

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JANUARY 8, 2007 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of December 18, 2006, reported having done so, found same correct.

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

**MAYOR'S AWARD OF EXCELLENCE**

MAYOR SENG'S AWARD OF EXCELLENCE FOR THE MONTH OF DECEMBER 2006 WAS PRESENTED TO TEAM MEMBERS NATHAN FLOOD AND STEVEN WIESE, POLICE OFFICER INVESTIGATORS FROM THE POLICE DEPARTMENT IN THE CATEGORY OF PRODUCTIVITY - TEAM.

**PUBLIC HEARING**

APPLICATION OF ILEANA JOLLY & KENNETH FARLEY DBA FLASHBACK FOR A CLASS C LIQUOR LICENSE AT 311 N. 8TH STREET, SUITE 1 - Ileana Jolly, 916 S. 32<sup>nd</sup> St., came forward to take oath and answer questions.

Kenneth Farley, 916 S. 32<sup>nd</sup> St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF ALLEY INC. DBA THE ALLEY TO EXPAND ITS PRESENTLY LICENSED PREMISES BY AN AREA MEASURING APPROXIMATELY 44 FEET BY 25 FEET TO THE NORTH AND AN ADDITION TO THE BEER GARDEN OF AN "L" SHAPED AREA MEASURING APPROXIMATELY ~~20~~ 40 FEET BY 41 FEET TO THE NORTH AT 1031 M STREET - Kandi Hallet, 1031 M St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF MORAN'S LIQUOR WORKS, LLC DBA MORAN'S LIQUOR WORKS FOR A CLASS D LIQUOR LICENSE AT 3400 A STREET;

MANAGER APPLICATION OF KIRK BAHM FOR MORAN'S LIQUOR WORKS, LLC DBA MORAN'S LIQUOR WORKS AT 3400 A STREET - Kirk Bahm, 1814 Morningside Dr., came forward to take oath and answer questions. Discussion followed.

Tom Casady, Chief of Police, came forward to take oath and answer Council questions concerning criminal history backgrounds on Mr. Bahm's sons who are shareholders in the business. Discussion followed.

This matter was taken under advisement.

APPROVING A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FRONTIER HARLEY DAVIDSON INC. FOR SIX POLICE MOTORCYCLES - Tom Casady, Chief of Police, came forward to answer questions, stating that leasing is more economical, they use less fuel than cruisers, have a high resale value and will replace existing motorcycles. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 04086 - APPLICATION OF SCMH, LLC FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND CUMBERLAND DRIVE - Tim Gergen, Olsson Associates, came forward representing the applicant, to answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 06079 - AMENDING SECTION 27.65.075 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT TO REVISE THE REQUIREMENT FOR THE FUTURE DEVELOPMENT PLAN FOR THE ACREAGE DEVELOPMENT COMPONENT - Mike Eckert, Civil Design Group, to explain the text amendment and answer questions. Discussion followed.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06072 - APPLICATION OF REZAC-PICKERING-WILLIAMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S.W. 27TH STREET AND W. DENTON ROAD - Mike Eckert, Civil Design Group, came forward representing the applicant, to explain the zone change and to answer questions. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 06078 - APPLICATION OF ENTERPRISE COMPANY, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 46TH STREET AND Q STREET - Marvin Krout, Director of Planning, came forward to answer questions. Discussion followed.

This matter was taken under advisement.

ORDERING JOINT PAVING, RE-PAVING, ORNAMENTAL LIGHTING, SIDEWALK, AND STREET TREE DISTRICT NO. 1 CONSTRUCTED IN NORTH 50TH STREET BETWEEN O STREET TO APPROXIMATELY 800 FEET NORTH - Darl Naumann, Economic Development Coordinator, came forward stating that due to cost factors, landowners did not submit petitions for the special assessment district to complete 50<sup>th</sup> Street. Discussion followed.

Karl Fredrickson, Director of Public Works & Utilities, came forward stating that a right-of-way acquisition needs to be ordered since deadlines have passed. He stated that the street construction budget would have to pick up the cost of the project.

Council Member Camp questioned if land owner Abrams, LLC had signed a petition.

City Clerk responded that a formal petition had been submitted in support of the assessment and sent to Public Works.

Council Member Camp stated that he wanted it on the record that Abrams, LLC was in support.

Bill Blake, 1045 Lincoln Mall, attorney representing his client The Summit Group and McCombs Realty, came forward stating his clients were never approached and asked if they approved the paving of 50<sup>th</sup> Street. Discussion followed.

This matter was taken under advisement.

MISC. 06017 - DECLARING THE VAN DORN REDEVELOPMENT AREA AS BLIGHTED AND SUBSTANDARD GENERALLY ALONG 10TH STREET FROM HILL STREET TO SOUTH OF CALVERT STREET - Wynn Hjermsted, Urban Development, came forward to explain the blight study and redevelopment plan. Discussion followed.

Tim Keelan, Hanna Keelan Associates, 3275 Holdrege St., came forward to discuss the blight study. Discussion followed.

Mike Tavlin, B & J Partnership, 340 Victory Lane, came forward to answer Council questions. Discussion followed.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

APPLICATION OF ILEANA JOLLY & KENNETH FARLEY DBA FLASHBACK FOR A CLASS C LIQUOR LICENSE AT 311 N. 8TH STREET, SUITE 1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:  
A-84168 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 Ileana Jolly and Kenneth Farley dba Flashback for a Class "C" liquor license at 311 N. 8th Street, Suite 1, Lincoln, Nebraska, for the license period ending October 31, 2007, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF ALLEY INC. DBA THE ALLEY TO EXPAND ITS PRESENTLY LICENSED PREMISES BY AN AREA MEASURING APPROXIMATELY 44 FEET BY 25 FEET TO THE NORTH AND AN ADDITION TO THE BEER GARDEN OF AN "L" SHAPED AREA MEASURING APPROXIMATELY ~~20~~ 40 FEET BY 41 FEET TO THE NORTH AT 1031 M STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-84169 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 Alley Inc. dba The Alley to expand its licensed premises by the addition of an area measuring 44 feet by 25 feet to the north and an addition to the beer garden of an "L" shaped area measuring approximately 40 feet by 41 feet to the north of the presently licensed premises located at 1031 M Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF MORAN'S LIQUOR WORKS, LLC DBA MORAN'S LIQUOR WORKS FOR A CLASS D LIQUOR LICENSE AT 3400 A STREET - PRIOR to reading:

CAMP Moved for denial of the application.

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

The resolution, having **LOST**, was assigned the File #38-4542 & was placed on file in the Office of the City Clerk.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-84170 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 Moran's Liquor Works, LLC dba Moran's Liquor Works for a Class "D" liquor license at 3400 A Street, Lincoln, Nebraska, for the license period ending April 30, 2007, 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 Annette McRoy

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

MANAGER APPLICATION OF KIRK BAHM FOR MORAN'S LIQUOR WORKS, LLC DBA MORAN'S LIQUOR WORKS AT 3400 A STREET - PRIOR to reading:

CAMP Moved for denial of the application.

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

The resolution, having **LOST**, was assigned the File #38-4543 & was placed on file in the Office of the City Clerk.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-84171 WHEREAS, Moran's Liquor Works, LLC, dba Moran's Liquor Works at 3400 A Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Kirk Bahm be named manager;

WHEREAS, Kirk Bahm 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 Kirk Bahm 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 Annette McRoy

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

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

APPROVING A TWO-YEAR LEASE AGREEMENT BETWEEN THE CITY AND FRONTIER HARLEY DAVIDSON INC. FOR SIX POLICE MOTORCYCLES - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a lease agreement between the City of Lincoln, Nebraska and Frontier Harley Davidson Leasing for six Harley Davidson police motorcycles for use by the Police Department, the second time.

CHANGE OF ZONE 04086 - APPLICATION OF SCMH, LLC FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND CUMBERLAND DRIVE - CLERK read an ordinance, introduced by amending the Lincoln Zoning District Maps attached to and made a part 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.

CHANGE OF ZONE 06079 - AMENDING SECTION 27.65.075 OF THE LINCOLN MUNICIPAL CODE RELATING TO COMMUNITY UNIT PLAN IN THE BTA OVERLAY DISTRICT TO REVISE THE REQUIREMENT FOR THE FUTURE DEVELOPMENT PLAN FOR THE ACREAGE DEVELOPMENT COMPONENT - CLERK read an ordinance, introduced by Jon Camp, amending Section 27.65.075 of the Lincoln Municipal Code relating to Form of Community Unit Plan in the BTA Overlay District to waive the conversion plan (ghost plat) for the Acreage Development Component of the Community Unit Plan if the average lot size is less than one-half acre and the total coverage area of the Acreage Development Component is reduced by 20%; and repealing Section 27.65.075 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 06072 - APPLICATION OF REZAC-PICKERING-WILLIAMS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO AGR AGRICULTURAL RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S.W. 27TH STREET AND W. DENTON ROAD - CLERK read an ordinance, introduced by Jon Camp, 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.

CHANGE OF ZONE 06078 - APPLICATION OF ENTERPRISE COMPANY, INC. FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL DISTRICT TO B-1 LOCAL BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT N. 46TH STREET AND Q STREET - CLERK read an ordinance, introduced by Jon Camp, 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.

VACATING THE FAIRWAY PARK ADDITION PLAT GENERALLY LOCATED AT N. 27TH STREET AND THERESA STREET - CLERK read an ordinance, introduced by Jon Camp, vacating Fairway Park Addition which created three lots and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska.

**RESOLUTIONS**

ORDERING JOINT PAVING, RE-PAVING, ORNAMENTAL LIGHTING, SIDEWALK, AND STREET TREE DISTRICT NO. 1 CONSTRUCTED IN NORTH 50TH STREET BETWEEN O STREET TO APPROXIMATELY 800 FEET NORTH. (12/18/06 - PUBLIC HEARING & ACTION CON'T. TO 1/8/07) - PRIOR to reading:

COOK Moved to withdraw Bill No. 06R-239.  
Seconded by Camp & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The resolution, having been **WITHDRAWN**, was assigned the File #38-4544 & was  
placed on file in the Office of the City Clerk.

MISC. 06017 - DECLARING THE VAN DORN REDEVELOPMENT AREA AS BLIGHTED AND  
SUBSTANDARD GENERALLY ALONG 10TH STREET FROM HILL STREET TO SOUTH OF  
CALVERT STREET - CLERK read the following resolution, introduced by Jon  
Camp, who moved its adoption:

A-84172 WHEREAS, it is desirable and in the public interest that the City  
of Lincoln, Nebraska, a municipal corporation and a city of the primary  
class, undertake and carry out urban redevelopment projects in areas of  
the City which are determined to be substandard and blighted and in need  
of redevelopment; and

WHEREAS, Chapter 18, Article 21, Nebraska Reissue Revised Statutes  
of 1943, as amended, known as the Community Development Law, is the  
urban renewal and redevelopment law for the State of Nebraska and  
prescribes the requirements and procedures for the planning and  
implementation of urban redevelopment projects; and

WHEREAS, the City in accordance with its Home Rule Charter and the  
laws of the State of Nebraska applicable to cities of the primary class  
has duly prepared and approved a general plan for the development of the  
City known as its Comprehensive Plan, all as required by Section 18-  
2110, R.R.S. 1943; and

WHEREAS, this Council has received and duly considered evidence  
relating to the present condition of the Van Dorn Redevelopment Area, as  
shown and described on Attachment "A" (entitled Van Dorn Redevelopment  
Area, Lincoln, Nebraska - Blight and Substandard Determination Study);  
and

WHEREAS, this Council has received and duly considered other  
evidence, including evidence relating to the scope and limitations of  
the nearby redevelopment plans in the area, and the inability of the  
other plans to effectively remedy the substandard and blighted  
conditions;

WHEREAS, Article 8, Section 12 of the Constitution of the State of  
Nebraska requires that said area must be found to be both substandard  
and blighted in order for tax increment financing to be used in said  
area; and

WHEREAS, Section 18-2109, R.R.S. 1943, as amended, requires that  
prior to the preparation by the City of an urban redevelopment plan for  
a redevelopment project for the Van Dorn Redevelopment Area, this  
Council as governing body of the City, by resolution, after review and  
recommendation from the Lincoln City Lancaster County Planning  
Commission, find and determine that said area is both a substandard and  
blighted area as defined in said Community Development Law, and in need  
of redevelopment; and

WHEREAS, on November 22, 2006, notice of public hearing was  
mailed, postage prepaid, to the president or chairperson of the  
governing body of each county, school district, community college,  
educational service unit, and natural resource district in which the  
real property subject to such plan is located and whose property tax  
receipts would be directly affected and to all registered neighborhood  
associations located in whole or in part within one mile radius of the  
area to be redeveloped setting forth the time, date, place, and purpose,  
of the public hearing to be held on December 6, 2006, before the Lincoln  
City - Lancaster County Planning Commission regarding the proposed  
determination that the Van Dorn Redevelopment Area be declared a  
blighted and substandard area as defined in the Nebraska Community  
Development Law, a copy of said notice and list of said registered  
neighborhood associations having been attached hereto as Attachment "B"  
and "C" respectively; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission on  
December 6, 2006 recommended that the Van Dorn Redevelopment Area be  
found to be both a substandard and blighted area as defined in said  
Community Development Law and the evidence demonstrates that said Van  
Dorn Redevelopment Area as shown and described on Attachment "A"  
constitutes both a substandard and blighted area as defined in said  
Community Development Law, which area is in need of redevelopment.

WHEREAS, on December 13, 2006 a notice of public hearing was  
mailed, postage prepaid, to the foregoing governing bodies and  
registered neighborhood associations setting forth the time, date,  
place, and purpose of the public hearing before the City Council to be  
held on January 8, 2006 regarding the proposed determination that the

Van Dorn Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on December 22, 2006 and December 29, 2006 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on January 8, 2007 regarding the proposed determination that the Van Dorn Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on January 8, 2007 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed determination that the Van Dorn Redevelopment Area be declared a blighted and substandard area as defined in the Nebraska Community Development Law and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed determination.

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

1. That it is hereby found and determined that the Van Dorn Redevelopment Area as shown and described on Attachment "A", constitutes both a substandard and blighted area as defined by subsections (10) and (11), respectively, of Section 18-2103, R.R.S. 1943, as amended, and that said area is in need of redevelopment.

2. That it is hereby found and determined that substandard and blighted conditions exist as set forth and discussed in Attachment "A" (entitled Van Dorn Redevelopment Area, Lincoln, Nebraska - Blight and Substandard Determination Study) attached hereto and incorporated herein as though fully set forth verbatim.

3. That such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That it is hereby found and determined that said area is an eligible site for urban redevelopment projects under the provision of Chapter 18, Article 21, Nebraska Revised Statutes of 1943, as amended.

BE IT FURTHER RESOLVED that the Department of Urban Development as the duly designated community development agency for the City of Lincoln is hereby authorized and directed to immediately proceed with the preparation of a new redevelopment plan and associated projects for the Van Dorn Redevelopment Area, which plan shall be prepared in accordance with the requirements and procedures of said Chapter 18, Article 21, for ultimate review and consideration by this Council.

Introduced by Jon Camp

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

#### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JANUARY 22, 2007 AT 1:30 P.M. FOR THE APPLICATION OF DJ SALIA INVESTMENT PROPERTIES, LLC DBA DJ'S FOR A CLASS IK LIQUOR LICENSE AT 901 OAK STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84173 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 22, 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 DJ Salia Investment Properties, LLC dba DJ's for a Class IK liquor license located at 901 Oak 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 22, 2007 AT 1:30 P.M. FOR THE APPLICATION OF KWIK SHOP, INC. DBA KWIK SHOP #642 FOR A CLASS D AT 3939 A STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84174 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 22, 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 Kwik Shop, Inc. dba Kwik Shop #642 for a Class D liquor license located at 3939 A 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 22, 2007 AT 1:30 P.M. FOR THE APPLICATION OF KWIK SHOP, INC. DBA KWIK SHOP #681 FOR A CLASS D AT 4400 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84175 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 22, 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 Kwik Shop, Inc. dba Kwik Shop #681 for a Class D liquor license located at 4400 O 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 22, 2007 AT 1:30 P.M. FOR THE APPLICATION OF KWIK SHOP, INC. DBA KWIK SHOP #641 FOR A CLASS D AT 2811 N. 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84176 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 22, 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 Kwik Shop, Inc. dba Kwik Shop #641 for a Class D liquor license located at 2811 N. 48th 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JANUARY 22, 2007 AT 1:30 P.M. FOR THE APPLICATION OF NEBRASKA DINING HOLDING, LLC DBA NOODLES & COMPANY #7102 FOR A CLASS I LIQUOR LICENSE AT 2801 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84177 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 22, 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 Nebraska Dining Holding, LLC dba Noodles & Company #7102 for a Class I liquor license located at 2801 Pine Lake Road.

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 29, 2007 AT 5:30 P.M. FOR THE APPLICATION OF MORE ENTERPRISES, INC. DBA EL CHAPARRO FOR A CLASS C LIQUOR LICENSE AT 1501 CENTER PARK ROAD, SUITE 200 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84178 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 29, 2007, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of More Enterprises, Inc. dba El Chaparro for a Class C liquor license located at 1501 Center Park Road, Suite 200.

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 29, 2007 AT 5:30 P.M. FOR THE APPLICATION OF PRECIADO BROS., INC. DBA EL RANCHO AUTHENTIC MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE AT 2700 O STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-84179 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, January 29, 2007, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the application of Preciado Bros., Inc. dba El Rancho Authentic Mexican Restaurant for a Class I liquor license located at 2700 O 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 Marvin & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 06082 - App. of E-S-P, Inc. requesting a change of zone from AGR Agricultural District to R-3 Residential District on property generally located at SW 40th Street and West A Street.

Special Permit No. 06070 - App. of E-S-P, Inc., Apple Hill Community Unit Plan, for approx. 11 dwelling units with requests to adjust yard setbacks on property generally located at S. 48th Street and Apple Hill Lane.

Change of Zone No. 06083 - App. of Steven L. & Kim R. Harms and Charles M. Jr. & Marylinn I. Jetton requesting a change from AG Agricultural District to I-1 Industrial District on property generally located at N. 84th Street and Highway 6.

Change of Zone No. 06084 - App. of the Director of Planning for a proposed text amendment to Title 27 of the Lincoln Municipal Code to create a special permit for kennels to be allowed in the H-4 and I-1 Zoning Districts.

#### MISCELLANEOUS REFERRALS

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF OCTOBER, 2006: TWC INFO SERVICES OF NE, USCOC OF GREATER IOWA, INC., AT&T COMM. OF MIDWEST, NEW CINGULAR WIRELESS PCS, CRICKET COMMUNICATIONS, INC., NEBR. TECHNOLOGY & TELECOMM., INC., WORKING ASSETS FUNDING SERVICE, INC., MCLEOD USA, TELE. SYSTEMS CORP OF MARYLAND, TELECORP COMM., LLC, VIRGIN MOBILE USA, VOICECOM, QUANTUM SHIFT COMM., GUARANTEED PHONE SERVICE, NORSTAN NETWORK SERVICES, INC., CIMCO COMM., TELEPLUS WIRELESS CORP, NETWORK BILLING SYSTEMS, LLC, BUSINESS PROD. SOLUTIONS, INC., GLOBAL CROSSING BANDWIDTH, INC., BROADBAND DYNAMICS, ONSTAR CORP, USCOC OF NEBRASKA/KANSAS, LLC, VERIZON-BELL ATLANTIC, VERIZON SELECT SERVICES, ONSTAR CORP, PRIMUS TELECOMM., QWEST COMM., UCN, INC., GLOBAL CROSSING TELECOMM., TRANSNATIONAL COMM., BKNB, BROADWING COMM., CINCINNATI BELL, TRACFONE WIRELESS, KDDI AMERICA, ANDIAMO TELECOM, INTELLICALL OPERATOR SERVICES, EARTHLINK, ADVANCED TEL, INC., XO COMMUNICATIONS SERVICES, IBM GLOBAL SERVICES; NOVEMBER 2006: NEXTEL, ALLTEL, WWC LICENSE, LLC, D&D COMM., SPRINT SPECTRUM, SPRINT COMM. CO. LP, WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM NEBRASKA, TWC INFO SERVICES, MCI WORLDCOM, ACCERIS, SBC LONG DISTANCE, NORSTAN

NETWORK SERVICES, INC., BT AMERICAS, NEXTEL WEST, ENHANCED COMM. NETWORK, ZONE TELECOM, TRI-M COMM., 360NETWORKS, LIGHTYEAR, LDMI, GTC TELECOM, GLOBALCOM, ACCERIS COMM. CORP, COVISTA, ATS MOBILE TELEPHONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF NOVEMBER, 2006 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF DECEMBER 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

#### REPORTS OF CITY OFFICERS

REAPPOINTING GERARD R. FINNEGAN, JR. TO THE POLICE & FIRE PENSION PLAN INVESTMENT BOARD FOR A THREE-YEAR TERM EXPIRING SEPTEMBER 1, 2009  
A-84180 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Gerard R. Finnegan, Jr. to the Police & Fire Pension Plan Investment Board for a three-year term expiring September 1, 2009 is hereby approved.

Introduced by Jon Camp

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

APPOINTING W. CECIL STEWARD TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM EXPIRING JANUARY 9, 2009

A-84181 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of W. Cecil Steward to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2009 is hereby approved.

Introduced by Jon Camp

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED NOVEMBER 30, 2006

A-84182 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended November 30, 2006, \$594,336.37 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS NOVEMBER 30, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

AUDIT REPORTS OF LINCOLN WATER AND WASTEWATER SYSTEMS FOR FISCAL YEAR ENDED AUGUST 31, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71A)

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON DECEMBER 11, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON DECEMBER 18, 2006 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ORDINANCES - 1<sup>ST</sup> READING & RELATED RESOLUTIONS

APPROVING AN AGREEMENT FOR TOWER SPACE AND APPURTENANCES AND A MEMORANDUM OF AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS FOR THE PLACEMENT OF TELECOMMUNICATIONS FACILITIES UPON CITY PROPERTY AT 5500 W. SUPERIOR STREET - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the License Agreement between the City of Lincoln, Nebraska, a municipal corporation, and New Cingular Wireless PCS, LLC dba Cingular for the placement of telecommunications facilities upon City property located in 5500 W. Superior Street and authorizing the Mayor to sign such license Agreement on behalf of the City, the first time.

VACATION NO. 03021 - VACATING A PORTION OF SOUTH 87TH STREET AND RE-DEDICATING IT AS A PRIVATE ROADWAY GENERALLY LOCATED BETWEEN ANDERMATT DRIVE AND HIGHWAY 2 AT PRAIRIE LAKES SHOPPING CENTER - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of S. 87<sup>th</sup> Street and re-dedicating it as a private roadway, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION NO. 06008 - VACATING RUDOLPH STREET FROM THE EAST RIGHT-OF-WAY OF N. 15TH STREET TO THE WEST RIGHT-OF-WAY OF N. 16TH STREET. (RELATED ITEMS: 07-3, 07R-19) - CLERK read an ordinance, introduced by Jonathan Cook, vacating Rudolph Street from the east right-of-way line of North 15<sup>th</sup> Street to the west right-of-way line of North 16<sup>th</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING A CONSERVATION EASEMENT AGREEMENT BETWEEN THE JOINT ANTELOPE VALLEY AUTHORITY AND THE CITY OF LINCOLN OVER APPROXIMATELY .14 ACRES IN RUDOLPH STREET FROM N. 15TH STREET TO N. 16TH STREET, TO PRESERVE THE FLOOD STORAGE CAPACITY ON THE PROPERTY. (RELATED ITEMS: 07-3, 07R-19) (ACTION DATE: 1/29/07)

CHANGE OF ZONE 06081 - APPLICATION OF B&J PARTNERSHIP FOR A CHANGE OF ZONE FROM R-6 AND R-7 RESIDENTIAL DISTRICT TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF SOUTH 18TH STREET AND L STREET - CLERK read an ordinance, introduced by Jonathan Cook, 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.

DECLARING APPROXIMATELY 25 ACRES GENERALLY LOCATED WEST OF N.W. 48TH STREET AND SOUTH OF THE FUTURE WEST CUMING STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jonathan Cook, declaring the City-owned property generally located at west of N.W. 48<sup>th</sup> Street and south of the future West Cuming Street as surplus and authorizing the sale thereof, the first time.

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

APPROVING A TRANSFER OF APPROPRIATIONS AND CASH (WHERE APPROPRIATE) BETWEEN PROJECTS WITHIN SEVERAL FUNDS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT AND TO DESIGNATE STREET PROJECTS FOR HIGHWAY ALLOCATION FUNDS FOR FISCAL YEAR 2006 - 2007 - PRIOR to reading:

MARVIN Moved to split the question to Bill No. 06-209 into Parts A & B.

MARVIN Moved Part A of Bill No. 06-209 which includes all projects except the following:

On page 1, line 14, Project 902269 - West Denton Rd., Folsom to Amaranth Sts.

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

CLERK Read an ordinance split as Part A, introduced by Ken Svoboda, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds and within the Water Construction Fund within the Public Works & Utilities Department, the third time.

MARVIN Moved Part B of Bill No. 06-209 by amending in the following manner:  
On page 1, line 14, Project 902269 - West Denton Rd., Folsom to Amaranth Sts. remove project and place on pending, no date certain.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CLERK Read an ordinance split as Part B, introduced by Ken Svoboda, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds and within the Water Construction Fund within the Public Works & Utilities Department, the third time.  
The ordinance Part A, being numbered #18863, is recorded in Ordinance Bk #25, Page

STREET NAME CHANGE 06006 - RENAMING CAPITOL PARKWAY WEST RUNNING WEST FROM 9<sup>TH</sup> STREET TO CODDINGTON AVENUE AS "ROSA PARKS WAY" - PRIOR to reading:

CAMP Moved to amend Bill No. 06-210 by adding a new section as follows:  
Section 4. That no other street names shall be changed until the City of Lincoln has formally adopted a policy governing future street name changes. Said policy shall include, but not be limited to:  
a. relevancy of the proposed name(s) to Lincoln,  
b. naming versus commemorating a street,  
c. categories prioritizing names, e.g. entry ways, arterials, and residential streets,  
d. effect of renaming on residences and businesses along the street,  
e. reimbursement for costs incurred to physically change signage,  
f. reimbursement of City of Lincoln administrative time and expense,  
g. process to consider of alternative names for the same street, and  
h. opportunity to raise revenues for the City's general fund.  
i. preference to use new, unnamed streets rather than re-name existing streets.  
j. economic development ramifications - is this a requirement of a company creating jobs.

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

CLERK Read an ordinance, introduced by Ken Svoboda, changing the name of Capitol Parkway West to Rosa Parks Way located between 9<sup>th</sup> Street and Coddington Avenue, as recommended by the Street Name Committee, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, being numbered #18864, is recorded in Ordinance Book #25, Page

**REGISTERED TO SPEAK SESSION - NONE**

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING DATE CERTAIN -**

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY COFFEE EMERGENCY LLC TO CONSTRUCT A CHIMNEY ALONG THE NORTH SIDE OF THE BUILDING AT 2723 N. 48TH STREET. (12/11/06 - PUBLIC HEARING & ACTION CON'T. TO 1/8/07) (APPLICANT HAS WITHDRAWN THIS REQUEST) - PRIOR to reading:

SVOBODA Moved to withdraw Bill No. 06R-230.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4545 & was placed on file in the Office of the City Clerk.

PENDING -

CAMP Moved to extend the Pending List to January 22, 2007.  
Seconded by Svoboda and carried by the following vote: AYES: Camp,  
Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None; ABSENT: Cook.

UPCOMING RESOLUTIONS -

APPROVING A TWO-YEAR CONTRACT BETWEEN THE NEBRASKA DEPARTMENT OF HEALTH AND  
HUMAN SERVICES FINANCE AND SUPPORT SYSTEM AND THE LINCOLN-LANCASTER  
COUNTY HEALTH DEPARTMENT FOR THE MEDICAID ACCESS TO CARE PROGRAM.

SVOBODA Moved to delay Introduction on Bill No. 07R-9 for two weeks to  
January 22, 2007.  
Seconded by Camp & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

CAMP Moved to approve the remaining resolutions to have Public Hearing  
on January 22, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.

ADJOURNMENT 4:22 P.M.

CAMP Moved to adjourn the City Council meeting of January 8, 2007.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Eschliman, Marvin, McRoy, Newman, Svoboda; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant