

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 13, 2006 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of February 6, 2006, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng came forward to present the Mayor's Award of Excellence for the month of January to Randy Heiser of StarTran in the category of Loss Prevention and Valor.

Karl Fredrickson, Director of Public Works, thanked Mr. Heiser for his quick thinking that resulted in the safety of the passengers and saved the City the expense of a new bus.

Larry Worth, Transit Manager for StarTran, came forward to thank Mr. Heiser for his good work.

This matter was taken under advisement.

**PRESENTATION BY LINCOLN POLICE CHIEF TOM CASADY
2006 JUSTICE ASSISTANCE GRANT**

Chief Tom Casady came forward to state the grant in the amount of \$181,119 will be used to support expenses of the Narcotics Unit which consists of 15 Lincoln Police Officers, 1 civilian, 2 Sheriff Officers, 1 University of Nebraska Officer and 3 Deputy County Attorneys.

This matter was taken under advisement.

PUBLIC HEARING

APPLICATION OF D.L. COLE, INC. DBA THE ISLES RECEPTION HALL FOR A CLASS I LIQUOR LICENSE AT 6224 HAVELOCK AVE. - David Cole, owner of The Isle, took the oath and came forward to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF JOY JANICE BUETTGENBACH FOR D.L. COLE, INC. DBA THE ISLES RECEPTION HALL AT 6224 HAVELOCK AVE. - Joy Buettgenbach, manager of The Isle, took the oath and came forward to answer questions.

This matter was taken under advisement.

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK AND TRUST COMPANY IN AN AMOUNT NOT TO EXCEED \$3,100,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - Don Herz, Finance Director, stated this agreement involves a lease purchase over a 10 year period.

Scott Keene, Ameritas Investment Corporation, stated the certificates will be rated by just Moody's because this issue is small enough that it doesn't justify the additional expense of having Standard & Poors rate them as well. A rating is expected within two weeks and will plan for a competitive sale in three to four weeks. Discussion followed.

Bob Van Valkenburg, 7921 Reno Road, suggested the City look at the merits of buying and not renting. Discussion followed.

This matter was taken under advisement.

VACATION NO. 05009 - VACATING A PORTION OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY 6TH AND 7TH, C AND D STREETS - Danny Walker, 427 "E" Street, came forward in support.

Diane White, representing the American Historical Society of Germans from Russia, came forward to state they requested this vacation to put up a fence.

This matter was taken under advisement.

APPROVING BIG JOHN'S AT 399 SUN VALLEY BLVD. AS A KENO SATELLITE SITE - John Hewitt, representing Big Red Keno, came forward to answer questions.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 "E" Street, came forward to request an emergency shelter be provided in the South Salt Creek Neighborhood.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF D.L. COLE, INC. DBA THE ISLES RECEPTION HALL FOR A CLASS I LIQUOR LICENSE AT 6224 HAVELOCK AVE. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83734 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 D.L. Cole, Inc. dba The Isles Reception Hall for a Class "I" liquor license at 6224 Havelock Avenue, Lincoln, Nebraska, for the license period ending April 30, 2006, 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 Dan Marvin

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

MANAGER APPLICATION OF JOY JANICE BUETTGENBACH FOR D.L. COLE, INC. DBA THE ISLES RECEPTION HALL AT 6224 HAVELOCK AVE. - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption for approval:

A-83735 WHEREAS, D.L. Cole, Inc. dba The Isles Reception Hall located at 6224 Havelock Avenue, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Joy Janice Buettgenbach be named manager;

WHEREAS, Joy Janice Buettgenbach 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 Joy Janice Buettgenbach 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 Dan Marvin

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

ORDINANCES - 2ND READING

AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE-PURCHASE AGREEMENT WITH UNION BANK AND TRUST COMPANY IN AN AMOUNT NOT TO EXCEED \$3,100,000 FOR THE ACQUISITION BY THE CITY OF STREET LIGHTING EQUIPMENT - CLERK read an ordinance, introduced by Jonathan Cook, authorizing and approving a lease-purchase agreement among the City, Union Bank & Trust Company, as lessor, and Union Bank & Trust Company, as registrar and paying agent, with respect to the purchase and installation of street light poles and related equipment; approving the issuance, sale and delivery by the lessor of not to exceed \$3,100,000 aggregate principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the second time.

CREATING AND CONSTRUCTING AN 8-INCH SANITARY SEWER MAIN SERVING THE NORTHEAST CORNER OF S. 84TH STREET AND OLD CHENEY ROAD AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - PRIOR to reading:

COOK Moved to have 2nd Reading and Public Hearing delayed to 2/27/06.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, creating Sewer District. No. 1181, designating the real estate 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 herewith.

VACATION NO. 05009 - VACATING A PORTION OF THE NORTH/SOUTH ALLEY IN THE BLOCK BOUNDED BY 6TH AND 7TH, C AND D STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of the north/south alley in the block bounded by 6th and 7th, C and D Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JANUARY 16 - 31, 2006 - CLERK read the following resolution, introduced by Jonathan Cook, moved its adoption:

A-83736 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 February 1, 2006, 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>
Eric Kowalski	\$ 200.00	Zane Schulte \$500.00
Robert Gregerson	2,429.13	Julie Manes 383.31
Marvin Gothier	148.84	Laura Romohr 200.00
John Andreini	2,344.92	daVinci's 99.00
Jolean Brooks	NAS*	
Robert W. Bruhn	100.00	

* 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

APPROVING BIG JOHN'S AT 399 SUN VALLEY BLVD. AS A KENO SATELLITE SITE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83737 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Big John's, 399 Sun Valley Blvd., Lincoln, NE 68528.

The City Clerk is directed to return an executed copy of this Resolution to Luckie's Lounge, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Jonathan Cook

Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Marvin, McRoy, Newman, Svoboda; NAYS: Eschliman.

APPROVING THE HARVEST PROJECT CONTRACT BETWEEN THE LINCOLN AREA AGENCY ON AGING AND LANCASTER COUNTY ON BEHALF OF COMMUNITY MENTAL HEALTH CENTER FOR A ONE-YEAR PERIOD TO PROVIDE MENTAL HEALTH, SUBSTANCE ABUSE, AND AGING SERVICES TO ELDERLY RESIDENTS OF LANCASTER COUNTY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83738 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Harvest Project Contract LAAA/LIFE between the Lincoln Area Agency on Aging and Lancaster County on behalf of Community Mental Health Center to assist in obtaining specialized professional services and staff to provide mental health, substance abuse, and aging services to elderly residents of Lancaster County, 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 Harvest Project Contract on behalf of the City.

Introduced by Jonathan Cook

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

PETITIONS AND COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 27, 2006, AT 5:30 P.M. ON THE FOLLOWING APPLICATIONS OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORES FOR RETAIL CLASS B LIQUOR LICENSES AT THE FOLLOWING LOCATIONS: 1) STORE #2720, 1001 SOUTH 13TH STREET; 2) STORE #2723, 1140 NORTH 48TH; 3) STORE #2724, 3003 NORTH 70TH STREET; 4) STORE #2729, 5500 SUPERIOR STREET; 5) STORE #2745, 2243 NORTH COTNER BOULEVARD; 6) #2706, 3000 CORNHUSKER HWY. - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83739 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., February 27, 2006 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for Application of Casey's Retail Company dba Casey's General Stores for Retail Class B liquor licenses at the following locations: 1) Store #2720, 1001 South 13th Street; 2) Store #2723, 1140 North 48th Street; 3) Store #2724, 3003 North 70th Street; 4) Store #2729, 5500 Superior Street; 5) Store #2745, 2243 North Cotner Boulevard; 6) #2706, 3000 Cornhusker Hwy.

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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MARCH 6, 2006 FOR THE APP. OF JO MAR, INC. DBA THE STILL FOR A CK LIQUOR LICENSE LOCATED AT 6820 S. 70TH STREET - CLERK read the following resolution, introduced by Robin Eschliman, who moved its adoption:

A-83740 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., March 6, 2006 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for Application of JO MAR, Inc. dba The Still for a CK liquor license located at 6820 S. 70th Street.

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 Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON FEBRUARY 6, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REAPPOINTING GENE CARROLL TO THE BOARD OF ZONING APPEALS FOR A FIVE-YEAR TERM EXPIRING FEBRUARY 1, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83741 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Gene Carroll to the Board of Zoning Appeals for a five-year term expiring February 1, 2011 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING TIM FRANCIS TO THE BOARD OF ZONING APPEALS FOR A FIVE-YEAR TERM EXPIRING FEBRUARY 1, 2011 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83742 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tim Francis to the Board of Zoning Appeals for a five-year term expiring February 1, 2011 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING JEFF STEFFENSMEIER TO THE KENO ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83743 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jeff Staffensmeier to the Keno Advisory Board to fill an unexpired term expiring July 1, 2007 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING WAYNE REYNOLDS TO THE KENO ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-83744 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Wayne Reynolds to the Keno Advisory Board to fill an unexpired term expiring July 1, 2007 is hereby approved.

Introduced by Jonathan Cook

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

ORDINANCES - 1ST READING

CHANGE OF ZONE 05075 - APPLICATION OF MDB, INC. FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL DISTRICT TO O-2 SUBURBAN OFFICE DISTRICT ON PROPERTY GENERALLY LOCATED AT 42ND AND VINE STREETS - CLERK read an ordinance, introduced by Robin Eschliman, 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 first time.

REPEALING CHAPTER 14.44 OF THE LINCOLN MUNICIPAL CODE RELATING TO OBSTRUCTIONS ON CORNER LOTS AS THE REQUIREMENTS SET FORTH IN CHAPTER 14.44 WOULD BE MORE APPROPRIATELY ADDRESSED IN THE CITY OF LINCOLN DESIGN STANDARDS - CLERK read an ordinance, introduced by Robin Eschliman, repealing Chapter 14.44 of the Lincoln Municipal Code relating to Obstructions on Corner Lots as the requirements set forth in Chapter 14.44 would be more appropriately addressed in the City of Lincoln Design Standards, the first time.

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY ADDING A NEW SECTION NUMBERED 9.16.250 TO PROVIDE RESIDENCY RESTRICTIONS FOR SEX OFFENDERS - PRIOR to reading:

CAMP Moved to place Bill No. 06-17 on Pending Indefinitely.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, amending Chapter 9.16 of the Lincoln Municipal Code relating to Offenses Against Public Decency by adding a new section numbered 9.16.250 to provide residency restrictions for sex offenders, the first time.

AMENDING CHAPTER 9.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO OFFENSES AGAINST PUBLIC DECENCY BY ADDING A NEW SECTION NUMBERED 9.16.260 TO PROVIDE LOITERING RESTRICTIONS FOR SEX OFFENDERS - PRIOR to reading:

CAMP Moved to place Bill No. 06-18 on Pending Indefinitely.
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Robin Eschliman, amending Chapter 9.16 of the Lincoln Municipal Code relating to Offenses Against Public Decency by adding a new section numbered 9.16.260 to provide loitering restrictions for sex offenders, the first time.

ORDINANCES - 3RD READING & RESOLUTIONS FOR ACTION

AMENDING CHAPTER 8.22 OF THE LINCOLN MUNICIPAL CODE RELATING TO LITTERING BY ADDING A NEW SECTION NUMBERED 8.22.175 TO PROVIDE THAT PERSONS OR BUSINESSES ADVERTISING THROUGH MATERIALS DISTRIBUTED IN A MANNER IN VIOLATION OF CHAPTER 8.22 SHALL BE EQUALLY LIABLE ALONG WITH THE PERSON DISTRIBUTING SUCH MATERIALS AND PROVIDING A REBUTTABLE PRESUMPTION THAT ANY PERSON OR BUSINESS ADVERTISED IN THE POSTING SHALL BE GUILTY OF VIOLATING THE SECTION; BY AMENDING SECTION 8.22.210, RELATING TO PENALTIES FOR VIOLATIONS, TO INCREASE THE MAXIMUM FINE FOR VIOLATIONS OF CHAPTER 8.22 FROM \$100.00 TO \$500.00 - PRIOR to reading:

CAMP Moved to place Bill No. 06-11 on Pending Indefinitely and to have Public Hearing when removed from Pending.
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance, introduced by Jon A. Camp, amending Chapter 8.22 of the Lincoln Municipal Code relating to Littering by adding a new section numbered 8.22.175 to provide that persons or businesses advertising through materials distributed in a manner in violation of Chapter 8.22 shall be equally liable along with the person distributing such materials and providing a rebuttable presumption that any person or business advertised in the posting shall be guilty of violating the section; by amending Section 8.22.210, relating to penalties for violations, to increase the maximum fine for violations of Chapter 8.22 from \$100.00 to \$500.00; and repealing Section 8.22.210 of the Lincoln Municipal Code as hitherto existing, the third time.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to February 27, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
February 27, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 2:12 P.M.

CAMP Moved to adjourn the City Council meeting of February 13, 2006.
Seconded by Marvin & carried by the following vote: AYES: Camp,
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Senior Office Assistant

REGULAR MEETING
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