

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 11, 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. Absent: Friendt.

Council Chair asked all present to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation dedicated to the victims of 9/11.

**READING OF THE MINUTES**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of March 4, 2002, reported having done so, found same correct.

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

HEARING ON THE AUTOMATIC LIQUOR LICENSE RENEWAL OF RUSS'S MARKET #21 AT 1550 S. CODDINGTON AVENUE DUE TO THE FILING OF WRITTEN PROTESTS TO SUCH LIQUOR LICENSE RENEWAL - Todd Schumacher, Manager of Russ's Market at 1550 S. Coddington came forward to answer any questions.

Councilman Friendt asked Mr. Schumacher if he had talked to any neighbors regarding complaints.

Mr. Schumacher informed him he had only spoken to the neighborhood association and they were to fax information to the Council members.

CLERK Asked for a motion for council action.

SENG Moved to allow automatic renewal.

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

**PUBLIC HEARING**

APPLICATION OF KONG LIQUOR INC. DBA "KONG LIQUOR" FOR A CLASS "D" LIQUOR LICENSE AT 1401 NORTH 56TH STREET, #105 & 106;

MANAGER APPLICATION OF DAVID BUDZINSKI FOR KONG LIQUOR INC. DBA "KONG LIQUOR" AT 1401 NORTH 56TH STREET, #105 & 106;

APPLICATION OF KONG LIQUOR INC. DBA "CORNHUSKER BOTTLE SHOP" FOR A CLASS "D" LIQUOR LICENSE AT 2310 N. 1ST STREET, #3;

MANAGER APPLICATION OF VICTOR H. WRIGHT FOR KONG LIQUOR INC. DBA "CORNHUSKER BOTTLE SHOP" AT 2310 N. 1ST STREET, #3 - Mike Budzinski, 7900 Zachary Circle, David Budzinski, 8050 Leighton Ave., and Victor Wright, 3740 South 40th Street, all came forward and took the oath so they might answer questions posed by Council.

These matters were taken under advisement.

MANAGER APPLICATION OF TRICIA RODRIQUEZ FOR CEC ENTERTAINMENT, INC. DBA "CHUCK E. CHEESE'S" AT 221 N. 66TH STREET - Tricia Rodriguez, 7320 Candletree Lane, came forward and took the oath to answer questions.

Council Chair McRoy asked about the policies for serving alcohol to adults at Chuck E. Cheese's establishment and to find out why she didn't complete her background check.

Police Chief Casady came forward to affirm that Ms. Rodriguez had not completed the background check.

Council Chair McRoy advised Ms. Rodriguez the Council would not be able to make a decision today regarding her application until this is completed.

Danny Walker, 427 "E" Street, came forward to ask about the laws regarding children being present when adults are drinking alcohol.

Officer Russ Fosler came forward to explain the law that after 9:00 p.m., anyone under 16 years of age should be accompanied by a person of legal age (Age 21).

This matter was taken under advisement.

APPLICATION OF METRO FOOD MART INC. DBA "LEON'S FOOD MART" AT 2200 WINTHROP

ROAD FOR A CLASS D LIQUOR LICENSE;  
MANAGER APPLICATION OF CHAD JASON WINTER FOR METRO FOOD MART, INC. DBA "LEON'S FOOD MART AT 2200 WINTHROP ROAD - Chad Winters 2115 South 48th Street, came forward, took the oath and explained that due to the fact that a former partner had been bought out, he had to reapply for this license. These matters were taken under advisement.

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. (2/25/02 - Claim of Chris Hollers held over to 3/11/02) (3/4/02 - to have p.h. 3/11/02) - Lin Quenzer, Mayor's Office Staff, came forward on behalf of Chris Hollers, due to the fact that she suffers from post traumatic stress syndrome. She explained the situation regarding Ms. Holler's claim due to damage done to her wheelchair by a City bus. Ms. Quenzer shared that she had researched the disposition of the Lincoln Police Department and that of the Law Dept. suggested that the accident should be reinvestigated. She stated that Ms. Hollers had no other resources with which to repair her wheelchair and that this was her only source of mobility.

This matter was taken under advisement.

APPROVING THE 2001-02 WORK PLAN FOR THE STORMWATER INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD - Danny Walker, 427 "E" Street, came forward to request an explanation of this agreement.

Nicole Fleck-Tooze, Public Works and Utilities Dept., came forward to explain that this agreement sets up the annual work plan for the City and the Lower Platte Resources District. Seventeen different issues are addressed in this plan that range from specific flood control projects to water shed master planning efforts and public education efforts. City funds identified in this agreement were approved by the annual budget process for this fiscal year.

Councilman Friendt asked if there was an opportunity for the public to review this work plan.

Ms. Fleck-Tooze replied that typically the public process for this is the public hearing before the City Council each year.

Mr. Walker returned to give the Council his opinion regarding this whole plan.

Ms. Fleck-Tooze returned to clarify some issues. The bill that is before the State Legislature is a bill to enable storm water utility legislation. Any storm water utility would still need to be adopted on a local level if that were to pass. The idea is that would at some point in the future, if the bill passes, would be an opportunity to replace some of general fund tax dollars that today go into funding the flood plain programs. Our department is currently working on the community rating system through the National Flood Insurance Program and we are working right now to increase that rating in Lincoln so that flood insurance rates will go down. This is a direct results of the storm water ordinances that were put in place in the past couple of years.

Councilman Friendt asked if the enabling legislation would allow us to assess a storm water fee and would that be an enterprise fund.

Ms. Fleck-Tooze answered it would be a fund that would replace our needs as it exists today for general fund dollars.

Councilman Friendt asked if all citizens (whether they lived in a flood plain or not) would be helping to pay for flood plain mitigation.

Ms. Fleck-Tooze affirmed this statement.

Council Chair McRoy asked Ms. Fleck-Tooze about Mr. Walker's term of mismanagement and would that effect if NRD partnering with us in the future.

Ms. Fleck-Tooze replied that they would not if we did not meet the federal minimum standards in the flood plain and that we do exceed those standards and why we are allowed to participate in the community rating system program.

Mr. Walker again criticized the city's status on the insurance rating. He stated his flood insurance rates continues to go up each year.

Ms. Fleck-Tooze reported that flood insurance rates are not increasing because of any mismanagement of flood plain regulations within Lincoln. We have a Class "A" rating through the program.

Craig Groat, 4935 Huntington, came forward to state he thought our public works department is unknowledgeable about these items. He stated that property owners need to be responsible for their own property

regarding flood plain issues.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Danny Walker, 437 "E" Street, came forward to give his opinion about the Chamber of Commerce and how the funds for the Economic Development (LPED) are being used.

Councilman Werner informed Mr. Walker that there is a public meeting to be held on March 21st at 9:30 a.m. in Room 113 by the County on the Convention and Visitor's Bureau.

He stated concern over the potential loss of future tournaments with the construction of the new Omaha Convention Center being built.

Mr. Walker asked questions regarding David Hunter being on the Economic Development Committee. He wanted to know the capacity that Mr. Hunter served in and if he was compensated for time spent on the committee and who appointed him.

Council Chair McRoy stated that the Mayor appointed Mr. Hunter and it was an unpaid position.

Craig Groat, 4935 Huntington, came forward to express his opinions regarding the local Chamber of Commerce and it's current president, Mr. Paul McCue. He stated he felt that that they are not concentrating on the economic growth of our city.

These matters were taken under advisement.

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

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APPLICATION OF KONG LIQUOR INC. DBA "KONG LIQUOR" FOR A CLASS "D" LIQUOR LICENSE AT 1401 NORTH 56TH STREET, #105 & 106 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-81372 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 Kong Liquor Inc. dba "Kong Liquor" for a Class "D" liquor license at 1401 North 56th Street, #105 & 106, Lincoln, Nebraska, for the license period ending April 30, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DAVID BUDZINSKI FOR KONG LIQUOR INC. DBA "KONG LIQUOR" AT 1401 NORTH 56TH STREET, #105 & 106 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-81373 WHEREAS, Kong Liquor Inc. dba "Kong Liquor" located at 1401 North 56th Street, #105 & 106, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that David Budzinski be named manager.

WHEREAS, David Budzinski 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 David Budzinski 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, Seng, Svoboda, Werner; NAYS: None.

APPLICATION OF KONG LIQUOR INC. DBA "CORNHUSKER BOTTLE SHOP" FOR A CLASS "D" LIQUOR LICENSE AT 2310 N. 1ST STREET, #3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-81374 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 Kong Liquor Inc. dba "Kong Liquor" for a Class "D" liquor license at 2310 N. 1st Street, #3, Lincoln, Nebraska, for the license period ending April 30, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF VICTOR H. WRIGHT FOR KONG LIQUOR INC. DBA "CORNHUSKER BOTTLE SHOP" AT 2310 N. 1ST STREET, #3 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-81375 WHEREAS, Kong Liquor Inc. dba "Kong Liquor" located at 2310 North 1st Street, #3, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Victor H. Wright be named manager;

WHEREAS, Victor H. Wright 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 Victor H. Wright 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, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF TRICIA RODRIQUEZ FOR CEC ENTERTAINMENT, INC. DBA "CHUCK E. CHEESE'S" AT 221 N. 66TH STREET - PRIOR to reading: CAMP Moved to place this application on pending for three weeks to 4/1/02.

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

APPLICATION OF METRO FOOD MART INC. DBA "LEON'S FOOD MART" AT 2200 WINTHROP ROAD FOR A CLASS D LIQUOR LICENSE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval: A-81376 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 Metro Food Mart, Inc. dba "Leon's Food Mart" for a Class "D" liquor license at 2200 Winthrop Road, Lincoln, Nebraska, for the

license period ending April 30, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF CHAD JASON WINTER FOR METRO FOOD MART, INC. DBA "LEON'S FOOD MART AT 2200 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81377 WHEREAS, Metro Food Mart, Inc. dba "Leon's Food Mart" located at 2200 Winthrop Road, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Chad Jason Winter be named manager;

WHEREAS, Chad Jason Winter 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 Chad Jason Winter 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

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY CREATING THE CLASSIFICATION OF EMERGENCY SERVICE DISPATCHER II/CAD ADMINISTRATOR IN CLASS CODE 3102; CHANGING THE CLASSIFICATION OF ASSISTANT SUPERINTENDENT OF MAINTENANCE - WATER PRODUCTION & TREATMENT TO ASSISTANT SUPERINTENDENT - WATER PRODUCTION & TREATMENT IN CLASS CODE 5349; AND DELETING THE CLASSIFICATION OF ASSISTANT SUPERINTENDENT - WATER PRODUCTION & TREATMENT IN CLASS CODE 5347 - CLERK read an ordinance, introduced by Jon Camp, amending the pay scheduled for certain employee groups by creating the classification of Emergency Service Dispatcher II/CAD Administrator in Class Code 3102; changing the classification of Assistant Superintendent of Maintenance - Water Production & Treatment to Assistant Superintendent 0 Water Production & Treatment in Class Code 5349; and deleting the classification of Assistant Superintendent - Water Production & Treatment in Class Code 5347, the second time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP TO DECREASE THE PAY RANGE OF PUBLIC HEALTH EDUCATION MANAGER AS THE RESULT OF THE REALIGNMENT OF DUTIES WITHIN THE HEALTH DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for a certain employee group to decrease the pay range of Public Health Education Manager as the result of the realignment of duties within the Health Department, the second time.

#### RESOLUTIONS

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 (**2/25/02 - Claim of Chris Hollers held over to 3/11/02**) - PRIOR to reading:

SENG Moved to amend Bill No. 02R-19C in the following manner by making a motion to approve the claim in the amount of \$193.50 on the condition that a release and a waiver of all liability be secured.

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 Jonathan Cook, who moved its adoption as amended:

A-81378 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:

DENIED

ALLOWED

~~Chris Hollers~~ \$193.50 Chris Hollers \$193.50  
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 Jonathan Cook

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

APPROVING A WAIVER OF DESIGN STANDARDS TO EXTEND THE TIME OF CONSTRUCTION AND INSTALLATION OF SIDEWALKS AND STREET NAME SIGNS WITHIN ORCHARD PARK RETIREMENT COMMUNITY ON PROPERTY GENERALLY LOCATED AT SOUTH 48TH AND HIGH STREETS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81379 WHEREAS, C.C.C. Construction previously submitted and received approval of the final plat designated as Omnivillage by the City Council of the City of Lincoln, Nebraska; and

WHEREAS, the conditions of approval for said Final Plat included construction of sidewalks as shown in the public street shown on the final plat and the construction of sidewalks in the pedestrian way easement as shown on the final plat to be completed by September 26, 1992 and the installation of street name signs as approved by the Department of Transportation to be completed by September 26, 1990;

WHEREAS, Virgil Carner on behalf of the Orchard Park Retirement Community, hereinafter referred to as "Subdivider" is requesting an extension of the completion date for installation of the sidewalks and street name signs to such time as the private roadway within this plat is completed; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said request for the waiver of design standards and recommends conditional approval of an extension of the time for installation of said sidewalks and street name signs.

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

1. That Orchard Park Retirement Community is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and therefore the requirements of Section 26.27.020 and Section 26.27.110 of the Lincoln Municipal Code providing sidewalks and street name signs be installed within 4 years and 2 years, respectively, following approval of the Final Plat is waived to allow said improvements to be installed at the time Apple Hill Lane, a private roadway is extended to Pawnee Street, provided that:

- a. The street name sign at Apple Hill Lane and S. 48th Street shall be installed within 30 days, however, other street signs shall be installed at the time the extension of Apple Hill Lane to Pawnee Street is paved.
- b. Sidewalks adjacent to the portion of Apple Hill Lane that has not yet been constructed shall be installed at the time the extension of Apple Hill Lane to Pawnee Street is paved.

2. All other conditions for approval of the Final Plat of Omnivillage Addition shall remain in full force and effect.

Introduced by Jonathan Cook

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

APPROVING THE 2001-02 WORK PLAN FOR THE STORMWATER INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81380 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2001-2002 Work Plan to the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Exhibit "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2001-2002 Work Plan establishes a framework and

division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2001-2002 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Fiscal Year 2001-2002 Work Plan to the Interlocal Agreement to Steve Masters, Public Works and Utilities Department, for transmittal to the Lower Platte South NRD.

Introduced by Jonathan Cook

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

APPOINTING ROGER LARSON TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 24, 2005 - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81381 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Roger Larson to the Lincoln-Lancaster County Planning Commission to fill an unexpired term expiring August 24, 2005 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING MARK HESSER TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2005 - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81382 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mark Hesser to the Lincoln Electric System Administrative Board to fill an unexpired term expiring January 1, 2005 is hereby approved.

Introduced by Jonathan Cook

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

SPECIAL PERMIT NO. 1943 - APPLICATION OF KENT SEACREST ON BEHALF OF LINCOLN PLATING COMPANY TO BUILDING A PARKING LOT IN THE R-2 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SO. FOLSOM AND WEST "E" STREET  
CLERK Read a resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-81384 WHEREAS, Lincoln Plating Company has submitted an application designated as Special Permit No. 1943 for authority to construct a parking lot in the R-2 residential district on property located at S. Folsom and W. E Street, and legally described to wit:

Lot 1, Lincoln Plating Addition, located in the Southeast Quarter of Section 27, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot 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 Lincoln Plating Company, hereinafter referred to as "Permittee", to construct a parking lot in the R-2 residential district, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.170 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. The permit approves a parking lot in the R-2 zoning district.
2. Before receiving building permits:
  - a. The construction plans must conform to the approved plans.
  - b. The applicant must deed to the City of Lincoln

the north 6.9 feet of Outlot "A", Lincoln Plating Addition.

c. Street and Alley Vacation #01022 must be approved by the City Council.

3. Before occupying the parking lot, all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the Permittee.

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

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.

Introduced by Jonathan Cook

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

#### PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY THE NORTH-SOUTH ALLEY LOCATED BETWEEN LOT 1 AND LOTS 2, 3, 4, 5, 6, & 7 ADJACENT TO "Y" ST., BLOCK 1, DAVENPORT'S SUBDIVISION SUBMITTED BY HENDRICKS COMMERCIAL PROPERTIES, L.L.C. - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY ALL THAT PART OF "X" STREET BEGINNING ON THE WEST LINE OF "X" STREET, AT THE INTERSECTION OF "X" STREET AND NORTH 10TH STREET, THEN PROCEEDING EAST TO THE WEST AND NORTH RIGHT-OF-WAY OF THE BURLINGTON NORTHERN SANTA FE RAILROAD COMPANY SUBMITTED BY CAPITAL CONTRACTORS, INC. - CLERK presented said petition which was referred to the Law Dept.

INFORMAL PETITION TO CREATE AN IMPROVEMENT DISTRICT TO ALLOW ACQUISITION OF ADDITIONAL RIGHT-OF-WAY FOR SW 8TH STREET BETWEEN WEST "C" STREET AND HANNEMAN DRIVE, SUBMITTED BY PARKRIDGE APARTMENTS, L.L.C. - CLERK presented said petition which was referred to the Public Works Dept.

#### REPORTS OF CITY OFFICERS

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

INVESTMENT OF FUNDS FOR FEBRUARY 25 - MARCH 1, 2002 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81383 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 25 - March 1, 2002.)

Introduced by Jonathan Cook

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 month of January, 2002: IBM Global Services - NS Div., Broadwing Telecommunications, Global Crossing Telecommunications, Inc., Macleod



USA Telecommunications Services, Inc., Nebraska Technology & Telecommunications, Inc., MCI WorldCom Network Services, Inc., Coast International, Inc., Excel Telecommunications, Inc., Trans National Communications International, Inc., and Bell Atlantic Communications, Intellicall Operator Services - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPT FOR THE MONTH OF FEBRUARY, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

SETTING A HEARING DATE OF MONDAY, MARCH 18, 1:30 P.M. TO HEAR THE APPEAL OF DARIUS AFRAID OF HAWK ON THE DENIAL OF A PEDDLER'S PERMIT IN ACCORDANCE WITH SECTION 5.36.120 OF THE LINCOLN MUNICIPAL CODE - CLERK requested a motion to set the hearing date:

CAMP So moved.

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

#### ORDINANCES - 1ST READING

VACATING A 5' X 30'6" PORTION OF NORTH 7TH STREET ADJACENT TO THE SOUTH 37' OF LOT 9, BLOCK 32, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT N. 7TH AND P STREETS - CLERK read an ordinance, introduced by Jonathan Cook, Vacating a 5' X 30'6" portion of north 7th Street adjacent to the south 37' of Lot 9, Block 32, Original Plat of Lincoln, generally located at N. 7th and P Streets, the first time.

#### ORDINANCES - 3RD 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 third time.

WERNER 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 17971, is recorded in Ordinance Book 24, Page

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 third time.

WERNER 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 17972, is recorded in Ordinance Book 24, Page

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 third time.

WERNER 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 17973, is recorded in Ordinance Book 24, Page

#### MISCELLANEOUS BUSINESS

#### PENDING LIST -

SPECIAL PERMIT 1953 - APPLICATION OF BILL HARRISON FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT HO-CHUNK LOCATED

AT 3301 O STREET - CLERK requested to remove this item from pending and have public hearing and action on 3/18/02.

CAMP           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 March 18, 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 18, 2002.  
                  Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

**2:50 p.m.**

CAMP           Moved to adjourn the City Council meeting of March 11, 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