

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 4, 2002 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk.

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

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of January 28, 2002, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

The Mayor's Award of Excellence for January, 2002 was presented to Richard Slama and Ron Erickson, Jr. of the Lincoln-Lancaster Health Dept. in the category of productivity and customer relations.

PUBLIC HEARING

APPLICATION OF BRICKTOP ENTERTAINMENT INC. DBA "BRICKTOP" FOR A CLASS "C" LIQUOR LICENSE AT 1427 O STREET;

MANAGER APPLICATION OF ALEX C. ROSKELLEY FOR BRICKTOP ENTERTAINMENT INC. DBA "BRICKTOP" AT 1427 O STREET - Alex Roskelley, 100 N. 12th Street, came forward and took the oath, to answer questions posed by council members.

Council Member McRoy and Camp asked questions regarding the Responsible Hospitality classes. They requested that Officer Fosler of LPD come forward regarding this matter.

Officer Russ Fosler, LPD came forward and reported the classes are full due to training renewal notices having been sent out.

This matter was taken under advisement.

VACATING THE EAST 18 FEET OF NORTH 8TH STREET ABUTTING LOT 6, BLOCK 30, ORIGINAL PLAT OF LINCOLN AND THE SOUTH 6 FEET OF R STREET ABUTTING LOTS 5 AND 6, BLOCK 30, ORIGINAL PLAT OF LINCOLN AND THE SOUTH 6 FEET OF R STREET ABUTTING THE EAST 18 FEET OF NORTH 8TH STREET, LINCOLN, LANCASTER COUNTY, NEBRASKA - Tom Huston, Attorney, 233 So. 13th Street, Suite 1900, representing Journal Star Printing Company, requesting the street vacation of the dock area that faces 8th street and for a six foot strip on the north side of the building.

Councilman Jon Camp asked what the warehouse will be used for and Mr. Huston responded that the Journal Star no longer has a need for the building and the dock area will be leased as a sidewalk café area.

Councilman Jonathan Cook asked about the city's liability concern. He suggested that we lease this property, and require an insurance policy thus protecting the City and the Owner, from any liability

Dana Roper, City Attorney responded that that was a possibility.

Mr. Huston reported that if the lessor made improvements, then the City's ordinance dealing with licensing it would be a one-year revocable agreement and a property owner would not be a hindrance.

Nicole Fleck-Tooze, Public Works and Utilities, stated that their department was not concerned about the loss of Right-of-Way.

Mr. Roper stated that if it were held in public ownership there would need to be a provision in the rental agreement that the city could upon notice, take over the property. A private property owner is less likely to make a lot of improvements knowing the city has made improvements.

Mr. Camp questioned staff regarding a rolling lease.

Mr. Roper stated you would still need a provision saying the the City could step in and claim the property. Mr. Roper cited Supreme Court Case of Nebraska City's Speed Fare, that spoke to this specific issue.

Councilman Glenn Friendt suggested this matter could be better handled in pre-council session.

Jason Reynolds of Planning Staff was asked to come forward and answer the question about how this would impact parking. Mr. Reynolds reported that since this was a dock area, no parking is accessible.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY GALAXY FOR THE INSTALLATION OF BURIED FIBER OPTIC CABLE IN 11TH STREET AND IN THE ALLEY BEHIND 1155 Q STREET TO CONNECT AN EXISTING VAULT 120 FEET SOUTH OF O STREET TO THE ALLEY BETWEEN P AND Q STREETS - Joe Dixon, 2022 Kentucky Drive, York, NE came forward in support of this bill.

This matter was taken under advisement.

AUTHORIZING THE COOKIE COMPANY TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 138 N. 12TH STREET FOR USE AS A SIDEWALK CAFÉ - Hans Wanamaker, 1617 Nemaha Street, came forward in support of this application for a sidewalk vendor permit and to show his grill walker machine to Council members.

Councilman Camp expressed his concerns regarding this being a competitive business and how do other food servers feel regarding Hans not having to pay rent.

Carole Eddins, Urban Development Dept., came forward to express her support of this and stated that he has complied with every aspect of the ordinance.

This matter was taken under advisement.

SPECIAL PERMIT 1629D - APPLICATION OF WHITEHEAD OIL TO PERMIT A GROUND SIGN AT THE NORTHEAST CORNER OF SOUTH 27TH STREET AND PORTER RIDGE ROAD - Mark Hunzeker, Attorney, 530 S. 13th St., Suite B, representing Whitehead Oil Co. came forward to request a special permit for the placement of a second sign on this location.

Councilman Jonathan Cook asked who drew up the original plans.

Brian Carstens, 601 Old Cheney Road, Suite C, came forward to answer questions and stated that they didn't check the plans and was copied over from another source and the two sign envelopes were on this originally.

Jason Reynolds, Planning Staff, came forward to answer questions posed by council.

Discussion by Council members followed.

Dana Roper, City Attorney, came forward to answer questions.

Councilman Terry Werner asked if that was a common practice of the Planning Dept. to approve two signs and if the Police Dept. concerns had been addressed.

Jason Reynolds, Planning Staff, responded that in the future these drafts will be looked at more carefully, but the normal course of design allows one sign, depending on the zone. He also reported that the placement of the signs had been moved outside the critical site triangle. He explained that the Planning Director is not empowered to modify the sign ordinance.

Mr. Hunzeker came forward for rebuttal.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF BRICKTOP ENTERTAINMENT INC. DBA "BRICKTOP" FOR A CLASS "C" LIQUOR LICENSE AT 1427 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81330 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 Bricktop Entertainment Inc. dba

"Bricktop" for a Class "C" liquor license at 1427 O Street, Lincoln,

Nebraska, for the license period ending October 31, 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, Werner; NAYS: None.

MANAGER APPLICATION OF ALEX C. ROSKELLEY FOR BRICKTOP ENTERTAINMENT INC. DBA "BRICKTOP" AT 1427 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81331 WHEREAS, Bricktop Entertainment Inc. dba "Bricktop" located at 1427 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Alex C. Roskelley be named manager;

WHEREAS, Alex C. Roskelley 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 Alex C. Roskelley 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, Werner; NAYS: None.

ORDINANCES - 2ND READING - NONE

CHANGE OF ZONE 3348 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO CHANGE REFERENCES FROM "COMMUNITY SEWAGE SYSTEM" AND "INDIVIDUAL SEWAGE DISPOSAL SYSTEM" TO "COMMUNITY WASTEWATER WORKS" AND "ON-SITE WASTEWATER TREATMENT SYSTEM" TO BE CONSISTENT WITH RECENT AMENDMENTS TO TITLE 24 - CLERK read an ordinance, introduced by Glenn Friendt, Amending Title 27 of the Lincoln Municipal Code to change references from "community sewage system" and "individual sewage disposal system" to "community wastewater works" and "on-site wastewater treatment system" to be consistent with recent amendment to Title 24, the second time.

VACATING THE EAST 18 FEET OF NORTH 8TH STREET ABUTTING LOT 6, BLOCK 30, ORIGINAL PLAT OF LINCOLN AND THE SOUTH 6 FEET OF R STREET ABUTTING LOTS 5 AND 6, BLOCK 30, ORIGINAL PLAT OF LINCOLN AND THE SOUTH 6 FEET OF R STREET ABUTTING THE EAST 18 FEET OF NORTH 8TH STREET, LINCOLN, LANCASTER COUNTY, NEBRASKA - CLERK read an ordinance, introduced by Glenn Friendt, vacating the east 18 feet of North 8th Street abutting Lot 6, Block 30, Original Plat of Lincoln and the south 6 feet of R Street abutting Lots 5 and 6, Block 30, Original Plat of Lincoln and the south 6 feet of R Street abutting the east 18 feet of North 8th Street, Lincoln, Lancaster County, Nebraska, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 44.58 ACRES OF PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET MIDWAY BETWEEN PINE LAKE ROAD AND OLD CHENEY ROAD - PRIOR to reading,

COOK Moved to have public hearing continued and action next week.

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

CLERK Read an ordinance, introduced by Glenn Friendt, amending the corporate limits of the City by annexing approximately 44.58 acreage of property generally located at South 80th Street midway between Pine Lake Road and Old Cheney Road, the second time.

RESOLUTIONS

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY GALAXY FOR THE INSTALLATION OF

BURIED FIBER OPTIC CABLE IN 11TH STREET AND IN THE ALLEY BEHIND 1155 Q STREET TO CONNECT AN EXISTING VAULT 120 FEET SOUTH OF O STREET TO THE ALLEY BETWEEN P AND Q STREETS - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81332 WHEREAS, Galaxy Network Services has submitted an application for a permit to use the public right-of-way in 11th Street and in the alley behind 1155 Q Street to connect an existing vault 120 feet south of O Street to the alley between P and Q Streets for the purpose of installing fiber optic cable; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.53 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of Galaxy Network Services, hereinafter referred to as Permittee, to use the public right-of-way in 11th Street and in the alley between P and Q Streets as shown on Exhibit "B", for the purpose of installing fiber optic cable be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is subject to all the terms and conditions of Chapter 14.53 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000 and the filing of a certificate of insurance evidencing a commercial or comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one occurrence and naming the City as additional insured.

2. The work shall be constructed in accordance with plans and specifications approved by the Department of Public Works and Utilities. The cable, where it is underground, shall be laid to a minimum depth of 3½ feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, and nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable to require a change of location of said cable as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the Permittee in a good and workmanlike manner.

3. The Permittee shall pay to the City an annual rental for the use and occupancy of the space beneath said public street occupied by such use which rental shall be 5 percent of the annual gross revenues derived from the usage of such permitted cable. Gross revenues shall be defined in the same manner as provided in Section 5.16.040.

Said rental payments shall be made to the City Treasurer and shall be due and payable on the 1st day of October of each year; provided however, the amount of the initial payment required hereunder shall be pro-rated from the date when the permit is issued to the 1st day of October of the next year and payments shall be due and payable on October 1st thereafter. Rent shall become delinquent on the 1st day of December of each year and such delinquent rent shall bear interest at the rate of one percent per month until paid and if such rent is not paid for six months or more after such delinquent date, a penalty of five percent shall be added thereto in addition to said interest.

4. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named Permittee, its successors and assigns.

5. Any additions, changes, modifications, amendments of the uses permitted herein shall require a new permit or other authorization.

6. That within 30 days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named Permittee shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all

privileges and authorities hereunder granted shall thereupon ipso facto terminate.

The Permittee shall, within thirty days after written demand, reimburse the City for all direct and indirect costs and expenses, as provided in Section 14.53.070, in connection with the issuance and review of this permit.

The Permittee shall sign and return the City's letter of acceptance to the City Clerk prior to commencing any work in the public right-of-way.

Introduced by Coleen Seng

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

APPOINTING JAMES HEWITT TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM EXPIRING JANUARY 9, 2005 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81333 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of James Hewitt to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2005 is hereby approved.

Introduced by coleen Seng

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

APPOINTING KEVIN BROWN TO THE MULTICULTURAL ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 18, 2002 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81334 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Kevin Brown to the Multicultural Advisory Committee to fill an unexpired term expiring September 18, 2002 is hereby approved.

Introduced by Coleen Seng

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

AUTHORIZING THE COOKIE COMPANY TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 138 N. 12TH STREET FOR USE AS A SIDEWALK CAFÉ - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81335 WHEREAS, Elizabeth Wanamaker on behalf of Hansen Werner Inc. dba The Cookie Company ("The Cookie Company") has submitted an application for a Sidewalk Café Permit to use a portion of the public right-of-way of N. 12th Street adjacent to The Cookie Company at 138 N. 12th Street as a sidewalk café; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

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

That the application of The Cookie Company hereinafter referred to as "Permittee", to operate a sidewalk café in a portion of the public right-of-way of N. 12th Street adjacent to The Cookie Company at 138 N. 12th Street is hereby approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a "Grillwalker"/sidewalk café within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

3. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance with all applicable regulations.

4. Such use is temporary and the Permittee by the granting of this permit, acquire no right, title, or interest in the space permitted to be used.

5. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

6. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

7. The Permittee shall at all times conduct its use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

8. Such space shall be used for business purposes by Permittee only between the hours of 11:30 a.m. to 2:00 p.m. Monday through Friday, and 11:30 p.m. Friday through 1:30 a.m. Saturday and 11:30 p.m. Saturday through 1:30 a.m. Sunday.

9. The Permittee shall comply with all health and sanitation regulations.

10. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

11. Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

12. Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

13. No advertising shall be permitted on or in the sidewalk café except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

14. Any umbrella, canopy, or similar device within the permit area shall be no more than 6½ feet above ground level.

15. The sidewalk café shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

16. The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the

deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or elapse of such insurance shall automatically revoke this permit.

17. This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year

periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (55.25 square feet) for an annual rental of \$13.81; provided, however, said rental may be increased for future years by action of the City Council.

18. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Coleen Seng

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JANUARY 1 - 15, 2002 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81336 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 January 16, 2002, 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>
Debra Christenson	\$50.00	Rob Weatherly	\$550.67
Rebecca Hasty	90.00	Mark Becher	872.49

* No Amount Specified.

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 Coleen Seng

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

SPECIAL PERMIT 1629D - APPLICATION OF WHITEHEAD OIL TO PERMIT A GROUND SIGN AT THE NORTHEAST CORNER OF SOUTH 27TH STREET AND PORTER RIDGE ROAD - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81337 WHEREAS, Whitehead Oil Company has submitted an application designated as Special Permit No. 1629D for authority to amend Special Permit No. 1629 to add an 8 foot tall, 50 square foot ground sign in the required front yard of the gas station/convenience store on property located at the southeast corner of South 27th Street and Porter Ridge Drive, and legally described to wit:

Lot 1 and Outlot "A", South Ridge Village 7th Addition, located in the Northwest Quarter of Section 19, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this additional ground sign 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 Whitehead Oil Company hereinafter referred to as "Permittee", to add an 8 foot tall, 50 square foot ground sign in the required front yard of the gas station/convenience store, on the property legally described above, be and the same is hereby granted under the provisions of Sections 27.63.470 and 27.69.047 of the Lincoln Municipal Code upon condition that construction and operation of said signs be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 215,000 square feet of commercial uses as shown on the approved site plan and modifies the requirements of §

27.69.047 of the Lincoln Municipal Code to permit an additional 8 foot tall, 50 square foot maximum area ground sign in the required front yard of the gas station/convenience store at the corner of S. 27th Street and Porter Ridge Road.

2. Before receiving building permits:

- a. The Permittee must submit a reproducible final plan, including five copies, approved by the Planning Director.
- b. The construction plans must conform to the approved plans.

3. Before construction this commercial use, all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements, including landscaping, shall be permanently maintained by the owner or lessee.

5. The site plan approved by this permit represents the official approved permit, and shall be the basis for all interpretations of setbacks, yards, locations of structures, location of parking and circulation elements, etc.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its 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.

7. 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.

8. The site plan as approved with this Resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Coleen Seng

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

SETTING THE HEARING DATE OF FEBRUARY 25, 2002 AT 5:30 P.M. FOR THE APP. OF BODEGA'S ALLEY INC. DBA BODEGA'S ALLEY FOR A CLASS "C" LIQUOR LICENSE, UPGRADING FROM CLASS "I", AT 1418 "O" STREET - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81338 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., February 25, 2002 at 5:30 p.m. or as soon thereafter as possible in the City council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Bodega's Alley, Inc., dba Bodega's Alley for a Class C Liquor License at 1418 "O" Street.

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

Introduced by Coleen Seng

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION TO PAVE THE ALLEY RUNNING NORTH AND SOUTH BETWEEN CLEVELAND AVENUE AND ADAMS STREET FROM 54TH TO 56TH, REQUESTED BY CAROL WORKMAN - CLERK presented said petition which was referred to the Public Works Dept.

THE FOLLOWING HAVE BEEN REFERRED TO THE PLANNING DEPT.:

Change of Zone 3354 - App. of Lisa J. Good to Amend the Zoning district map from R-4 + P to R-2 on property generally located at South 30th & Franklin Streets.

Special Permit No. 1956 - App. of Brian D. Carstens to develop 9 single family acreage lots on property generally located at S. 148th & Yankee Hill Rd.

Special Permit No. 622E - App. of Mark Hunzeker to amend Special Permit #622 to provide for a waiver of maximum height from 35 feet to 36.5 feet on property located at W. "S" Street and Lakeside Drive.

Special Permit No. 1833A - App. of Stephen Clymer to amend the Ashley Heights CUP to add dwelling units on property generally located at

N.W. 48th & W. Huntington Ave.
Special Permit No. 1940 - App. of Brian D. Carstens to develop 198 single family lots and one outlot on property generally located at N.W. 56th & Leighton Streets.
Special Permit No. 1953 - App. of Bill Harrison to permit the sale of alcoholic beverages for consumption off the premises on property generally located at 3301 "O" Street.
Special Permit No. 1957 - App. of Jerry Joyce to construct a new domiciliary care facility on property generally located at 7200 Van Dorn Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON Jan. 28, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR JANUARY 14 - JANUARY 25, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81339 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 January 14 - January 28, 2002.)

Introduced by Coleen Seng

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

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED DECEMBER 31, 2001 FOR \$205,267.24 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81340 BE IT RESOLVED by the City council of the City of Lincoln, Nebraska:

That during the month ended December 31, 2001, \$205,267.24 was earned from short-term 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 funds balances.

Introduced by Coleen Seng

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCC. TAX FOR THE MONTH OF Jan., 2001 - Dec., 2001: Airnex Communications, Inc.; Dec., 2001: Shaffer Communications, Inc., Guaranteed Phone Service, Sprint Communication Company Limited Partnership, Global Crossing Telecommunications, Inc., Global Crossing North American Networks, Inc., Global Crossing, Network Billing Systems, L.L.C., Telco Development Group De Inc., Sprint Spectrum, L.P., Excel Telecommunications, Inc.; Alltel Systems of the Midwest, Inc.; Alltel Communications of Nebraska, Inc.; Alltel Nebraska, Inc.; Western Union Communications, Inc.; ATS Mobile Telephone Co., Inc.; ATT Wireless PCS, LLC, and ATT Wireless Services - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

VACATING WEST GREENFIELD STREET FROM N.W. 10TH STREET, NORTH 75 FEET, GENERALLY LOCATED NORTH OF N.W. 10TH STREET, EAST OF N.W. 12TH STREET - CLERK read an ordinance, introduced by Coleen Seng, vacating West Greenfield Street from N.W. 10th Street, north 75 feet, generally located north of N.W. 10th Street, east of N.W. 12th Street, the first time.

CHANGE OF ZONE 3354 - APPLICATION OF ANTELOPE PARK NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL AND P PUBLIC USE TO R-2 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 30TH STREET AND CABLE AVENUE - CLERK read an ordinance, introduced by Coleen Seng, for a

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Change of Zone 3354 - App. of Antelope Park Neighborhood Association for a change of zone from R-4 Residential and P Public Use to R-2 Residential on property generally located at South 30th Street and Cable Avenue, the first time.

CHANGE OF ZONE 3352 - AMENDING CHAPTER 27.70 OF THE LINCOLN MUNICIPAL CODE TO ADD A NEW SECTION 27.70.060 TO ALLOW THE STORAGE OF VEHICLES FOR SALE IN THE FRONT YARD IN THE H-2, H-3, AND I-2 ZONING DISTRICTS - PRIOR to reading:

WERNER Moved to refer Bill 02-16 back to the Planning Commission.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CHANGE OF ZONE 3254 - AMENDING TITLE 27, ZONING ORDINANCE, OF THE LINCOLN MUNICIPAL CODE TO CLARIFY DEFINITIONS TO INCLUDE REVISED ELEVATIONS AND VERTICAL DATUM AND TO ADOPT A REVISED AIRPORT ZONING MAP - CLERK read an ordinance, introduced by Coleen Seng, Amending Title 27, Zoning Ordinance of the Lincoln Municipal Code to clarify definitions to include revised elevations and vertical datum and to adopt a revised airport zoning map, the first time.

CHANGE OF ZONE 3349 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM P PUBLIC USE TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 3023 ARLINGTON AVENUE, EAST OF THE INTERSECTION OF ARLINGTON AVENUE AND JEFFERSON AVENUE - CLERK read an ordinance, introduced by Coleen Seng, for Application of the Planning Director for a Change of Zone from P Public Use to R-4 Residential on property generally located at 3023 Arlington Avenue, east of the intersection of Arlington Avenue and Jefferson Avenue, the first time.

APPROVING A MULTI-YEAR AGREEMENT BETWEEN THE CITY AND NEBRASKA GAME & PARKS COMMISSION TO ASSIST WITH FUNDING THE HOLMES LAKE RENOVATION PROJECT - CLERK Read an ordinance, introduced by Coleen Seng, approving a multi-year agreement between the City and Nebraska Game & Parks Commission to assist with funding the Holmes Lake Renovation Project, the first time.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE, SALE, AND DELIVERY OF AN AMOUNT NOT TO EXCEED \$12,000,000.00 FOR THE ANTELOPE VALLEY PROJECT BONDS, SERIES 2002, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF DESIGN AND DEVELOPMENT OF THE ANTELOPE VALLEY PROJECT AS AUTHORIZED BY LB 657 - CLERK Read an ordinance, introduced by Coleen Seng, authorizing and providing for the issuance, sale and delivery of an amount not to exceed \$12,000,000.00 for the Antelope Valley Project Bonds, Series 2002, for the purpose of paying a portion of the costs of design and development of the Antelope Valley Project as authorized by LB 657, the first time.

ORDINANCES - 3RD READING

NONE

MISCELLANEOUS BUSINESS

PENDING LIST -

CHANGE OF ZONE 3337 - APPLICATION OF PATRICK MOOBERRY FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-1 RESIDENTIAL AND R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET BETWEEN PINE LAKE ROAD AND OLD CHENEY ROAD;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PARKER'S LANDING FOR 115 RESIDENTIAL LOTS AND TWO OUTLOTS, AND WAIVER OF THE DESIGN STANDARDS TO ALLOW SANITARY SEWER TO FLOW OPPOSITE STREET GRADES, ON PROPERTY GENERALLY LOCATED AT SOUTH 80TH STREET BETWEEN PINE LAKE ROAD AND OLD CHENEY ROAD - CLERK requested Bill 02-8 and 02R-4 be removed from pending for action on 2/11/02

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

CAMP Moved to extend the Pending List to February 11, 2002.
 Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

3:05 p.m.

CAMP Moved to adjourn the City Council meeting of February 4, 2002.
 Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Glenna Graupmann, Office Assistant III

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