

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 11, 2009 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

EMERY Having been appointed to read the minutes of the City Council proceedings of May 4, 2009 reported having done so, found same correct. Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**MAYOR'S AWARD OF EXCELLENCE**

Mayor Chris Beutler presented the Award of Excellence for the Month of April 2009 to 10-year veteran, Steven Wiese, of the Lincoln Police Department in the Technical Investigations Unit in the Category of Productivity. Mayor Beutler said Mr. Wiese's recent investigation of a check forgery & fraud case involving more than \$25,000 in losses to local businesses resulted in the arrest of three suspects in a counterfeit ring. Further investigation led to a search warrant of a home involving the dispatch of the SWAT Team, K-9 Officers, narcotics officers, Northeast Team & the Technical Investigations Unit, all in a coordinated effort to produce evidence of narcotics, stolen property, handguns, forgery & counterfeit check-manufacturing-support documents, false identifications and credit cards. He said because of Steve's exhaustive work on this complicated case, those career criminals remain in jail today awaiting trial on numerous felony charges.

Steven Wiese came forward to graciously accept the award.

Police Chief Tom Casady came forward to congratulate Mr. Wiese for his work in the technical investigations unit and the small group's commitment to solve financial crimes, internet fraud, white-collar crime, forgeries, counterfeiting & credit card offenses affecting huge dollar losses in the community and its subsequent damage to the economy.

**PUBLIC HEARING**

APPLICATION OF JOSE LUIS MENESES DBA LIQUOR EL PAISA FOR A CLASS D LIQUOR LICENSE AT 100 NORTH 1ST STREET, SUITE 6 - Jose Luis Meneses, 540 Michelle Dr., Crete, NE, came forward to take oath and answer questions. He said his store lease is contingent upon approval of his liquor license. Mr. Meneses said his business experience is limited to helping at his grandfather's vineyard in Mexico on summer vacation.

Pastor Tom Barber, Executive Director of the People's City Mission, 110 Q St., came forward to take oath and express opposition to granting the liquor license on humanitarian grounds as well as economic grounds. He said the establishment's close proximity may contribute to alcohol abuse which occurs in about 60% of the men the Mission serves. While a convenience store nearby may sell beer, he said individuals suffering from alcohol addition are more greatly affected by the consumption of hard liquor. Pastor Tom said negative constraints will be placed on the Mission's financial resources, the City's police force and detox services at Cornhusker Place. In answer to Council questions regarding boundaries, he said a liquor establishment should not be any closer than 1/4 to 1/2 mile to the Mission. While Pastor Tom stated he is pro-business and the proposed liquor store may be a good business venture, he feels the social cost could be huge.

Phil Tegeler, Executive Director of Cornhusker Place, 721 K St., came forward to take oath and express opposition to the application because of its close proximity to the People's City Mission. He said survey data reported the most-often identified specific reason for homelessness in Lincoln was addiction/substance abuse issues. He said the many homeless individuals who are addicted and seeking shelter at the Mission are at a critical time in determining how they will respond to the physiological need to continue using. He said, often, the Mission's every available resource is directed toward intervention and the guidance into treatment as an alternative choice. Mr. Tegeler urged Council to vote against this application due to its location and stated there are many other retail outlets in the city to obtain alcohol.

Vi See, Lincoln Action Program Executive Director, 210 O Street, came forward to take oath and express opposition and share concerns. She stated their human service agency which provides 15,000 points of service to individuals & family members in the community is only 100 yards east of the proposed location of the retail outlet. She said concerns relate to the following facts: 1) their agency already spends staff time/resources in breaking up alcohol-related parties utilizing the help of community resources and the proximity of the store location will increase this service; 2) their agency calls upon families, volunteers & staff members who approach their building for services, volunteering and work related to alcohol/partying. In response to Council questions relating to close proximity, Ms. See said the biggest concern is their green space which may attract comfortable consumption of alcohol; therefore, she prefers a distance of 1/2 mile.

Police Chief Tom Casady came forward to testify in a neutral capacity. In a positive aspect, he stated the applicant is a good, young man with an entrepreneurial spirit and clean record trying to get into business locating on a major arterial street. On the negative side he expressed concerns of its close proximity to the People's City Mission which follows a code of no alcohol on its premises. He suggested that a business should engage in management practices designed to prevent people who are addicts from buying alcohol. In response to Council questions about liquor applications, Chief Casady said on a moral level an applicant pays attention to what the Council advises. He said whatever recommendation is sent to the Liquor Control Commission, he suggested including a list of conditions to take into account.

Police Investigator Russ Fosler came forward to answer questions about packaged liquor clarifying that the nearest hard liquor sales are about two or three blocks further to the west.

Clerk Joan Ross responded to Council Member Cook's question about the time line on this liquor license application and stated that action must be enacted today as the deadline is May 15, 2009.

Marvin Krout, Director of Planning, came forward to answer questions about the special permit which was approved about one month ago. He said everyone within the perimeter of 200 feet of the property were notified of this application and that zoning-notice signs were also in place. He explained that a special permit can be revoked if the business is in operation but results in disturbances or criminal behavior activities. In response to Council questions he clarified zoning restriction distances in residential areas.

John V. Hendry, City Attorney, came forward to answer questions on the Class D liquor application. He said if Council believes the surrounding factors are such that the application is not appropriate for the location, they could make that recommendation as part of the vote to deny it. He said that a denial would trigger a hearing at the Liquor Commission. Mr. Hendry stated that Mr. Meneses did not provide his complete criminal history in the application; henceforth, he relayed the missing information to Council.

Mr. Meneses came forward to answer Council questions and stated he understood the testifiers' reasons for opposition.

This matter was taken under advisement.

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #3 FOR A CLASS D LIQUOR LICENSE AT 4801 RANDOLPH STREET;  
MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #3 AT 4801 RANDOLPH STREET;  
APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #4 FOR A CLASS D LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE;  
MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #4 AT 8350 NORTHWOODS DRIVE;  
APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #5 FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET;  
MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #5 AT 5700 NORTH 33RD STREET;  
APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #6 FOR A CLASS D LIQUOR LICENSE AT 7000 O STREET;  
MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #6 AT 7000 O STREET - Jason K. Laessig, 5440 Valley Road, came forward to take oath and answer questions stating that as owner, he is actively involved with the management of each store.

Clerk Joan Ross responded to Council questions clarifying the reasoning for one responsible party to manage several liquor locations.  
This matter was taken under advisement.

APPLICATION OF BLUE MANGO HOLDINGS LLC DBA EL SALVADOR CAFE FOR A CLASS C AND CLASS K (CATERING) LIQUOR LICENSE AT 221 SOUTH 9TH STREET;  
MANAGER APPLICATION OF YELDY Z. MARROQUIN FOR BLUE MANGO HOLDINGS LLC DBA EL SALVADOR CAFÉ AT 221 SOUTH 9TH STREET - Yeldy Marroquin, 221 S. 9<sup>th</sup> St., came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE AT 129 NORTH 10TH STREET;  
APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM TO EXPAND ITS PRESENTLY LICENSED CLASS I LIQUOR LICENSE TO INCLUDE THE JASMINE ROOM, UNIT 107, UNIT 108, UNIT 109 AND THE COMMONS AREAS AT 129 NORTH 10TH STREET - Monte Froehlich, 129 N. 10<sup>th</sup> St., #112, came forward to take oath and answer questions. He clarified the areas to be licensed will allow for an expanded gallery during First Friday Art Walk events. He said building residents may access their private residences without passing through a licensed area. In response to Council's request to clarify identification of the exact licensed area, Mr. Froehlich said a one week delay would not affect him negatively.

This matter was taken under advisement.

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1198 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS IN NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD APPROXIMATELY 600 FEET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;  
CREATING IMPROVEMENT DISTRICT NO. 184 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION OF A 12-INCH DIAMETER WATER MAIN OR MAINS IN NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD APPROXIMATELY 600 FEET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;  
CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1199 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD, IN ARBOR ROAD SECOND ADDITION CONDOMINIUM, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;  
CREATING IMPROVEMENT DISTRICT NO. 185 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD, IN ARBOR ROAD SECOND ADDITION CONDOMINIUM, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;  
CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1200 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 56TH STREET, BETWEEN SALT CREEK AND ARBOR ROAD, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;

CREATING IMPROVEMENT DISTRICT NO. 186 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 56TH STREET, BETWEEN SALT CREEK AND ARBOR ROAD, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;

CREATING SPECIAL ASSESSMENT SEWER DISTRICT NO. 1184 FOR THE PURPOSE OF CONSTRUCTING 8-INCH AND 12-INCH DIAMETER SANITARY SEWERS EAST OF NORTH 56TH STREET FROM SALT CREEK TO INTERSTATE 80, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES;

CREATING IMPROVEMENT DISTRICT NO. 187 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION 8-INCH AND 12-INCH DIAMETER SANITARY SEWERS EAST OF NORTH 56TH STREET FROM SALT CREEK TO INTERSTATE 80, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the applicant culminating an effort spanning 15-20 years in the making. He said the main issues were a lack of funding and unanimity to extend a very large truck sewer across Salt Creek. He said the creation of a redevelopment area involved many owners affected by these districts. While many opportunities have been lost over the years due to the lack of sewer and water, Mr. Hunzeker feels this will be a catalyst for a substantial amount of new development in the area as well as augmenting TIF. Council recognized a show of hands from land owners present at the meeting who were in support of the district creations.

Mike Eckert, Civil Design Group, Inc., came forward in support and to answer any technical questions.

Harlan Baehr, 4321 E St., came forward representing Dustrol, Inc. in support. He said the company has been at this site since 1996 and would like to further develop their property.

Noel Parrott, President of PB Enterprises, came forward in support. As owner of 30 acres in this area, he has a potential buyer who likes the location and wants to build a \$1 million facility but desires access to sewer and water.

Don Herz, City Finance Director, came forward to answer questions about the use of money from the special assessment fund. He said if there was insufficient cash, they could issue special assessment bonds with the City's full-faith & credit behind them.

Roger Figard, Public Works & Utilities Department, came forward to clarify that along with the water & sewer districts there are improvement districts which allow for the purchase of the right-of-way necessary for the projects to go forward. In answer to a question of a time line to serve water & sewer, he said following approval it may take five months to work with a consultant. He was unsure of the construction time frame. Mr. Figard said Public Works and Law Department would work together after construction completion to levy an assessment.

Mr. Hunzeker came forward to explain that costs would be lower than the \$2.4 million due to the fact that many property owners have already granted right-of-way or easements to the City; therefore, that expense will not have to be considered.

This matter was taken under advisement.

TOOK BREAK 3:18 P.M.

RECONVENED 3:28 P.M.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$950,000.00 FOR THE CITY OF LINCOLN, SHOEMAKER'S TRAVEL PLAZA REDEVELOPMENT PROJECT - Don Herz, City Finance Director, came forward to state that since the redevelopment agreements were approved last week, this ordinance is brought forward to authorize issuance of the developer-purchased bonds.

Lauren Wismer, Gillmore & Bell Bond Counsel, came forward to state that missing information such as maximum interest rate and base year will be obtained to fill in blanks in the ordinance before passage next week.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 19151 WHICH AUTHORIZED AND PROVIDED FOR THE ISSUANCE OF A PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2009, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000.00 - Don Herz, City Finance Director, came forward to state that last September they were contemplating doing a traditional negotiated sale but the municipal market was difficult to enter; therefore, the pursuit of a public negotiated sale or private placement may be a better avenue.

Lauren Wismer, Gillmore & Bell Bond Counsel, was on hand for questioning.

This matter was taken under advisement.

AMENDING SECTION 4.20.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF DIRECTORS OF THE LIBRARY BOARD OF THE CITY OF LINCOLN TO AMEND THE TERM OF SAID DIRECTORS; AND REPEALING SECTION 4.20.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - PRIOR to discussion:

ESCHLIMAN Passed the gavel to Vice Chair Emery.

Jeff Kirkpatrick, 6½-year Library Board member currently serving as Vice President, came forward to request the item be tabled until the Library Board has had a chance to discuss the matter on May 19, form a position and bring a recommendation to the Council regarding the term. Speaking personally, he said that to him, longevity and experience add to the value of being a board member so the continuance of a 7-year term makes sense. He said some years many people are interested in the appointment while other years relatively few people apply. He said in the last 30 years, the vast majority of board members have served the seven-year term.

Pat Leach, Director of Lincoln City Libraries, came forward in a neutral position to present information about shortened terms stating that in the last 15 years there were five early resignations. She said for herself, it is helpful to have members with longevity and experience.

Chair Robin Eschliman presented her reasons for bringing this ordinance forward. She presented complaints of citizens who shared their concerns of the difficulty and competition in the appointment process. She felt a four-year term was logical as it would offer an opportunity for more people to volunteer and serve.

Maja Harris, Library Board Member, came forward to address the time commitment issue. She felt that a seven-year term involved fewer meetings which are generally doable by a variety of the public; whereas a four-year term may be more time-intensive, drawing upon a more homogenous pool for the unpaid commitment.

This matter was taken under advisement.

EMERY Returned the gavel to Chair Eschliman.

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN WATERSHED MANAGEMENT DIVISION REGARDING THE IMPLEMENTATION OF THE STORMWATER BEST MANAGEMENT PRACTICES DEMONSTRATION PROJECTS - Ben Higgins, Public Works & Utilities Department, came forward stating that the low-impact, landscape-featured projects in a State cost-share with Finke Gardens will improve stormwater quality located at the following areas: 1)Fireworks Restaurant on 84<sup>th</sup> & Old Cheney; 2)Nebraska Statewide Arboretum at UNL; 3)Lighthouse on 27<sup>th</sup> & N Streets; 4)Aspen Greens Homeowners Association in the Southeast part of town; and 5)Ponca Tribe at 17<sup>th</sup> & E Streets. He said these groups were not City-chosen but rather they came forward on their own. In answer to Council questions, he clarified that 319 Funds are Federal funds (EPA Region 7) which are managed and passed through the State.

This matter was taken under advisement.

ESTABLISHING A ROADS TO JOBS FUND TO MAKE FUNDS AVAILABLE FOR ROAD PROJECTS, DECLARING A SURPLUS OF \$8,000,000.00 IN THE SPECIAL ASSESSMENT REVOLVING FUND, AND AUTHORIZING THE TRANSFER OF SAID FUNDS TO THE ROADS TO JOBS FUND - Council Member Ken Svoboda presented facts about the recognition of \$10 million in the Special Assessment Revolving fund useable for

general purposes throughout the City. He proposed that \$8 million be placed in a fund to be used primarily for infrastructure or roads money as he said there are a number of roads projects throughout the City of Lincoln. He said the money could be made available to complete a roads project or build a brand new project to create economic development in our community.

Kyle Fischer, Lincoln Chamber of Commerce, 1135 M St., came forward to offer appreciation to Mr. Svoboda for his leadership in this issue as the resolution addresses needs that have been overlooked. He requested Council to place this item on pending to allow time to completely work through issues and allow new Council Members to share input for the use of \$8 million so consensus can be achieved. Although these issues were laid out to the Mayor and Council ten months ago when discussion first started on the use of the money, he presented three main points to work forward: 1)the majority must be sequestered for long-term road infrastructure projects; 2)preserve local primary jobs; 3)leverage the most private investment.

Council Member John Spatz stated the resolution concept would specify funds to be devoted to roads if it would have a positive impact on 1)primary job creation; 2)sales tax generation; and 3)new home development.

Janice Eret, 1910 NW 46<sup>th</sup> St., came forward in support and suggested funds be used in the Air Park area for safety & road development improving shoulders, bike paths and pedestrian sidewalks that have been ignored for years.

Lee Towle, 4110 W. Huntington, came forward in support and suggested funds be used to fix roads in Ashley Heights to improve safety, install additional traffic lights and as a result, increase tax revenue.

Mike Davison, 2000 NW Bewley Ct., came forward in support and suggested funds be used for safer access on and off NW 48<sup>th</sup> Street.

Council Member Camp suggested Public Works & Utilities Dept. Engineer Roger Figard gather names and report potential plans of NW 48<sup>th</sup> to them as well as to Council.

Richard Halvorsen, 6311 Inverness Rd., came forward in opposition as he feels funds should be made available to other areas that contribute to the betterment of life such as libraries, upkeep of parks and keeping swimming pools open.

Russell Miller, 341 S. 52<sup>nd</sup> St., came forward in opposition of the resolution as it is written but in favor of primary job creation. He suggested that street money could be generated by increasing impact fees on those developments that are creating the need for streets.

Stuart Long, 4412 NW 49<sup>th</sup> St., came forward in opposition. He feels this proposed resolution is a raid on City Treasury at a time when the City is facing a budget shortfall. He believes a plan to widen NW 48<sup>th</sup> Street will lead to an industrial park which would eliminate the rec center & swimming pool. He said a small investment by the City in traffic signals & turn lanes at 2 or 3 intersections would be sufficient. He expressed concern about development on land east of NW 48<sup>th</sup> from Adams to Cuming stating it would increase run-off and flooding. Finally, he wished the City Council was addressing sustainable economic development today and suggested putting jobless people and the rich Kennebec soils west of the airport together for the opportunity to grow food locally.

John V. Hendry, City Attorney, came forward to clarify questions by Council stating that an ordinance cannot overrule the City Charter which gives the Mayor the right of veto power.

Roger Figard, Public Works & Utilities Engineer, came forward to clarify that one of the projects in the comprehensive plan going before the Planning Commission is to construct 4 lanes of pavement along NW 48<sup>th</sup> Street from O to Holdrege including a center median, left/right turn lanes, improving safety & capacity in a length of one mile at a 6-year total of \$6.5 million. He clarified that it simply provides a design & layout for the whole stretch but is not a final construction.

Council Member Svoboda spoke in rebuttal to state that about a year ago the Chamber of Commerce found out about the \$8 million before Council did. He said his proposal was not expected to be a Chamber nor a LIBA resolution but rather a blend of all of the discussions he has had with various groups of individuals throughout the community and not meant to be project-specific. He said his fear was that this money would be frittered away if not identified towards infrastructure or economic development.

Mr. Figard returned with information on the proposed CIP. He said NW 48<sup>th</sup> Street monies are out in years 5 & 6 and Council will approve expenditures for the first year.

This matter was taken under advisement.

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

## **COUNCIL ACTION**

### **REPORTS OF CITY OFFICERS**

REAPPOINTING TODD BLOME TO THE CITY AUDIT ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING MARCH 1, 2012 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85328 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Todd Blome to the City Audit Advisory Board for a three-year term expiring March 1, 2012, is hereby approved.

Introduced by Doug Emery

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

REAPPOINTING JONATHAN COOK TO THE PARKS AND RECREATION ADVISORY BOARD FOR A ONE-YEAR TERM EXPIRING APRIL 17, 2010 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85329 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jonathan Cook to the Parks and Recreation Advisory Board for a one-year term expiring April 17, 2010, is hereby approved.

Introduced by Doug Emery

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED MARCH 31, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85330 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended March 31, 2009, \$402,065.67 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 Dan Marvin

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR THE MONTH OF APRIL, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 1, 2009 AT 1:30 P.M. FOR THE APPLICATION OF 55 DEGREES, INC. DBA BREAD & CUP FOR A CLASS C LIQUOR LICENSE LOCATED AT 440 N. 8TH STREET, SUITE 150 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85331 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2009, 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 55 Degrees, Inc. dba Bread & Cup for a Class C liquor license located at 440 N. 8th Street, Suite 150.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, JUNE 1, 2009 AT 1:30 P.M. FOR THE APPLICATION OF LOS DOS HERMANOS, INC. DBA LOS DOS HERMANOS MEXICAN CAFÉ FOR A CLASS C LIQUOR LICENSE LOCATED AT 6117 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85332 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2009, 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 Los Dos Hermanos Inc. dba Los Dos Hermanos Mexican Café for a Class C liquor license located at 6117 Havelock Avenue.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, JUNE 1, 2009 AT 1:30 P.M. FOR THE APPLICATION OF RED9, LLC DBA RED9 FOR AN ADDITION TO PREMISE OF THEIR EXISTING CLASS CK LIQUOR LICENSE ADDING A BEER GARDEN AREA APPROX. 100 FT. BY 132 FT. LOCATED AT 322 S. 9TH STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85333 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2009, 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 red9, LLC dba red9 for an addition to premise of their existing Class CK liquor license adding a beer garden area approx. 100 ft. by 132 ft. located at 322 S. 9th Street.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, JUNE 1, 2009 AT 1:30 P.M. FOR THE APPLICATION OF BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE WEST FOR AN ADDITION TO PREMISE/RECONSTRUCTION OF THEIR EXISTING CLASS C LIQUOR LICENSE BY ADDING A SIDEWALK CAFÉ APPROX. 15 FT. BY 60 FT. LOCATED AT 1550 S. CODDINGTON AVENUE, SUITE P - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85334 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2009, 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 Bugeater

Investments, Inc. dba The Watering Hole West for an addition to premise/reconstruction of their existing Class C liquor license by adding a sidewalk café approx. 15 ft. by 60 ft. located at 1550 S. Coddington Avenue, Suite P.

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

Introduced by Dan Marvin

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

SETTING THE HEARING DATE OF MONDAY, JUNE 1, 2009 AT 1:30 P.M. FOR THE APPLICATION OF TWISTED STEELE, INC. DBA THE BAR FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS C LIQUOR LICENSE LOCATED AT 1644 P STREET - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85335 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 1, 2009, 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 Twisted Steele, Inc. dba The Bar for the addition of a catering license to its Class C liquor license located at 1644 P Street.

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

Introduced by Dan Marvin

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Special Permit No. 09009 - App. of Gary Rihaneck, to allow outdoor seasonal sales on property generally located at North 40th Street and Superior Street.

**MISCELLANEOUS REFERRALS - NONE**

**LIQUOR RESOLUTIONS**

APPLICATION OF JOSE LUIS MENESES DBA LIQUOR EL PAISA FOR A CLASS D LIQUOR LICENSE AT 100 NORTH 1ST STREET, SUITE 6 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for denial:

A-85336 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, pertinent City ordinances, and the following:

- a. If the applicant is of a class of person to whom no license can be issued.
- b. If the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are adequate to support the proposed license.
- c. If the issuance of the license would be compatible with the nature of the neighborhood or community.
- d. If existing licenses with similar privileges adequately serve the area.
- e. If there are any existing motor vehicle and/or pedestrian traffic flow in the area or if this application would cause motor vehicle and/or pedestrian traffic flow issues.
- f. If there is an adequate number of existing law enforcement officers in the area.
- g. If there are zoning and/or distance restrictions that prevent the issuance of a license.
- h. If there are sanitation and/or sanitary conditions on or about the area.
- i. If a citizens' protest has been made.

The City Council recommends to the Nebraska Liquor Control Commission that the application of Jose Luis Meneses dba Liquor El Paisa for a Class "D" liquor license, at 100 North 1st Street, Suite 6, Lincoln, Nebraska, be denied. The City Council has determined that the application should be denied for one or more of the following reasons:

- a. The applicant is unfit, unwilling, and/or unable to properly provide the service proposed within the City of Lincoln. The applicant failed to provide a complete criminal history. The applicant's past criminal history is an indication that the applicant is unfit to hold a liquor license. Additionally, past criminal histories are reflective of a person's character and reputation in the community.
- b. The applicant cannot conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act and/or pertinent City ordinances.
- c. The applicant has not demonstrated that the type of management and control to be exercised over the premises described in the application will be sufficient to insure that the licensed business can conform to all provisions and requirements of and rules and regulations adopted pursuant to the Nebraska Liquor Control Act, and pertinent City ordinances. The applicant's management of his personal affairs directly reflects his inability to exercise the proper management and control necessary of a liquor license.
- d. The applicant has not demonstrated that the issuance of the license is or will be required by the present or future public convenience and necessity.
- e. The applicant has not demonstrated that the neighborhood and local community's health, safety, and welfare would be protected. The proposed location is within the immediate vicinity of two non-profit organizations, People's City Mission and Lincoln Action Program, which serve a vulnerable population. Adding an off-sale liquor establishment would be incompatible with the neighborhood and lead to further use of law enforcement and other public resources to protect the public's health, safety and welfare.
- f. Testimony was received from three citizens in opposition to the proposed location.

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

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #3 FOR A CLASS D LIQUOR LICENSE AT 4801 RANDOLPH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85337 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 Stop 'N Shop Inc. dba Stop 'N Shop #3 for a Class "D" liquor license at 4801 Randolph Street, Lincoln, Nebraska, for the license period ending April 30, 2010, 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. The premise 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 Ken Svoboda

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

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #3 AT 4801 RANDOLPH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85338 WHEREAS, Stop 'N Shop Inc. dba Stop 'N Shop #3 located at 4801 Randolph Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jason K. Laessig be named manager;

WHEREAS, Jason K. Laessig 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 Jason K. Laessig 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 Ken Svoboda

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

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #4 FOR A CLASS D LIQUOR LICENSE AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85339 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 Stop 'N Shop Inc. dba Stop 'N Shop #4 for a Class "D" liquor license at 8350 Northwoods Drive, Lincoln, Nebraska, for the license period ending April 30, 2010, 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. The premise 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 Ken Svoboda

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

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #4 AT 8350 NORTHWOODS DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85340 WHEREAS, Stop 'N Shop Inc. dba Stop 'N Shop #4 located at 8350 Northwoods Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jason K. Laessig be named manager;

WHEREAS, Jason K. Laessig 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 Jason K.

Laessig 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 Ken Svoboda

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

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #5 FOR A CLASS D LIQUOR LICENSE AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85341 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 Stop 'N Shop Inc. dba Stop 'N Shop #5 for a Class "D" liquor license at 5700 North 33rd Street, Lincoln, Nebraska, for the license period ending April 30, 2010, 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. The premise 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 Ken Svoboda

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

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #5 AT 5700 NORTH 33RD STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85342 WHEREAS, Stop 'N Shop Inc. dba Stop 'N Shop #5 located at 5700 North 33rd Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jason K. Laessig be named manager;

WHEREAS, Jason K. Laessig 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 Jason K. Laessig 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 Ken Svoboda

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

APPLICATION OF STOP 'N SHOP INC. DBA STOP 'N SHOP #6 FOR A CLASS D LIQUOR LICENSE AT 7000 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85343 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 Stop 'N Shop Inc. dba Stop 'N Shop #6 for a Class "D" liquor license at 7000 O Street, Lincoln, Nebraska, for the license period ending April 30, 2010, 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. The premise 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 Ken Svoboda

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

MANAGER APPLICATION OF JASON K. LAESSIG FOR STOP 'N SHOP INC. DBA STOP 'N SHOP #6 AT 7000 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85344 WHEREAS, Stop 'N Shop Inc. dba Stop 'N Shop #6 located at 7000 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Jason K. Laessig be named manager; WHEREAS, Jason K. Laessig 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 Jason K. Laessig 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 Ken Svoboda

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

APPLICATION OF BLUE MANGO HOLDINGS LLC DBA EL SALVADOR CAFÉ FOR A CLASS C AND CLASS K (CATERING) LIQUOR LICENSE AT 221 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85345 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 Blue Mango Holdings LLC dba El Salvador Cafe for a Class "C" and Class "K" (catering) liquor license at 221 South 9th Street, Lincoln, Nebraska, for the license period ending October 31, 2009, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APPLICATION OF YELDY Z. MARROQUIN FOR BLUE MANGO HOLDINGS LLC DBA EL SALVADOR CAFÉ AT 221 SOUTH 9TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85346 WHEREAS, Blue Mango Holdings LLC dba El Salvador Café located at 221 South 9th Street, Lincoln, Nebraska has been approved for a Retail Class "C" and "K" liquor license, and now requests that Yeldy Z. Marroquin be named manager;

WHEREAS, Yeldy Z. Marroquin 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 Yeldy Z.

Marroquin 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 Ken Svoboda

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

APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS I LIQUOR LICENSE AT 129 NORTH 10TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-85347 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 ordinance, the City Council recommends that the application of Old Federal Place LLC dba Jasmine Room for the issuance of a Catering Permit to the existing liquor license, located at 129 North 10th 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 a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF OLD FEDERAL PLACE LLC DBA JASMINE ROOM TO EXPAND ITS PRESENTLY LICENSED CLASS I LIQUOR LICENSE TO INCLUDE THE JASMINE ROOM, UNIT 107, UNIT 108, UNIT 109 AND THE COMMONS AREAS AT 129 NORTH 10TH STREET - PRIOR to reading:

SVOBODA Moved to delay the application for one week to May 18, 2009, Action Only.

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

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

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1198 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS IN NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD APPROXIMATELY 600 FEET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1198, 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, the second time.

CREATING IMPROVEMENT DISTRICT NO. 184 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION OF A 12-INCH DIAMETER WATER MAIN OR MAINS IN NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD APPROXIMATELY 600 FEET AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvement District No. 184, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1199 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD, IN ARBOR ROAD SECOND ADDITION CONDOMINIUM, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1199, 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, the second time.

CREATING IMPROVEMENT DISTRICT NO. 185 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 58TH CIRCLE, NORTH OF ARBOR ROAD, IN ARBOR ROAD SECOND ADDITION CONDOMINIUM, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvement District No. 185, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

CREATING SPECIAL ASSESSMENT WATER DISTRICT NO. 1200 FOR THE PURPOSE OF CONSTRUCTING A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 56TH STREET, BETWEEN SALT CREEK AND ARBOR ROAD, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Water District No. 1200, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed there, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING IMPROVEMENT DISTRICT NO. 186 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION A 12-INCH DIAMETER WATER MAIN OR MAINS EAST OF NORTH 56TH STREET, BETWEEN SALT CREEK AND ARBOR ROAD, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvement District No. 186, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

CREATING SPECIAL ASSESSMENT SEWER DISTRICT NO. 1184 FOR THE PURPOSE OF CONSTRUCTING 8-INCH AND 12-INCH DIAMETER SANITARY SEWERS EAST OF NORTH 56TH STREET FROM SALT CREEK TO INTERSTATE 80, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Sewer District No. 1184, 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, the second time.

CREATING IMPROVEMENT DISTRICT NO. 187 FOR THE PURPOSE OF ACQUIRING EASEMENTS OR ADDITIONAL RIGHT-OF-WAY NECESSARY FOR THE CONSTRUCTION 8-INCH AND 12-INCH DIAMETER SANITARY SEWERS EAST OF NORTH 56TH STREET FROM SALT CREEK TO INTERSTATE 80, AND ASSESSING THE COSTS THEREOF AGAINST THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Doug Emery, creating Improvements Districts No. 187, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for

the acquisition of title, by purchase or by condemnation proceedings, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

STREET NAME CHANGE 09002 - RENAMING COUNTRYVIEW LANE, LOCATED SOUTH OF YANKEE HILL ROAD AND WEST OF SOUTH 70TH STREET IN COUNTRYLANE 1ST ADDITION, AS COUNTRYVIEW ROAD - CLERK read an ordinance, introduced by Doug Emery, changing the name of "Countryview Lane" located south of Yankee Hill Road and west of 0th Street in Countrylane 1<sup>st</sup> Addition to "Countryview Road", as recommended by the Street Name Committee, the second time.

AUTHORIZING THE ISSUANCE OF TAX ALLOCATION BONDS WITH A TOTAL NOT TO EXCEED \$950,000.00 FOR THE CITY OF LINCOLN, SHOEMAKER'S TRAVEL PLAZA REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Robin Eschliman, amending Section 4.20.010 of the Lincoln Municipal Code relating to the Board of Directors of the Library Board of the City of Lincoln to amend the term of said directors; repealing Section 4.20.010 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING ORDINANCE NO. 19151 WHICH AUTHORIZED AND PROVIDED FOR THE ISSUANCE OF A PEROT SYSTEM REDEVELOPMENT PROJECT TAX ALLOCATION BOND, SERIES 2009, IN A TOTAL PRINCIPAL AMOUNT NOT TO EXCEED \$3,750,000.00 - CLERK read an ordinance, introduced by Doug Emery, authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax Allocation Bond, Series 2009, in a principal amount not to exceed \$950,000 for the purpose of (1) paying the costs of acquiring, purchasing, constructing, reconstructing, improving, extending, rehabilitating, installing, equipping, furnishing and completing certain public improvements within the City's Shoemaker Travel Plaza Redevelopment Project 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 Bond; pledging certain tax revenue and other revenue to the payment of the principal of and interest on the Bond as the same become due; limiting payment of the Bonds 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 Bond not specified herein; taking other actions and making other covenants and agreements in connection with the foregoing, and related matter, the second time.

AMENDING SECTION 4.20.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE BOARD OF DIRECTORS OF THE LIBRARY BOARD OF THE CITY OF LINCOLN TO AMEND THE TERM OF SAID DIRECTORS; AND REPEALING SECTION 4.20.010 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Doug Emery, amending Ordinance No. 19151 to provide for the sale of the Bonds by a negotiated sale, a public sale or a private placement; to repeal certain provisions of Ordinance No. 19151, in connection therewith; taking other action in connection with the foregoing; and related matters, the second time.

#### PUBLIC HEARING RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF APRIL 16 - 30, 2009 - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85348 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 30, 2009, 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/SETTLED</u>
Shelia Viessman on behalf of	Claudia Perez \$4,822.93**
Brandon Viessman \$100,000.00	Nationwide Insurance Co.
Eileen Hebets NAS*	(Claim No. 722620010972) 832.10
Tom Korecky 37.84	Cassie Schorzman 319.29
	Corey L. Hafer 936.71
	Kerry Rupe 8,000.00

\* No amount specified

\*\*Claim paid by insurer for Downtown Lincoln Association

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

Introduced by Doug Emery

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

APPROVING AN INTER-GOVERNMENTAL AGREEMENT BETWEEN THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE CITY OF LINCOLN WATERSHED MANAGEMENT DIVISION REGARDING THE IMPLEMENTATION OF THE STORMWATER BEST MANAGEMENT PRACTICES DEMONSTRATION PROJECTS - CLERK read the following resolution, introduced by Doug Emery, who moved its adoption:

A-85349 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Inter-Governmental Agreement between the Nebraska Department of Environmental Quality (NDEQ) and the City of Lincoln Watershed Management Division regarding the Implementation of the Section 319 Project Entitled Stormwater Best Management Practices Demonstration Projects, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City. This Agreement provides for NDEQ grant funding to implement programs and projects in association with the City of Lincoln's Stormwater Management Program.

The City Clerk is directed to transmit an executed original Agreement to Ben Higgins, Public Works and Utilities Department, 901 N. 6th Street, for transmittal to the Nebraska Department of Environmental Quality.

Introduced by Doug Emery

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

ESTABLISHING A ROADS TO JOBS FUND TO MAKE FUNDS AVAILABLE FOR ROAD PROJECTS, DECLARING A SURPLUS OF \$8,000,000.00 IN THE SPECIAL ASSESSMENT REVOLVING FUND, AND AUTHORIZING THE TRANSFER OF SAID FUNDS TO THE ROADS TO JOBS FUND - PRIOR to reading:

MARVIN Moved to have Bill No. 09R-76 Placed on Indefinite Pending.

SPATZ Moved a friendly amendment to have Bill No. 09R-76 Placed on

Pending, Date Certain in four weeks.

Motion **Died** for lack of a second.

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

#### ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED)

AMENDING SECTION 10.14.250 OF THE LINCOLN MUNICIPAL CODE, RELATING TO SPEED REGULATIONS, TO BRING SAID SECTION INTO CONFORMITY WITH STATE STATUTE BY PROVIDING A FINE FOR TRAVELING MORE THAN 35 MPH OVER THE AUTHORIZED SPEED LIMIT AND ESTABLISHING RANGES FOR FINES OF TWENTY-ONE MILES PER HOUR TO THIRTY-FIVE MILES PER HOUR OVER THE AUTHORIZED SPEED LIMIT, AND THIRTY-SIX MILES PER HOUR OR MORE OVER THE AUTHORIZED SPEED LIMIT RELATING TO THE DEFINITION AND FINES FOR SPEEDING IN A CONSTRUCTION ZONE; AND REPEALING SECTION 10.14.250 OF THE LINCOLN MUNICIPAL CODE AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Dan Marvin,

amending Section 10.14.250 of the Lincoln Municipal Code, relating to speed regulations, to bring said section into conformity with state statute by providing a fine for traveling more than 35 mph over the authorized speed limit and establishing ranges for fines of twenty-one miles per hour to thirty-five miles per hour over the authorized speed limit, and thirty-six miles per hour or more over the authorized speed limit relating to the definition and fines for speeding in a construction zone; and repealing Section 10.14.250 of the Lincoln Municipal Code as hitherto existing, the first time.

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

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND DITTMER & DITTMER OF CRETE FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1005 E. HIGHWAY 33, SUITE 6, CRETE, NE 68333 FOR A TERM OF MAY 1, 2009 THROUGH MAY 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Dittmer & Dittmer of Crete for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1005 E. Highway 33, Suite 6, Crete, NE 68333, for a term of May 1, 2009 through May 31, 2010, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19251**, is recorded in Ordinance Book #26, Page

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND ERIK ALM, WAHOO FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 1325 N. CHESTNUT ST., WAHOO, NE 68066 FOR A TERM OF JULY 1, 2009 THROUGH JUNE 30, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Erik Alm for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 1325 N. Chestnut Street, Wahoo, NE 68066, for a term of July 1, 2009 through June 30, 2010, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19252**, is recorded in Ordinance Book #26, Page

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND SCOTT AND CINDY JENSEN FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 320 N. STATE STREET, OSCEOLA, NE 68651 FOR A TERM OF JUNE 1, 2009 THROUGH MAY 31, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Scott and Cindy Jensen for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 320 N. State Street, Osceola, NE 68651, for a term of June 1, 2009, the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19253**, is recorded in Ordinance Book #26, Page

APPROVING THE LEASE AGREEMENT BETWEEN THE CITY AND MUELLER/BIGERT RENTALS FOR THE LEASE OF OFFICE SPACE BY THE LINCOLN AREA AGENCY ON AGING FOR ITS LINCOLN INFORMATION FOR THE ELDERLY (LIFE) PROGRAM AT 137 N. 8TH STREET, GENEVA, NE 68361 FOR A TERM OF ~~JULY 1, 2009 THROUGH JUNE 30, 2010~~ August 1, 2009 through July 31, 2010 - PRIOR to reading:

CAMP Moved to amend Bill No. 09-63 in the following manner:  
1. On page 1, line 4, delete the dates "July 1, 2009 through June 30, 2010" and insert in lieu thereof the dates of August 1, 2009 through July 31, 2010.

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

CLERK Read an ordinance, introduced by Jonathan Cook, accepting and approving a Lease Agreement between the City of Lincoln and Mueller/Bigert Rentals for the lease of office space by the Lincoln Area Agency on Aging for its Lincoln Information For the Elderly (LIFE) Program located at 137 N. 8<sup>th</sup> Street, Geneva, NE 68361, for a term of ~~July 1, 2009 through June 30, 2010~~ August 1, 2009 through July 31, 2010, the third time.

COOK Moved to pass the ordinance as amended.

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

The ordinance, being numbered #19254, is recorded in Ordinance Book #26, Page

AMENDING SECTION 1 OF ORDINANCE NO. 19208, PASSED BY THE CITY COUNCIL ON MARCH 2, 2009, TO INCLUDE LOT 77 I.T., SECTION 3, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE 6TH P.M., IN THE ANNEXATION OF LAND GENERALLY LOCATED AT NORTH 84TH STREET AND CORNHUSKER HIGHWAY - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance 19208 passed by the City Council of the City of Lincoln, Nebraska on March 2, 2009, to correct the legal description for the annexation of land generally located at North 84<sup>th</sup> Street and Cornhusker Highway to correspond with the map amendment (Attachment "A") showing the land to be annexed by including that portion of Lot 77 I.T. outside of the city limits located in Section 3, Township 10 North, Range 7 East of the 6<sup>th</sup> P.M., the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19255, is recorded in Ordinance Book #26, Page

AMENDING SECTION 1 OF ORDINANCE NO. 19212, PASSED BY THE CITY COUNCIL ON MARCH 2, 2009, ANNEXING THAT PORTION OF LOT 23 I.T. LOCATED IN SECTION 17, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA (GENERALLY LOCATED AT N.W. 39TH STREET AND W. ADAMS STREET) TO INCLUDE THAT PORTION OF SAID LOT 23 I.T. LOCATED IN SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6TH P.M. - CLERK read an ordinance, introduced by Jonathan Cook, amending Ordinance 19212 passed by the City Council of the City of Lincoln, Nebraska on March 2, 2009, to correct the legal description of Lot 23 I.T. for the annexation of the land generally located at N.W. 39<sup>th</sup> Street and West Adams Street to correspond with the map amendment (Attachment "A") showing the land to be annexed by including that portion of Lot 23 I.T. located in Section 18, Township 10 North, Range 6 East of the 6<sup>th</sup> P.M., the third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered #19256, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE SESSION - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to May 18, 2009.

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

**REGULAR MEETING**  
**MAY 11, 2009**  
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**UPCOMING RESOLUTIONS**

CAMP            Moved to approve the resolutions to have Public Hearing on May 18,  
2009.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.

**ADJOURNMENT 5:45 P.M.**

CAMP            Moved to adjourn the City Council meeting of May 11, 2009.  
                  Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Emery, Marvin, Spatz, Svoboda; NAYS: None; ABSENT: Eschliman.  
So ordered.

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant