

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 15, 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**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of April 8, 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.

**MAYOR'S AWARD OF EXCELLENCE**

For the month of March, 2002 the Mayor's Award of Excellence was awarded to Randy Winch of the Public Works/Utilities - Street Maintenance Division in the safety category.

**PUBLIC HEARING**

APPLICATION OF JASON T. KUHR DBA "MAIN STREET CAFÉ" FOR A CLASS "I" LIQUOR LICENSE AT 1325 O STREET - Jason T. Kuhr, 3203 Starr Street, came forward and took the oath, to answer Council questions. He reported to Council that he would take the Responsible Hospitality Classes in July. This matter was taken under advisement.

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 - Mike Morosin, 2055 "S" Street, came forward to ask how this will effect the housing in his neighborhood. He reported he had had several calls regarding this matter.

Dana Roper, City Attorney, reported to Council that this bill would allow the City to prosecute people who fail to allow inspection for wiring, etc.

This matter was taken under advisement.

APPROVING A FIVE-YEAR LEASE BETWEEN THE CITY AND NEBRASKA NATIONAL BANK FOR THE LEASE OF GOLF COURSE MAINTENANCE EQUIPMENT - Steve Hiller, Parks & Rec. Dept. came forward to see if Council had any questions. Council Chair McRoy asked Mr. Hiller to please explain to the public why the department took the option of leasing. Mr. Hiller explained that the Dept. was going to lease, rather than purchase golf equipment, thus allowing them to trade in equipment and at the end of the lease they would choose to buy the equipment. Councilmen Friendt and Svoboda asked if this was cost effective. Mr. Hiller responded by saying they were hoping that the number of golf rounds played on city courses would stay consistent, due to the fact of additional private courses that have opened and that by purchasing the equipment at the end of the lease, at least they would still have resources to work with.

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) (4/8/02 - DELAY 1 WK, P.H. CON'T. TO 4/15/02) - Tim Gergen of Olsson Associates came forward requesting an additional week extension.

This matter was taken under advisement.

SPECIAL PERMIT 1939A - APPLICATION OF THE NEBRASKA INSTITUTE TO REVISE THE SITE LAYOUT AND ADJUST THE BOUNDARY OF SPECIAL PERMIT NO. 1939 FOR AN 80 BED HOSPITAL AND 30,000 SQUARE FOOT MEDICAL OFFICE BUILDING, ON PROPERTY GENERALLY LOCATED AT S. 98TH STREET AND PINE LAKE ROAD - Mark Hunzeker, Attorney, 530 S. 13th St., Suite B, came forward to answer any questions Council may have.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND STATE FOR CONSTRUCTION OF A MEDIAN DIVIDED 4-LANE CONCRETE ROADWAY IN THE 84TH STREET CORRIDOR, BETWEEN CHENEY RIDGE ROAD AND AMBER HILL ROAD - Councilman Camp asked Nicole Fleck-Tooze of Public Works, to come forward to ask if efforts would be made to keep one lane open while construction was going on in reference to this project. Ms. Fleck-Tooze advised it was very likely this would be done.

This matter was taken under advisement.

ENDORING THE LINCOLN-LANCASTER COUNTY SUBSTANCE ABUSE ACTION PLAN AS THE OFFICIAL PROGRAM DEFINING THE GOALS AND STRATEGIES FOR PREVENTION, TREATMENT, AND CRIMINAL JUSTICE RELATING TO SUBSTANCE ABUSE IN THE CITY AND COUNTY. (REQUEST TO WAIVE RULES TO HAVE P.H. & ACTION 4/15/02) - Mike Morosin, 2055 "S" Street, came forward to ask how this plan was going to deal with the long term problems that many people have encountered in previous programs. He related that many times, people get to the end of the programs and still need additional help, i.e. the job search process.

Council Chair McRoy stated that this was a project of both the County and City. Councilwoman Seng informed Mr. Morosin that there is an upcoming press conference regarding this issue at the County Extension Office on Wednesday of this week.

Glen Cekal, 1420 "C" Street, came forward to say that he is glad there are programs available such as these that help people get back on their feet. He would also like to see more follow-through regarding people who are near the end of such programs.

Councilman Friendt stated that many of these self-help programs are aimed at individuals who want to help themselves.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Glen Cekal, 1420 "C" Street, came forward asking the Council Chair to please have the sound checked in the council auditorium, due to the fact that many times witnesses at the podium are inaudible to those in the audience. He expressed his appreciation to those who were responsible for the improvements on South 15th mall area. He noted the street lights that have been installed, underground sprinklers and questioned if the sidewalks will be coming next.

This matter was taken under advisement.

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

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APPLICATION OF JASON T. KUHR DBA "MAIN STREET CAFÉ" FOR A CLASS "I" LIQUOR LICENSE AT 1325 O STREET, CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81442 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 Jason T. Kuhr dba "Main Street Café" for a Class "I"

liquor license at 1325 O Street, Lincoln, Nebraska, for the license

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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.

**ORDINANCES - 2ND READING**

ESTABLISHING A RETIREMENT INCENTIVE PROGRAM FOR CITY EMPLOYEES WHO MEET CERTAIN AGE & SERVICE CRITERIA. (IN CONNECTION W/02R-63) (3/25/02 - P.H. DELAYED TO 4/15/02) (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READING W/EMERGENCY CLAUSE) (REQUEST BY MAYOR'S OFFICE TO DELAY ONE WEEK TO 4/15/02) - PRIOR to reading:

FRIENDT Moved to place Bill No. 02-39 on pending indefinitely, w/p.h. & 2nd reading when bill is brought forward, 7-0.

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

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 the following ordinance, introduced by Terry Werner, 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, the second 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, 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, the second 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, approving a five-year lease between the City and Nebraska National Bank for the lease of golf course maintenance equipment, the second time.

**RESOLUTIONS**

APPROVING A TRANSFER OF APPROPRIATIONS FROM EXISTING RE-APPROPRIATIONS FOR BUDGETS IN VARIOUS DEPARTMENTS FOR THE FUNDING OF THE RETIREMENT INCENTIVE PROGRAM AS SET FORTH IN BILL NO. 02-39. (IN CONNECTION W/02-39) (3/25/02 - P.H. DELAYED TO 4/15/02) (REQUEST BY MAYOR'S OFFICE TO DELAY ONE WEEK TO 4/15/02) - PRIOR to reading:

FRIENDT Moved to place Bill No. 02R-63 pending indefinitely, w/p.h. when bill is brought forward.

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

SPECIAL PERMIT 1939A - APPLICATION OF THE NEBRASKA HEART INSTITUTE TO REVISE THE SITE LAYOUT AND ADJUST THE BOUNDARY OF SPECIAL PERMIT NO. 1939 FOR AN 80 BED HOSPITAL AND 30,000 SQUARE FOOT MEDICAL OFFICE BUILDING, ON PROPERTY GENERALLY LOCATED AT S. 98TH STREET AND PINE LAKE ROAD -

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81443 WHEREAS, Nebraska Heart Institute, P.C. has submitted an application designated as Special Permit No. 1939A for authority to revise the site layout and adjust the boundary for Special Permit 1939 which includes an 80 bed hospital and a 30,000 square foot medical office building on property located at S. 91st Street and the proposed Heritage Lakes Drive, and legally described to wit:

A portion of Lot 82 I.T., located in the Northeast Quarter of Section 23, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more

particularly described as follows:  
Commencing at the northeast corner of said Northeast Quarter; thence on an assumed bearing of south 00 degrees 07 minutes 15 seconds east along the east line of said Northeast Quarter, a distance of 50.00 feet to a point; thence south 89 degrees 52 minutes 45 seconds west, a distance of 50.00 feet to the northeast corner of the remaining portion of Lot 82 I.T.; thence south 00 degrees 07 minutes 15 seconds east along the east line of said remaining portion of Lot 82 I.T., a distance of 50.00 feet to an east corner of said remaining portion of Lot 82 I.T.; thence north 89 degrees 52 minutes 54 seconds east along a north line of said remaining portion of Lot 82 I.T., a distance of 17.00 feet to an east corner of said remaining portion of Lot 82 I.T.; thence south 00 degrees 07 minutes 15 seconds east along the east line of said remaining portion of Lot 82 I.T., a distance of 1,218.59 feet to a point; thence south 55 degrees 32 minutes 46 seconds west, a distance of 187.02 feet to a point; thence south 81 degrees 57 minutes 07 seconds west, a distance of 100.21 feet to a point; thence south 59 degrees 01 minutes 51 seconds west, a distance of 474.32 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 500.00 feet, an arc length of 153.58 feet, a delta angle of 17 degrees 35 minutes 57 seconds, a chord bearing of south 50 degrees 13 minutes 52 seconds west and a chord length of 152.98 feet to a point of tangency; thence south 41 degrees 25 minutes 54 seconds west, a distance of 42.78 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 500.00 feet, an arc length of 91.81 feet, a delta angle of 10 degrees 31 minutes 14 seconds, a chord bearing of south 46 degrees 41 minutes 31 seconds west and a chord length of 91.68 feet to a point of tangency; thence south 51 degrees 57 minutes 07 seconds west, a distance of 196.74 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 202.52 feet, an arc length of 73.13 feet, a delta angle of 20 degrees 41 minutes 27 seconds, a chord bearing of south 62 degrees 17 minutes 51 seconds west and a chord length of 72.74 feet to the true point of beginning; thence along a curve in a clockwise direction, having a radius of 202.52 feet, an arc length of 207.18 feet, a delta angle of 58 degrees 36 minutes 52 seconds, a chord bearing of north 78 degrees 02 minutes 59 seconds west and a chord length of 198.26 feet to a point of tangency; thence north 48 degrees 44 minutes 34 seconds west, a distance of 130.61 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 52.25 feet, an arc length of 140.97 feet, a delta angle of 154 degrees 34 minutes 56 seconds, a chord bearing of north 89 degrees 55 minutes 32 seconds west and a chord length of 101.94 feet to a point of tangency; thence south 12 degrees 46 minutes 59 seconds west, a distance of 69.78 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 63.99 feet, an arc length of 54.10 feet, a delta angle of 48 degrees 26 minutes 27 seconds, a chord bearing of south 37 degrees 00 minutes 13 seconds west and a chord length of 52.50 feet to a point of tangency; thence south 61 degrees 13 minutes 26 seconds west, a distance of 25.77 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 308.32 feet, an arc length of 117.51 feet, a delta angle of 21 degrees 50 minutes 12 seconds, a chord bearing of south 50 degrees 18 minutes 20 seconds west and a chord length of 116.80 feet to a point of tangency; thence south 39 degrees 23 minutes 14 seconds west, a distance of 67.74 feet to a point

of curvature; thence along a curve in a clockwise direction having a radius of 107.86 feet, an arc length of 55.30 feet, a delta angle of 29 degrees 22 minutes 37 seconds, a chord bearing of south 54 degrees 04 minutes 33 seconds west and a chord length of 54.70 feet to a point of tangency; thence south 68 degrees 45 minutes 51 seconds west, a distance of 96.18 feet to a point of intersection with the west line of said remaining portion of Lot 82 I.T.; thence north 27 degrees 39 minutes 47 seconds west along the westerly line of said remaining portion of lot 82 I.T., a distance of 883.32 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 935.00 feet, an arc length of 87.23 feet, a delta angle of 05 degrees 20 minutes 44 seconds, a chord bearing of north 24 degrees 59 minutes 24 seconds west along the westerly line of said remaining portion of Lot 82 I.T., a chord length of 87.20 feet to a westerly corner of said remaining portion of Lot 82 I.T.; thence north 22 degrees 15 minutes 58 seconds east along the westerly line of said remaining portion of Lot 82 I.T., a distance of 36.08 feet to a point of deflection; thence north 66 degrees 05 minutes 00 seconds east along a northwesterly line of said remaining portion of Lot 82 I.T., a distance of 10.04 feet to a point of deflection; thence north 18 degrees 34 minutes 09 seconds west along a westerly line of said remaining portion of Lot 82 I.T., a distance of 8.14 feet to a point; thence north 63 degrees 04 minutes 54 seconds east, a distance of 414.04 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 367.00 feet, an arc length of 85.97 feet, a delta angle of 13 degrees 25 minutes 17 seconds, a chord bearing of north 69 degrees 47 minutes 32 seconds east and a chord length of 85.77 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 66.50 feet, an arc length of 133.32 feet, a delta angle of 114 degrees 52 minutes 01 seconds, a chord bearing of north 83 degrees 43 minutes 55 seconds east and a chord length of 112.09 feet to a point; thence along a curve in a clockwise direction, having a radius of 370.00 feet, an arc length of 85.34 feet, a delta angle of 13 degrees 12 minutes 55 seconds, a chord bearing of south 79 degrees 23 minutes 59 seconds east and a chord length of 85.15 feet to a point of reverse curvature; thence along a curve in a counter clockwise direction, having a radius of 280.00 feet, an arc length of 94.96 feet, a delta angle of 19 degrees 25 minutes 54 seconds, a chord bearing of south 82 degrees 30 minutes 29 seconds east and a chord length of 94.51 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 285.52 feet, an arc length of 34.58 feet, a delta angle of 06 degrees 56 minutes 22 seconds, a chord bearing of south 55 degrees 10 minutes 13 seconds east and a chord length of 34.56 feet to a point of tangency; thence south 60 degrees 46 minutes 13 seconds east, a distance of 269.25 feet to a point; thence south 20 degrees 22 minutes 02 seconds east, a distance of 255.67 feet to a point; thence south 07 degrees 09 minutes 57 seconds east, a distance of 532.19 feet to the point of beginning, said tract contains a calculated area of 846,627.77 square feet or 19.44 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this change in the site layout and boundary adjustment of the area of the special permit 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 Nebraska Heart Institute, P.C., hereinafter referred to as "Permittee", to revise the site layout and adjust the boundary for Special Permit 1939, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of said hospital and medical office building be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 95,000 square foot health care facility with 80 beds and a 30,000 square foot medical office building.
2. Before occupying the buildings:
  - a. South 91st Street and Heritage Lakes Drive shall be constructed adjacent to the property.
  - b. The Applicant shall have constructed the right turn lane shown at the entrance on South 91st Street.
3. Before receiving building permits:
  - a. The Permittee shall have submitted a revised and reproducible final plan including five copies.
  - b. The construction plans must conform to the approved plans.
4. Before occupying the facility all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. 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.
8. 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.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

