCATED AT 710 HILL STREET - PRIOR to reading:  
SPATZ Moved an amendment to Bill No. 07R-240 to specify use of the  
premises as a social hall only.  
SVOBODA Seconded.  
CAMP Moved a friendly amendment to capitalize Social Hall, accepted by  
Spatz and **LOST** by the following vote: AYES: Spatz, Svoboda; NAYS: Camp,  
Cook, Emery, Eschliman, Marvin.  
CAMP Moved to delay Action on Bill No. 07R-240 for one week to 12/17/07  
with continued Public Hearing.  
Seconded by Spatz & carried by the following vote: AYES: Camp,  
Cook, Emery, Marvin; NAYS: Eschliman, Spatz, Svoboda.

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07061 - App. of Stephen Glenn for a change from B-1  
Local Business District to B-2 Planned Neighborhood Business District on  
property generally located at S. 70<sup>th</sup> Street and Van Dorn Street.  
Change of Zone No. 07062 - App. of Erin Bright for a change from AG  
Agricultural District to R-3 Residential District on property generally  
located at N. 14<sup>th</sup> Street and Alvo Road.  
Special Permit No. 07052 - App. of ESP, Inc. to allow an existing  
accessory building to be used as a dwelling for a domestic employee on  
property generally located at S. 120<sup>th</sup> Street and O Street.  
Special Permit No. 07053 - App. of Rick Clark for a garden center on  
property generally located at S. 110<sup>th</sup> Street and Saltillo Road.  
Pre-Existing Use Permit No. 07001A - App. of Stephen Glenn for approx.  
16,000 sq. ft. of commercial floor area with an adjustment to required  
parking on property generally located at S. 70<sup>th</sup> Street and Van Dorn  
Street.

#### MISCELLANEOUS BUSINESS - NONE

#### REPORTS OF CITY OFFICERS

APPOINTING DR. JOHN BONTA TO THE EMERGENCY MEDICAL SERVICES INC. BOARD OF  
DIRECTORS TO FILL AN UNEXPIRED THREE-YEAR TERM EXPIRING MARCH 28, 2008 -  
CLERK read the following resolution, introduced by Doug Emery, who moved  
its adoption:

A-84652 BE IT RESOLVED by the City Council of the City of Lincoln,  
Nebraska:

That the appointment of Dr. John Bonta to the Emergency Medical  
Services Inc. Board to fill an unexpired term expiring March 28, 2008 is  
hereby approved.

Introduced by Doug Emery

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCTOBER 31, 2007 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84653 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2007, \$986,031.77 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Robin Eschliman

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 26, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE 3<sup>RD</sup> QUARTER 2007: FAST PHONES OF NEBRASKA, TELENATIONAL COMMUNICATIONS, STARTEC GLOBAL OPERATING, RELIANCE COMMUNICATIONS, SOUTHWEST, IDT CORP, MATRIX TELECOM, CAUSE BASED COMMERCE, PNG TELECOMMUNICATIONS, ACCESSLINE, WHO'S CALLING, WINDSTREAM NEBRASKA; SEPTEMBER 2007: TELEPLUS WIRELESS, BUSINESS PROD. SOLUTIONS, CIMCO, FLYING J COMMUNICATIONS, KDDI AMERICA, IBM GLOBAL, GUARANTEED PHONE SERVICE, INTELICALL OPERATOR, NETWORK BILLING SYSTEMS, NORSTAN NETWORK, EARTHLINK, VOICECOM, TRACFONE WIRELESS, ANDIAMO TELECOM, LDMI, ADVANCED TEL INC., BROADBAND DYNAMICS, GLOBALSTAR USA, MCLEOD USA, PRIMUS, COMTEL TELCOM ASSETS, XO COMMUNICATIONS, UCN, TELECORP, MOVIDA, TRANS NATIONAL, VERIZON-BELL ATLANTIC, AIR CELL, GLOBAL CROSSING BANDWIDTH, GLOBAL CROSSING TELECOMMUNICATIONS, QWEST COMMUNICATIONS CORP., WORKING ASSETS FUNDING SERVICE, ACN COMMUNICATIONS, AIRESRING, ONSTAR CORP, VIRGIN MOBILE USA, WHOLESALE CARRIER SERVICES, BROADWING, USCOC OF NEBRASKA/KANSAS, CINCINNATI BELL ANY DISTANCE, VERIZON SELECT, NEBRASKA TECHNOLOGY, WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM NEBRASKA, CRICKET, NEW CINGULAR WIRELESS, AT&T COMM. OF MIDWEST, TWC DIGITAL PHONE, USCOC OF GREATER IOWA; OCTOBER 2007: D&D COMMUNICATIONS, NEXTEL PARTNERS, SPRINT SPECTRUM, SPRINT COMMUNICATION COMPANY, FIRST COMMUNICATIONS, TRI-M, ZONE TELECOM, GTC TELECOM, ENHANCED, GLOBALCOM, LIGHTYEAR NETWORK, NEXTEL WEST, ACCERIS, 360 NETWORKS, BUSINESS TELECOM, SBC LONG DISTANCE, NOSVA LIMITED PARTNERSHIP, COVISTA, NOS COMMUNICATIONS, BT AMERICAS, AFFINITY NETWORK, ATS MOBILE TELEPHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER 2007 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF E911 SURCHARGE FOR THE 3RD QUARTER: TWC DIGITAL PHONE, LLC; SEPTEMBER 2007: AT&T COMM. OF MIDWEST; OCTOBER 2007: TWC DIGITAL PHONE, LLC, AT&T COMM. OF MIDWEST, LEVEL 3 COMMUNICATIONS - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

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

REPORT FROM THE CITY TREASURER OF FRANCHISE TAX FROM TIME WARNER CABLE FOR THE QUARTER ENDING SEPTEMBER 30, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN TWO FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Robin Eschliman, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Water Construction Fund and Sanitary Sewer Construction Fund within the Public Works & Utilities Department, the first time.

AMENDING CHAPTER 19.03 OF THE LMC (THE FIRE CODE) TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL FIRE CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE FIRE CODE TASK FORCE AND CODE STUDY COMMITTEE - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 19.03 of the Lincoln Municipal Code, the Fire Code, to adopt the 2006 edition of the International Fire Code except as provided by specific amendments recommended by the Fire Code Task Force and code Study Committee, the first time.

AMENDING CHAPTER 20.10 OF THE LMC (THE LINCOLN RESIDENTIAL BUILDING CODE) TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE BUILDING CODE TASK FORCE AND CODE STUDY COMMITTEE - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 20.10 of the LMC (the Lincoln Residential Building Code) to adopt the 2006 edition of the International Residential Code except as provided by specific amendments recommended by the Building Code Task Force and Code Study Committee, the first time.

AMENDING CHAPTER 20.08 OF THE LMC (THE LINCOLN BUILDING CODE) TO ADOPT THE 2006 EDITION OF THE INTERNATIONAL BUILDING CODE EXCEPT AS PROVIDED BY SPECIFIC AMENDMENTS RECOMMENDED BY THE BUILDING CODE TASK FORCE AND CODE STUDY COMMITTEE - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 20.08 of the LMC (the Lincoln Building Code) to adopt the 2006 edition of the International Building Code except as provided by specific amendments recommended by the Building Code Task Force and Code Study Committee, the first time.

AMENDING SECTION 14.24.030 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SIZE AND LOCATION OF BUILDING NUMBERS TO REFERENCE THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL FIRE CODE - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 14.24.030 of the Lincoln Municipal Code relating to the size and location of building numbers to reference the International Building Code and the International Fire Code; and repealing Section 14.24.030 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 21.01 OF THE LINCOLN MUNICIPAL CODE (LINCOLN HOUSING CODE) TO MAKE THE HOUSING CODE COMPATIBLE WITH THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL FIRE CODE - CLERK read an ordinance, introduced by Robin Eschliman, amending Chapter 21.01 of the Lincoln Municipal Code (LMC), the Lincoln Housing Code, by amending LMC Section 21.01.090 to revise Section 504.2 of the Uniform Housing Code (UHC) relating to light to allow artificial light when in compliance with the International Building Code as adopted by the City; amending LMC Section 21.01.100 to amend UHC Section 504.3 relating to ventilation to provide that mechanical ventilation shall comply with the International Building Code as adopted by the City; amending Section 21.01.160 to amend UHC Section 801 relating to exits to provide that emergency escape openings shall be maintained in accordance with the Building Code and Fire Code in effect at the time of construction; and repealing Sections 21.01.090, 21.01.100, and 21.01.160 of the Lincoln Municipal Code as hitherto existing, the first time.

ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE

REGISTERED TO SPEAK SESSION - NONE

OPEN MICROPHONE SESSION - NONE

MISCELLANEOUS BUSINESS

PENDING -

CAMP            Moved to extend the Pending List to December 17, 2007.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
                  Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP            Moved to approve the resolutions to have Public Hearing on  
                  December 17, 2007.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
                  Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT            4:38 P.M.

CAMP            Moved to adjourn the City Council meeting of December 10, 2007.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
                  Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant