

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 18, 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**

MARVIN Having been appointed to read the minutes of the City Council proceedings of May 11, 2009 reported having done so, found same correct. Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**PUBLIC HEARING**

APPROVING THE MEMORANDUM OF AGREEMENT REGARDING FUNDING, RENOVATION, AND OPERATION OF HAZEL ABEL PARK BETWEEN THE CITY, LINCOLN PARKS FOUNDATION AND ABEL FOUNDATION FOR FUNDING A MAJOR RENOVATION AND ESTABLISHMENT OF AN ENDOWMENT FUND FOR HAZEL ABEL PARK LOCATED AT SOUTH 18TH AND E STREETS - Lynn Johnson, Director of Parks & Recreation, stated this will be established as an Endowment Account within the Parks & Recreation Special Fund. The principal will remain in the account with interest building up over time. As funds are needed in the future those funds will be available to make repairs or renovations to Hazel Abel Park. The Abel Foundation is in agreement with this type of fund account. The City Charter restricts the ability to establish Endowment funds. There is an interest sometime in the future of proposing a Charter Amendment that would allow Endowment funds to be created. Currently, the City Council cannot commit an agreement for more than four years and future Council would have the ability to redirect the proceeds from weddings and other activities in Hazel Abel Park to another purpose and to redirect the balance within that account to another activity if they so chose.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$34,759.00 FROM THE GENERAL FUND/CONTINGENCY TO THE PARKS AND RECREATION AQUATICS ACCOUNT, AND AN INCREASE IN APPROPRIATIONS OF \$16,500.00 FROM ANTICIPATED POOL REVENUE, FOR A TOTAL AMOUNT OF \$51,259.00 FOR THE OPERATION OF MEADOW HEIGHTS POOL DURING THE SUMMER OF 2009 - Lynn Johnson, Director of Parks & Recreation, stated Operation Meadow Heights was not initially proposed. The City Council asked that the funding for Meadow Heights be placed into a contingency fund. The two Neighborhood Associations do not have an interest in operating Meadow Heights Pool so at least for this season it is asked funds be transferred to the operating budget and include appropriations that would include the amount of revenue anticipated from Meadow Heights School this summer.

This matter was taken under advisement.

CONFIRMING THE APPOINTMENT OF DOUGLAS L. CURRY AS ADMINISTRATOR AND CEO OF THE LINCOLN ELECTRIC SYSTEM EFFECTIVE MAY 1, 2009 - Douglas Curry, LES, came forward to answer questions. There has been no schedule set to name a permanent replacement for the Administrator and CEO of LES. There is a committee charged with that responsibility who stated it will do a deliberate job and is now defining that process.

This matter was taken under advisement.

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

**COUNCIL ACTION**

**REPORTS OF CITY OFFICERS - NONE**

**PETITIONS & COMMUNICATIONS - NONE**

MISCELLANEOUS REFERRALS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2<sup>ND</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 - PRIOR to reading:

COOK Moved to continue Public Hearing and Action to June 1, 2009.  
Seconded by Marvin & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

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 second time.

PUBLIC HEARING RESOLUTIONS

APPROVING THE MEMORANDUM OF AGREEMENT REGARDING FUNDING, RENOVATION, AND OPERATION OF HAZEL ABEL PARK BETWEEN THE CITY, LINCOLN PARKS FOUNDATION AND ABEL FOUNDATION FOR FUNDING A MAJOR RENOVATION AND ESTABLISHMENT OF AN ENDOWMENT FUND FOR HAZEL ABEL PARK LOCATED AT SOUTH 18TH AND E STREETS - PRIOR to reading:

MARVIN Moved to amend Bill No. 09R-60 in the following manner:  
(a) On page 1, after line 7, insert the following paragraph:  
BE IT FURTHER RESOLVED that the cash proceeds from the fees collected for the exclusive use for Hazel Abel Park or any portion thereof for a non-commercial purpose pursuant to Lincoln Municipal Code § 12.08.300 shall be deposited in a separate account in the Parks and Recreation Special Projects Fund to be named the Hazel Abel Park Endowment. Monies in the fund account shall be used for on-going maintenance of Hazel Abel Park. Any money remaining in the fund account at the end of any fiscal year shall remain in the fund account during any succeeding fiscal year. Monies in the fund account may be increased by donations, bequests or appropriations to the fund account.

2. Replace the Memorandum of Agreement attached to Bill No. 09R-60 with the Third Substitute Agreement attached hereto.

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

CLERK Read the following resolution, introduced by John Spatz, who moved its adoption:

A-85350 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Memorandum of Agreement Regarding Funding, Renovation and Operation of Hazel Abel Park between Abel Foundation, Lincoln Parks Foundation, and the City of Lincoln concerning renovation, regular maintenance and establishment of an endowment fund for Hazel Abel Park located at South 18th Street and E Street, upon the terms and conditions as set forth in said Memorandum of Agreement, is hereby approved and the Mayor is authorized to execute said Memorandum of Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the cash proceeds from the fees collected for the exclusive use for Hazel Abel Park or any portion thereof for a non-commercial purpose pursuant to Lincoln Municipal Code § 12.08.300 shall be deposited in a separate account in the Parks and Recreation Special Projects Fund to be named the Hazel Abel Park Endowment. Monies in the fund account shall be used for on-going maintenance of Hazel Abel Park. Any money remaining in the fund account at the end of any fiscal year shall remain in the fund account during any succeeding fiscal year. Monies in the fund account may be increased by donations, bequests or appropriations to the fund account.

The City Clerk is hereby directed to transmit a copy of the executed original Memorandum of Agreement to Lynn Johnson, Director of the Parks and Recreation Department, for transmittal to the Lincoln Parks Foundation and Abel Foundation.

Introduced by John Spatz

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$34,759.00 FROM THE GENERAL FUND/CONTINGENCY TO THE PARKS AND RECREATION AQUATICS ACCOUNT, AND AN INCREASE IN APPROPRIATIONS OF \$16,500.00 FROM ANTICIPATED POOL REVENUE, FOR A TOTAL AMOUNT OF \$51,259.00 FOR THE OPERATION OF MEADOW HEIGHTS POOL DURING THE SUMMER OF 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85351 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$34,759.00 from the General Fund/Contingency, Miscellaneous Other Services and Charges, Account 18001.5989 to Parks & Recreation Aquatics Account 09018.9140, and increase appropriations in the amount of \$51,259.00 for Account 09018.5989 for expenditures and anticipated pool revenue in the amount of \$16,500.00 for operation of Meadow Heights Pool during the summer of 2009, is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Dan Marvin

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

CONFIRMING THE APPOINTMENT OF DOUGLAS L. CURRY AS ADMINISTRATOR AND CEO OF THE LINCOLN ELECTRIC SYSTEM EFFECTIVE MAY 1, 2009 - CLERK read the following resolution, introduced by Dan Marvin, who moved its adoption:

A-85352 WHEREAS, the Lincoln Electric System (LES) Administrator, Terry L. Bundy, has served notice of his intent to retire as Administrator effective May 1, 2009; and

WHEREAS, at its duly noticed and convened meeting on May 1, 2009, the LES Administrative Board, pursuant to LES Resolution 2009-6, appointed Douglas Curry to serve as the Administrator of Lincoln Electric System to replace Terry L. Bundy until a new LES Administrator is hired by the LES Administrative Board; and

WHEREAS, pursuant to Section 4.24.010 of the Lincoln Municipal Code and LES Resolution 2009-6, the appointment of Douglas Curry as Administrator has been duly advanced for confirmation by the Mayor by Executive Order.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that the appointment of Douglas Curry as Administrator of the Lincoln Electric System until a new LES Administrator is hired by the LES Board, is hereby confirmed, said appointment effective May 1, 2009.

Introduced by Dan Marvin

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (AS REQUIRED) - NONE**

**ORDINANCES - 3<sup>RD</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 third time.

EMERY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#19257**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY Moved to pass the ordinance as read.  
Seconded by Spatz & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19258**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY 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 **#19259**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY Moved to pass the ordinance.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.  
The ordinance, being numbered **#19260**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY 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 **#19261**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY 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 **#19262**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY 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 **#19263**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY 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 **#19264**, is recorded in Ordinance Book #26, Page

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 third time.

EMERY 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 **#19265**, is recorded in Ordinance Book #26, Page

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 - PRIOR to reading:

CAMP Moved Amendment #1 to Bill No. 09-75 in the following manner:

1. Replace pages 6 and 7 with substitute pages 6 and 7 attached hereto.

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

CLERK Read an ordinance, introduced by Doug Emery, 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 third time.

EMERY 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 **#19266**, is recorded in Ordinance Book #26, Page

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 third time.  
EMERY 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 #19267, is recorded in Ordinance Book #26, Page

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 reading:

COOK Moved to continue Public Hearing and Action of Bill No. 09-77 to  
June 22, 2009.

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

COOK Moved to amend Bill No. 09-77 as follows:

On page 1, lines 13-15, delete the sentence: "After June 1, 2009,  
as the seven-year terms of the directors expire, each successive  
director shall be appointed for a term of four years." and insert in  
lieu thereof: "No director shall serve more than one term of seven  
years. An appointment of a director to fill an unexpired term shall not  
preclude that member from serving one subsequent term of seven years."

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

CLERK Read an ordinance, introduced by Robin Eschliman, 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 third time.

ESCHLIMAN Moved to pass the ordinance as read.

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

The ordinance, being numbered #19268, is recorded in Ordinance Book #26, Page

#### LIQUOR RESOLUTION - ACTION ONLY

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 10<sup>TH</sup> STREET -  
CLERK read the following resolution, introduced by Jon Camp, who moved  
its adoption for approval:

A-85358 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 Old Federal Place LLC dba Jasmine Room to expand its  
licensed premises by the addition of an area to include the Jasmine  
Room, Unit 107, Unit 108, Unit 109 and the Commons areas, as reflected  
in application and Attachment "A", to the presently licensed premises  
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 the City Clerk is directed to transmit  
a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

#### OPEN MICROPHONE SESSION - NONE

#### MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to June 1, 2009.

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

**ADJOURNMENT 2:00 P.M.**

CAMP Moved to adjourn the City Council meeting of May 18, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None. So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 18, 2009 AT 1:30 P.M.  
(NEW CITY COUNCIL)

RECONVENED 2:09 P.M.

City Clerk, Joan Ross, came forward to administer the Oath of Office to the newly elected City Council members, Eugene Carroll, Adam Hornung, Jayne Snyder. After administering the oath, she congratulated and presented the newly elected City Council members.

**ELECTION OF CHAIRPERSON**

Mayor Chris Beutler came forward to conduct the nominations for the Chairperson for the City Council. Council member, John Spatz, nominated Doug Emery. The motion was carried 7-0.

As the newly elected Chairperson, Doug Emery, conducted the nominations for the Vice Chair for the City Council. Council member Jonathan Cook nominated John Spatz. The motion was carried 7-0.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of May 18, 2009 reported having done so, found same correct. Seconded by Carroll & carried by the following vote: AYES: Camp, Cook, Emery, Eschliman, Marvin, Spatz, Svoboda; NAYS: None.

**PUBLIC HEARING RESOLUTIONS**

A RESOLUTION IN APPRECIATION OF ROBIN ESCHLIMAN FOR HER SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85354 WHEREAS, ROBIN ESCHLIMAN has heretofore well and truly served as a member of the Lincoln City Council from May, 2005 to May, 2009; and WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Robin's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

**ROBIN ESCHLIMAN**

for her service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all her future endeavors.

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

A RESOLUTION IN APPRECIATION OF DAN MARVIN FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85353 WHEREAS, DAN MARVIN has heretofore well and truly served as a member of the Lincoln City Council from May, 2005 to May, 2009; and WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Dan's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

**DAN MARVIN**

for his service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

A RESOLUTION IN APPRECIATION OF KEN SVOBODA FOR HIS SERVICE TO THE CITY AS A MEMBER OF THE CITY COUNCIL - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85355 WHEREAS, KEN SVOBODA has heretofore well and truly served as a member of the Lincoln City Council from May, 2001 to May, 2009; and WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Ken's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

### KEN SVOBODA

for his service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON MAY 4, 2009 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE FIRST QUARTER ENDING MARCH 31, 2009 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518A)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH 2009 FROM BLACK HILLS/NEBRASKA GAS UTILITY COMPANY, LLC - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF SEPTEMBER, 2008: GLOBALCOM; OCT., 2008 - DEC. 2008: TELENATIONAL COMM.; FEB. 2009 - MARCH 2009: ORBITCOM; JAN. 2009 - MARCH 2009: COMTECH 21, NECC TELECOM, CA AFFINITY, T-MOBILE CENTRAL, INETWORKS GROUP, AMERIVISION, ENHANCED COMM. GROUP, DIGIZIP.COM, THE SIENNA GROUP, ASSOCIATION ADMINISTRATORS; FEB. 2009: WINDSTREAM SYSTEMS OF THE MIDWEST, WINDSTREAM NEBRASKA, USCOC OF GREATER IOWA, NEW CINGULAR WIRELESS PCS, TWC DIGITAL PHONE, VERIZON WIRELESS, AT&T COMM. OF MIDWEST, NEBRASKA TECHNOLOGY & TELECOMM., UCN, ACN COMM. SERVICES, VIRGIN MOBILE USA, CIMCO COMM. KDDI AMERICA, GRANITE, OMAHA CELLULAR TELEPHONE CO., GLOBAL CROSSING, VERIZON SELECT SERVICES, SIOUX CITY MSA, PRIMUS, WORKING ASSETS FUNDING SERVICE, CELLCO PARTNERSHIP, QWEST COMM., VERIZON LONG DISTANCE, I-WIRELESS, ONSTAR, TELECORP, TRANS NATIONAL COMM. INT'L., XO COMM., MCLEODUSA, USCOC OF NE/KS, VOICECOM, TRACFONE WIRELESS, NORSTAN NETWORK, SPECTROTEL, NEW EDGE NETWORKS, CINCINNATI BELL ANY DISTANCE, EARTHLINK, ARIZONA TELEPHONY, TCG OMAHA, BROADWING, ATI, INTELLICALLOPERATOR, GLOBALSTAR USA, NOSVA, NETWORK BILLING SYSTEMS, FLYING J, QUANTUM SHIFT, IBM GLOBAL; MARCH 2009; D&D, SPRINT SPECTRUM, NEXTEL, MCI, ALLTEL, ALLTEL COMM. OF NE, ATS MOBILE TELEPHONE, UNITE PRIVATE NETWORKS, SBC LONG DISTANCE, GLOBALCOM, FIRST COMM., WHOLESALE CARRIER, 360NETWORKS (USA), YESTEL USA, BT AMERICAS, BUSINESS TELECOM, 800 RESPONSE INFO., NOS, COVISTA, ZONE TELECOM, GTC, ENHANCED COMM. NETWORK, LIGHTYEAR NETWORK SOLUTIONS, TRI-M, NEXTEL WEST, VONAGE AMERICA, VONAGE AMERICA, LEVEL 3, LEVEL 3, TWC DIGITAL PHONE, GRANITE, 8X8, QWEST, AT&T OF MIDWEST, BUDGET PREPAY, COMTEL TELCOM ASSETS, AT&T OF MIDWEST, WINDSTREAM - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 8, 2009 AT 1:30 P.M. FOR THE APPLICATION OF TWOTWINS CAFÉ, INC. DBA TWOTWINS CAFÉ FOR A CLASS C LIQUOR LICENSE LOCATED AT 333 N. COTNER BLVD., #1 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85356 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 8, 2009 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of TwoTwins Café, Inc. DbA TwoTwins Café for a Class C liquor license located at 333 N. Cotner Blvd. #1.

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

Introduced by Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 8, 2009 AT 1:30 P.M. FOR THE APPLICATION OF HECTOR EL DRAGON MARTINEZ CORPORATION DBA EL RANCHO AUTHENTIC MEXICAN RESTAURANT FOR A CLASS I LIQUOR LICENSE LOCATED AT 2700 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-85357 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 8, 2009 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> St., Lincoln, NE, for Application of Hector El Dragon Martinez Corp. 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 Jon Camp

Seconded by Spatz & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

#### ORDINANCES - 1<sup>ST</sup> READING

ANNEXATION NO. 09002 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 1.88 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 84TH STREET AND FIRETHORN LANE - CLERK read an ordinance, introduced by Jon Camp, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE 09010 - AMENDING CHAPTER 27.70 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING CODE, ADDITIONAL USE REGULATIONS, BY ADDING A NEW SECTION NUMBERED 27.70.060 TO ALLOW CHURCHES IN THE AG, AGR, R OR O DISTRICTS TO HOLD TEMPORARY OR SEASONAL SALES OF GOODS AT RETAIL. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS W/ACTION ON 6/1/09) - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 27.70 of the Lincoln Municipal Code relating to Zoning Code, Additional Use Regulations, by adding a new section numbered 27.70.060 to allow churches to hold temporary or seasonal sales of goods at retail, the first time.

VACATION 09004 - VACATING THE EAST-WEST ALLEY BETWEEN NORTH 23RD STREET AND NORTH 24TH STREET, NORTH OF P STREET - CLERK read an ordinance, introduced by Jon Camp, vacating the east-west alley between N. 23<sup>rd</sup> and N. 24<sup>th</sup> Streets, north of P Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

#### UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on June 1, 2009.

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

#### ADJOURNMENT 2:23 P.M.

CAMP Moved to adjourn the City Council meeting of May 18, 2009.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None. So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant



