

**THE MINUTES OF THE CITY COUNCIL MEETING HELD  
MONDAY, JUNE 7, 2010 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Spatz; Council Members: Camp, Carroll, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross.

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

**READING OF THE MINUTES**

CARROLL Having been appointed to read the minutes of the City Council proceedings of May 24, 2010 reported having done so, found same correct.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

**PRESENTATION OF THE BYRNE JUSTICE ASSISTANCE GRANT**

Assistant Police Chief Jim Peschong of the Lincoln Police Department came forward as a requirement to publicly announce its submission of an application for the Byrne Justice Assistance Grant in the amount of \$296,012.00. He said these funds will be shared between the Lancaster County Sheriff's Department, Lancaster County Attorney's office and the Lincoln Police Department to help offset the cost of the narcotics unit as well as narcotic investigations conducted under the joint agencies.

**PUBLIC HEARING**

APPLICATION OF MORAN'S LIQUOR WORKS, LLC DBA MORAN'S LIQUOR WORKS FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE AT 3400 A STREET - Eric Bahm, 3710 LaSalle St., came forward to take oath and answer questions.  
This matter was taken under advisement.

APPLICATION OF WALGREEN CO. DBA WALGREENS #04088 FOR A CLASS D LIQUOR LICENSE AT 2502 N. 48TH STREET;

MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #04088 AT 2502 N. 48TH STREET;

APPLICATION OF WALGREEN CO. DBA WALGREENS #01162 FOR A CLASS D LIQUOR LICENSE AT 8300 NORTHERN LIGHTS DRIVE;

MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #01162 AT 8300 NORTHERN LIGHTS DRIVE;

APPLICATION OF WALGREEN CO. DBA WALGREENS #03182 FOR A CLASS D LIQUOR LICENSE AT 7045 O STREET;

MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #03182 AT 7045 O STREET - Sean Kelley, 7134 Pacific St., Omaha, NE, attorney for the applicant, came forward to take oath and answer questions.

This matter was taken under advisement.

APPLICATION OF 1644 STEEL LLC DBA THE BAR FOR A CLASS CK LIQUOR LICENSE AT 1644 P STREET;

MANAGER APPLICATION OF SETH D. REGAN FOR 1644 STEEL LLC DBA THE BAR AT 1644 P STREET - Seth Regan, Manager, came forward representing The Bar to take oath and answer questions. He stated he has no liquor offenses in the 10 years he has owned liquor establishments in the City of Lincoln.

Gregg List came forward representing The Bar to take oath and answer questions. He said he would abide by the one-year restriction by the Council.

Colin Daro came forward representing The Bar to take oath and answer questions. He said he would abide by the one-year restriction by the Council.

Inv. Russ Fosler, LPD, came forward to answer Council's questions regarding the criminal histories of Mr. List and Mr. Daro. He clarified the one-year time frame for any restriction relates to the length of time a liquor license can be granted. He recommended that the owners have no business or personal alcohol related incidents for one full year. Inv. Fosler said through the years he has had minimal problems with the businessmen's establishments.

This matter was taken under advisement.

**REGULAR MEETING**  
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APPLICATION OF S.B PARTNERS, LLP DBA STAYBRIDGE SUITES FOR A CLASS I LIQUOR LICENSE AT 2701 FLETCHER AVENUE;  
MANAGER APPLICATION OF CARRIE A. FLECK FOR S.B. PARTNERS, LLP DBA STAYBRIDGE SUITES AT 2701 FLETCHER AVENUE - Carrie Fleck, 3011 Fletcher Ave. #179, came forward to take oath and answer questions.

This matter was taken under advisement.

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND AMBULANCES AND RELATED MATTERS - Don Herz, City Finance Director, came forward in consideration of acquiring street lights, defibrillator equipment and replacement of two ambulances approved in the 09-10 budget. He said approximately \$650,000 is in the EMS Fund and \$480,000 is in the Fire Dept. General Fund.

Chief Niles Ford, Lincoln Fire & Rescue, came forward in response to Council questions and explained that while his organization's maintenance shop can be credited with keeping their ambulances, engines & trucks functioning and moving, he has determined at this time an ambulance purchase is more cost effective than a re-mount. He said his department is very responsible & frugal as evidenced in nearly paying off the Enterprise Fund. Chief Ford said the life of a van is extremely limited. He said patient care is first and foremost.

This matter was taken under advisement.

AMENDING SECTION 9.44.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF PERMISSIBLE FIREWORKS BY CHANGING THE DATE BY WHICH APPLICATIONS FOR LICENSE AS A RETAILER OF PERMISSIBLE FIREWORKS MUST BE FILED WITH THE CHIEF OF THE BUREAU OF FIRE PREVENTION FROM JUNE 23 TO JUNE 10, INCREASING THE FEE FOR LATE FILING OF SAID APPLICATION FROM \$25.00 TO \$50.00, AND INCREASING THE APPLICATION FEE FROM \$75.00 TO \$100.00, TO HARMONIZE WITH THE PROVISIONS OF SECTION 19.03.100 OF THE LINCOLN FIRE CODE - Bill Moody, Chief Fire Investigator with the Bureau of Fire Prevention, came forward to state the amendment cleans up the language in the Lincoln Municipal Code. He said since adoption of the Lincoln Fire Code in 2008, these changes have actually been in effect for the last two years and everyone has been abiding by them.

This matter was taken under advisement.

VACATION 10002 - VACATING THAT PORTION OF THE NORTH-SOUTH ALLEY BETWEEN S. 15TH STREET AND S. 16TH STREET FROM SOUTH STREET TO APPROXIMATELY 210 FEET NORTH OF SOUTH STREET - Mark Hunzeker, 600 Wells Fargo Center, 1248 O Street, came forward representing the applicant, B & J Partnership, to present the last piece of the project.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF MAY 1 - 15, 2010 - Greg Baker, 1039 S. 11<sup>th</sup> St., came forward requesting that his denied claim for replacement of sprinkler heads damaged by snow plows be reimbursed by the City.

Rod M. Confer, City Attorney, came forward to clarify that the right-of-way is retained as City-owned property. He said should a homeowner obtain a permit to place irrigation equipment in the ROW, they're required to sign a release making the City non-liable for damages.

Dale Gardner, 4415 Calvert, came forward requesting his denied claim be overturned and therefore be reimbursed for his labor costs by the City. He felt his valuable time invested in clearing a snow-laden path in the right-of-way was destroyed by City snow removal equipment.

Roger Figard, Public Works Dept., came forward to answer questions about Mr. Gardner's comments. He stated he would need to gather all the facts in the situation.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE NEBRASKA DEPARTMENT OF ROADS TO PURCHASE RIGHT-OF-WAY FOR THE PROTECTION OF THE SOUTH BELTWAY AND EAST BELTWAY - Roger Figard, Public Works Dept., came forward to pin-point the area of right-of-way. He said it made sense to approach the property owner and deal with them one time to complete the purchase.

Coby Mach, LIBA, came forward in support of the Beltway as it is a priority. He said LIBA is in agreement with Mayor Chris Beutler who had expressed his opinion one year ago that the Beltway's completion would be crucial

to Lincoln's economic vitality as well as driver safety. Mr. Mach expressed appreciation to Public Works Dept. staff who demonstrated that the Beltway is a priority.

Phil Young, representing LIBA Board of Directors, came forward in support and was on hand for questioning.

This matter was taken under advisement.

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE NEBRASKA DEPARTMENT OF LABOR FOR THE NEBRASKA DEPARTMENT OF LABOR TO PROVIDE THE HEALTH DEPARTMENT WITH A LIST OF NEBRASKA EMPLOYERS THAT WERE IN BUSINESS THE PREVIOUS YEAR - Bruce Dart, Director of Health Department, came forward to explain that this agreement allows the Health Department to monitor businesses who discharge in the sanitary sewer system. Mr. Dart says the long-existing agreement is now renewable every three years.

This matter was taken under advisement.

## COUNCIL ACTION

### REPORTS OF CITY OFFICERS

RESOLUTION APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED APRIL 30, 2010 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85870 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended April 30, 2010, \$424,124.76 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 17, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON MAY 24, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

### PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 21, 2010 AT 3:00 P.M. FOR THE APPLICATION OF VINCENZO'S, INC. DBA VINCENZO'S RISTORANTE TO EXPAND ITS LICENSED PREMISES BY THE ADDITION OF A SIDEWALK CAFÉ TO THE SOUTH MEASURING APPROXIMATELY 32' X 9' LOCATED AT 808 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85871 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 21, 2010, at 3:00 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 the application of Vincenzo's, Inc. dba Vincenzo's Ristorante to expand its licensed premises by the addition of a sidewalk café to the south measuring approximately 32' x 9' located at 808 P Street, Suite 100.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JUNE 21, 2010 AT 3:00 P.M. FOR THE APPLICATION OF TOP SPIN, LLC DBA DRAY RELLIK FOR A CLASS CK LIQUOR LICENSE LOCATED AT 816 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-85872 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, June 21, 2010, at 3:00 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 the application of Top Spin, LLC dba Dray Rellik for a class CK liquor license located at 816 P Street, Suite 100.  
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jonathan Cook

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

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone No. 10014 - Requested by Don Linscott, Northwoods Plaza Planned Unit Development for a change of zone from B-2 Planned Neighborhood Business District to B-2 Planned Unit Development on property generally located at N. 84th Street and Holdrege Street; for a Planned Unit Development District designation of said property; which allows residential and approximately 176,900 square feet commercial floor area including an 86 room hotel in the underlying B-2 zoned area.

Pre-existing Use Permit No. 13D - Requested by John L. Hoppe, Jr. to reduce the number of required parking stalls on property generally located at S. 48th Street and Briarpark Drive.

THE FOLLOWING HAS BEEN PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

Administrative Permit No. 10020 to Special Permit No. 587 Southwood Hills 3rd Addition Community Unit Plan approved by the Planning Director on May 21, 2010 requested by Rocke Huntington for the West Parkview Association to allow unenclosed decks to extend up to 10 feet from the main structure into the required rear yard on property generally located at Southwood Drive and Sandstone Road.

#### LIQUOR RESOLUTIONS

APPLICATION OF MORAN'S LIQUOR WORKS, LLC DBA MORAN'S LIQUOR WORKS FOR THE ADDITION OF A CATERING LICENSE TO ITS CLASS D LIQUOR LICENSE AT 3400 A STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85873 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 Moran's Liquor Works, LLC dba Moran's Liquor Works for the issuance of a Catering Permit to the existing Class D liquor license, located at 3400 A 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 Jon Camp

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

APPLICATION OF WALGREEN CO. DBA WALGREENS #04088 FOR A CLASS D LIQUOR LICENSE AT 2502 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85874 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 Walgreen Co. dba Walgreens #04088 for a Class "D" liquor license at 2502 N. 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #04088 AT 2502 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85875 WHEREAS, Walgreen Co., dba Walgreens #04088 located at 2502 N. 48<sup>th</sup> Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;  
WHEREAS, James P. Karins 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 James P. Karins 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 Jon Camp

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

APPLICATION OF WALGREEN CO. DBA WALGREENS #01162 FOR A CLASS D LIQUOR LICENSE AT 8300 NORTHERN LIGHTS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85876 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 Walgreen Co. dba Walgreens #01162 for a Class "D" liquor license at 8300 Northern Lights Drive, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #01162 AT 8300 NORTHERN LIGHTS DRIVE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85877 WHEREAS, Walgreen Co., dba Walgreens #01162 located at 8300 Northern Lights Drive, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;  
WHEREAS, James P. Karins 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 James P. Karins 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 Jon Camp

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

APPLICATION OF WALGREEN CO. DBA WALGREENS #03182 FOR A CLASS D LIQUOR LICENSE AT 7045 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85878 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 Walgreen Co. dba Walgreens #03182 for a Class "D" liquor license at 7045 O Street, Lincoln, Nebraska, for the license period ending April 30, 2011, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JAMES P. KARINS FOR WALGREEN CO. DBA WALGREENS #03182 AT 7045 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85879 WHEREAS, Walgreen Co., dba Walgreens #03182 located at 7045 O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that James P. Karins be named manager;

WHEREAS, James P. Karins 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 James P. Karins 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 Jon Camp

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

APPLICATION OF 1644 STEEL LLC DBA THE BAR FOR A CLASS CK LIQUOR LICENSE AT 1644 P STREET - PRIOR to reading:

CAMP Moved to amend the application of 1644 Steel LLC dba The Bar for a Class CK liquor license at 1644 P Street by adding the following language:

1. On Line 7, after the word "related", add the words or criminal.

Seconded by Carroll & carried by the following vote: AYES: Carroll, Cook, Hornung, Snyder; NAYS: Camp, Emery, Spatz.

CLERK Read the following amended resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85880 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 1644 Steel LLC dba The Bar for a Class "CK" liquor license at 1644 P Street, Lincoln, Nebraska, for the license period ending October 31, 2010, be approved with the condition that:

1. There be no business or personal alcohol related or criminal offenses by the applicant within the first year after approval.

2. 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.

3. 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 Jon Camp

Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder Assenting; NAYS: Spatz.

MANAGER APPLICATION OF SETH D. REGAN FOR 1644 STEEL LLC DBA THE BAR AT 1644 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85881 WHEREAS, 1644 Steel LLC dba The Bar located at 1644 P Street, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Seth D. Regan be named manager;

WHEREAS, Seth D. Regan 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 Seth D. Regan 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 Jon Camp

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

APPLICATION OF S.B. PARTNERS, LLP DBA STAYBRIDGE SUITES FOR A CLASS I LIQUOR LICENSE AT 2701 FLETCHER AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85882 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 S.B. Partners, LLP dba Staybridge Suites for a Class "I" liquor license at 2701 Fletcher Avenue, Lincoln, Nebraska, for the license period ending April 30, 2011, 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 Jon Camp

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

MANAGER APPLICATION OF CARRIE A. FLECK FOR S.B. PARTNERS, LLP DBA STAYBRIDGE SUITES AT 2701 FLETCHER AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-85883 WHEREAS, S.B. Partners, LLP dba Staybridge Suites located at 2701 Fletcher Avenue, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Carrie A. Fleck be named manager; WHEREAS, Carrie A. Fleck 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 Carrie A. Fleck 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 Jon Camp

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

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

AUTHORIZING THE CITY OF LINCOLN TO ENTER INTO A LEASE-PURCHASE TRANSACTION WITH UNION BANK AND TRUST COMPANY FOR THE ACQUISITION OF STREET LIGHTING EQUIPMENT AND AMBULANCES AND RELATED MATTERS - CLERK read an ordinance, introduced by Eugene Carroll, of the City of Lincoln, Nebraska authorizing and approving a lease-purchase transaction with Union Bank and Trust Company, the proceeds of which will be used to pay the costs of (A) acquiring and installing street lights and related improvements and (B) acquiring two new ambulances and additional defibrillators; approving the issuance, sale and delivery of not to exceed \$3,500,000 principal amount of certificates of participation in such lease; fixing in part and providing for the fixing in part of certain provisions of the lease; and related matters, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$22,500,000 PRINCIPAL AMOUNT OF THE CITY OF LINCOLN GENERAL OBLIGATION BOND ANTICIPATION NOTES AND \$27,500,000 OF THE CITY OF LINCOLN GENERAL OBLIGATION TAX ANTICIPATION NOTES - PRIOR to reading:

COOK Moved to continue public hearing on Bill No. 10-58 in one week to June 14, 2010 with action June 21, 2010.

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

CLERK Read an ordinance, introduced by Eugene Carroll, authorizing and providing for the issuance, sale and delivery of (A) General Obligation Bond anticipation notes, Series 2010 in an aggregate principal amount not to exceed \$22,500,000 (the "Bond Anticipation Notes") and (B) Tax Anticipation Notes, Series 2010, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed \$27,500,000 (The "Tax Anticipation Notes"), for the purpose of paying the costs of land acquisition and improvements thereon in connection with constructing, equipping and furnishing a new sports/entertainment arena in the West Haymarket area of the City; prescribing certain terms of the notes;

delegating, authorizing and directing the Finance Director to exercise his independent judgment and absolute discretion in determining certain other terms of the notes; providing for the payment of the principal of and interest on (1) the Bond Anticipation Notes from the proceeds of bonds to be issued by or made available to the City notes and (2) the Tax Anticipation Notes by the levy of a tax on all of the taxable property within the City of from other funds made available to the City; authorizing and approving certain other documents and actions and related matters, the second time.

AMENDING SECTION 9.44.040 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SALE OF PERMISSIBLE FIREWORKS BY CHANGING THE DATE BY WHICH APPLICATIONS FOR LICENSE AS A RETAILER OF PERMISSIBLE FIREWORKS MUST BE FILED WITH THE CHIEF OF THE BUREAU OF FIRE PREVENTION FROM JUNE 23 TO JUNE 10, INCREASING THE FEE FOR LATE FILING OF SAID APPLICATION FROM \$25.00 TO \$50.00, AND INCREASING THE APPLICATION FEE FROM \$75.00 TO \$100.00, TO HARMONIZE WITH THE PROVISIONS OF SECTION 19.03.100 OF THE LINCOLN FIRE CODE - CLERK read an ordinance, introduced by Eugene Carroll, amending Section 9.44.040 of the Lincoln Municipal Code relating to the sale of permissible fireworks by changing the date by which applications for license as a retailer of permissible fireworks must be filed with the Chief of the Bureau of Fire Prevention from June 23, to June 10, increasing the fee for late filing of said application from \$25.00 to \$50.00, and increasing the application fee from \$75.00 to \$100.00, to harmonize with the provisions of Section 19.03.100 of the Lincoln Fire Code; and repealing Section 9.44.040 of the Lincoln Municipal Code as hitherto existing, the second time.

VACATING THAT PORTION OF THE NORTH-SOUTH ALLEY BETWEEN S. 15TH STREET AND S. 16<sup>TH</sup> STREET FROM SOUTH STREET TO APPROXIMATELY 210 FEET NORTH OF SOUTH STREET - CLERK read an ordinance, introduced by Eugene Carroll, vacating a portion of the north-south alley between S. 15th Street and S. 16th Street from South Street to approximately 210 feet north of South Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, 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 MAY 1 - 15, 2010 - PRIOR to reading:

CAMP Moved to amend Bill No. 10R-124 to have the claim of Dale Gardner held over with Public Hearing two weeks to June 21, 2010.

Seconded by Carroll & carried by the following vote: AYES: Camp, Cook, Hornung, Snyder; NAYS: Carroll, Emery, Spatz.

CLERK Read the following amended resolution, introduced by Eugene Carroll, who moved its adoption:

A-85884 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 May 17, 2010, 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 CLAIMS</u>		<u>ALLOWED/SETTLED CLAIMS</u>	
Dale A. Gardner	\$ 200.00	Richard H. Stephens	\$ 3,133.32
Tom R. Davis	NAS*	Jeffrey Harris	87,500.00**
Lycebeth Loy	1,000,000.00		
Libby Raetz	116.86		
Greg and Paula Baker	104.09		
R. David Wilcox	274.52		
Dick and Joyce Vosteen	396.23		

\* No Amount Specified

\*\* Settlement 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 Eugene Carroll

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

APPROVING AN AGREEMENT BETWEEN THE CITY OF LINCOLN, LANCASTER COUNTY AND THE NEBRASKA DEPARTMENT OF ROADS TO PURCHASE RIGHT-OF-WAY FOR THE PROTECTION OF THE SOUTH BELTWAY AND EAST BELTWAY - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85885 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Agreement between the City of Lincoln, Lancaster County and the State of Nebraska Department of Roads to purchase right-of-way for the protection of the South Beltway and East Beltway to be included in a project designated as DPU-3300(3), DPU-2-6(117), DPU-2-6(118), DPU-2-6(119), DPU-LIN-2(120), and DPU-55(156), City Project No. 542702, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit the executed copies of the Agreement to the County Clerk for execution by the County.

Introduced by Eugene Carroll

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

APPROVING AN EXCHANGE AGREEMENT BETWEEN THE CITY OF LINCOLN, ON BEHALF OF THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT, AND THE NEBRASKA DEPARTMENT OF LABOR FOR THE NEBRASKA DEPARTMENT OF LABOR TO PROVIDE THE HEALTH DEPARTMENT WITH A LIST OF NEBRASKA EMPLOYERS THAT WERE IN BUSINESS THE PREVIOUS YEAR - CLERK read the following resolution, introduced by Eugene Carroll, who moved its adoption:

A-85886 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Exchange Agreement between the City of Lincoln, Nebraska, on behalf of the Lincoln-Lancaster County Health Department and the Nebraska Department of Labor for the Nebraska Department of Labor to provide the Health Department with a list of Nebraska employers in business the previous year, for a term of May 1, 2010 to April 30, 2013, in accordance with the terms and conditions contained in said Agreement, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one executed Agreement to Elaine Severe, Lincoln-Lancaster County Health Department, for transmittal to the Nebraska Department of Labor.

Introduced by Eugene Carroll

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

**ORDINANCE - 1<sup>ST</sup> READING & RELATED RESOLUTIONS (as required)**

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS AT THE ONE STOP CENTER AT 1010 N STREET FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT FOR A ONE-YEAR TERM FROM APRIL 1, 2010 THROUGH MARCH 31, 2011 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and Experience Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of April 1, 2010 through March 31, 2011 whereby the City of Lincoln is subleasing 400 sq. ft. of space to Experience Works at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

AMENDING SECTION 5.04.130 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE PROVISIONS RESTRICTING RETAIL LIQUOR SALES ON SUNDAY TO ALLOW RETAIL SALES OF ALL LIQUOR BOTH ON AND OFF SALE BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 NOON ON SUNDAY, JULY 4, 2010 - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 5.04.130 of the Lincoln Municipal Code to amend the provisions restricting retail liquor sales on Sunday to allow retail sales of all liquors both on and off sale between the hours of 6:00 a.m. and 12:00 noon on July 14, 2010; and repealing Section 5.04.130 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATION 10001 - VACATING NORTH 21ST STREET FROM THE NORTH LINE OF VINE STREET TO THE SOUTH LINE OF PREVIOUSLY VACATED NORTH 21ST STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of North 21<sup>st</sup> Street from the north line of Vine Street to the south line of previously vacated North 21<sup>st</sup> Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

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VACATION 10005 - VACATING A PORTION OF THE NORTH 14TH STREET RIGHT-OF-WAY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 14TH STREET AND SALT CREEK ROADWAY - CLERK read an ordinance, introduced by Jonathan Cook, vacating a portion of North 14<sup>th</sup> Street generally located at the southeast corner of North 14<sup>th</sup> Street and Salt Creek Roadway, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

VACATION 09007 - VACATING VARIOUS RIGHTS-OF-WAY IN ANTELOPE VALLEY LOCATED GENERALLY IN THE AREA OF NORTH 14TH AND COURT STREETS; NORTH 16TH AND Y STREETS; AND NORTH 12TH AND CHARLESTON STREETS - CLERK read an ordinance, introduced by Jonathan Cook, vacating various rights-of-way in the Antelope Valley Redevelopment Area generally in the area of North 14<sup>th</sup> Street and Court Street, North 16<sup>th</sup> Street and Y Street, and North 12<sup>th</sup> Street and Charleston Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

STREET NAME CHANGE 10001 - NAMING AND RE-NAMING PORTIONS OF REALIGNED SOUTH 1<sup>ST</sup> STREET, WEST DENTON ROAD, AND AMARANTH LANE AS WEST DENTON ROAD, SCHMIDT DRIVE, SCHMIDT PLACE, SCHMIDT COURT, WEST AMARANTH LANE AND SOUTH 1ST STREET - CLERK read an ordinance, introduced by Jonathan Cook, naming the new alignments for South 1<sup>st</sup> Street and West Denton Road and changing the name of the old portions of South 1<sup>st</sup> Street and West Denton Road as recommended by the Street Name Committee, the first time.

**ORDINANCES - 3<sup>RD</sup> READING & RELATED RESOLUTIONS (as required) - NONE**

ANNEXATION 08027 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 45 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 48TH STREET AND DORIS BAIR CIRCLE - 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 third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19388, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 10008 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTIONS 27.43.030, 27.45.025, AND 27.49.030 TO ADD OUTDOOR VEHICLE STORAGE AS A PERMITTED CONDITIONAL USE IN THE H-3, H-4, AND I-2 ZONING DISTRICTS, RESPECTIVELY - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Sections 27.43.030, 27.45.025, and 27.49.030 to add outdoor vehicle storage as a permitted conditional use in the H-3, H-4, and I-2 zoning districts, respectively; and repealing Sections 27.43.030, 27.45.025, and 27.49/030 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19389, is recorded in Ordinance Book #26, Page

ANNEXATION 10003 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 10 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WHISPERING WIND BOULEVARD. (RELATED ITEMS: 10-51, 10-52) - 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 third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19390, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 10010 - APPLICATION OF LINCOLN FEDERAL BANCORP, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 27TH STREET AND WHISPERING WIND BOULEVARD. (RELATED ITEMS: 10-51, 10-52) - CLERK read an ordinance, introduced by Jon Camp, amending

the Lincoln Zoning District Maps adopted by reference and made a part of Title 27 of the Lincoln Municipal Code, pursuant to Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19391, is recorded in Ordinance Book #26, Page

CHANGE OF ZONE 09024 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO ZONING BY AMENDING SECTION 27.15.030 TO ALLOW SINGLE-FAMILY DWELLINGS ON SMALL LOTS LOCATED OUTSIDE THE JANUARY 1, 2010 CORPORATE LIMITS AS A PERMITTED CONDITIONAL USE AND PROVIDING CONDITIONS OF APPROVAL; AMENDING SECTION 27.15.040 TO ALLOW SINGLE-FAMILY DWELLINGS ON SMALL LOTS LOCATED INSIDE THE JANUARY 1, 2010 CORPORATE LIMITS AS A PERMITTED SPECIAL USE; ADDING A NEW SECTION NUMBERED 27.63.800 TO PROVIDE CONDITIONS FOR GRANTING A SPECIAL PERMIT TO ALLOW SINGLE-FAMILY DWELLINGS ON SMALL LOTS IN THE R-3 DISTRICT LOCATED INSIDE THE JANUARY 1, 2010 CORPORATE LIMITS. (RELATED ITEMS: 10-53, 10-54) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to Zoning by amending Section 27.15.030 to allow single-family dwellings on small lots located outside the January 1, 2010 corporate limits as a permitted conditional use and providing conditions of approval; amending Section 27.15.040 to allow single-family dwellings on small lots located inside the January 1, 2010 corporate limits as a permitted special use; adding a new section numbered 27.63.800 to provide conditions for granting a special permit to allow single-family dwellings on small lots in the R-3 district located inside the January 1, 2010 corporate limits, and repealing Sections 27.15.030 and 27.15.040 of the Lincoln Municipal Code, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19392, is recorded in Ordinance Book #26, Page

MISC. 10002 - AMENDING SECTION 26.23.140 OF THE LINCOLN MUNICIPAL CODE RELATING TO DEVELOPMENT STANDARDS FOR LOTS TO PROVIDE THAT RESIDENTIAL LOTS IN THE R-3 DISTRICT WHICH DO NOT MEET THE REQUIRED MINIMUM LOT AREA, AVERAGE LOT WIDTH, OR YARD REQUIREMENTS SHALL HAVE A MAXIMUM DEPTH OF FOUR TIMES ITS WIDTH. (RELATED ITEMS: 10-53, 10-54) - CLERK read an ordinance, introduced by Jon Camp, amending Section 26.23.140 of the Lincoln Municipal Code relating to Development Standards for Lots to provide that residential lots in the R-3 district which do not meet the required minimum lot area, average lot width, or yard requirements shall have a maximum depth of four times its width; and repealing Section 26.23.140 of the Lincoln Municipal Code as hitherto existing, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Carroll & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.  
The ordinance, being numbered #19393, is recorded in Ordinance Book #26, Page

**OPEN MICROPHONE - NONE**

**MISCELLANEOUS BUSINESS**

**PENDING -**

CAMP Moved to extend the Pending List to June 14, 2010.  
Seconded by Cook & carried by the following vote: AYES: Camp, Carroll, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None.

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**UPCOMING RESOLUTIONS**

CAMP            Moved to delay introduction of Bill No. 10R-131 one week to June 14, 2010 for public hearing on June 21, 2010.

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

CAMP            Moved to approve the remainder of the resolutions to have Public Hearing on June 14, 2010.

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

**ADJOURNMENT 4:10 P.M.**

CAMP            Moved to adjourn the City Council meeting of June 7, 2010.

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

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Joan E. Ross, City Clerk

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Sandy L. Dubas, Senior Office Assistant