

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 25, 2002 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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**

SENG Having been appointed to read the minutes of the City Council proceedings of February 11, 2002, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF BODEGA'S ALLEY, INC. DBA "BODEGA'S ALLEY" FOR A CLASS "C" LIQUOR LICENSE AT 1418 O STREET;

MANAGER APPLICATION OF SHAWN DANIEL DARNALL FOR BODEGA'S ALLEY, INC. DBA "BODEGA'S ALLEY" AT 1418 O STREET. - Shawn Darnall, came forward, took the oath and answered questions posed by Council members.

Council requested Officer Russ Fosler to come forward to answer additional questions regarding this matter.

This matter was taken under advisement.

CREATING WATER DISTRICT NO. 1186 IN MARLBOROUGH ROAD WITHIN STEVENS RIDGE ESTATE;

CREATING WATER DISTRICT NO. 1187 IN OAKS HOLLOW WITHIN STEVENS RIDGE ESTATES;

CREATING WATER DISTRICT NO. 1185 IN MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - Mary Beck, 6320 Oaks Hollow came forward and stated that she appreciated the two water districts being separated and was opposed to the Water District in Oaks Hollow and requested Council to delay on the vote.

Patricia Smith, 6301 Oaks Hollow came forward opposed to the Oaks Hollow Water District, stating her residence has an adequate supply of water without this water district being formed.

Ron Hachiya, 6820 Norfolk Drive, explained he was in favor of having two separate water districts. The residents on Oak Hollow do not have a need for the water district. He is in need of the Marlborough water district due to building a new residence in that area.

This matter was taken under advisement.

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;

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 - Mark Hunzeker, 530 S. 13th St., Suite B, representing Patrick Mooberry, came forward to explain to Council what had been worked out while these bills were on pending. The Park land in Edenton South has been formalized with money from the city parks fund starting in September of this year, combined with a gift which has been offered by Mary Jo Livingston, and with Mr. Mooberry reducing the price of the lots. There is a motion to amend, as drafted by the Law Dept., for the preliminary plat that is acceptable with his client.

Charlie Humble, Attorney, 301 South 13th Street, representing the Edenton South Neighborhood Assoc., came forward and thanked Council for time to work through the issue of the park land. We were able to obtain one acre at no cost to the neighbors and allow the park to expand on the north side.

Councilman Terry Werner asked if the neighborhood association had

considered putting any money into this project.

Mr. Humble replied that there was no contiguous land available to the site at a reasonable price. However the gift by Mary Jo Livingston and Mr. Mooberry's concession on land has made it available.

Lynn Johnson, Director of Parks and Recreation, showed a map that identified the park of 4 acres. Mr. Johnson appreciated everyone's time for the two meetings and felt there were good results.

Councilman Jon Camp suggested that in the future the City may need approach the preservation of park land as each new development comes along.

Bevan Alvey, 8000 Dougan Street, speaking on behalf of the neighborhood association. He submitted excerpts from the comprehensive plan and sub-area plan for Council members. He explained that the Pine Lake Association hired Olsson & Associates to do a traffic study and the results demonstrate that minimally when the stub road is opened up it will increase the traffic down Dougan and over the dam road by 170,000 more cars using the road. It also highlights that this road is substandard due to narrow width, and no shoulders or curbs. He suggested a compromise, on the basis of the traffic study, when Ashbrook is put into place, the additional traffic will be reduced to 131 cars per day.

Eugene Alvey, 8000 Dougan Street, came forward to share his opinion regarding the traffic in their neighborhood and the safety issues for the children who use these roads.

Dave Shoemaker, 6241 Eastshore, came forward to express his opinion about the roads in Pine Lake, which he fears is unsafe to do the condition of the road and the additional traffic that can be imposed on it. He asked that Council consider keeping 80th Street closed until Ashbrook is open.

Mary Salstrom, 6600 Westshore Drive, came forward to explain that many elderly people use the roads in this area due to health conditions and that the doctors have recommended walking as good exercise for them. She is concerned about the potential of additional traffic.

Steve Flanders, 6420 Eastshore, Trustee for SID #2, came forward to express his concerns about the additional traffic that will be put upon the roads when the housing construction starts. He answered questions posed by Council members.

Dub Salstrom, 6600 Westshore Drive, came forward expressing his concern about the buses on the road in the Pine Lake area. He is in favor of having 84th Street open before anything else happens in their area.

Mike Jeffries, 6330 Eastshore Drive, came forward in agreement with the neighbors that had already testified and agreed that it would be best if the 80th Street stub road be kept closed.

Teresa Atwood, 8001 Northshore Drive, came forward to explain that they raise horses in the Pine Lake Area. The horse trails run behind the homes and also cross the streets. She is in favor of having 84th Street open as soon as possible. She answered questions posed by Council members.

Council member Jon Camp asked when Pine Lake is annexed if the horses will be impacted by this situation.

Mrs. Atwood explained she thought there was a grandfather clause that would be in place regarding the horses in the Pine Lake area.

Ray Hill, Planning Dept. came forward to answer the question regarding when Pine Lake would be annexed. The Planning Staff is working with the association and neighbors and it is planned to have this area annexed this year, hopefully before August, 2002.

Bob Olson, 8001 Dougan Drive, came forward and expressed that the compromise to open Ashbrook and 84th would be a good solution to take the pressure off of the neighborhood. He expressed concern over the drainage problems in that area as well. He told the Council he was appreciative of the work that has been done on this project so far. He encouraged them to put a stop sign on 80th.

Kent Seacrest, Attorney, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing the Pine Lake Home Owners Association, came forward and expressed his appreciation for the extra time to come up with a potential compromise for South 80th Street. He submitted a couple of motions for amendments. He also reported about the condition of the narrow dam road. We underestimated our own neighborhood trips in the calculations for the traffic. Mr. Seacrest answered questions posed by Council members regarding the time lines of when roads would be built. He stated he understood that the 84th Street is a given due to the Andermatt plan that had been passed just recently, in which it called for the widening of 84th street to four lanes.

Discussion followed among Council members. Dennis Bartels was called upon to come forward.

Dennis Bartels, Public Works Dept. reported if the city annexed Pine Lake area, the city would be responsible for improvements to the Dam Road for safety reason.

Dana Roper, City Attorney, came forward to indicate that if the City does annex the Pine Lake area, the road does become the City's property.

Councilman Svoboda questioned the time factor we were under as a safety issue and if we needed to do something sooner.

Mr. Bartels reported that there are not any specific plans as to when this would happen. It becomes our liability when it is annexed and then public works would consider a plan and funding.

Mr. Roper said a determination would have to be made by Public Works about the severity of the risk.

This matter was taken under advisement.

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;

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, EASE OF THE INTERSECTION OF ARLINGTON AVENUE AND JEFFERSON AVENUE - Jason Reynolds of the Planning Staff came forward to make remarks on behalf of the Planning Dept. The staff recommends denial of the Change of Zone 3354 due to the fact it will double the number of non-standard lots within the Change of Zone area and recommends approval of Change of Zone 3349.

Councilman Friendt asked how the two items came under the same time line.

Mr. Reynolds responded that one was delayed two weeks by Planning Commission action and the second item scheduled by City Attorneys so these two could be heard at the same time.

Kent Seacrest, Attorney, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing the Antelope Park Neighborhood Association, approximately 91 lots of which 2 are the developers lots. We are requesting that the neighborhood be re-zoned from P Public Use to R-2 Residential.

Councilman Friendt asked if the neighborhood supported what Urban Development wanted to do regarding building Habitat for Humanity House or a house being built by a high school as a project.

Mr. Seacrest said they were in favor of that and felt it would compliment the neighborhood.

Lisa Good, 3036 Franklin Street, spokesperson for the Antelope Park Neighborhood, came forward to voice favoritism for the R-2 zoning.

Judy Troutman, Realtor, 1950 Jefferson Avenue, came forward in favor of the Change of Zoning to R-2.

Robert Blumstrom, 1826 Jefferson Avenue, stated he had lived fourteen years in this neighborhood and was in favor of the R-2 zoning.

Doug Beals, 2829 Franklin Street, came forward and stated he was opposed to what Silver Creek Developers plan to do in their neighborhood.

Katie Hejl, 1745 Jefferson, came forward in favor of the R-2 zoning.

Bobbie Allen, 2320 Sheridan Blvd., Vice President of Preservations Assoc. of Lincoln, came forward in support of the Change of Zone to R-2.

Randy Stramel, 1122 New Hampshire Street, Architect, came forward in support of the Change of Zone to R-2.

Walt Radcliffe, 1701 So. 33rd Street, came forward also in support of the zoning change to R-2.

Bill Price, 1810 Jefferson Street, came forward in support of the R-2 zoning change.

Ruth Gerber, 1820 Memorial Drive, came forward in support of the R-2 zoning change and indicated she wanted to see this neighborhood keeps its park-like environment.

Mark Hunzeker, Attorney, 530 S. 13th St., Suite B, representing Silver Creek Investors, came forward questioning the procedure that has been outlined. He felt that he was entitled to speak as applicant due to the Change of Zone from P to R-4, and would like to reserve time for rebuttal.

Council Chair McRoy requested Dana Roper to clarify who the applicant was in this situation.

Dana Roper, City Attorney, came forward and stated the City was the applicant. He offered the opportunity for Mr. Hunzeker to have rebuttal.

Mr. Hunzeker described the set by set procedures that has happened to his client saying that the whole process was illegal. He suggested that this process is making it illegal for his client to use the property in the manner allowed by the R-4 District. Mr. Hunzeker referenced the Supreme Court case finding in Whitehead vs. City of Lincoln.

Councilman Jon Camp questioned the fact that the application was tripled in size by Planning Staff.

Jason Reynolds, Planning Staff indicated the application was filed on January 10 for the area shown on the map. The Planning Staff informed the applicant, the neighborhood assoc. that there needed to be a larger area shown in order for us to consider the possibility of recommending approval for it. It was concerning that it was too small of an area to consider the effect throughout the neighborhood. On Jan. 22nd, I faxed a letter to the former attorney of Silver Creek Investments, the applicant amended the application to include that larger area. The deadline for advertising to the newspaper what shortly thereafter, so we informed the neighborhood when they brought in the initial application that they needed to show more area and ideally bring in the entire neighborhood, if indeed their goal was to change the zoning throughout the neighborhood.

Dana Roper, City Attorney came forward to affirm that the deadline was met by applicant for advertising and the notice to the public.

Councilman Friendt asked how often we have applications like this with the modification.

Mr. Reynolds replied that it has happened before and that the exhibit shown by Mr. Hunzeker was from Building and Safety's software. They have a database system for tracking building permits. Bldg. and Safety indicated to Jason that the reason the application had not been processed, was they had no plans to review.

Mr. Hunzeker stated, I am suggesting to you that the reason they didn't have plans to review is that they were discouraged from making application because it was on hold.

Chairperson McRoy asked if Silver Creek had permits now?

Mr. Hunzeker replied that they were still being denied on the other lot that is being zoned P.

Mr. Roper informed Council that a hold was placed by Chuck Zimmerman because it came to their attention that it was zoned P public use. There would have to be clarifications taken before they (Bldg. & Safety) could issue permits.

Councilman Camp asked Mr. Roper about what potential responsibility we may have it we do what is referred to as a "down zone".

Mr. Hunzeker explained the Whitehead Oil Case briefly.

Mr. Roper replied that it was not the same situation as Whitehead Oil in his judgment. We will be happy to defend whichever way you go and there is always going to be a risk.

Discussion was held among council members.

Councilman Camp asked Mr. Hunzeker if his client was building on the property and Mr. Hunzeker informed him that he was.

Mr. Reynolds of the Planning Staff came forward to give his rebuttal and answer additional questions asked by Council members.

Mr. Roper came forward to answer questions the Council members posed to him regarding Silver Creek's vestment in the property.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward to give his rebuttal stating this neighborhood is 75 years old and for the large amount of showing with 88 people signing petitions it showed their support for this zoning change.

Councilman Svoboda asked if Mr. Hunzeker's client would still pursue R-2 zoning.

Mr. Seacrest stated they obviously felt the whole neighborhood should be similarly treated.

Marc Wullschlager, Director of Urban Development, came forward to answer questions, stating that their department offered to buy 2 lots and build 2 single family dwellings, such as Habitat for Humanity or a High School project with our Troubled Property Program.

Councilman Camp asked if these designs would fit in with the complexion of the neighborhood.

Council Chair McRoy indicated she thought there was already a foundation in place on one of the lots in question.

Mr. Wullschlager said they didn't want to purchase a foundation.

Councilman Werner asked if the Urban Development proposal was still an option for Silver Creek Investors?

Mr. Wullschlager indicated the offer would still be on the table for the one lot on which no construction has started. He answered several more questions by council members. He said that he has talked to Silver Creek Investments three times and that Urban Development has looked at this property over a number of years.

Mr. Hunzeker came forward to give his rebuttal, stating his client was entitled to have the property zoned for residential use with a R-4 zoning. Mr. Hunzeker asked that other exhibits shown during this public testimony be submitted for the record.

Councilman Camp asked if Mr. Hunzeker's client could be contacted during the break to see if they would still entertain the offer by the Urban Development Department.

This matter was taken under advisement.

**8:30 P.M. COUNCIL BREAK**

**8:52 P.M. COUNCIL RECONVENED**

APPROVING THE INTENT TO CREATE A BUSINESS IMPROVEMENT DISTRICT IN THE UNIVERSITY PLACE REDEVELOPMENT PROJECT AREA, GENERALLY LOCATED AT N. 48TH STREET FROM COLBY STREET TO THE HALF BLOCK NORTH OF ADAMS STREET, AND ST. PAUL AVE. FROM N. 47TH STREET TO N. 50TH STREET - Steve Guitar, Uni Place Business Improvement Board, came forward in support of this business improvement district.

This matter was taken under advisement.

ORDERING THE PAVING OF PAVING UNIT NO. 135 IN ORCHARD STREET FROM 40TH STREET TO 41ST STREET - Rosalind Carr, 1200 N. 37th Street, came forward to explain that she and her husband plan to build a new home on these two lots and would like to have paving up to their driveway.

Steven Burns, 1145 N. 41st Street, came forward in opposition to the paving unit. He did not feel he should have to pay for paving he did not want. He indicated the other neighbors were opposed to it as well.

Nicole Fleck-Tooze, Public Works, came forward to show a map of the area and explain how each property would be assessed accordingly.

Councilwoman Seng asked if perhaps some of these individuals might qualify for CDBG funding.

Councilman Cook informed Mr. Burns that the assessment is over a 20 year period.

Councilman Werner questioned how a paving unit instead of a district was determined.

Ms. Fleck-Tooze replied that it depends on the number of petitioners seeking the improvement.

This matter was taken under advisement.

#### **MISCELLANEOUS BUSINESS**

Bob VanValkenburg, 7921 Reno Rd., came forward to share his concerns over the recent loss of jobs in our community that has taken place in the last 60 days. He suggested that the Mayor and Council should be aware of this and be active with the Chamber of Commerce in pursuit of keeping jobs in Lincoln and contracting for more. On another subject he submitted to the record, the filing of creditors for State Title's bankruptcy petition. Councilwoman Seng suggested that the Mayor is in conversations with Goodyear and these are continuing. She also listed other new jobs that are coming to the Lincoln area. Council Chair McRoy asked Mr. VanValkenburg if he has talked with the Mayor and suggested that he make an appointment to do so.

Glen Ceval, 1420 C Street, expressed his opinion about the quality of life in Lincoln and rules and regulations regarding owners of multiple family dwellings.

These matters were taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF BODEGA'S ALLEY, INC. DBA "BODEGA'S ALLEY" FOR A CLASS "C" LIQUOR LICENSE AT 1418 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81345 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 Bodega's Alley, Inc. dba "Bodega's Alley" for a Class "C" liquor license at 1418 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Seng.

MANAGER APPLICATION OF SHAWN DANIEL DARNALL FOR BODEGA'S ALLEY, INC. DBA "BODEGA'S ALLEY" AT 1418 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81346 WHEREAS, Bodega's Alley, Inc. dba "Bodega's Alley" located at 1418 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Shawn Daniel Darnall be named manager;

WHEREAS, Shawn Daniel Darnall 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 Shawn Daniel Darnall 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 Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Seng.

### ORDINANCES - 2ND READING

CREATING WATER DISTRICT NO. 1186 IN MARLBOROUGH ROAD WITHIN STEVENS RIDGE ESTATES - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1186 in Marlborough Road within Stevens Ridge Estates, the second time.

CREATING WATER DISTRICT NO. 1187 IN OAKS HOLLOW WITHIN STEVENS RIDGE ESTATES - CLERK Read an ordinance, introduced by Ken Svoboda, creating a Water District No. 1187 in Oaks Hollow within Stevens Ridge Estates, the second time.

CREATING WATER DISTRICT NO. 1185 IN MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1185 in Marlborough and Oaks Hollow Drive, Stevens Ridge Estates, the second time.

### RESOLUTIONS

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 - PRIOR to reading:

COOK Moved to amend Bill No. 02R-4 to read as follows:  
The roadway portion of S. 80th Street from Nob Hill Road to the south boundary line of the preliminary Plat will be barricade and not open for public motor vehicle traffic prior to the completion and opening of (i) the widening to four (4) through lanes of S. 84 Street from Old Cheney Road to Highway 2 and (ii) the extension of Ashbrook Drive to Highway 2 at the intersection of Pine Lake Road (west leg) and Highway 2 near S. 75th Street.

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

PRIOR to reading:

WERNER Moved to amend Exhibit "A" of Bill No. 02R-4 in the following manner:

1. Amend site specific condition 1.1.2 of Exhibit "A" attached to Bill No. 02R4 to read as follows:
  - 1.1.2 Add a note indicating that the City is not held responsible for any development costs associated with this subdivision except as follows:
    - (a) The City agrees, subject to approval of future funding by the City Council through its normal capital improvement project and budgeting procedures in fiscal year 2002/2003, to reimburse the developer Patrick Mooberry for one-half of the cost to construct street and sidewalk improvements for Ashbrook Drive abutting the west side of Edenton South Phares Park designated as proposed Outlot "B", Block 3, on the preliminary plat of Parker's Landing; and
    - (b) The City agrees to purchase and plant the required street trees along Ashbrook Drive abutting Outlot "B" at City's own costs and expense.
2. Amend general condition 3.2 of Exhibit "A" to read as follows:
  - 3.2 An agreement is signed between the City and the Developer Patrick Mooberry indicating providing that the City is not responsible for any development costs associated with this subdivision except as follows:
    - (a) The City agrees, subject to approval of future funding by the City Council through its normal capital improvement project and budgeting procedures in fiscal year 2002/2003, to reimburse the developer Patrick Mooberry for one-half of the cost to construct street and sidewalk improvements for Ashbrook Drive abutting the west side of Edenton South Phares Park designated as proposed Outlot "B", Block 3, on the preliminary plat of Parker's Landing; and
    - (b) The City agrees to purchase and plant the required street trees along Ashbrook Drive abutting Outlot "B" at City's own cost and expense.

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

CLERK Read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81347 WHEREAS, Patrick Mooberry has submitted the preliminary plat of PARKER'S LANDING for acceptance and approval; and  
WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated December 14, 2001, which is attached hereto as Exhibit "A".

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

That the preliminary plat of PARKER'S LANDING, located at S. 80th Street midway between Pine Lake Road and Old Cheney Road as submitted by Patrick Mooberry is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

The Sanitary Sewer Design Standard relating to the flow of a sanitary sewer is waived to allow the sanitary sewer to flow opposite street grades on this property.

The roadway portion of S. 80th Street from Nob Hill Road to the south boundary line of the preliminary Plat will be barricade and not open for public motor vehicle traffic prior to the completion and

opening of (i) the widening to four (4) through lanes of S. 84 Street from Old Cheney Road to Highway 2 and (ii) the extension of Ashbrook Drive to Highway 2 at the intersection of Pine Lake Road (west leg) and Highway 2 near S. 75th Street.

Introduced by Jonathan Cook

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

APPLICATION OF ARTHRITIS FOUNDATION AT 7101 NEWPORT AVE., OMAHA, NE, TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM FEBRUARY 28, 2002 THROUGH APRIL 4, 2002 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81348 WHEREAS, Arthritis Foundation, Nebraska Chapter, has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Arthritis Foundation, Nebraska Chapter to conduct a raffle in the City of Lincoln in accordance with the application filed by Mary Ann Arnolde. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Terry Werner

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

APPROVING THE INTENT TO CREATE A BUSINESS IMPROVEMENT DISTRICT IN THE UNIVERSITY PLACE REDEVELOPMENT PROJECT AREA, GENERALLY LOCATED AT N. 48TH STREET FROM COLBY STREET TO THE HALF BLOCK NORTH OF ADAMS STREET, AND ST. PAUL AVE. FROM N. 47TH STREET TO N. 50TH STREET - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81349 A RESOLUTION OF INTENTION TO ESTABLISH A BUSINESS IMPROVEMENT DISTRICT FOR THE PROVISION OF MAINTENANCE OF CERTAIN PUBLIC FACILITIES AND IMPROVEMENTS IN THE AREA OF NORTH 48TH STREET FROM COLBY STREET ON THE SOUTH TO THE HALF BLOCK NORTH OF ADAMS STREET ON THE NORTH AND ST. PAUL AVENUE FROM NORTH 47TH TO NORTH 50TH STREETS.

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

Pursuant to the provisions of the Business Improvement District Act, Neb. Rev. Stat. § 19-4015 et seq. (Reissue 1997), and based upon the recommendations received from the duly appointed Business Area Improvement Board and the Lincoln-Lancaster County Planning Commission, the City Council of the City of Lincoln hereby declares its intention to create a business improvement district for the purpose of providing maintenance of certain public facilities and improvements in a portion of the area as hereinafter more specifically described.

BE IT FURTHER RESOLVED that in accordance with the provisions of Neb. Rev. Stat. § 19-4024 (Reissue 1997) the following information is provided regarding the creation of such business improvement district:

1. DESCRIPTION OF BOUNDARIES:

The boundaries of the proposed Business Improvement District shall generally extend along North 48th Street from Colby Street on the south to the half block north of Adams Street on the north and St. Paul Avenue from the east curb of North 47th Street to the west curb of North 50th Street. Said boundaries and the property included therein are all more specifically shown on the map which is attached hereto, marked as Attachment A, and made a part hereof by reference.

2. TIME AND PLACE OF HEARING ON CREATION OF DISTRICT. The time

and place of the hearing to be held by the City Council of the City of Lincoln to consider the establishment of such business improvement district shall be on March 25, 2002, at the hour of 5:30 p.m., or as soon thereafter as possible, in the City Council Chambers, first floor, County-City Building, 555 South 10th Street, Lincoln, Nebraska 68508.



3. WORK TO BE PERFORMED WITHIN THE DISTRICT. The work to be performed within the proposed improvement district shall include:
  - a. Litter and refuse removal from sidewalks, planting areas, and beautification areas within the public right-of-way.
  - b. Care and maintenance, including replacement, of all landscaping, including watering, fertilizing, weeding, pruning, spraying, and removal and replacement of dead plantings.
  - c. Maintenance (excluding repair) of sidewalks, benches, planters, and trash receptacles.
  - d. General maintenance of ornamental lighting including repair and repainting.
4. ESTIMATED COSTS. The estimated total annual costs and expenses for the work proposed to be performed within the business improvement district is not to exceed \$8,625.00 for the first year.
5. METHOD OF RAISING REVENUE. It is recommended that, from and after the date of approval of the ordinance creating the proposed business improvement district, the costs and expenses for the work proposed to be performed within such business improvement district be levied as special assessments, fairly and equitably based upon the special benefits to the property within the district. Such special assessments shall be levied on a front foot basis and, for the first year of the life of said district, is proposed to not exceed \$1.25 per front foot.

Introduced by Terry Werner

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

ORDERING THE PAVING OF PAVING UNIT NO. 135 IN ORCHARD STREET FROM 40TH STREET TO 41ST STREET - PRIOR to reading:

SENG Moved to amend Bill 02R-3 in the following manner in Line 18 insert: provided, however, that such special assessment shall be paid out of CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income.

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

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81350 WHEREAS, the City of Lincoln, Nebraska, is authorized under Neb. Rev. Stat. §18-2001, et seq., to pave a portion of a street otherwise paved so as to make one continuous paved street and to do so without petition or creating a street improvement district; and

WHEREAS, a portion of Orchard Street is unpaved and should be paved to make one such continuous paved street.

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

That Orchard Street from the east curb line of 40th Street to the west curb line of 41st Street is hereby designated as Paving Unit No. 135 and is hereby ordered paved.

The roadway to be paved shall be 27 feet in width; grading to be from lot line to lot line, and the cost of grading, curbing, guttering, and paving the same; including the cost of grading, curbing, guttering, and paving the intersections and returns, and the cost of grading the sidewalk space and relaying the sidewalks, and all expenses incidental to all of said improvements shall be assessed against the real estate benefitted, to-wit: Lots 7 thru 12, Block 12; Lots 1 thru 6, Block 13, all located in Park Place Addition, all located in the Northwest Quarter of Section 20, Township 10 North, Range 7 East, of the Sixth Principal Meridian, in the City of Lincoln, Lancaster County Nebraska, the assessments against said property benefitted to be in proportion to the benefits, not exceeding the cost thereof ; provided, however, that such special assessment shall be paid out of CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income. In the event that easements or additional right-of-way must be acquired for the completion of this project, such property rights may be acquired by negotiation and purchase or by condemnation, if necessary, as provided by law.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Terry Werner

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

ORDERING SEWER DISTRICT NO. 1176 CONSTRUCTED IN S.W. 40TH STREET AND WEST O STREET - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81351 WHEREAS, the City Council of Lincoln, Nebraska, acting under Article VIII, Section 7, of the Home Rule Charter for said City, has created Sewer District No. 1176 through passage of Ordinance No. 17951 which sewer district is located in S.W. 40th Street and West "O" Street.

WHEREAS, it is deemed necessary for the general health, welfare, and safety of the City of Lincoln, and more so for the health, welfare, and safety of the benefitted property included within Sewer District No. 1176 that said district be constructed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that Sewer District No. 1176 is hereby ordered constructed.

Introduced by Terry Werner

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

APPOINTING ROD ARMSTRONG TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2004 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81352 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rod Armstrong to the Government Access and Information Committee for a two-year term expiring January 1, 2004 is hereby approved.

Introduced by Terry Werner

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

APPOINTING JAMES O'HANLON TO THE GOVERNMENT ACCESS AND INFORMATION COMMITTEE FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2004 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81353 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of James O'Hanlon to the Government Access and Information Committee for a two-year term expiring January 1, 2004 is hereby approved.

Introduced by Terry Werner

Seconded by Seng & 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 16 - 31, 2002 - PRIOR to reading:

SENG Moved to delay action on the Claim of Christ Hollers until 03/04/02.

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

CLERK Read a resolution, introduced by Terry Werner, who moved its adoption:

A-81354 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 February 1, 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>
Michael Stuhmer	\$ 427.96	Scott Gropp	\$610.00
<del>Chris Hollers</del>	<del>193.50</del>		
Virginia Skipper	45.00		
Joan Rosecrans	NAS*		
Realty Center Property Management	279.79		
Leta Thompson	15,000.00		

\* 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 Terry Werner

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT TO ARTICLE IV, SECTION 7, TO ALLOW THE COUNCIL, BY ORDINANCE, TO CHANGE THE COMPENSATION OF COUNCIL MEMBERS AND TO PROVIDE THAT NO INCREASE IN COMPENSATION SHALL BECOME EFFECTIVE DURING THE COUNCIL TERM IN WHICH VOTED - PRIOR to reading:

COOK Moved to place Bill No. 02R-20 on pending indefinitely.

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

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2002 AT 1:30 P.M. FOR KONG LIQUOR INC. DBA CORNHUSKER BOTTLE SHOP FOR A CLASS D LIQUOR LICENSE LOCATED AT 2310 N. 1ST STREET, SUITE 3 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81355 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, March 11, 2002 at 1:30 p.m. or as soon thereafter as possible in the City council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Kong Liquor Inc. dba Cornhusker Bottle Shop for a Class D Liquor License at 2310 N. 1st Street, Suite 3.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2002 AT 1:30 P.M. FOR KONG LIQUOR INC. DBA KONG LIQUOR FOR A CLASS D LIQUOR LICENSE LOCATED AT 1401 NORTH 56TH STREET, SUITE 105 & 106 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81356 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, March 11, 2002 at 1:30 p.m. or as soon thereafter as possible in the City council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Kong Liquor Inc. dba Kong Liquor Inc. for a Class D Liquor License at 14-1 North 56th Street, Suite 105 & 106.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2002 AT 1:30 P.M. FOR METRO FOOD MART INC. DBA "LEON'S FOOD MART" FOR A CHANGE OF OWNERSHIP WITH A CLASS D LICENSE, LOCATED AT 2200 WINTHROP RD. - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81357 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, March 11, 2002 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Metro Food Mart Inc. dba "Leon's Food Mart" for a change of ownership on a Class D Liquor License at 2200 Winthrop Rd.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, MARCH 11, 2002 AT 1:30 P.M. FOR MGR. APP. OF TRICIA M. RODRIGUEZ FOR CEC ENTERTAINMENT, INC. DBA CHUCK E. CHEESE'S LOCATED AT 221 N. 66TH STREET - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81358 BE IT RESOLVED by the City Council, of the City of Lincoln, that a

hearing date is hereby fixed for Monday, March 11, 2002 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Tricia M. Rodriguez of CEC Entertainment, Inc. dba Chuck E. Cheese's located at 221 N. 66th Street.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, MARCH 18, 2002 AT 1:30 P.M. FOR MGR. APP. OF JASON E. HOFFMAN FOR PRENSA LATINA INC. DBA "EL PUENTE" LOCATED AT 815 "O" STREET - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81359 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, March 18, 2002 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Jason E. Hoffman of Prensa Latina Inc dba "El Puente" located at 815 "O" Street.

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

Introduced by Terry Werner

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

#### VOTED TO RECONSIDER 2/11/02

SPECIAL PERMIT 1629D - APPLICATION OF WHITEHEAD OIL TO PERMIT A GROUND SIGN AT THE NORTHEAST CORNER OF SOUTH 27<sup>TH</sup> STREET & PORTER RIDGE ROAD (Adopted by Council on 2/4/02; A-81337) (2/11/02 - Motion by Werner to reconsider on 2/25/02 for action only) - CLERK read a resolution introduced by Coleen Seng, Terry Werner moved its adoption:

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

The resolution, having **LOST**, was assigned File #38-4392 & was placed on file in the Office of the City Clerk.

#### PETITIONS & COMMUNICATIONS

REPORT OF UNL MICROBIOLOGIST OF WATER TESTING DONE IN THE MONTH OF JANUARY, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

CHANGE OF ZONE 3358 - APP. OF ROBERT STEPHENS FOR A CHANGE OF ZONE FROM H-4 to I-1 ON PROPERTY LOCATED AT SW 6TH and WEST "A" STREETS - CLERK presented said petition which was referred to the Planning Dept.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF RESOLUTIONS PASSED ON FEB. 4, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF RESOLUTIONS & ORDINANCES PASSED ON FEB. 11, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR FEBRUARY 11 - FEBRUARY 15, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81360 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 February 11 - February 15, 2002.)

Introduced by Terry Werner

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

INVESTMENT OF FUNDS FOR FEBRUARY 4 - FEBRUARY 8, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81361 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 February 4 - February 8, 2002.)

Introduced by Terry Werner

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

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF JANUARY, 2002: Nextel West Corp., Primus Telecommunications, Inc., Vartec Telecom, Inc. Global Crossing Telecommunications, Inc., Teligent Services, Inc., Touch America, Inc., Working Assets Funding Services, AT&T Communications of Midwest, Operator Communications, Inc., Qwest Communications Corp., Network Billings Systems, L.L.C., October & November, 2001: Amended reports of Globalcom, Inc.; for the month of January, 2002: D & D Communications, Inc. and One Call Communications, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY OF LINCOLN COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR THE FY ENDING AUG. 31, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT FROM CITY TREASURER OF MONTHLY CITY CASH REPORT FOR THE MONTH OF JANUARY 31, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

#### ORDINANCES - 1ST READING

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE 2001 AND DECEMBER 2001 AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Terry Werner, adopting the supplements to the Lincoln Municipal Code dated June 2001 and December 2001 as part of the official Lincoln Municipal Code, the first time.

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN "B" TO PROVIDE FOR A ONE-TIME INCREASE TO POLICE AND FIRE PENSION RETIREES AND DEFERRED ANNUITANT RETIREES SCHEDULED TO RECEIVE A MONTHLY PENSION PAYMENT - PRIOR to reading:

CAMP Moved to place Bill No. 02-22 on pending.

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

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN "C" TO PROVIDE FOR A ONE-TIME INCREASE TO POLICE AND FIRE PENSION RETIREES AND DEFERRED ANNUITANT RETIREES SCHEDULED TO RECEIVE A FUTURE MONTHLY PENSION PAYMENT - PRIOR to reading:

CAMP Moved to place Bill No. 02-23 on pending.

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

ACCEPTING STONEBRIDGE CREEK L.L.C.'S OFFER TO DEDICATE THE RIGHT-OF-WAY FOR ALVO ROAD LOCATED BETWEEN N. 14TH STREET AND ARBOR ROAD - CLERK read an ordinance, introduced by Terry Werner, accepting Stonebridge Creek L.L.C.'s offer to dedicate the right-of-way for Alvo Road located between N. 14th Street and Arbor Road, the first time.

VACATING THE NORTH 12 FEET OF WEST "E" STREET FROM THE EAST LINE OF FOLSOM

STREET TO THE WEST LINE OF SW 6<sup>TH</sup> STREET, GENERALLY LOCATED AT SOUTH FOLSOM AND WEST "E" STREET - CLERK read an ordinance, introduced by Terry Werner, vacating the north 12 feet of West "E" Street from the east line of Folsom Street to the west line of SW 6th Street, generally located at South Folsom and West "E" Street, the first time.

**ORDINANCES - 3RD READING**

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 - CLERK read a resolution, introduced by Glenn Friendt, amending the corporation 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, the third time.

FRIENDT Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17963**, is recorded in Ordinance Book 24, Page

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 - CLERK read an ordinance, introduced by Jon Camp, for a 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, the third time.

CAMP Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17964**, is recorded in Ordinance Book 24, Page

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 - PRIOR to reading:

SVOBODA Moved to delay action on Bill 02-15 for 60 days.  
Seconded by Friendt & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Seng, Werner.

CLERK Read an ordinance, introduced by Coleen Seng, for a 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, the third time.

SENG Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.  
The ordinance, being numbered **17965**, is recorded in Ordinance Book 24, Page

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 third time.

SENG Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17966**, is recorded in Ordinance Book 24, Page

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, for a 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, the third time.  
SENG Moved to pass the ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17967**, is recorded in Ordinance Book 24, Page

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 third time.

SENG Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17968**, is recorded in Ordinance Book 24, Page

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 -

PRIOR to reading:  
COOK Moved to add Emergency Clause as requested by Finance Director.  
Seconded by Werner & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, 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 third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17969**, is recorded in Ordinance Book 24, Page

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 a 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, the third time.

SENG Moved to pass the ordinance as read.  
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp,  
Friendt, Svoboda; NAYS: Cook, McRoy, Seng, Werner.  
The ordinance, having **LOST**, was assigned File **#38-4391** & was placed on file in  
the Office of the City Clerk.

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

CAMP Moved to extend the Pending List to March 4, 2002.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on  
March 4, 2002.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

#### ADJOURNMENT

10:50 p.m.

**REGULAR MEETING**  
**FEBRUARY 25, 2002**  
**PAGE 72**

CAMP            Moved to adjourn the City Council meeting of February 25, 2002.  
                  Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Glenna Graupmann, Office Assistant III