BE IT FURTHER RESOLVED that the requirements of the Land Subdivision Ordinance are hereby modified to allow final plats to be approved if said plats are submitted in accordance with this Special Permit.

Introduced by Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND STATE FOR ROADWAY CONSTRUCTION OF 84TH STREET FROM KATHY LANE TO CHENEY RIDGE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81444 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 for roadway construction in 84th Street from Kathy Lane to Cheney Ridge Road, 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 Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND STATE FOR REPAIRING THE EXISTING CONCRETE ROADWAY AND RESURFACING STATE CONNECTING LINK L-55X BETWEEN

CORNHUSKER HIGHWAY AND THE EASTBOUND RAMPS OF INTERSTATE 80 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81445 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 for roadway construction, repair, and resurfacing the existing concrete roadway in Link L-55X between Cornhusker Highway and the eastbound ramps of Interstate 80, 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 Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND STATE FOR CONSTRUCTION OF A MEDIAN DIVIDED 4-LANE CONCRETE ROADWAY IN THE 84TH STREET CORRIDOR, BETWEEN CHENEY RIDGE ROAD AND AMBER HILL ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81446 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 for construction of a median divided four-lane concrete roadway in the 84th Street corridor between Cheney Ridge Road and Amber Hill Road, 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 Jon Camp

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 MARCH 16 - 31, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81447 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 April 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>	
Mrs. James W. Owen	\$250.00	Sheridan Lutheran Church	\$ 3,128.29
Jerry & Jana Tanner	NAS*	Julie L. Dance	2,000.00
Ann L. Baeder	NAS*	Cindy Lyon	450.00
Albert Noble	100.00	B. Eugene Thummel	226.00
Diane Schwieger	776.57	Jose Perez Hernandez	950.00
Gerald B. Jordan	558.36	Brad Aden	80.77
		Arlene Vercillino	1,574.36
		Gregg Electric Company	45.00
		Anna L. Votipka	187.11
		Kathleen Gonzalez	1,800.00

Laura Gropp	2,694.83
Bill Broehm	70.00
Nathan Hartman	70.00
Virginia Broman	184.18
Kim Roehrs-Lary	7,500.00
Scott & Simone Vampola	37,317.00

\* 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 Jon Camp

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

ENDORISING THE LINCOLN-LANCASTER COUNTY SUBSTANCE ABUSE ACTION PLAN AS THE OFFICIAL PROGRAM DEFINING THE GOALS AND STRATEGIES FOR PREVENTION, TREATMENT, AND CRIMINAL JUSTICE RELATING TO SUBSTANCE ABUSE IN THE CITY AND COUNTY. (REQUEST TO WAIVE RULES TO HAVE P.H. & ACTION 4/15/02) - PRIOR to reading:

CAMP Moved to waive council rules to have public hearing and action on this date.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81448 WHEREAS, various problems associated with substance abuse including health care costs, lost productivity, related crime, and other social costs are present within Lancaster County; and

WHEREAS, Lancaster County has instituted a community human service planning process (CSIP - Community Services Implementation Plan) under which behavioral health matters have been identified; and

WHEREAS, the Community established the Substance Abuse Action Team (SAAT) to focus specific goals and strategies for prevention, treatment and criminal justice of the problems directly related to the behavioral health matters associated with substance abuse; and

WHEREAS, the City of Lincoln, Nebraska endorses the Action Plan of the SAAT for fiscal years 2002 through 2005 as prepared and set forth in the Substance Abuse Action Plan completed in conjunction with the Community Services Implementation Project Behavioral Health Coalition.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that it endorses the Substance Abuse Action Plan, FY 2002 - 2005, dated April 5, 2002.

Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, APRIL 29, 2002 AT 5:30 P.M. FOR THE MGR. APP. OF DAVID L. WEST FOR FONTENELLE OIL CO. DBA HOLIDAY STATIONSTORE #117 LOCATED AT 2200 N. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81449 BE IT RESOLVED by the City council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., April 29, 2002 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of David L. West for Fontenelle Oil Co., dba Holiday Stationstore #117 located at 2200 North 48th Street.

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

Introduced by Jon Camp

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

#### PETITIONS & COMMUNICATIONS

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

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APRIL



8, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF JANUARY, 2002: TRI-M COMMUNICATIONS, INC.; FOR THE MONTH OF FEBRUARY, 2002: MCI WORLDCOM NETWORK SERVICES, INC., COAST INTERNATIONAL, INC., IBM GLOBAL SERVICES-NS DIV., NETWORK BILLING SYSTEMS, L.L.C., INTELICALL OPERATOR SERVICES, BELL ATLANTIC COMMUNICATIONS, GUARANTEED PHONE SERVICE, NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC., MCLEOD USA TELECOMMUNICATIONS SERVICES, INC., TRANS NATIONAL COMMUNICATIONS INTERNATIONAL, INC., GLYPHICS COMMUNICATIONS, INC., ALLTEL SYSTEMS OF THE MIDWEST, INC., ALLTEL NEBRASKA, INC., ALLTEL COMMUNICATIONS OF NEBRASKA, INC., GLYPHICS COMMUNICATIONS, INC. (AMENDED), SPRINT SPECTRUM, L.P., AND SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

#### ORDINANCES - 1ST READING

AMENDING CHAPTER 10.16 OF THE LINCOLN MUNICIPAL CODE TO DELETE EXISTING LANGUAGE RELATING TO SUSPENDED LICENSES; ADDING A NEW SECTION RELATING TO OPERATION OF A MOTOR VEHICLE WHEN AN OPERATOR'S PRIVILEGE HAS BEEN SUSPENDED OR REVOKED BY A COURT PURSUANT TO LAW OR BY THE DIRECTOR OF THE STATE DEPARTMENT OF MOTOR VEHICLES; AND ADDING A NEW SECTION RELATING TO OPERATION OF A MOTOR VEHICLE WHEN AN OPERATOR'S PRIVILEGE HAS BEEN SUSPENDED BUT IS OTHERWISE CAPABLE OF BEING REINSTATED - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 10.16 of the LMC to delete existing language relating to suspended licenses; adding a new section relating to operation of a motor vehicle when an operator's privilege has been suspended ore revoked by a court pursuant to law or by the director of the State Dept. of Motor Vehicles; and adding a new section relating to operation of a motor vehicle when an operator's privilege has been suspended but is otherwise capable of being reinstated, the first time.

CHANGE OF ZONE 3360 - APPLICATION OF HERB AND KATIE REESE FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO O-2 SUBURBAN OFFICE ON PROPERTY GENERALLY LOCATED AT S. 49TH STREET AND LOWELL AVENUE - CLERK read an ordinance, introduced by Jon Camp, the application of Herb and Katie Reese for a Change of Zone from R-4 Residential to O-2 Suburban office of property generally located at S. 49th Street and Lowell Avenue, 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) (4/8/02 - Delay 1 wk, P.H. con't. to 4/15/02) - PRIOR to reading:

COOK Moved to delay Bill No. 02-30 with public hearing for one week to 4/22/02.

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

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 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 **17983**, is recorded in Ordinance Book 25, Page

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 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 **17984**, is recorded in Ordinance Book 25, Page

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 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 **17985**, is recorded in Ordinance Book 25, Page

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 the 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 third time.

SENG Moved to accept Substitute Ordinance and passage.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **17986**, is recorded in Ordinance Book 25, Page

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 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 **17987**, is recorded in Ordinance Book 25, Page

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 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 **17988**, is recorded in Ordinance Book 25, Page

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

CAMP Moved to extend the Pending List to April 22, 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

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April 22, 2002.

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

**ADJOURNMENT**

**2:25 P.M.**

CAMP Moved to adjourn the City Council meeting of April 15, 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 Ross, City Clerk

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Glenna Graupmann, Office Assistant III

