

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 30, 2007 AT 5:30 P.M.

The Meeting was called to order at 5:30 p.m. Present: Council Chair Marvin; Council Members: Camp, Cook, Emery, Eschliman, Spatz, Svoboda; City Clerk, Joan E. Ross.

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

READING OF THE MINUTES

EMERY Having been appointed to read the minutes of the City Council proceedings of July 23, 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.

PUBLIC HEARING

MANAGER APPLICATION OF THOMAS E. MADSEN FOR MADSEN BOWLING & BILLIARD DBA MADSEN'S BOWLING & BILLIARD CENTER AT 1316 N. 47TH STREET - Thomas E. Madsen, 4011 W Street, took oath and came forward to answer questions. Discussion followed.

This matter was taken under advisement.

COMP. PLAN CONFORMANCE 07013 - DECLARING APPROXIMATELY 1.3 ACRES OF PROPERTY GENERALLY LOCATED AT S. 67TH STREET AND PIONEERS BLVD. AS SURPLUS.

(RELATED ITEMS: 07-111, 07-112, 07R-133);

CHANGE OF ZONE 07034 - APPLICATION OF ONE VISTA, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 1.3 ACRES GENERALLY LOCATED AT S. 67TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07-111, 07-112, 07R-133);

USE PERMIT 106B - APPLICATION OF ONE VISTA, LLC, TO AMEND USE PERMIT 106B TO ADD APPROXIMATELY 60,000 SQ. FT. OF ADDITIONAL FLOOR AREA WITH AN ADJUSTMENT TO THE REQUIRED PARKING AND THE FRONT YARD SETBACK ALONG PIONEERS BLVD., ON PROPERTY GENERALLY LOCATED AT 65TH AND PIONEERS BLVD. (RELATED ITEMS: 07-111, 07-112, 07R-133) - Lynn Johnson, Director of Parks and Recreation, came forward to show an aerial photo of Holmes Golf Course and the parcel of property in question. Discussion followed.

Sandra Maxwell, 900 Piedmont Rd, Director of Talent+, came forward to state the property will be used to build a lower profile building and for parking spaces. There will not be any more driveways on this property. Discussion followed.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Talent+ to point out the positives the company has provided, to promote the sale of the land, and to answer questions. Discussion followed.

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

Neal Stenberg, 2726 Katy Cr., came forward in opposition.

Dave Fitzgibbon, 4240 S. 59th St. Ct., came forward in opposition and to request a requirement of minimum landscaping should the land be sold. Discussion followed.

Alan Domina, 4200 S. 59th St., came forward in opposition. Discussion followed.

Mark Hunzeker, came forward for rebuttal. Discussion followed.

This matter was taken under advisement.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (PAGE);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU);

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED) - Doug Emery, Council Member, asked to have the M range explained.

Don Taute, Director of Personnel, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE, SICK LEAVE WITH PAY, TO CHANGE THE AMOUNT OF ACCUMULATED SICK LEAVE TO BE PAID UPON RETIREMENT, DEATH OR REDUCTION IN FORCE FOR AN EMPLOYEE WHOSE PAY RANGE IS PREFIXED BY THE LETTER N OR X FROM ONE-FOURTH TO ONE-THIRD - John Spatz, Council Member, asked if this was part of the collective bargaining agreement change based upon that?

Don Taute, Director of Personnel, stated it tracts what was negotiated with the Page bargaining group. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1989A - APPLICATION OF SID DILLON AUTOMOBILE DEALERSHIP TO MODIFY THE DESIGN STANDARDS FOR PARKING LOTS TO ALLOW 20 FT. CANDLE LIGHTING LEVELS IN THE DISPLAY AREAS ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & KENDRA LN. (2/12/07 - PLACED ON PENDING FOR P.H. & ACTION 5/7/07) (5/7/07 - P.H. CON'T. TO 7/23/07) (7/23/07 - CON'T. P.H W/ACTION ON 7/30/07) - Jonathan Cook, Council Member, asked if there was any feedback.

Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward representing Sid Dillon Automobile Dealership, stated he was okay with the amendment proposed by Planning Department.

Marvin Krout, Director of Planning Dept., stated Planning Dept. met with Mike Rierden, representing the Home Owners Association, and a member of the Association Board about their concerns with the lighting.

This matter was taken under advisement.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION. (7/23/07 - CON'T. P.H. W/ACTION ON 7/30/07 - Don Taute, Director of Personnel, introduced Joe Wright, Captain of the Lincoln Police Department, as president of the M Class Association.

Capt. Wright, came forward to give the Council a face with the name and to answer questions. Discussion followed.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND SALINE COUNTY FOR THE MUTUAL AND SEPARATE RESPONSIBILITIES OF EACH IN THE OPERATION, MANAGEMENT, SUPPORT, MONITORING, AND EVALUATION OF THE SALINE ELDERCARE PROGRAM AS SPECIFIED IN THE SALINE ELDERCARE SERVICE PLAN - Denise Boyd, Lincoln Area Aging Agency, came forward to answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND BKD, LLP FOR AUDITING SERVICES TO THE CITY OF LINCOLN FOR THE FISCAL YEARS ENDING AUGUST 31, 2007, 2008, 2009, AND 2010;

APPROVING AN AGREEMENT BETWEEN THE CITY AND BKD, LLP FOR AUDITING SERVICES FOR THE FISCAL YEARS ENDING AUGUST 31, 2007, 2008, 2009, AND 2010 FOR LINCOLN WATER AND WASTEWATER SYSTEMS - Don Herz, Finance Director, stated these audits are required by Article IV, Section 8 of the City Charter is separate and distinct from the audit board being considered that may contract for internal compliance and performance audits. This annual audit is also required by the bond ordinances for the various debt issues that the City makes.

This matter was taken under advisement.

APPROVING THE 2007-2008 MANAGEMENT AND MAINTENANCE BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2007 TO AUGUST 31, 2008 - Dallas McGee, Urban Development, read a letter for public record from Dave Landis, Director of Urban Development, in support of the Downtown Lincoln Association Program.

Polly McMullen of the Downtown Lincoln Association and Terry Uland, Executive Director of Neighborhood, Inc. were in attendance.

This matter was taken under advisement.

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

COUNCIL ACTION**LIQUOR RESOLUTIONS**

MANAGER APPLICATION OF THOMAS E. MADSEN FOR MADSEN BOWLING & BILLIARD DBA MADSEN'S BOWLING & BILLIARD CENTER AT 1316 N. 47TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84462 WHEREAS, Madsen Bowling & Billiard dba Madsen's Bowling & Billiard Center located at 1316 N. 47th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Thomas E. Madsen be named manager;

WHEREAS, Thomas E. 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 Thomas E. 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.

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

COMP. PLAN CONFORMANCE 07013 - DECLARING APPROXIMATELY 1.3 ACRES OF PROPERTY GENERALLY LOCATED AT S. 67TH STREET AND PIONEERS BLVD. AS SURPLUS. (RELATED ITEMS: 07-111, 07-112, 07R-133) - CLERK read an ordinance, introduced by Doug Emery, declaring the City-owned property generally located at South 67th Street and Pioneers Boulevard as surplus and authorizing the sale thereof, the second time.

CHANGE OF ZONE 07034 - APPLICATION OF ONE VISTA, LLC FOR A CHANGE OF ZONE FROM P PUBLIC USE DISTRICT TO O-3 OFFICE PARK DISTRICT ON APPROXIMATELY 1.3 ACRES GENERALLY LOCATED AT S. 67TH STREET AND PIONEERS BLVD. (RELATED ITEMS: 07-111, 07-112, 07R-133) - CLERK read an ordinance, introduced by Doug Emery, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

USE PERMIT 106B - APPLICATION OF ONE VISTA, LLC, TO AMEND USE PERMIT 106B TO ADD APPROXIMATELY 60,000 SQ. FT. OF ADDITIONAL FLOOR AREA WITH AN ADJUSTMENT TO THE REQUIRED PARKING AND THE FRONT YARD SETBACK ALONG PIONEERS BLVD., ON PROPERTY GENERALLY LOCATED AT 65TH AND PIONEERS BLVD. (RELATED ITEMS: 07-111, 07-112, 07R-133)

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER A AND C (LCEA) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letters "A", and "C"; and repealing Ordinance No. 18780, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER B (ATU) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges profeced by the letter "B"; and repealing Ordinance No. 18781, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER E (EXCLUDED) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "E"; and repealing Ordinance No. 18782, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER F (IAFF) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "F" and repealing Ordinance No. 18783, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER M (MANAGEMENT) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "M"; and repealing Ordinance No. 18784, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER N (PAGE) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "N"; and repealing Ordinance No. 18785, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER P (LPU) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P"; and repealing Ordinance No. 18786, passed by the City Council on August 14, 2006, the second time.

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER X (EXCLUDED) - CLERK read an ordinance, introduced by Doug Emery, adopting pay schedules and schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "X" and repealing Ordinance No. 18787, passed by the City Council on August 14, 2006, the second time.

AMENDING SECTION 2.76.380 OF THE LINCOLN MUNICIPAL CODE, SICK LEAVE WITH PAY, TO CHANGE THE AMOUNT OF ACCUMULATED SICK LEAVE TO BE PAID UPON RETIREMENT, DEATH OR REDUCTION IN FORCE FOR AN EMPLOYEE WHOSE PAY RANGE IS PREFIXED BY THE LETTER N OR X FROM ONE-FOURTH TO ONE-THIRD - CLERK read an ordinance, introduced by Doug Emery, amending Section 2.76.380 of the Lincoln Municipal Code relating to Sick Leave with Pay to revise the amount of accumulated sick leave to be paid upon retirement, death or reduction in force for an employee with a pay range prefixed by "N" or "X" from one-fourth to one-third; and repealing Section 2.76.380 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING RESOLUTIONS

SPECIAL PERMIT 1989A - APPLICATION OF SID DILLON AUTOMOBILE DEALERSHIP TO MODIFY THE DESIGN STANDARDS FOR PARKING LOTS TO ALLOW 20 FT. CANDLE LIGHTING LEVELS IN THE DISPLAY AREAS ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & KENDRA LN. (2/12/07 - PLACED ON PENDING FOR P.H. & ACTION 5/7/07) (5/7/07 - P.H. CON'T. TO 7/23/07) (7/23/07 - CON'T. P.H W/ACTION ON 7/30/07) - PRIOR to reading:

CAMP Moved to amend Bill No. 07R-36 on page 3, line 2, by deleting the number 12 and inserting in lieu thereof the number 20.

Seconded by Spatz & 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-84463 WHEREAS, Sid Dillon Inc. has submitted an application designated as Special Permit No. 1989A for authority to amend Special Permit 1989 for a change in the lighting plan for Sid Dillon Automobile Dealership to modify the requirement that all outside lighting shall meet the City Design Standards for parking lots on property generally located at S. 27th Street and Kendra Lane, and legally described as:

Lot 4, Block 1, Tamarin Ridge Addition located in the Northeast Quarter of Section 24, township 9 North, Range 6 East, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and approved the same with conditions; and

WHEREAS, Sid Dillon Inc. has filed a Notice of Appeal appealing the action of the Planning Commission approving Special Permit No. 1989A; and

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

WHEREAS, the City Council finds that the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this amended special permit 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; and

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

That the application of Sid Dillon Inc. hereinafter referred to as "Permittee", to amend Special Permit 1989 for a change in the lighting plan for Sid Dillon Automobile Dealership to modify the requirement that all outside lighting shall meet the City Design Standards for parking lots on property described above be and the same is hereby granted under the provisions of Section 27.63.470 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction of said lighting fixtures be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This amendment approves an amended lighting plan for the auto dealership on Lot 4, Block 1 as shown on the site plan.
2. This special permit is approved contingent on the following conditions:
 - a. The Permittee shall submit a revised site plan including five copies showing the following revisions to the Planning Department office for review and approval.
 - i. Revise Note #3 under Special Permit-Planned Service Commercial to read, "Parking lot lighting shall meet City of Lincoln Design Standards for parking lots. All outside lighting shall meet City of Lincoln Design Standards relative to light measurements at the zoned property line."
 - ii. Add a new note under Special Permit-Planned Service Commercial for display lot lighting levels in Lot 4, Block 1, to read, "After sunset and during business hours, display lot lighting levels shall not exceed an average foot candle measurement greater than ~~12~~ 20, and after business hours display lot lighting levels shall not exceed an average foot candle measurement greater than 4. The light fixtures for display lot lighting shall be modified to add full cut-off shielding. Any future replacement of the existing fixtures shall be a full cut-off design."
 - iii. Identify on the site plan the existing display lot area for Lot 4, Block 1.
 - iv. Outside lighting levels beyond the display lot area for Lot 4, Block 1, shall not exceed an average foot candle measurement greater than 4.
 - b. Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.
3. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
4. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
5. The applicant 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 applicant
6. 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.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN AND THE LINCOLN "M" CLASS EMPLOYEES ASSOCIATION. (7/23/07 - CON'T. P.H. W/ACTION ON 7/30/07) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84464 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached labor contract between the City of Lincoln and the Lincoln "M" Class Employees Association, to be effective August 23, 2007, is hereby approved, and the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

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

A-84465 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 July 16, 2007, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED OR SETTLED</u>
Rita Helms	NAS*	Ann Geary	\$2,045.00
Holly Gotts	NAS*	Karrie L. Lickliter	189.31
		Daniel Kohl & Michelle Story-Kohl	1,325.00
		Dusty Lord	932.96

*No Amount Specified

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

Introduced by Doug Emery

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND SALINE COUNTY FOR THE MUTUAL AND SEPARATE RESPONSIBILITIES OF EACH IN THE OPERATION, MANAGEMENT, SUPPORT, MONITORING, AND EVALUATION OF THE SALINE ELDERCARE PROGRAM AS SPECIFIED IN THE SALINE ELDERCARE SERVICE PLAN - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84466 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Saline County Eldercare Program Contract between the City of Lincoln Area Agency on Aging and Saline County for the mutual and separate responsibilities of each in the operation, management, support, monitoring, and evaluation of the Saline Eldercare Program as specified in the Saline Eldercare Service Plan, upon the terms and conditions as set forth in said Contract, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby accepted and approved and the Mayor is hereby authorized to execute said Saline County eldercare Program Contract on behalf of the City.

Introduced by Doug Emery

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND BKD, LLP FOR AUDITING SERVICES TO THE CITY OF LINCOLN FOR THE FISCAL YEARS ENDING AUGUST 31, 2007, 2008, 2009, AND 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84467 WHEREAS, the City Council is required by Article IV, Section 8 of the Charter of the City of Lincoln to contract with certified public accountants to make independent audits of all City funds and accounts in accordance with accepted auditing practices as of the end of the fiscal year; and

WHEREAS, BKD, L.L.P., Certified Public Accountants, are willing to provide such an audit of all City of Lincoln funds except Lincoln Electric System, Lincoln Water System, Lincoln Wastewater System, and Community Health Endowment for fiscal years ending August 31, 2007, 2008, 2009, and 2010.

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

That the attached Letter of Agreement, marked as Exhibit "A" and made a part hereof as though fully set forth verbatim between BKD, L.L.P., and the City of Lincoln, Nebraska, which provides for an audit of City of Lincoln funds except Lincoln Electric System, Lincoln Water System, Lincoln Wastewater System, and Community Health Endowment for the fiscal years ending August 31, 2007, 2008, 2009, and 2010, upon the terms and conditions contained therein is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign said Letter of Agreement on behalf of the City.

Introduced by Doug Emery

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND BKD, LLP FOR AUDITING SERVICES FOR THE FISCAL YEARS ENDING AUGUST 31, 2007, 2008, 2009, AND 2010 FOR LINCOLN WATER AND WASTEWATER SYSTEMS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84468 WHEREAS, the City Council is required by Article IV, Section 8 of the Charter of the City of Lincoln to contract with certified public accountants to make independent audits of all City funds and accounts in accordance with accepted auditing practices as of the end of the fiscal year; and

WHEREAS, BKD, Certified Public Accounts, are willing to provide such an audit of the Lincoln Water and Wastewater Systems for Fiscal Years ending August 31, 2007, 2008, 2009, and 2010.

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

That the attached agreement between BKD, Certified Public Accountants, and the City of Lincoln, Nebraska, which provides for an audit of the Lincoln Water and Wastewater Systems for the Fiscal Years ending August 31, 2007, 2008, 2009, and 2010, upon the terms and conditions contained therein is hereby accepted and approved.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign said agreement and amendment on behalf of the City.

Introduced by Doug Emery

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

APPROVING THE 2007-2008 MANAGEMENT AND MAINTENANCE BID BUDGETS AND PROGRAM OF WORK FOR THE DOWNTOWN LINCOLN ASSOCIATION PROGRAM FOR THE PERIOD OF SEPTEMBER 1, 2007 TO AUGUST 31, 2008 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84469 WHEREAS, the City of Lincoln has entered into a contract with the Downtown Lincoln Association for the provision of services within various downtown business improvement districts; and

WHEREAS, said contract requires the submittal of a work plan and annual budgets for work to be performed in the Downtown Management and Maintenance Districts by the Downtown Lincoln Association.

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

That the attached 2007-2008 Maintenance and Management BID Budgets and Program of Work for the Downtown Lincoln Association Program for the period of September 1, 2007 to August 31, 2008 which is attached hereto and marked as Attachment "A" 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.

PETITIONS & COMMUNICATIONS

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 07038: App. of Ron Biloff from R-4 Residential District to O-2 Suburban Office District, on property generally located at S. 47th Street and Lowell Avenue.

Change of Zone No. 07040HP: App. of the Historic Preservation Commission on behalf of the Havelock Business Association to designate the Havelock Avenue Landmark District generally described as the properties from 6024 Havelock Avenue to 6242 Havelock Avenue, and from 6033 Havelock Avenue to 6245 Havelock Avenue.

Special Permit No. 07026: App. of Opus X for a domiciliary care facility on property legally described as Lot 2, Block 1, Chez Ami Knolls 9th Addition.

Special Permit No. 07028: App. of Nebraska Family Council for a Non-Profit Religious Educational and Philanthropic Institution on property generally located at the northeast corner of S. 11th Street and E Street.

SETTING THE HEARING DATE OF MONDAY, AUGUST 13, 2007 AT 1:30 P.M. FOR THE APPLICATION OF BHUTANESE FOOD, INC. DBA THE OVEN EAST FOR A CLASS C LIQUOR LICENSE LOCATED AT 4104 PIONEER WOODS DRIVE #101 - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-84470 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, August 13, 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 the application of Bhutanese Food, Inc. dba The Oven East for a Class C liquor license located at 4104 Pioneer Woods Drive #101.

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

Introduced by Robin Eschliman

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

MISCELLANEOUS BUSINESS - NONE

REPORTS OF CITY OFFICERS

REAPPOINTING LIZABETH KUHLMAN TO THE INTERNATIONAL FIRE CODE BOARD OF APPEALS FOR A TERM EXPIRING DECEMBER 15, 2009. (REQUEST TO WITHDRAW) - PRIOR to reading:

COOK Moved to Withdraw Bill NO. 07R-138.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4557 & was placed on file in the Office of the City Clerk.

REAPPOINTING RONALD GEARY TO THE HEATING, VENTILATING & COOLING BOARD OF EXAMINERS FOR A TERM EXPIRING MARCH 15, 2009 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-84471 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ronald Geary to the Heating, Ventilating & Cooling Board of Examiners for a term expiring March 15, 2009, 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.

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JULY 16, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 30, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

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

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

APPROVING A LEASE AGREEMENT BETWEEN LINCOLN MEDICAL EDUCATION PARTNERSHIP AND THE CITY OF LINCOLN FOR A THREE-YEAR LEASE OF SPACE FOR THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT WIC PROGRAM AT 4500 VALLEY ROAD - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska and Lincoln Medical Education Partnership for a lease of 200 sq. ft. of space at 4600 Valley Road, Lincoln, Lancaster County, Nebraska, on behalf of the Lincoln-Lancaster County Health Department for its WIC Program for a term of three years, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #18964, 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 August 6, 2007.
Seconded by Cook & 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 August
6, 2007.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

ADJOURNMENT 7:37 P.M.

CAMP Moved to adjourn the City Council meeting of July 30, 2007.
Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

