

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 17, 2008 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

MARVIN Having been appointed to read the minutes of the City Council proceedings of November 10, 2008 reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF PHILIP KUTLO AND IRMA KUTLO DBA CASTLE DRIVE IN FOR A CLASS D LIQUOR LICENSE AT 6001 HAVELOCK AVE. - Michael Rierden, 645 "M" Street, Suite 200, came forward to take oath and answer any questions. He stated his client has relocated here from California.

Philip Kutlo, 6001 Havelock Ave., came forward to take oath and answer any questions. He stated he attended the Responsible Hospitality training class and although he gathered some information, he felt it was more geared toward restaurants and bars.

This matter was taken under advisement.

APPLICATION OF BLACK BEAR ENTERPRISES, LLC, DBA THE OFFICE GENTLEMEN'S CLUB FOR A CLASS I LIQUOR LICENSE AT 640 W. PROSPECTOR CT.;
MANAGER APPLICATION OF RICHARD H. GATISS FOR BLACK BEAR ENTERPRISES, LLC, DBA THE OFFICE GENTLEMEN'S CLUB AT 640 W. PROSPECTOR CT. - Michael Rierden, 645 "M" Street, Suite 200, came forward to take oath and answer any questions.

Richard H. Gatiss, 640 W. Prospector Ct., came forward to take oath and answer any questions.

This matter was taken under advisement.

APPLICATION OF MAC ACQUISITION, LLC, DBA ROMANO'S MACARONI GRILL FOR A CLASS C LIQUOR LICENSE AT 6800 S. 27TH STREET;
MANAGER APPLICATION OF SCOTT C. GWARTNEY FOR MAC ACQUISITION, LLC, DBA ROMANO'S MACARONI GRILL AT 6800 S. 27TH STREET - Scott Gwartney, 3216 S. 76th St., came forward to take oath and answer any questions.

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF TWO YEARS FROM JANUARY 1, 2009 TO DECEMBER 31, 2010 - David Landis, Director of Urban Development, came forward to answer questions and state that Goodwill has been an on-site partner since 2002, leasing 159 sq. feet of space to provide a computer lab, job search assistance to individuals with special needs and language translation services for job seekers and employers.

This matter was taken under advisement.

APPROVING AND RATIFYING A LEASE AGREEMENT BETWEEN THE CITY AND LAMAR COMPANIES FOR ADVERTISING ON THE BILLBOARD GENERALLY LOCATED AT NORTH 27TH AND Y STREETS FROM OCTOBER 1, 2008 TO APRIL 1, 2009 - John V. Hendry, City Attorney, came forward to answer questions and stated that following discussion with Lynn Johnson, Director of Parks & Recreation, he said the intent is to continue with the lease agreement to see how it fits in with the bridge and terminate if necessary.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY AND FUJI ELECTRIC INVOLVING THE EXPENDITURE OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR OZONE REPLACEMENT EQUIPMENT FOR LINCOLN WATER SYSTEM - Chad Blahak, Public Works & Utilities, came forward to answer questions.

This matter was taken under advisement.

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2009 - John Lehman, no address given, came forward as a real estate consultant in support of freezing the impact fee rates until further research can be done. He said following a study of 185 cities, Lincoln's percentages seem to be much higher in each category except for parks.

Jerry Boyce, 4631 S. 67th, Homebuilder Association President, came forward in appreciation for the impact fee rate freeze approved in 2007 and in support of continuing the freeze for 2009. He said housing starts are down from a 33-year average of 885 single family building permits per year to a total of 569 in 2007 and just under 400 in 2008. He requested an opportunity for the Impact Fee Committee to make its recommendations and see if other revenue strategies might be suggested.

Kyle Fischer, 1135 M St., came forward representing the Chamber of Commerce, to express support of the resolution and to suggest that Council revisit this issue following the release of the Impact Fee Task Force Report. He stated the University of Nebraska Bureau of Business Research has done two studies that clearly indicate that growth pays for itself in Lincoln.

Russell Miller, 341 S. 52nd St., came forward representing the Lincoln Neighborhood Alliance in opposition to the rate freeze as this action will affect infrastructure and maintenance/building of streets. In response to questioning on growth, Mr. Miller said he defines growth as pairing a number of living-wage jobs with affordable housing. He said if the City is considering fairness, other services should be capped as well.

Coby Mach, Exec. Director of LIBA, came forward expressing support of the continuation of the impact fee freeze. He cited research findings that stated once impact fees reach \$1.25 per sq. ft. of residential property, one can expect a negative impact on the local economy and the construction industry. Mr. Mach said currently Lincoln's impact fees more than double that \$1.25 per sq. ft. rate.

Dean Hoag, 3310 Potomac Dr., LIBA President, was on hand for questioning.

Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward in support of the impact fee freeze. He said growth needs to be financed by everyone. He suggested for future consideration, the Council might look at Section 12 of the City Charter in which LES makes a payment in lieu of tax of 5% of the gross revenues generated by customers within the city limits amounting to \$9.7 million. He feels as owners, risk bearers & debt backers of LES, the City of Lincoln is entitled to all of that money, not just the \$1.5 million received for the General Fund. He said the loss of \$8.2 million to the School District/County budget can be worked out in the next two years and made up under the current state aid formula.

Ed Patterson, 700 N. 24th St., came forward to compare the cost of services provided to various Colorado cities along the Front Range and state that Lincoln's impact fees are a fair amount to pay to bring water to the developer.

Stuart Long, 4412 NW 40th St., came forward to comment on City budget cuts and department fee increases as it relates to the impact fee rate freeze. He questioned why an increase is not imposed upon the home builders if there is a continued search for revenue.

Greg MacLean, Director of Public Works & Utilities, came forward in opposition to the proposed resolution as impact fees are used to determine bonding levels for long range financial planning for all the

utilities and road programs. He said freezing impact fees resulted in a \$65,000 reduction of projected revenues last year; this year will result in a \$178,000 reduction. He said without a revenue stream, capital projects are at risk which in turn affect jobs as well. In response to a question on identifying the breakdown of residential/commercial impact fee collection of \$5 million, Mr. MacLean said he would obtain those figures and provide them to Council.

This matter was taken under advisement.

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY;

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF PEDESTRIAN COUNTDOWN SIGNAL HEADS AT VARIOUS SIGNALIZED LOCATIONS - Chad Blahak, Public Works & Utilities Department, came forward to answer questions and show a graphic concept of the roundabout intersection project. He said the north 14th Street exit ramp to eastbound Cornhusker Highway was lacking sufficient site distance resulting in high volume rear-end crashes. In an effort to have more questions answered about the roundabout project only, Council suggested further public hearing be delayed to a future date.

Mike Morosin, 1500 N. 15th St., came forward as an everyday traveler of the project area and commented that he feels the roundabout is good but fears it may present safety problems or delays if the traffic count is high.

This matter was taken under advisement.

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

TOOK BREAK 4:04 P.M.

RECONVENED 4:16 P.M.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING MAIZUYEN NGUYEN TO THE MULTICULTURAL ADVISORY COMMITTEE FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 18, 2011 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85126 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Maizuyen Nguyen to the Multicultural Advisory Committee for a three-year term expiring September 18, 2011 is hereby approved.

Introduced by John Spatz

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

APPOINTING FRED HOKE TO THE AUDITORIUM ADVISORY BOARD FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2014 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85127 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Fred Hoke to the Auditorium Advisory Board for a six-year term expiring August 31, 2014 is hereby approved.

Introduced by John Spatz

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

REAPPOINTING THOMAS C. BALL TO THE AUDITORIUM ADVISORY BOARD FOR A SIX-YEAR TERM EXPIRING AUGUST 31, 2014 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85128 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Thomas C. Ball to the Auditorium Advisory Board for a six-year term expiring August 31, 2014 is hereby approved.

Introduced by John Spatz

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

REAPPOINTING KARLA COOPER, WENDY FRANCIS AND DICK NOBLE TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2011 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85129 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Karla Cooper, Wendy Francis and Dick Noble to the Lincoln Commission on Human Rights for three-year terms expiring December 31, 2011 is hereby approved.

Introduced by John Spatz

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

REAPPOINTING RAY STEVENS TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2011 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85130 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ray Stevens to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2011 is hereby approved.

Introduced by John Spatz

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

RESOLUTION ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE DOWNTOWN MAINTENANCE DISTRICT AND THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AS APPROVED BY THE BOARD OF EQUALIZATION ON MONDAY, NOVEMBER 10, 2008 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85131 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed November 10, 2008, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Ken Svoboda

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON NOVEMBER 5, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF OCTOBER, 2008 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, DECEMBER 8, 2008 AT 5:30 P.M. FOR THE APPLICATION OF LAN HUYNH DBA L & K LIQUOR FOR A CLASS D LIQUOR LICENSE LOCATED AT 335 N. 27TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-85132 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, December 8, 2008, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Lan Huynh dba L & K Liquor for a Class D liquor license located at 335 N. 27th 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 08054 - Req. of the Director of Planning to amend Section 27.67.030 of the Lincoln Municipal Code to limit parking in the front yard in the R-1 through R-4 zoning districts to one- and two-family dwellings; and repealing Section 27.67.030 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08055 - App. of Mark Hunzeker to amend Title 27 of the Lincoln Municipal Code to allow domestic shelters to be operated by for-profit entities in the H-2, H-3 and H-4 Commercial Districts by amending Section 27.03.213 to provide that domestic shelters comply with all applicable state licensure requirements; amending Sections 27.41.020, 27.43.020, and 27.45.020 to add domestic shelters as a permitted use in H-2, H-3, and H-4 Commercial Districts, respectively; and repealing Sections 27.03.213, 27.41.020, 27.43.020, and 27.45.020 of the Lincoln Municipal Code as hitherto existing.

Change of Zone No. 08056 - App. of Mark Hunzeker to amend Sections 27.27.020 and 27.67.040 of the Lincoln Municipal Code to allow domiciliary care facilities, elderly or retirement housing, and group homes as permitted uses in the O-3 Office Park District; amending Section 27.67.040 to provide that a parking stall with a minimum width of twelve feet shall be required at the rate of one space for every ten stalls required for elderly or retirement housing; and repealing Sections 27.27.020 and 27.67.040 of the Lincoln Municipal Code as hitherto existing.

Special Permit No. 08048 - App. of Darin Horst Efficient Design to allow parking in the front yard setback on property generally located at N. 70th Street and Kearney Street.

LIQUOR RESOLUTIONS

APPLICATION OF PHILIP KUTLO AND IRMA KUTLO DBA CASTLE DRIVE IN FOR A CLASS D LIQUOR LICENSE AT 6001 HAVELOCK AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85133 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 Philip Kutlo and Irma Kutlo dba Castle Drive In for a Class "D" liquor license at 6001 Havelock Avenue, Lincoln, Nebraska, for the license period ending April 30, 2009, 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

APPLICATION OF BLACK BEAR ENTERPRISES, LLC, DBA THE OFFICE GENTLEMEN'S CLUB FOR A CLASS I LIQUOR LICENSE AT 640 W. PROSPECTOR CT. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85134 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 Black Bear Enterprises, LLC, dba The Office Gentlemen's Club for a Class "I" liquor license at 640 W. Prospector Ct., Lincoln, Nebraska, for the license period ending April 30, 2009, 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF RICHARD H. GATISS FOR BLACK BEAR ENTERPRISES, LLC, DBA THE OFFICE GENTLEMEN'S CLUB AT 640 W. PROSPECTOR CT. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85135 WHEREAS, Black Bear Enterprises, LLC, dba The Office Gentlemen's Club located at 640 W. Prospector Ct., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Richard H. Gatiss be named manager;

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

APPLICATION OF MAC ACQUISITION, LLC, DBA ROMANO'S MACARONI GRILL FOR A CLASS C LIQUOR LICENSE AT 6800 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85136 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 Mac Acquisition, LLC, dba Romano's Macaroni Grill for a Class "C" liquor license at 6800 S. 27th Street, Lincoln, Nebraska, for the license period ending October 31, 2009, 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 Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

MANAGER APPLICATION OF SCOTT C. GWARTNEY FOR MAC ACQUISITION, LLC, DBA ROMANO'S MACARONI GRILL AT 6800 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85137 WHEREAS, Mac Acquisition, LLC, dba Romano's Macaroni Grill located at 6800 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Scott C. Gwartney be named manager;

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

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND GOODWILL INDUSTRIES FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A TERM OF TWO YEARS FROM JANUARY 1, 2009 TO DECEMBER 31, 2010 - CLERK read an ordinance, introduced by John Spatz, accepting and approving a Sublease Agreement between the City of Lincoln, Nebraska and Goodwill Industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of January 1, 2009 through December 31, 2010 whereby the City of Lincoln is subleasing space to Goodwill Industries, at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

APPROVING AND RATIFYING A LEASE AGREEMENT BETWEEN THE CITY AND LAMAR COMPANIES FOR ADVERTISING ON THE BILLBOARD GENERALLY LOCATED AT NORTH 27TH AND Y STREETS FROM OCTOBER 1, 2008 TO APRIL 1, 2009 - CLERK read an ordinance, introduced by John Spatz, ratifying and approving a Lease Agreement between the City of Lincoln and The Lamar Companies for the lease of billboard space for advertising at 27th and Y Streets, for a term commencing on October 1, 2008 and terminating on April 1, 2009, the second time.

PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF OCTOBER 16 - 31, 2008 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85138 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 3, 2008, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED/RESOLVED</u>
Mary L. Steiner	\$ 44.42	Elena & Heribeto
State Farm Insurance (Claim No. 27-E081-312)	1,188.68	Arteaga \$753.97
Robin Derr	900.00	Sondra Lothrop
Jesse Rabago	50.00	City repaired driveway
Michael J. Diekmann	175,000.00	Debra S. Roberts
		City repaired driveway

WITHDRAWN

Susan Chocholousek \$ 43,314.00
Laura Sheldon 500,000.00

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

APPROVING A CONTRACT BETWEEN THE CITY AND FUJI ELECTRIC INVOLVING THE EXPENDITURE OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR OZONE REPLACEMENT EQUIPMENT FOR LINCOLN WATER SYSTEM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85139 WHEREAS, the City of Lincoln desires to enter into an Agreement with Fuji Electric Corp. of America for ozone system replacement equipment for the Lincoln Water System; and

WHEREAS, said Agreement will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the Council.

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

That the Agreement in connection with Bid Spec. #08-249 between the City and Fuji Electric Corp. of America, Park 80 East, 2F, 160 Pehle Ave., Saddle Brook, NJ 07663 for the purchase of ozone system replacement equipment for use by the Lincoln Water System is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to return three fully executed copies of this Resolution and the Agreement to Jerry Obrist, Public Utilities Coordinator, for its records and one for transmittal to the parties.

Introduced by John Spatz

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY AND FRESH START TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$12,500.00 PER YEAR FOR ITS TRANSITIONAL HOUSING AND SUPPORTIVE SERVICES FOR WOMEN PROGRAMS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85140 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and Fresh Start to provide grant funds in the amount of \$12,500.00 per year for its transitional housing and supportive services for women programs, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Fresh Start, 2323 F Street, Lincoln, NE 68510, and a copy of said Contract to the Finance Department.

Introduced by John Spatz

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

APPROVING A TWO-YEAR GRANT CONTRACT BETWEEN THE CITY AND THE INDIAN CENTER TO PROVIDE GRANT FUNDS IN THE AMOUNT OF \$5,000.00 PER YEAR FOR ITS YOUTH PROGRAM - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85141 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached two-year Grant Contract between the City of Lincoln and the Indian Center to provide grant funds in the amount of \$5,000.00 per year for its Youth Program, upon the terms and conditions as set forth in said contract, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed original Contract to Indian Center, Inc., 1100 Military Road, Lincoln, NE 68508, and a copy of said Contract to the Finance Department.

Introduced by John Spatz

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

RE-ADOPTING THE WATER SYSTEM IMPACT FEE SCHEDULE, WATER DISTRIBUTION IMPACT FEE SCHEDULE, WASTEWATER IMPACT FEE SCHEDULE, ARTERIAL STREET IMPACT FEE SCHEDULE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULE WITHOUT ANY ADJUSTMENT FOR INFLATION FOR 2009 - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85142 WHEREAS, Lincoln Municipal Code Section 27.82.050 provides for the City Council to determine the amount of each required impact fee through the use of impact fee schedules; and

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

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

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

WHEREAS, on January 14, 2008, the City Council adopted Resolution No. A-84678 adopting the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007, for calendar year 2008 without any adjustment for inflation; and

WHEREAS, pursuant to Resolution No. A-84678 beginning on January 1, 2009 and on January 1 of each following year, unless and until the impact fee schedules are otherwise revised or replaced by the City Council, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs set forth in the Impact Fee Study; and

WHEREAS, the City Council has determined that the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 should be re-adopted for calendar year 2009 without any adjustment for inflation.

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

That the Water System Impact Fee Schedule, Water Distribution Impact Fee Schedule, Wastewater Impact Fee Schedule, Arterial Street Impact Fee Schedule, and Neighborhood Park and Trail Impact Fee Schedule beginning January 1, 2007 (Attachments A, B, C, D, and E respectively) established by Resolution No. A-81905 are hereby re-adopted for calendar year 2009.

BE IT FURTHER RESOLVED that on January 1, 2010 and on January 1 of each following year, unless and until said re-adopted impact fee schedules beginning January 1, 2007 are otherwise revised or replaced, each amount set forth in each schedule shall be adjusted to reflect the effects of inflation on those costs as set forth in the Impact Fee Study.

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

Introduced by John Spatz

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

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF A ROUNDABOUT AT THE INTERSECTION OF NORTH 14TH STREET AND CORNHUSKER HIGHWAY - PRIOR to reading:

SPATZ Moved to continue Public Hearing on Bill No. 08R-291 with Action on December 1, 2008.

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

APPROVING A SAFETY IMPROVEMENT PROJECT AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS SO THAT FEDERAL AND STATE FUNDING MAY BE USED FOR THE ENGINEERING AND CONSTRUCTION OF PEDESTRIAN COUNTDOWN SIGNAL HEADS AT VARIOUS SIGNALIZED LOCATIONS - CLERK read the following resolution, introduced by John Spatz, who moved its adoption:

A-85143 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. HSIP-5239(7), State CN-12927, City Project No. 701076, for the engineering and construction of pedestrian countdown signal heads at various signalized locations, in accordance with the terms and conditions contained in said Agreement, 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 return the executed copies of the Agreement to the Public Works and Utilities Department, for transmittal and execution by the State Department of Roads.

Introduced by John Spatz

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

ORDINANCE - 1ST READING & RELATED RESOLUTIONS (AS REQUIRED)

CHANGE OF ZONE 3134D - APPLICATION OF CASEYCO, INC. TO AMEND THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO EXPAND THE BOUNDARY BY APPROXIMATELY .41 ACRES AND TO ALLOW APPROXIMATELY 3,500 SQUARE FEET OF ADDITIONAL OFFICE FLOOR AREA, ON PROPERTY GENERALLY LOCATED AT PIONEERS BOULEVARD AND LUCILE DRIVE - CLERK read an ordinance, introduced by Ken Svoboda, amending the Development Plan for Willow Springs Planned Unit Development to include property generally located at Pioneers Boulevard and Lucile Drive, to expand the boundary of the PUD by approximately .41 of an acre, and increase the amount of office floor area by 3,500 square feet, the first time.

CHANGE OF ZONE 08053HP - APPLICATION OF ENGINEERING DESIGN CONSULTANTS ON BEHALF OF KEVIN D. AND CARLA J. PINNEO TO DESIGNATE THE FOSTER HOUSE AT 1021 D STREET AS A HISTORIC LANDMARK - PRIOR to reading:

MARVIN Moved to waive the rules for Bill No. 08-160 to have 2nd and 3rd Readings on December 1, 2008.

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

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 first time.

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

AMENDING CHAPTER 2.18 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE CITY'S PURCHASING DIVISION TO UPDATE DEPARTMENT EXPENDITURE AMOUNTS AND TO INCORPORATE THE CHANGES TO THE CITY CHARTER APPROVED BY THE VOTERS IN THE MAY 2008 ELECTION, BY AMENDING SECTION 2.18.020 TO INCREASE THE LEVEL OF REPAIR EXPENDITURES WHICH REQUIRE PURCHASE BY BIDDING, AND TO CONFORM LANGUAGE TO THE REVISED CHARTER PROVISIONS; AMENDING SECTION 2.18.030 TO INCREASE THE THRESHOLD OF EXPENDITURES WHICH REQUIRE BIDDING TO \$25,000, TO UPDATE DEPARTMENT EXPENDITURE AMOUNTS, TO UPDATE OBSOLETE LANGUAGE TO REFLECT ELECTRONIC BIDDING PROVISIONS, TO PROVIDE ADDITIONAL GROUNDS UNDER WHICH THE CITY COULD DISQUALIFY VENDORS FROM BIDDING, TO CREATE AN APPEAL PROCESS FOR DISQUALIFIED VENDORS, AND TO STREAMLINE PURCHASING PROVISIONS ALLOWING JOINT PURCHASING WITH OTHER UNITS OF GOVERNMENT; BY AMENDING SECTION 2.18.060 TO AUTHORIZE THE PURCHASING AGENT TO REQUIRE PRE-DELIVERY OR POST DELIVERY INSPECTIONS FOR PURCHASES, AND TO REQUIRE INSPECTIONS FOR ALL PURCHASES OVER \$100,000; AND REPEALING SECTIONS 2.18.020, 2.18.030, AND 2.18.060 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to reading:

CAMP Moved MTA #1 to Bill No. 08-154 in the following manner:
1. On page 7, lines 6 through 9, delete the overstriking and retain the original language of subparagraph (o).
Seconded by Spatz & **LOST** by the following vote: AYES: None; NAYS: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; ABSENT: Cook.

CAMP Moved to delay Action on Bill No. 08-154 to December 1, 2008.

ESCHLIMAN Passed the gavel to Vice Chair Emery.
Seconded by Eschliman & **LOST** by the following vote: AYES: Camp; NAYS: Emery, Eschliman, Marvin, Spatz, Svoboda; ABSENT: Cook.

EMERY Passed the gavel back to Chair Eschliman.

CLERK Read an ordinance, introduced by Dan Marvin, amending Chapter 2.18 of the Lincoln Municipal Code relating to the City's Purchasing Division to update department expenditure amounts and to incorporate the changes to the City Charter approved by the voters in the May 2008 election, by amending Section 2.18.020 to increase the level of repair expenditures which require purchase by bidding, and to conform language to the revised Charter provisions; amending Section 2.18.030 to increase the threshold of expenditures which require bidding to \$25,000, to update department expenditure amounts, to update obsolete language to reflect electronic bidding provisions, to provide additional grounds under which the City could disqualify vendors from bidding, to create an appeal process for disqualified vendors, and to streamline purchasing provisions allowing joint purchasing with other units of government; by amending Section 2.18.060 to authorize the Purchasing Agent to require pre-delivery or post delivery inspections for purchases, and to require inspections for all purchases over \$100,000; and repealing Sections 2.18.020, 2.18.030, and 2.18.060 of the Lincoln Municipal Code as hitherto existing, the third time.

MARVIN Moved to pass the ordinance as read.

Seconded by Emery & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19176**, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 08052 - APPLICATION OF VIEN C. LE FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS DISTRICT TO R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 45TH STREET AND W STREET - CLERK read an ordinance, introduced by Dan Marvin, amending the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

MARVIN Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
The ordinance, being numbered **#19177**, 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 December 1, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

UPCOMING RESOLUTIONS -

MARVIN Moved to delay introduction on Bill No. 08R-300 to December 1,
2008 with Public Hearing on December 8, 2008.
Seconded by Emery & carried by the following vote: AYES: Camp,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

CAMP Moved to approve the remainder of the resolutions to have Public
Hearing on December 1, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.

ADJOURNMENT 5:02 P.M.

CAMP Moved to adjourn the City Council meeting of November 17, 2008.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Cook.
So ordered.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant