

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, APRIL 22, 2013 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Eskridge; Council Members: Carroll, Cook, Emery, Hinkley, Schimek; City Clerk, Teresa J. Meier; Absent: Camp.

Council Chair Eskridge announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

CARROLL Having been appointed to read the minutes of the City Council proceedings of April 15, 2013 reported having done so, found same correct. Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

**PRESENTATION OF AWARD**

Professor Gordon Scholz came forward representing the Nebraska Planning & Zoning Association (NPZA), a non-profit, volunteer organization spanning statewide across Nebraska, fulfilling its major purpose to promote sound planning and zoning in all municipalities and counties in the state. Professor Scholz presented Council Member Eugene Carroll with the 2012 Elected Official Award for his work on the 21st & N Street mixed-use project involving a number of parties and a number of land uses. Nominators identified Eugene Carroll as providing inspiration, leadership and motivation to keep the project going.

Council Member Eugene Carroll came forward to graciously accept his award.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler came forward to state that each spring all of the monthly nominees and winners from the previous year are considered for the Annual Mayor's Award of Excellence. He said all nominations are reviewed by a committee which includes a representative from each union and a non-union representative appointed by the Mayor. Mayor Beutler asked committee members and 2012 monthly nominees & winners who were in attendance to stand and be recognized.

The 2012 Annual Honorable Mention Award of Excellence was presented to Linda Flaherty, Emergency Service Dispatcher II for the 911 Communications Division of the Police Department in the categories of Safety & Valor for her professional manner during an emergency call.

Linda Flaherty came forward to humbly accept her award.

Police Chief Jim Peschong came forward to praise Ms. Flaherty's work as dispatcher to provide good, factual information to first responders.

The 2012 Annual Award of Excellence was presented to Beau Wolfe, Public Information Specialist II, for the Citizen Information Center of the Mayor's Department in the categories of Public Relations & Productivity for his work on anti-bullying programs on government access channels, 5 City-TV and 10 Health.

Beau Wolfe came forward to express his appreciation for the award. He recognized his supervisors, Diane Gonzolas and Bill Luxford and a fellow employee, Melissa Fuller, for their support of and assistance with the anti-bullying programs.

Diane Gonzolas, Public Information Services Manager, came forward to praise Mr. Wolfe for his efforts to make a difference in the community.

In addition to the annual award, Mayor Beutler presented Beau Wolfe with the Mayor's Medallion for extraordinary service to the City.

**PUBLIC HEARING**

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16 - 31, 2013 (4/15/13 - ACTION DELAYED TO 4/22/13 ON CLAIM OF LINH BA NICOLAS NGUYEN) - Rod Confer, City Attorney, came forward to explain the reasoning for the request of public hearing out of order for this Council item. He said a translator for Mr. Nguyen was not in the Council Chambers last week but one is available for him today. Due to an earlier commitment causing the translator to depart early, Mr. Confer respectfully asked Council to move this item ahead in the Agenda.

Mai Nguyen, no relation to Mr. Nguyen, came forward as an approved translator for the District Court.

Linh Ba Nicolas Nguyen came forward to address his concerns. He requested compensation for his family, son, vehicle, American war and three guns.

Mr. Confer came forward to answer questions about Mr. Nguyen's criminal history and psychiatric care at the Regional Center in 2008. After being found incompetent to stand trial by a District judge, criminal charges were dismissed.

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Mr. Confer said that during eight-months of treatment at the Regional Center, Mr. Nguyen's vehicle was impounded; in 2009 it was sold. Mr. Nguyen submitted a tort claim in 2010 for the vehicle and property inside. The City paid that claim in 2010, Mr. Nguyen signed a release of all claims at that time and the disposition was approved by the City Council. Mr. Confer said as he understood, Mr. Nguyen's contention is that he was not treated properly by the District Court and is also making another claim for the car which the City already paid. Mr. Confer recommends denial of all claims due to the following: 1) the City Council does not have authority over the District Court of Lancaster County; 2) the claim for Mr. Nguyen's automobile was settled; and 3) the statute of limitations has expired.

Chair Eskridge requested the interpreter, Mai Nguyen, to translate a question to Mr. Nguyen about compensation for the guns. Since Mr. Nguyen recounted a lengthy story in broken English, Ms. Nguyen did not have an answer to translate and the allotted five minutes had come to an end.

Mr. Confer came forward to clarify questions for Council. He said the Council is bound by the provisions of the Nebraska Political Subdivisions Tort Claims Act which sets strict time limits. He restated that the City Council has no authority or jurisdiction to correct anything that may have been done by the District Court. Concerning the large part of the claim, Mr. Confer said there was no basis for finding that the City was negligent in any way and no legal basis for payment of the claim.

Council Member Cook and Council Chair Eskridge commented on Mr. Nguyen's request for help but clarified that the City Council has no authority over the judicial system.

This matter was taken under advisement.

APPLICATION OF WAL-MART STORES, INC. DBA WAL-MART STORE #2432 FOR A CLASS D LIQUOR LICENSE AT 2501 GRAINGER PARKWAY;

MANAGER APPLICATION OF ALAN A. MATULKA FOR WAL-MART STORES, INC. DBA WAL-MART STORE #2432 AT 2501 GRAINGER PARKWAY - Sean Kelley, 7134 Pacific St., Omaha, attorney on behalf of Wal-Mart Stores came forward to take oath and answer questions.

Alan Matulka, manager, was on hand for questions.

This matter was taken under advisement.

APPLICATION OF DOAN TRANG T. TRINH DBA HOUSE OF HUNAN FOR A CLASS I LIQUOR LICENSE AT 5601 SOUTH 56TH STREET - Doan Trang T. Trinh, owner of House of Hunan, came forward to take oath and answer questions.

Dunne Nguyen came forward to translate English for his wife. He reported to Council that his wife purchased the restaurant less than a year ago and has applied for the liquor license to be under her name.

This matter was taken under advisement.

APPLICATION OF CHATTERS LLC DBA RICH BAR & LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1640 O STREET, SUITE 3;

MANAGER APPLICATION OF LAWRENCE J. CHATTERS FOR CHATTERS LLC DBA RICH BAR & LOUNGE AT 1640 O STREET, SUITE 3 - Lawrence Chatters, 1540 S. 21st St., came forward to take oath and answer questions. He stated that this establishment will be his second business venture as he currently owns Main Street Café. He said this new business, formerly known as Smooth, will be more of an upscale bar & lounge and he plans to carry higher-end spirits and beers.

Council Chair Eskridge questioned the applicant about the previous owner. Mr. Chatters stated that Shane Harrington has no connection with Rich Bar & Lounge and will not be allowed to enter the establishment.

This matter was taken under advisement.

APPLICATION OF DEMPSEY'S LINCOLN INC. DBA DEMPSEY'S BURGER PUB FOR A CLASS C LIQUOR LICENSE AT 228 NORTH 12TH STREET;

MANAGER APPLICATION OF PAUL R. TUTTLE FOR DEMPSEY'S LINCOLN INC. DBA DEMPSEY'S BURGER PUB AT 228 NORTH 12TH STREET - Paul R. Tuttle, 228 N. 12th St., came forward to take oath and answer questions. He said that he plans to serve upscale, gourmet burgers in an Irish pub setting in the north half of the old Spaghetti Works building. Mr. Tuttle explained his criminal history as it related to a traffic accident more than ten years ago.

This matter was taken under advisement.

CREATING AND ORDERING CONSTRUCTED PAVING DISTRICT NO. 2632 GENERALLY IN THAT PORTION OF 1ST STREET LYING BETWEEN P AND Q STREETS AND Q STREET BETWEEN 1ST AND 2ND STREET - Holly Lionberger, Public Works & Utilities/Engineering Services, came forward to present the paving district. She said the area is currently a gravel roadway with ditches to take the storm water runoff. Construction would involve paving the roadway with installation of a storm sewer system at an estimated cost of \$688,000. The City has a paving subsidy of around \$97,000 and a storm sewer subsidy of around \$269,000 leaving a special assessment of approximately \$322,000 which would be assessed to the benefitted properties. Ms. Lionberger identified that Tract 3 is owned by the Peoples City Mission and Tracts 1, 2 and 4 are owned by other individuals. She said the cost per front foot is \$224. She clarified a general plan if and when the district is created to iron out local ponding issues.

Pastor Tom Barber, Peoples City Mission, 110 Q St., came forward in favor of the paving district. When they relocated in 1985, dirt roads did not seem to affect the 60 men who were staying at the Mission back then. Last year's numbers showed a growth of need by serving 32,578 people in the shelter and 16,000 who

came to the medical clinic. Half of the 350 people who spend the night are women and children. Pastor Barber compared the Mission to a small city with its volume of people coming and going on dirt roads.

Joel Sartore submitted his testimony by video tape to speak in favor of the paving district. He suggested that the citizens of Lincoln should pay the entire paving costs. Mr. Sartore feels that the Mission provides invaluable services to the entire community which, in turn, saves the City money.

Larry Keith, 100 West P St., came forward representing Ridgetop Executive Partners, owners of Tract 4, in opposition to the paving district. He said he understands the plight of Peoples City Mission but feels there are adequate sidewalks for pedestrians. Mr. Keith indicated one area as becoming a paved parking lot for the Mission only and he does not think that the City or private property owners should have to pay for that use. In response to Council questions, Mr. Keith said everyone in the area has water drainage issues.

Shirley Whitney, 100 W. P St., came forward representing her business, Shirley's Towing, Inc., to speak in opposition to the paving district. She believes it will have no benefit to surrounding property owners. Like all small businesses who have experienced hard economic times, Ms. Whitney said the added expense of a paving assessment may forced her to make difficult decisions.

Ms. Lionberger came forward to answer questions. She said that the estimated cost of assessment relating to Ms. Whitney's properties, identified as Tract 1 & 2, would be \$90,000. She said the paving assessment could be paid back over a period of 20 years with accumulated interest.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN TAX ALLOCATION BONDS FOR PUBLIC IMPROVEMENTS AND INFRASTRUCTURE IN THE GATEWAY SENIOR LIVING CENTER PROJECT - David Landis, Urban Development Department Director, came forward to state that in August 2012, the Council approved a redevelopment project at the Gateway Senior Living Center and construction is going on now. Bond money will be used for reimbursement of expenses. The total amount of Phase I is \$12.5 million -- the amount of this bond is \$1,625,000.

Lauren Wismer, Gilmore & Bell, Bond Counsel, came forward to answer questions about the authorization of the developer-purchased bonds.

Tom Huston, Cline Williams Law Firm, 233 S. 13th St., Suite 1900, came forward on behalf of Gateway Senior Living to answer questions. He said Phase I is scheduled to be completed in early fall.

Jay Harnish, Controller and CFO of Gateway Properties, was on hand for questioning.

This matter was taken under advisement.

APPROVING THE SELECTION OF CONSTRUCTORS INC. AS LOWEST BIDDER AND AUTHORIZING EXECUTION OF THE CONSTRUCTION CONTRACT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL TRANSPORTATION PROGRAM FUNDS FOR PROJECT NO. HSIP-5254(8), SUPERIOR STREET AND I-180 EAST RAMP SAFETY PROJECT - Craig Aldridge, Public Works & Utilities/Engineering Services, came forward to answer questions and to request approval of awarding the contract to Constructors, Inc. In response to Council questions about the project, Mr. Aldridge said they are planning on adding 20 feet of concrete pavement to the east side and regrading the ditch.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - SOUTH STREET BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - NORTH 27TH STREET BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - UNIVERSITY PLACE BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION - HAVELOCK BUSINESS IMPROVEMENT DISTRICT - CLERK presented said report which was placed on file in the Office of the City Clerk.

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, MAY 6, 2013, AT 3:00 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:  
13-57 CREATE & ORDER CONSTRUCTED A 6" WATER MAIN IN DUDLEY ST. FROM 50TH ST. TO 51ST ST., AND ASSESS THE COST THEREOF AGAINST THE BENEFITTED PROPERTIES.  
Approved, 6-0.

ANNUAL REPORT FOR THE YEAR 2012 PREPARED BY CITY LAW DEPARTMENT DATED APRIL, 2013  
- CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

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CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 8, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCE NOS. 19867 & 19868 PASSED BY THE CITY COUNCIL ON APRIL 15, 2013 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

**PETITIONS & COMMUNICATIONS**

SETTING THE HEARING DATE OF MONDAY, MAY 6, 2013 AT 3:00 P.M. FOR THE APPLICATION OF JSD, LLC DBA HUSKERVILLE PIZZA & PUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 2805 NW 49TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87297 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, May 6, 2013, at 3:00 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 JSD, LLC dba Huskerville Pizza & Pub for a Class C liquor license located at 2805 NW 49th Street.

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

Introduced by Jonathan Cook

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Amendment No. 13015 to Special Permit No. 674, Coddington Heights Community Unit Plan, approved by the Planning Director on April 10, 2013 requested by Sinda Dux to decrease the rear yard setback from 20 feet to 5 feet next to common open space on property located at 2301 SW 18th Street.

REFERRALS TO THE PLANNING DEPARTMENT:

Change of Zone No. 13005 - App. of BargnBarn to designate the Lincoln Air Force Base (LAFB) Remote Facility as a Historic Landmark on property generally located at NW 84th Street and West Adams Street (6901 West Adams Street).

Special Permit No. 13013 - App. of BargnBarn for historic preservation for use of a landmark property as a commercial business on property generally located at NW 84th Street and West Adams Street.

Change of Zone No. 13007 - App. of William and Marcia Thornton to designate the Conrad A. Schaaf House as a Historic Landmark on property generally located at South 18th Street and H Street (659 South 18th Street).

Special Permit No. 13015 - App. of William and Marcia Thornton for historic preservation for use of a landmark property as a neighborhood meeting facility on property generally located at South 18th Street and H Street (659 South 18th Street).

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF WAL-MART STORES, INC. DBA WAL-MART STORE #2432 FOR A CLASS D LIQUOR LICENSE AT 2501 GRAINGER PARKWAY - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87298 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 Wal-Mart Stores, Inc. dba Wal-Mart Store #2432 for a Class "D" liquor license at 2501 Grainger Parkway, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF ALAN A. MATULKA FOR WAL-MART STORES, INC. DBA WAL-MART STORE #2432 AT 2501 GRAINGER PARKWAY - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87299 WHEREAS, Wal-Mart Stores, Inc. dba Wal-Mart Store #2432 located at 2501 Grainger Parkway, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Alan A. Matulka be named manager;

WHEREAS, Alan A. Matulka 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 Alan A. Matulka 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

APPLICATION OF DOAN TRANG T. TRINH DBA HOUSE OF HUNAN FOR A CLASS I LIQUOR LICENSE AT 5601 SOUTH 56TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87300 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 Doan Trang T. Trinh dba House of Hunan for a Class "I" liquor license at 5601 South 56th Street, Lincoln, Nebraska, for the license period ending April 30, 2014, be approved with the condition that:

1. Applicant must successfully complete the responsible beverage server training course required by Section 5.04.035 of the Lincoln Municipal Code within 30 days of approval of this resolution.

2. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

3. The premises must comply 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

APPLICATION OF CHATTERS LLC DBA RICH BAR & LOUNGE FOR A CLASS C LIQUOR LICENSE AT 1640 O STREET, SUITE 3 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87301 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 Chatters LLC dba Rich Bar & Lounge for a Class "C" liquor license at 1640 O Street, Suite 3, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF LAWRENCE J. CHATTERS FOR CHATTERS LLC DBA RICH BAR & LOUNGE AT 1640 O STREET, SUITE 3 - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87302 WHEREAS, Chatters LLC dba Rich Bar & Lounge located at 1640 O Street, Suite 3, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Lawrence J. Chatters be named manager;

WHEREAS, Lawrence J. Chatters 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 Lawrence J. Chatters 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

APPLICATION OF DEMPSEY'S LINCOLN INC. DBA DEMPSEY'S BURGER PUB FOR A CLASS C LIQUOR LICENSE AT 228 NORTH 12TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87303 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 Dempsey's

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Lincoln Inc. dba Dempsey's Burger Pub for a Class "C" liquor license at 228 North 12th Street, Lincoln, Nebraska, for the license period ending October 31, 2013, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

MANAGER APPLICATION OF PAUL R. TUTTLE FOR DEMPSEY'S LINCOLN INC. DBA DEMPSEY'S BURGER PUB AT 228 NORTH 12TH STREET - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption for approval:

A-87304 WHEREAS, Dempsey's Lincoln Inc. dba Dempsey's Burger Pub located at 228 North 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Paul R. Tuttle be named manager;

WHEREAS, Paul R. Tuttle 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 Paul R. Tuttle 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 Eugene Carroll

Seconded by Hinkley & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

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

CREATING AND ORDERING CONSTRUCTED PAVING DISTRICT NO. 2632 GENERALLY IN THAT PORTION OF 1ST STREET LYING BETWEEN P AND Q STREETS AND Q STREET BETWEEN 1ST AND 2ND STREET - CLERK read an ordinance, introduced by Jon Camp, creating and ordering constructed Paving District No. 2632, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict therewith, the second time.

AUTHORIZING THE ISSUANCE OF CITY OF LINCOLN TAX ALLOCATION BONDS FOR PUBLIC IMPROVEMENTS AND INFRASTRUCTURE IN THE GATEWAY SENIOR LIVING CENTER PROJECT - CLERK read an ordinance, introduced by Jon Camp, authorizing and providing for the issuance of the City of Lincoln, Nebraska Tax Allocation Bonds, Notes or other Obligations, in one or more taxable or tax-exempt series, in an aggregate principal amount not to exceed \$1,625,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain improvements within the City's Gateway Senior Living Project - Phase I Area, including acquiring any real estate and/or interests in real estate in connection therewith, and (2) paying the costs of issuance thereof; prescribing the form and certain details of the bonds, notes or other obligations; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the bonds, notes or other obligations as the same become due; limiting payment of the bonds, notes or other obligations to such tax revenues; creating and establishing funds and accounts; delegating, authorizing and directing the Finance Director to exercise his independent discretion and judgment in determining and finalizing certain terms and provisions of the bonds, notes or other obligations not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing; and related matters, the second time.

**PUBLIC HEARING - RESOLUTIONS**

Approving the selection of Constructors Inc. as lowest bidder and authorizing execution of the construction contract between the City and the Nebraska Dept. of Roads for the use of Federal Transportation Program funds for Project No. HSIP-5254(8), Superior Street and I-180 East Ramp Safety Project - CLERK read the following resolution, introduced by Jon Camp.

COOK Moved its adoption:

A-87305 WHEREAS, the City of Lincoln adopted Resolution No. A-87272 on March 25, 2013 approving an Agreement for the use of Federal Transportation Program Funds for improvements to be constructed for the Superior Street and I-180 East Ramp Safety Project No. HSIP-5254(8); and

WHEREAS, the State and City received bids for the construction of the proposed work and selected Constructors Inc. as the low bidder to whom the contract should be awarded.

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

That the City concurs in the selection of the above mentioned contractor; that the City does not desire to perform the work with its own forces in lieu of performing the work by the contract method; and hereby authorizes the Mayor to execute the construction contract on behalf of the City.

The City Clerk is directed to return the executed copies of the Agreements to the Department of Public Works & Utilities, for transmittal and execution by the State Department of Roads.

Introduced by Jon Camp

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

#### ORDINANCE - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required)

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CHANGING THE PAY RANGE OF THE CLASSIFICATION OF "SYSTEMS SOFTWARE INTEGRATOR" - CLERK read an ordinance, introduced by DiAnna Schimek, amending Section 1 of Ordinance No. 19601 passed August 15, 2011, relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", by amending the pay range of the job classification Systems Software Integrator from (A15) to (A17), the third time.

SCHIMEK Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

The ordinance, being numbered #19871, is recorded in Ordinance Book #28, Page .

#### RESOLUTION - FOR ACTION ONLY

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MARCH 16 - 31, 2013 (4/15/13 - ACTION DELAYED TO 4/22/13 ON CLAIM OF LINH BA NICOLAS NGUYEN) - PRIOR to reading:

COOK Moved to suspend Council rules to move Item 24), Bill No. 13R-79C, prior to the Consent Agenda for Public Hearing and Action on this date.

Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-87306 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 April 1, 2013, 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:

##### DENIED CLAIMS

##### ALLOWED/SETTLED CLAIMS

Linh Ba Nicolas Nguyen NAS\*

\* 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 Jonathan Cook

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Emery, Eskridge, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

#### ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)

AMENDING TITLE 5 OF THE LINCOLN MUNICIPAL CODE RELATING TO LICENSES AND REGULATIONS BY ADDING A NEW CHAPTER 5.21, ENTERTAINMENT DISTRICTS, AND AMENDING CHAPTER 5.04, ALCOHOLIC LIQUOR, TO REGULATE THE SALE, SERVICE AND CONSUMPTION OF ALCOHOLIC LIQUOR IN COMMONS AREAS - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 5 of the Lincoln Municipal Code relating to Licenses and Regulations to regulate the sale, service and consumption of alcoholic liquor in commons areas by amending Section 5.04.020 to add definitions for "beer garden," "commons area," "Entertainment District," and "sidewalk café,"; amending Section 5.04.210 to provide for an occupation tax for an Entertainment District liquor license; adding a new Section numbered 5.04.295 to prohibit certain acts by Entertainment District liquor licensees, managers, and employees; amending Section 5.04.300 to increase penalty provisions; adding a new Chapter 5.21, Entertainment Districts, by adding Section 5.21.010 to set forth the legislative intent of this chapter; adding Section 5.21.020 to provide definitions for

"commons area," "Entertainment District Review Committee," "entertainment venue," "Internal Liquor Committee," and "promotional association"; adding Section 5.21.030 to provide the City Council the authority to designate an area as an Entertainment District and to authorize the City Clerk to issue a permit, and to provide permit terms; adding Section 5.21.040 to establish commons area design requirements; adding Section 5.21.050 to establish the application process for an Entertainment District designation and permit, and to establish associated fees; adding Section 5.21.060 to establish additional permit terms; adding Section 5.21.070 to establish a permit modification process; adding Section 5.21.080 to establish a renewal process for Entertainment District designations and permits; adding Section 5.21.090 to establish a process for logging complaints relating to Entertainment Districts; adding Section 5.21.100 to provide a severability and savings clause; and repealing Sections 5.04.020, 5.04.210 and 5.04.300 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 9 OF THE LINCOLN MUNICIPAL CODE RELATING TO PUBLIC PEACE AND WELFARE TO ADD A NEW CHAPTER 9.30 ENTITLED "DONATION BOXES" BY ADDING SECTION 9.30.010 TO SET FORTH DEFINITIONS USED IN THIS CHAPTER; ADDING SECTION 9.30.020 TO SET FORTH THE LEGISLATIVE INTENT OF THE COUNCIL; ADDING SECTION 9.30.030 TO PROHIBIT DONATION BOXES FOR OTHER THAN CHARITABLE PURPOSES; ADDING SECTION 9.30.040 TO PROVIDE FOR ISSUANCE OF DONATION BOX PERMITS; ADDING SECTION 9.30.050 TO PROVIDE FOR ENFORCEMENT OF THIS CHAPTER; ADDING SECTION 9.30.060 TO PROVIDE EXEMPTIONS FOR DONATION BOXES ON PROPERTY OWNED BY A CHARITABLE ORGANIZATION; AND ADDING SECTION 9.30.070 TO PROVIDE FOR SEVERABILITY OF THE PROVISIONS OF THIS CHAPTER - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 9 of the Lincoln Municipal Code relating to Public Peace and Welfare to add a new Chapter 9.30 entitled "Donation Boxes" by adding Section 9.30.010 to set forth definitions used in this chapter; adding Section 9.30.020 to set forth the Legislative Intent of the Council; adding Section 9.30.030 to prohibit Donation Boxes for other than charitable purposes; adding Section 9.30.040 to provide for issuance of Donation Box Permits; adding Section 9.30.050 to provide for enforcement of this chapter; adding Section 9.30.060 to provide exemptions for donation boxes on property owned by a charitable organization; and adding Section 9.30.070 to provide for severability of the provisions of this chapter, the first time.

**RESOLUTIONS - 1<sup>ST</sup> READING - ADVANCE NOTICE**

APPOINTING DR. NATHAN HAECKER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2016.

REAPPOINTING DR. KARLA K. LESTER AND DR. HEIDI STARK TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR TERMS EXPIRING APRIL 15, 2016.

REAPPOINTING RONALD GEARY TO THE HEATING, VENTILATING & COOLING EXAMINERS BOARD FOR A TERM EXPIRING APRIL 4, 2016.

REAPPOINTING BOB RIPLEY AND JOE TIDBALL TO THE PARKS & RECREATION ADVISORY BOARD FOR TERMS EXPIRING APRIL 27, 2016.

REAPPOINTING CLEOME MULLISON TO THE PARKS & RECREATION ADVISORY BOARD FOR A TERM EXPIRING JUNE 1, 2014.

APPOINTING ANNETTE MCROY TO THE BOARD OF ZONING APPEALS FOR A TERM EXPIRING FEBRUARY 1, 2018.

APPOINTING DAVE JOHNSON TO THE BUILDING CODE BOARD OF APPEALS FOR A TERM EXPIRING APRIL 1, 2016.

REAPPOINTING CRAIG GIES TO THE BUILDING CODE BOARD OF APPEALS FOR A TERM EXPIRING APRIL 1, 2016.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 1-15, 2013.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF LINCOLN AND LANCASTER COUNTY SCHOOL DISTRICT 001 TO PROVIDE FOR MAINTENANCE AND OTHER OBLIGATIONS FOR HERITAGE SCHOOL LOCATED NEAR THE NATURE CENTER IN PIONEERS PARK.

APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE NEBRASKA DEPT. OF ROADS FOR THE USE OF FEDERAL HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS FOR THE SUPERIOR STREET AND I-180 EAST RAMP SAFETY PROJECT (PROJECT NO. HSIP-5254(8); CITY PROJECT NO. 702620).

**MISCELLANEOUS BUSINESS - NONE**

OPEN MICROPHONE - NONE

ADJOURNMENT 4:17 P.M.

COOK Moved to adjourn the City Council meeting of April 22, 2013.  
Seconded by Schimek & carried by the following vote: AYES: Carroll, Cook,  
Eskridge, Emery, Hinkley, Schimek; NAYS: None; ABSENT: Camp.

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Teresa J. Meier, City Clerk

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Sandy L. Dubas, Office Specialist

REGULAR MEETING  
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