

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 24, 2001 AT 5:30 P.M.**

The Meeting was called to order at 5:35 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda; Joan Ross, City Clerk. Absent: Werner.

Council Chair asked the visitors to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of September 17, 2001, reported having done so, found same correct.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

PUBLIC HEARING

APPLICATION OF BWITCHED TWO, INC. DBA "BISON WITCHES BAR & DELI" FOR A CLASS "C" LIQUOR LICENSE AT 1320 P STREET, SUITE 100;

MANAGER APPLICATION OF STEVEN GERARD GAUDREAU FOR BWITCHED TWO, INC. DBA "BISON WITCHES BAR & DELI" AT 1320 P STREET, SUITE 100 - Steven Gaudreau, 1341 N. 9th St., Apt. 6, took oath & came forward to answer any questions.

Annette McRoy, Council Member, asked what type of establishment he was going to be operating.

Mr. Gaudreau stated that it was a bar & full service deli sandwich shop with soups & salads, a restaurant first.

Ms. McRoy asked if he had taken the Responsible Hospitality courses.

Mr. Gaudreau stated not yet, but he is signed up.

This matter was taken under advisement.

APPLICATION OF BRINKER RESTAURANT CORPORATION DBA "CHILI'S SOUTHWEST GRILL & BAR" FOR A CLASS "I" LIQUOR LICENSE AT 6730 S. 27TH STREET;

MANAGER APPLICATION OF KENNETH W. VAUGHAN FOR BRINKER RESTAURANT CORPORATION DBA "CHILI'S SOUTHWEST GRILL & BAR" AT 6730 S. 27TH STREET - Kenneth Vaugh, 4641 Old Cheney Rd., #28, took oath and came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF BUGGY BATH WEST, L.L.C. DBA "BUGGY BATH CAR WASH - WEST" FOR A B AND K LIQUOR LICENSE AT 1502 WEST "O" STREET;

MANAGER APPLICATION OF MICHAEL D. RAASCH FOR BUGGY BATH WEST, L.L.C. DBA "BUGGY BATH CAR WASH - WEST" AT 1502 WEST "O" STREET - Beverly Henson, 1129 Claremont & Susan Otto, 5910 Tangeman Terrace took oath & came forward to answer questions.

Glenn Friendt, Council Member, asked if there are other car washes that have a liquor license?

Ms. Hanson stated that this is a car wash with a convenience store added on.

This matter was taken under advisement.

APPLICATION OF DANIEL WILLIAMS DBA "HIGHLANDS GOLF COURSE" FOR A SPECIAL DESIGNATED LICENSE COVERING THE AREA OF THE ENTIRE GOLF COURSE, PARKING LOT, AND CLUBHOUSE, ON THE 8TH DAY OF OCTOBER, 2001, FROM 8:00 A.M. TO 5:00 P.M. - Daniel Williams, Highlands Golf Course stated that as far as the parking lot they will not be selling beer on the parking lot, but when the golf tournament ends up sometimes they'll drive their golf carts out to the parking lot.

This matter was taken under advisement.

VACATING THE NORTH-SOUTH ALLEY IN BLOCK 119, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 10TH STREET AND LINCOLN MALL - Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing NEBCO, Inc. the property owner of the blocks bounded by Lincoln Mall, 10th Street, K Street, and 11th Street. They requested to have 2nd & 3rd Reading this date to help accommodate a potential trade of right-of-way with the Public Works Dept. in another part of our community.

Mr. Friendt asked if this was tied to a trade?

Mr. Seacrest stated that this vacation does not dispose of the property it just vacates it as a public right-of-way space. This allows the administration to sell or exchange or figure out what to do with it. They have been in touch with Public Works to decide what to do with it.

This matter was taken under advisement.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE TO GROUP ALL APPLICATION FEES INTO ONE CHAPTER, TO ADD AN APPLICATION FEE FOR A REQUEST TO AMEND THE CONDITIONS OF AN APPROVED FINAL PLAT, TO VACATE A FINAL PLAT, AND TO AMEND THE TEXT OF THE LAND SUBDIVISION ORDINANCE - Ray Hill, Planning Dept. came forward to answer any questions.

Ms. McRoy, questioned the analysis on page 2 of the worksheet reference the fees due to amending or sending back a final plat or preliminary plat.

Mr. Hill stated it had nothing to do with what the Council does, it has to do with an owner of property who has an approved final plat that decides they want to change the rules under which the final plat was approved.

Jonathan Cook, Council Member, thanked the Planning Dept. for bringing this forward. He feels there has been an abuse of the process where people don't fulfill their obligations under what has been approved and then they come back for a waiver after they've been caught.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS PUBLIC HEARING

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to thank the Council for their support of the problems at Trago Park. He also asked how a person could get a copy of the minutes verbatim since the minutes are in an abbreviated form now.

Joan Ross, City Clerk, responded that a video tape is on file for 3 years and the audio tape is on file for 5 years. These can be purchased for a fee.

Annette McRoy, Council Member, stated she spoke with UNL. They are taking the matter of the problems after the Notre Dame game seriously and they stated they will contact Notre Dame as well.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF BWITCHED TWO, INC. DBA "BISON WITCHES BAR & DELI" FOR A CLASS "C" LIQUOR LICENSE AT 1320 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81107 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 Bwitched Two, Inc. dba "Bison Witches Bar & Deli" for a Class "C" liquor license at 1320 P Street, Suite 100, Lincoln, Nebraska, for the license period ending October 31, 2001, 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF STEVEN GERARD GAUDREAU FOR BWITCHED TWO, INC. DBA "BISON WITCHES BAR & DELI" AT 1320 P STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81108 WHEREAS, Bwitched Two, Inc. dba "Bison Witches Bar & Deli" located at 1320 P Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Steven Gerard Gaudreau be named manager;

WHEREAS, Steven Gerard Gaudreau 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 Steven Gerard Gaudreau 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF BRINKER RESTAURANT CORPORATION DBA "CHILI'S SOUTHWEST GRILL & BAR" FOR A CLASS "I" LIQUOR LICENSE AT 6730 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81109 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 Brinker Restaurant Corporation dba "Chili's Southwest Grill & Bar" for a Class "I" liquor license at 6730 S. 27th Street, Lincoln, Nebraska, for the license period ending April 30, 2002, 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF KENNETH W. VAUGHAN FOR BRINKER RESTAURANT CORPORATION DBA "CHILI'S SOUTHWEST GRILL & BAR" AT 6730 S. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81110 WHEREAS, Brinker Restaurant Corporation dba "Chili's Southwest Grill & Bar" located at 6730 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kenneth W. Vaughan be named manager;

WHEREAS, Kenneth W. Vaughan 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 Kenneth W. Vaughan 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF BUGGY BATH WEST, L.L.C. DBA "BUGGY BATH CAR WASH - WEST" FOR A B AND K LIQUOR LICENSE AT 1502 WEST "O" STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

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A-81111 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 Buggy Bath West, L.L.C. dba "Buggy Bath Car Wash - West" for a Class "B" and "K" liquor license at 1502 West O Street, Lincoln, Nebraska, for the license period ending April 30, 2002, 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF MICHAEL D. RAASCH FOR BUGGY BATH WEST, L.L.C. DBA "BUGGY BATH CAR WASH - WEST" AT 1502 WEST "O" STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81112 WHEREAS, Buggy Bath West, L.L.C. dba "Buggy Bath Car Wash - West" located at 1502 West O Street, Lincoln, Nebraska has been approved for a Retail Class "B/K" liquor license, and now requests that Michael D. Raasch be named manager;

WHEREAS, Michael D. Raasch 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 Michael D. Raasch 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR AN ADDITION TO ITS LICENSED PREMISES CONSISTING OF A COURTYARD AREA AND COVERED WALKWAY APPROXIMATELY 325' BY 175', A PASSAGEWAY APPROXIMATELY 200' BY 100' AND A SMALL ANIMAL BUILDING 240' BY 90' LOCATED AT 4011 N. 84TH STREET - PRIOR TO READING:

CAMP Moved to delay action & continue public hearing to 10/01/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF THAI GARDEN L.L.C. DBA "THAI GARDEN RESTAURANT" FOR A CLASS "I" LIQUOR LICENSE AT 1245 Q STREET, SUITE 100 - PRIOR TO READING:

CAMP Moved to delay action & continue public hearing to 10/08/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

MANAGER APPLICATION OF ZHONGWEN JIANG WEI FOR THAI GARDEN L.L.C. DBA "THAI GARDEN RESTAURANT" AT 1245 Q STREET, SUITE 100 - PRIOR TO READING:

CAMP Moved to delay action & continue public hearing to 10/08/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF DANIEL WILLIAMS DBA "HIGHLANDS GOLF COURSE" FOR A SPECIAL DESIGNATED LICENSE COVERING THE AREA OF THE ENTIRE GOLF COURSE, PARKING LOT, AND CLUBHOUSE, ON THE 8TH DAY OF OCTOBER, 2001, FROM 8:00 A.M. TO 5:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81113 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 Daniel Williams dba "Highlands Golf Course" for a Special Designated License covering the area of the entire golf course, parking lot, and clubhouse, at 5501 N.W. 12th Street, Lincoln, Nebraska, on the 8th day of October, 2001, between the hours of 8:00 a.m. and 5:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following

requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng; NAYS: Svoboda; ABSENT: Werner.

ORDINANCES - 2ND READING

VACATING THE NORTH-SOUTH ALLEY IN BLOCK 119, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 10TH STREET AND LINCOLN MALL - PRIOR TO READING:

SENG Moved to suspend the rules to have 2nd & 3rd Readings on this date.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

CLERK Read an ordinance, introduced by Coleen Seng for Terry Werner who was absent, vacating the north-south alley in Block 119, Original Plat, generally located at 10th Street and Lincoln Mall and retaining title thereto in the City of Lincoln, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUB-DIVISION ORDINANCE TO GROUP ALL APPLICATION FEES INTO ONE CHAPTER, TO ADD AN APPLICATION FEE FOR A REQUEST TO AMEND THE CONDITIONS OF AN APPROVED FINAL PLAT, TO VACATE A FINAL PLAT, AND TO AMEND THE TEXT OF THE LAND SUBDIVISION ORDINANCE - CLERK read and ordinance, introduced by Terry Werner, amending title 26 of the Lincoln Municipal Code relating to the land subdivision ordinance to group all application fees into one chapter, to add an application fee for a request to amend the conditions of an approved final plat, to vacate a final plat, and to amend the text of the land subdivision ordinance, the second time.

RESOLUTIONS

AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE TRANSPORTATION ENHANCEMENT PROGRAM FOR THE CONSTRUCTION OF THE MOPAC WEST TRAIL ALONG THE MOPAC RAILROAD CORRIDOR BETWEEN 18TH AND X STREETS AND 30TH AND X STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81114 WHEREAS, the City of Lincoln through its Parks and Recreation Department intends to apply to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the "MoPac West - Husker Link" a one-mile pedestrian/bicycle trail linking the MoPac East Trail with the future Antelope Valley Project, Rock Island Trail, and the UNL Campus in Lancaster County, Nebraska. The project will include the construction of a twelve-foot wide concrete pathway and associated landscape and safety features on publicly owned property along the MoPac Railroad corridor between 18th and "X" streets and 30th and "X" Streets.

WHEREAS, the total cost of the project will be \$495,000 which includes \$100,000 for an easement and construction cost of \$395,000. The grant to fund approximately 74% of total construction cost is being requested with at least 26% of the remainder of the cost of construction and acquisition of the easement being matched by the City of Lincoln CIP budget, and \$90,000 in donations from the Great Plains Trails Network.

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of operation and maintenance of the completed facility in a safe and attractive manner for the public.

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

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the State of Nebraska Department of Roads for financial assistance from the Transportation Enhancement Program for the purpose of constructing the project described above and known as the "MoPac

West - Husker Link." Terry Genrich, Parks and Recreation Department Natural Resources and Greenways Manager, is hereby designated as the Project Liaison Officer to work with the State of Nebraska Department of Roads staff and shall be the principal contact for this project.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to operate and maintain the completed facility in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by make the facilities accessible to the handicapped.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the State of Nebraska Department of Roads.

Introduced by Jon Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

SPECIAL PERMIT 1926 - APPLICATION OF MARK LYON ON BEHALF OF IDEAL GROCERY FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT S. 27TH AND F STREETS - PRIOR TO READING:

COOK Moved to amend Bill No. 01R-248 in the following manner:
1. On page 2, line 2, delete the words "between the hours of 7:30 a.m. to 6:30 p.m., Monday through Saturday."
2. On page 2, line 5, after the word "waived" insert the following language: provided that the sale of alcoholic beverages for consumption off the premises is limited to the sale of wine only between the hours of 7:30 a.m. to 6:30 p.m., Monday through Saturday as the City Council finds that the restricted sales and limited hours of operation and the fact that S. 27th Street is a heavily traveled principal arterial street which separates the licensed premises from the B-3 zoned residential uses to the east across S. 27th Street protects said residential uses from the adverse impact which normally would be caused by the lack of the required 100 foot separation. No additional types of alcoholic beverages and/or expansion of the hours of sale shall be permitted unless approved by formal amendment of this Special Permit. The amendment shall be submitted to the Planning Commission and the City Council in the same manner as an original special permit for the sale of alcoholic beverages for consumption off the premises.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda; NAYS: McRoy; ABSENT: Werner.

CLERK Read the following resolution, introduced by Jonathan Cook for Terry Werner who was absent, who moved its adoption:

A-81116 WHEREAS, Mark W. Lyon has submitted an application designated as Special Permit No. 1926 for authority to sell alcoholic beverages for consumption off the premises at Ideal Grocery at 905 S. 27th Street, legally described as:

Lots 32, 33, 34, 35, and 36, Block 1,
Houtz Place, located in the Southeast
Quarter of Section 25, Township 10 North,
Range 6 East of the 6th P.M. Lincoln,
Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Mark W. Lyon, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises between the hours of 7:30 a.m. to 6:30 p.m., Monday through Saturday at the establishment known as Ideal Grocery, located at 905 S. 27th Street.

2. Section 27.63.685(c) of the Lincoln Municipal Code which requires a 100 foot separation between residential uses and the licensed premises is hereby waived.

3. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.

4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda; NAYS: McRoy; ABSENT: Werner.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 16 - 31, 2001. (YOAKUM, BAUER, DAVIS CLAIMS) - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81117 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 September 4, 2001, 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</u>
Ronnie L. Davis	611.47
Reginald Bauer	260.00
Phil & Sandy Yoakum	252.98

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 Jon Camp

Vote as follows:

SENG Moved for denial of the Ronnie L. Davis claim.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

FRIENDT Moved for denial of the Reginald Bauer claim.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

SENG Moved for approval of the Phil & Sandy Yoakum claim.
Seconded by Camp & **LOST** by the following vote: AYES: McRoy, Seng; NAYS: Camp, Cook, Friendt, Svoboda; ABSENT: Werner.

COOK Moved for denial of the Phil & Sandy Yoakum claim.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Svoboda; NAYS: McRoy, Seng; ABSENT: Werner.

PETITIONS AND COMMUNICATIONS

APP. OF BLESSED SACRAMENT CHURCH, 1720 LAKE ST. TO CONDUCT A RAFFLE ON OCT. 14, 2001 WITHIN THE CITY OF LINCOLN. (NEED A MOTION TO SET HEARING DATE FOR MON., OCT. 1, 2001 AT 1:30 P.M.) - CLERK requested a motion to set hearing date for Mon., Oct. 1, 2001 at 1:30 p.m.

CAMP So moved.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

- Change of Zone 3340 - App. of US Bank for a change from R-1 to B-1 on property at Woods Blvd. & 27th Street.
- Change of Zone 3341 - App. of Jerry Coniglio for a change from AG to H-3 on property at 4901 S 14th Street.
- Special Permit No. 1931 - App. of Richard C. Barkalow for an addition to existing one story, single family, frame structure at North 27th & Telluride Dr.
- Special Permit No. 1932 - App. of Gokie Enterprises Inc. for sale of alcoholic beverages for consumption off the premises of convenience store with gas & carwash at North 27th & Telluride Dr.
- Special Permit No. 1933 - App. of Cricket Nebraska Property Co. to install a new wireless tower at 5200 Calvert St., Union College Athletic Field.
- Special Permit No. 1934 - App. of Zan It LLC to permit the sale of alcohol under a Class C Liquor License from the Nebraska Liquor Control Commission & waive parking lot surfacing requirements in parking lot design standards under Sec. 27.67.100 of the LMC at 2112 Cornhusker Highway.
- Special Permit No. 1013I - App. of Steve Miers to increase height of flag pole to 80' at 6000 S. 56th St.

PETITION TO VACATE PUBLIC WAY OF EAST/WEST ALLEY FROM 1ST TO 2ND STREET LOCATED IN BLOCK 264 LINCOLN ORIGINAL PLAT SIGNED BY JOHN WATSON, PEOPLE'S CITY MISSION - CLERK presented said petition which was referred to the Law Dept.

APP. OF AMERICAN HEART ASSN., 1550 S. 70TH ST., #100, TO CONDUCT A LOTTERY FROM 10/01/01 TO 11/17/01 WITHIN THE CITY OF LINCOLN. (NEED A MOTION TO SET HEARING DATE FOR MON, OCT. 01, 2001 AT 1:30 P.M.) - CLERK requested a motion to set hearing date for Mon., Oct. 1, 2001 at 1:30 p.m.

SENG So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

REPORTS OF CITY OFFICERS

Clerk's Letter & Mayor's Approval of Ordinances & Resolutions passed on Sept. 10, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

INVESTMENT OF FUNDS FOR SEPTEMBER 10 - 14, 2001 - CLERK read the following resolution, introduced by John Camp, moved its adoption:

A-81115 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments for September 10 - 14, 2001.)

Introduced by John Camp

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

REPORTS OF CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF JUNE, 2001: ALIANT/ALLTEL; AUG., 2001: ATS MOBILE, WORKING ASSETS, TRACFONE WIRELESS, TOUCH AMERICA, TELIGENT SERVICES, PRIMUS,, ATLAS, LCI INT'L., QWEST, TRANS NAT'L, NEXTEL WEST, VARTEC, D& D, MCLEODUSA, XO LONG DISTANCE, GTC, NPCR/NEXTEL, LIGHTYEAR, GLOBALCOM, NOSVA, INCOMNET, RSL COM USA, TRI-M, COMDATA, TELCO DEV., NOS, WESTERN UNION, AFFINITY NETWORK, SINGLE BILLING - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF AUGUST, 2001 FROM UTILICORP UNITED - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

ORDINANCES - 1ST READING

VACATING S. 22ND STREET FROM THE NORTH LINE OF J STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY IN BLOCK 4, MCMURTRY'S ADDITION BETWEEN S. 21ST STREET AND S. 22ND STREET - CLERK read an ordinance, introduced by Jon Camp, vacating South 22nd Street from the north line of J Street to the

south line of the east-west alley in Block 4, McMurtry's Addition between S. 21st Street and S. 22nd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING

AMENDING SECTION 2.62.020 OF THE LINCOLN MUNICIPAL CODE TO INCLUDE BI-WEEKLY POST EMPLOYMENT HEALTH PLAN CONTRIBUTIONS FOR PURPOSES OF CALCULATING PENSION BENEFITS FOR PARTICIPANTS IN POLICE AND FIRE PENSION PLAN "A" - PRIOR TO READING:

SENG Moved to amend Bill No. 01-141 on page 2, lines 29 & 30, delete the underlined language & replace it with the following language: and the City's contributions to the Post Employment Health Plan (PEHP).

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, amending Section 2.62.020 of the Lincoln Municipal Code to amend the definition of regular pay to include bi-weekly Post Employment Health Plan (PEHP) contributions for purposes of calculating pension benefits for participants in Police and Fire Pension Plan "A"; and repealing Section 2.62.020 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass ordinance as amended.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#17914**, is recorded in Ordinance Book 24, Page

AMENDING SECTION 2.65.020 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE DEFINITION OF REGULAR PAY TO INCLUDE BI-WEEKLY POST EMPLOYMENT HEALTH PLAN CONTRIBUTIONS FOR PURPOSES OF CALCULATING PENSION BENEFITS FOR PARTICIPANTS IN POLICE AND FIRE PENSION PLAN "B"- PRIOR TO READING:

SENG Moved to amend Bill No. 01-142 on page 2, lines 36 & 37, delete the underlined language & replace it with the following language: and the City's contributions to the Post Employment Health Plan (PEHP).

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, amending Section 2.62.020 of the Lincoln Municipal Code to amend the definition of regular pay to include bi-weekly Post Employment Health Plan (PEHP) contributions for purposes of calculating pension benefits for participants in Police and Fire Pension Plan "B"; and repealing Section 2.65.020 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as amended.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#17915**, is recorded in Ordinance Book 24, Page

AMENDING SECTION 2.66.020 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE DEFINITION OF REGULAR PAY TO INCLUDE BI-WEEKLY POST EMPLOYMENT HEALTH PLAN CONTRIBUTIONS FOR PURPOSES OF CALCULATING PENSION BENEFITS FOR PARTICIPANTS IN POLICE AND FIRE PENSION PLAN "C" - PRIOR TO READING:

SENG Moved to amend Bill No. 01-143 on page 2, lines 37 & 38, delete the underlined language & replace it with the following language: and the City's contributions to the Post Employment Health Plan (PEHP).

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

CLERK Read an ordinance, introduced by Ken Svoboda, amending Section 2.66.020 of the Lincoln Municipal Code to amend the definition of regular pay to include bi-weekly Post Employment Health Plan (PEHP) contributions for purposes of calculating pension benefits for participants in Police & Fire Pension Plan "C"; and repealing Section 2.66.020 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to pass the ordinance as amended.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

The ordinance, being numbered **#17916**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3336 - APPLICATION OF REX ANDERSON FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-7 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 19TH AND DUDLEY STREETS - PRIOR TO READING:

COOK Moved to refer Bill No. 01-144 back to Planning Dept.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

CLERK Read an ordinance introduced by Ken Svoboda, amending the Lincoln
Zoning District Maps attached to and made a part of Title 27 of the
Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln
Municipal Code, by changing the boundaries of the districts established
and shown thereon, the third time.

MISCELLANEOUS BUSINESS

PENDING LIST -

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300'
WEST THEREOF. (11/6/00 - PLACED ON PENDING) - CLERK requested to remove
from Pending for Public Hearing on 10/01/01.

CAMP So moved.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

VACATING PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION EAST TO
THE WEST LINE OF LOT 6 I.T., GENERALLY LOCATED WEST OF S. 14TH ST. &
PINE LAKE RD. (2/26/01 - PLACED ON PENDING) - Clerk requested to remove
from Pending for Public Hearing on 10/01/01.

SENG So moved.
Seconded by Friendt & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

SPECIAL PERMIT 1873 - APPEAL OF SPRINT SPECTRUM, L.P., FROM THE PLANNING
COMMISSION DENIAL OF SPECIAL PERMIT 1873 FOR AUTHORITY TO CONSTRUCT A
90' TALL WIRELESS COMMUNICATIONS FACILITY AND WAIVER OF THE FALL ZONE,
ON PROPERTY GENERALLY LOCATED AT 4700 ANTELOPE CREEK ROAD. (8/13/01 -
PLACED ON PENDING FOR 30 DAYS) - CLERK requested to remove from Pending
for Public Hearing on 10/01/01.

SENG So moved.
Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL
DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE
PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 27, 2001 FROM 7:00 A.M. TO
1:00 A.M. - Council consensus to have Public Hearing on 10/08/01.

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL
DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE
PARKING LOT AT 301 N. 9TH STREET, ON NOVEMBER 10, 2001 FROM 7:00 A.M. TO
1:00 A.M. - Council consensus to have Public Hearing on 10/15/01.

CAMP Moved to extend the Pending List for 1 week.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None. ABSENT: Werner.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on October
6, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

ADJOURNMENT

6:38 p.m.

CAMP Moved to adjourn the City Council Meeting of September 24, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III

REGULAR MEETING
SEPTEMBER 24, 2001
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