

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 22, 2002 AT 1:30 P.M.**

The Meeting was called to order at 1:35 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 15, 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.

**PUBLIC HEARING**

MANAGER APPLICATION OF ROLAND L. MEIROSE FOR SAM'S WEST, INC. DBA "SAM'S CLUB #6413" AT 4900 N. 27TH STREET - Roland L. Meirose, 4920 N.W. 8th Street, took oath & came forward to answer any questions.

This matter was taken under advisement.

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 AVE. - Herb Reese, 5417 S. 62nd Street, stated he had a residential remodeling business & wanted to convert his rental house into an office, but would not change the house structure. Discussion followed.

Annette McRoy, Council Member, questioned whether he would have construction materials sitting on this property.

Mr. Reese stated it would be kept in the garage and the trailers would be put in the fenced in backyard.

Ken Svoboda, Council Member, asked how many employees he had.

Mr. Reese stated he had four, but only one would be reporting to this proposed office. The others will report directly to the work site.

Coleen Seng, Council Member, referred to a letter in their packet referencing spot zoning & asked if this was spot zoned.

Dana Roper, City Attorney, answered that the letter was just explaining the criteria for spot zoning & was not site specific.

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 - Tom Gergen, 1111 Lincoln Mall, Olsson Associates, representing the four property owners requesting the Sewer District. The City Attorney is preparing an amendment to the City Ordinance referencing having a tapping fee if this were to be built by an Executive Order. This is scheduled to go before City Council in May, 2002. Therefore, he is requesting to delay action to June 3, 2002. Discussion followed.

COOK Moved to delay action on Bill No. 02-30 until June 3, 2002.

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

This matter was taken under advisement.

WAIVING DESIGN STANDARDS FOR STREET PAVING, SIDEWALKS, STORM SEWER AND STREET TREES ON S. CODDINGTON AVE. SOUTH OF WEST M STREET - Gary Christensen, 6830 Shadow Ridge Road, came forward to present more clarification of what his plans are for this area. He stated that it will cost him \$40,000.00 to put in the required trees, curb, gutter, & sidewalks from M Street down to the Railroad. Discussion followed.

Mr. Cook, proposed an amendment Bill No. 02R-69, presented to each Council Member, which mandates the planting of street trees on S. Coddington Ave. south of West M Street.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR THE DESIGN, OPERATION, AND MAINTENANCE OF THE SOUTH LINCOLN BELTWAY

- Roger Figard, Public Works & Utilities Dept., came forward representing the three partners, the State of Nebraska, City of Lincoln, & Lancaster County as the project manager on the study for the East & South Beltway. The City's share would be 20% of the cost. The City would agree to accept the relinquishment of Highway 2, in the City limits, and Warlick Blvd. Discussion followed.

Mr. Cook, asked if the State would do any maintenance on Highway 2 & Warlick Blvd. the City limits before it was relinquished back to the City.

Mr. Figard answered yes & that the City wouldn't accept them until reasonable repair was done on these streets. Further discussion followed.

This matter was taken under advisement.

APPROVING A WAIVER OF THE DESIGN STANDARDS TO WAIVE THE DEDICATED PEDESTRIAN WAY EASEMENT ON LOTS 8 AND 9, BLOCK 2, VINTAGE HEIGHTS 7TH ADDITION AND ON LOTS 9 AND 10, BLOCK 2, VINTAGE HEIGHTS 6TH ADDITION, ON PROPERTY GENERALLY LOCATED SOUTH OF BENZIGER DRIVE AND BLACKSTONE ROAD - Mark Hunzeker, 530 S. 13th St., