

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 8, 2002 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of April 1, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF JASON E. HOFFMAN FOR PRENSA LATINA INC. DBA "EL PUENTE" AT 815 O STREET. (3/18/02 - PLACED ON PENDING W/PUBLIC HEARING CONT'D. UNTIL 4/8/02) - John Boehm, 811 S. 13th St., and Jason Hoffman, 746 B Street, took oath & came forward to state that Mr. Hoffman is signed up for the next available Responsible Hospitality Class. He stated that the State Statute requires a corporate manager to be on duty so two of the shareholders will be on duty as well as the manager.

Annette McRoy, Council Member, questioned Mr. Hoffman about his two violations of M.I.P & urinating in public.

Jason Hoffman, stated he made a mistake.

Manny Calderon, 227 N. 9th, stated he is one of the shareholders who will be on duty & that many improvements have been made to the establishment.

Glenn Friendt, Council Member, asked Mr. Calderon why he isn't the manager.

Mr. Calderon, stated that because of an infraction when he was 18 years old he is ineligible to be the manager.

Ken Svoboda, Council Member asked Russ Fosler, Police Dept., if he felt there's been an abrupt stop to the problems at this establishment.

Russ Fosler, Police Department, answered not an abrupt stop, but it has improved quite a bit.

Jon Camp, Council Member, asked Officer Fosler if he was in favor of Mr. Hoffman as manager.

Officer Fosler, answered that he would rather have another person for manager.

This matter was taken under advisement.

CHANGE OF ZONE 3358 - APPLICATION OF ROBERT STEPHENS FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL TO R-2 RESIDENTIAL AND I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF S.W. 6TH AND WEST "A" STREETS;

CHANGE OF ZONE 3351 - APPLICATION OF JAKE VON BUSCH FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF S.W. 5TH STREET AND WEST B STREET - Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing Jake Von Busch stated that due to the overpass being built a substantial portion of land will be taken from him so wants to move his business to this new site. Discussion followed.

Bob Stevens, 2829 Van Dorn, came forward to state he agrees with the Planning Commission & the Planning Department's recommendation.

Brian Will, Planning Dept., explained the rationale for the 20 foot requirement.

This matter was taken under advisement.

VACATING THE EAST-WEST ALLEY BETWEEN N. 18TH AND N. 19TH STREET FROM O TO P STREETS, IN BLOCK 29, KINNEY'S O STREET ADDITION - Jerry Nelson, 2811 Tierra Dr., Thompson Realty Group, came forward to explain request & to answer any questions. Discussion followed.

Jason Reynolds, Planning Dept., stated that the Law Dept. is preparing a substitute ordinance which clarifies the vacation of the west 240 feet of east-west alley rather than the entire alley.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,500,000 GENERAL OBLIGATION STORM SEWER AND DRAINAGE SYSTEM BONDS, SERIES 2002 (WITH EMERGENCY CLAUSE) -

Don Herz, Finance Director, came forward requesting to proceed with issuing storm sewer general obligation bonds. (Loren Wismer, Cline Williams, as Bond Counsel and Scott Keane, of Ameritas, as Financial Advisor were also in attendance.)

Mr. Friendt asked if there was a designation of where these funds are to be used.

Mr. Herz stated that it would be used for Beal Slough, and several designated storm sewer projects.

This matter was taken under advisement.

CREATING SEWER DISTRICT NO. 1177 IN OLD CHENEY ROAD FROM APPROXIMATELY 62ND STREET EAST TO APPROXIMATELY PHEASANT RUN LANE. (3/25/02 - P.H. CON'T W/ACTION 4/8/02) - Jack Lynch, Olsson Associates, 1100 Lincoln Mall, representing several property owners stated that they are two signatures away from carrying this sewer project through on an Executive Order process. He requested to hold this over for one week to make sure these signatures came through.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY AND LINCOLN ELECTRIC SYSTEM TO ESTABLISH THE POSITION AND RESPONSIBILITIES OF AN ADMINISTRATIVE ASSISTANT TO THE MAYOR FOR ECONOMIC DEVELOPMENT. (3/18/02- TO HAVE P.H. & ACTION 4/8/02) - Bob Workman, Chairman of County Board, came forward in support of this resolution. Discussion followed.

Shelley Sahling, Lincoln Electric System, came forward in support of this resolution. Discussion followed.

Mark Bowen, Mayor's Chief of Staff, stated this is not a duplication of LPED nor does it replace it. The City's portion to fund this position will come from unprogrammed CDBG funds. Discussion followed.

Alan Hersch, Aquila, expressed his opinion that an economic development professional should be included in the selection process.

Craig Groat, 4935 Huntington Ave., stated he is concerned about the economic growth & development and the selected person should be a highly qualified person.

Art Jiminez, 2113 S.W. 19th St., opposed any economic development position. Discussion followed.

Jim Haga, Lincoln School of Commerce, 8212 Stockwell, came forward against the Economic Development position. Discussion followed.

Danny Walker, 427 E St., questioned why the Labor Unions weren't involved in this partnership. Discussion followed.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY JABRISCO RESTAURANT FOR THE INSTALLATION OF AN EXTERIOR STAIRCASE/FIRE EXIT FROM THE BASEMENT OF THE RESTAURANT AT 700 P STREET. (IN CONNECTION W/02-31) - Scott Miller, President of Telesis Inc., came forward to explain his request of a vacation and the use of public right-of-way. Discussion followed.

This matter was taken under advisement.

WAIVING DESIGN STANDARDS FOR STREET TREES ON S. CODDINGTON AVE. SOUTH OF WEST M STREET - Gary Christensen, 6830 Shadow Ridge Road, came forward to request that sidewalks, curb & gutter design standards be waived along with street trees. Discussion followed.

Tom Cajka, Planning Dept., stated that the original request for design standards for sidewalks, street paving, & storm sewer all were denied by Planning Commission except for street trees. They are still requesting all of the waivers.

Dana Roper, City Attorney stated that sidewalks was the only waiver of design standards advertised so, sidewalks, curb & gutter also need to be advertised.

Rick Onnen, Engineering Design Consultants, 630 N. Cotner, stated we were told by Planning Staff that we didn't have to formally appeal. He stated that the Planning Commission said it may be developed to the west & the only access is off of M Street & the piece requested for waiver of design is south of M Street. Discussion followed.

Nicole Fleck-Tooze, Public Works, stated the urban paving of this street will facilitate building sidewalks & storm sewers & so forth. Without that there will be difficulty not waiving the other elements. Discussion followed.

Mr. Groat, stated that there are many benefits for planting trees. He feels that trees are the primary reason for economic growth in Atlanta, Georgia.

This matter was 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 FEBRUARY 16-28, 2002. (CLAIM OF WM. LABRUM DELAYED ONE WEEK TO 4/8/02 W/P.H. & ACTION, CLAIM OF HEIDI BURKLUND REFERRED BACK TO LAW DEPT.) - William Labrum, 1308 3rd Coroso, Nebraska City, NE, came forward to answer any questions. Discussion followed.

Chief Casady, Police Dept., came forward to testify on the Police reports of the Labrum incident. Discussion followed.

This matter was taken under advisement.

TOOK BREAK 4:32 P.M.

RECONVENED 4:46 P.M.

MISCELLANEOUS BUSINESS

Sue Hundley, 7010 S. 32nd Street, spoke to the Council in opposition to the elimination of permanent no parking on both sides of the street of 32nd & Pine Lake Road south approximately one block & a designation of a left-turn lane at said location.

Randy Hoskins, City Traffic Engineer, explained that the no parking designation at 32nd & Pine Lake Road was being done for safety reasons.

Dale Deffenbaugh, 7021 S. 32nd St., spoke in opposition of the no parking on 32nd & Pine Lake Road. He stated that a lot of the traffic is also coming from the mall on the north side.

Ed Staples, 7121 S. 32nd St., spoke in opposition of the no parking on 32nd & Pine Lake Road. He quoted from City regulations that the City allows parking on streets that are 39 feet wide. 32nd Street is 39 feet wide.

Scott Long, Porter Ridge Assn. President, spoke in opposition of the no parking on 32nd & Pine Lake Road. He stated the congestion is two times a day for short periods of time, nine months out of the year due to Cavett School students being dropped off. He had heard that there isn't going to be 6th graders at Cavett School in the future so the traffic should decrease.

David Hundley, 7010 S. 32nd St., stated he had heard that the drop off hours at Cavett School were going to be earlier in the morning next year & he wondered why more wasn't being done about the speeding on 32nd Street.

This matter was taken under advisement.

Craig Groat, 4935 Huntington Ave., read an article about office economy benefits directed by the government. Copies are on file.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JASON E. HOFFMAN FOR PRENSA LATINA INC. DBA "EL PUENTE" AT 815 O STREET. (3/18/02 - Placed on Pending w/Public Hearing cont'd. until 4/8/02) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81432 WHEREAS, Prensa Latina Inc. dba "El Puente" located at 815 "O" Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jason E. Hoffman be named manager; WHEREAS, Jason E. Hoffman 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 Jason E.

Hoffman 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 Ken Svoboda

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

ORDINANCES - 2ND READING

APPROVING A CONTRACT BETWEEN THE CITY AND THE LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE AND REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA FROM MAY 4, 2002, THROUGH OCTOBER 26, 2002 - CLERK read an ordinance, introduced by Ken Svoboda, approving a contract between the City and the Lincoln Haymarket Development Corp. to operate and regulate a Saturday Public Market in the Haymarket Area from May 4, 2002, through October 26, 2002, the second time.

CHANGE OF ZONE 3358 - APPLICATION OF ROBERT STEPHENS FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL TO R-2 RESIDENTIAL AND I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF S.W. 6TH AND WEST "A" STREETS - CLERK read an ordinance, introduced by Ken Svoboda, for a Change of Zone 3358, the application of Robert Stephens for a Change of zone from H-4 general commercial to R-2 Residential and I-1 Industrial on property generally located north and east of the intersection of S.W. 6th and West "A" Streets, the second time.

CHANGE OF ZONE 3351 - APPLICATION OF JAKE VON BUSCH FOR A CHANGE OF ZONE FROM H-4 GENERAL COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED NORTH AND EAST OF THE INTERSECTION OF S.W. 5TH STREET AND WEST B STREET - CLERK read an ordinance, introduced by Ken Svoboda, for a Change of Zone 3351 - Application of Jake Von Busch for a Change of Zone from H-4 general commercial to I-1 Industrial on property generally located north and east of the intersection of S.W. 5th Street and West B Street, the second time.

VACATING THE EAST-WEST ALLEY BETWEEN N. 18TH AND N. 19TH STREET FROM O TO P STREETS, IN BLOCK 29, KINNEY'S O STREET ADDITION - CLERK read an ordinance, introduced by Ken Svoboda, vacating the east-west alley between N. 18th and N. 19th street from O to P Streets, in Block 29, Kenney's O Street Addition, the second time.

AMENDING SECTION 5.04.100 OF THE LINCOLN MUNICIPAL CODE TO MAKE THE ORDINANCE CONSISTENT WITH NEBRASKA STATE STATUTE BY MAKING IT ILLEGAL FOR A MINOR TO CONSUME ALCOHOLIC LIQUOR - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 5.04.100 of the Lincoln Municipal Code to make the ordinance consistent with Nebraska State Statute by making it illegal for a minor to consume alcoholic liquor, the second time.

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,500,000 GENERAL OBLIGATION STORM SEWER AND DRAINAGE SYSTEM BONDS, SERIES 2002 (WITH EMERGENCY CLAUSE) - CLERK read an ordinance, introduced by Ken Svoboda, authorizing the issuance of not to exceed \$7,500,000 general obligation storm sewer and drainage system bonds, series 2002 (with emergency clause), the second time.

RESOLUTIONS

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, COUNTY AND LINCOLN ELECTRIC SYSTEM TO ESTABLISH THE POSITION AND RESPONSIBILITIES OF AN ADMINISTRATIVE ASSISTANT TO THE MAYOR FOR ECONOMIC DEVELOPMENT. (3/18/02- TO HAVE P.H.& ACTION 4/8/02) - PRIOR to reading:

Svoboda Moved to delay action on Bill No. 02R-54 for one week to 4/15/02.
Seconded by Camp & Lost by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.

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

A-81433 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska

That the attached Interlocal Agreement between the City of Lincoln, Lancaster County, and Lincoln Electric System to create, fund, and define the responsibilities of the position of Administrative Assistant to the Mayor for Economic Development, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to Don Herz, Finance Director for transmittal to the County and LES.

Introduced by Terry Werner
Seconded by Seng & carried by the following vote: AYES: Cook,

Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY JABRISCO RESTAURANT FOR THE INSTALLATION OF AN EXTERIOR STAIRCASE/FIRE EXIT FROM THE BASEMENT OF THE RESTAURANT AT 700 P STREET. **(IN CONNECTION W/02-31)** - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81434 WHEREAS, Rainmaker Restaurant Corp. has submitted an application for a permit to use the public right-of-way along the west side of 700 "P" Street adjacent to Jabrisco Restaurant for construction of an exterior staircase/fire exit from the basement of the restaurant; and

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

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Rainmaker Restaurant Corp. to use the public right-of-way along the west side of "P" Street, commonly known as 700 "P" Street, for the purpose of constructing an exterior staircase/fire exit from the basement, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, and the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence.

2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.

3. The applicant, its heirs, successors or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.

5. This permit may be revoked by resolution of the City Council and after giving of five days written notice to the Applicant by the City Clerk, for the following reasons: (a) failure of the Applicant to pay the compensation required within ten days after the date payment is due; (b) failure or neglect of the Applicant to comply with the provisions of Chapter 14.54 of the Lincoln Municipal Code, or any other provisions of the Lincoln Municipal Code or the provisions of the permit; (c) failure to use the space for which the permit was granted for a continuous period of at least six months or (d) upon a determination by the City that the space for which the permit was granted is needed for public use.

Upon revocation of a permit, the Applicant shall forthwith remove or abandon the space for which the permit was granted, together with the removal of any structure at their own cost and expense and return that space to the City of Lincoln, free and clear of all structures or encroachments of any type, at no expense to the City. If the requested removal or abandonment has not been completed within six months after revocation of the permit, the City Council may cause such removal or abandonment to be so done and the cost of such work shall become a lien against the property of the Applicant.

6. Applicant shall pay, as rental fee for the space occupied, an amount equal to ten percent of the square foot value, as last fixed by the Board of Equalization, of the lot directly abutting on the use, multiplied by the square footage of the use of space.

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

five percent shall be added thereto in addition to said interest.

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

8. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Terry Werner

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND RTSD FOR THE 3RD AND A STREET VIADUCT - CLERK read the following resolution, introduced by CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81435 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln and the Lincoln-Lancaster County Railroad Transportation Safety District to construct a new vehicular and pedestrian viaduct structure over the existing Burlington Northern Santa Fe Railroad tracks near 3rd and A Street, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal to the Railroad Transportation Safety District.

Introduced by Terry Werner

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS TO CONSTRUCT A CONCRETE PEDESTRIAN AND BICYCLE TRAIL TO BE KNOWN AS MOPAC WEST "HUSKER LINK" CONNECTING THE EXISTING MOPAC TRAIL NEAR 30TH AND Y STREETS TO THE ROCK ISLAND TRAIL AT 18TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81436 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads to construct a concrete pedestrian and bicycle trail to be known as Mopac West "Husker Link" Trail, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Terry Werner

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

WAIVING DESIGN STANDARDS FOR THE PEDESTRIAN WAY EASEMENT ON LOT 4, BLOCK 3, JERROLD HEIGHTS 4TH ADDITION, GENERALLY LOCATED NEAR S. 56TH STREET AND PINE LAKE ROAD - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81437 WHEREAS, the Final Plat of Jerrold Heights 4th Addition was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Final Plat was the requirement that the subdivider install a pedestrian sidewalk in the pedestrian way easement on Lot 4, Block 3, of said Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirement pursuant to Section 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has

made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the requirement of the Final Plat of Jerrold Heights 4th Addition relating to the required easement for the installation a pedestrian sidewalk in Lot 4, Block 3, is hereby waived and the pedestrian way easement may be released.

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

Introduced by Terry Werner

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

WAIVING DESIGN STANDARDS FOR STREET TREES ON S. CODDINGTON AVE. SOUTH OF WEST M STREET - PRIOR to reading:

SENG Moved to delay action on Bill No. 02R-69 for two weeks to 4/22/02 with Public Hearing continued.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEBRUARY 16-28, 2002. (CLAIM OF WM. LABRUM DELAYED ONE WEEK TO 4/8/02 W/P.H. & ACTION, CLAIM OF HEIDI BURKLUND REFERRED BACK TO LAW DEPT.) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81438 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 March 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>
William Labrum	2,875.00	

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.

SETTING HEARING DATE OF 4/22/02 AT 1:30 P.M. FOR MAN. APP. OF ROLAND L.

MEIROSE FOR SAM'S WEST, INC. DBA "SAM'S CLUB #6413" LOCATED AT 4700 NORTH 27TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81439 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., April 22, 2002, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the Man. App. of Roland

L. Meirose for Sam's West, Inc. dba "Sam's Club #6413" located at 4700 N. 27th 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 HEARING DATE OF MONDAY, APRIL 22, 2002 AT 1:30 P.M. FOR THE APP. OF SALEM OIL COMPANY DBA "AIRPORT AMOCO" FOR A CLASS "B" LIQUOR LICENSE LOCATED AT 3100 N.W. 12TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81440 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., April 22, 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 App. of Salem Oil Company dba "Airport Amoco" for a Class "B" Liquor License located at 3100 N.W. 12th 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.

PETITIONS & COMMUNICATIONS

TWO PETITIONS TO VACATE PUBLIC WAY THE WEST ½ OF 49TH ST. FROM L STREET TO THE NORTH LINE OF LOT 164 RANDOLPH ACRES SUBMITTED BY DAVID W. & SARA J. FARRAR AND LOIS J. SONG, SHUNLING VINCENT SONG, CO-TRUSTEES OF THE L. J. SONG TRUST & RUTH ANN GARDNER - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APRIL 1, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR APRIL 1 - APRIL 5, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81441 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 April 1 - April 5, 2002.)

Introduced by Terry Werner

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

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MARCH 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, APRIL 29, 2002 AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

02-40 Authority to create a Re-Paving District bring Saunders Avenue, 12th Street to 14th Street up to current design standards with 33' wide pavement.

02R-66 Authority to create a Paving Unit to bring Saunders Avenue, Springfield Drive to 12th Street up to current design standards with 33' wide paving.

CLERK Requested to have Hearing date of Monday, April 29, 2002 at 5:30 p.m. & place on the formal City Council Agenda:

SENG So moved

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

ORDINANCES - 1ST READING

VACATING THE EAST-WEST ALLEY ADJACENT TO LOT 63, CAPITAL HEIGHTS ADDITION TO UNIVERSITY PLACE, GENERALLY LOCATED EAST OF N. 51ST STREET ONE BLOCK SOUTH OF Y STREET - CLERK read an ordinance, introduced by Terry Werner, vacating the east-west alley adjacent to Lot 63, Capital Heights Addition to University Place, generally located east of North 51st Street, one block south of Y Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING CHAPTER 1.20 OF THE LINCOLN MUNICIPAL CODE, THE UNIFORM INSPECTIONS CODE, BY ADDING A NEW SECTION NUMBERED 1.20.060 TO MAKE IT UNLAWFUL TO REFUSE TO PERMIT AN INSPECTION AUTHORIZED BY AN INSPECTION WARRANT - CLERK read an ordinance, introduced by Terry Werner, amending Chapter 1.20 of the Lincoln Municipal Code, Uniform Inspections Code, by adding a new section numbered 1.20.060 to make it unlawful to refuse to permit an inspection authorized by an inspection warrant, the first time.

APPROVING A FIVE-YEAR LEASE BETWEEN THE CITY AND NEBRASKA NATIONAL BANK FOR THE LEASE OF GOLF COURSE MAINTENANCE EQUIPMENT - CLERK read an ordinance, introduced by Terry Werner, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City"), and Nebraska National Bank ("Lessor") for a five-year lease of golf course maintenance equipment for use by the City Parks and Recreation Golf Division, the first time.

ORDINANCES - 3RD READING

CREATING SEWER DISTRICT NO. 1177 IN OLD CHENEY ROAD FROM APPROXIMATELY 62ND STREET EAST TO APPROXIMATELY PHEASANT RUN LANE. (3/25/02 - P.H. CON'T W/ACTION 4/8/02) - PRIOR to reading:

COOK Moved to delay Action on Bill No. 02-30 for one week to 4/15/02 with Public Hearing Continued.

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

VACATING THE ASHBROOK DR. CUL-DE-SAC TO ALLOW FOR CONTINUATION OF THE STREET SOUTH IN CONJUNCTION WITH THE PLAT FOR PARKER'S LANDING ADDITION, GENERALLY LOCATED ½ MILE EAST OF S. 70TH ST. & ½ MILE SOUTH OF OLD CHENEY - CLERK read an ordinance, introduced by Coleen Seng, vacating the Ashbrook Dr. Cul-de-sac to allow for continuation of the street south in conjunction with the plat for Parker's Landing Addition, generally located ½ mile east of S. 70th St. & ½ mile South of Old Cheney, 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 **#17982**, is recorded in Ordinance Book 25, Page

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. (3/18/02 - PUBLIC HEARING CONT'D. W/3RD READING) (3/25/02- ACTION DELAYED TO 4/8/02) (IN CONNECTION W/02R-64) - PRIOR to reading:

COOK Moved to place Bill No. 02-31 on Pending.

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

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to April 15, 2002.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April 15, 2002.

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

ADJOURNMENT

6:25 P.M.

CAMP Moved to adjourn the City Council meeting of April 8, 2002.

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

REGULAR MEETING
APRIL 8, 2002
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Judy Roscoe, Office Assistant III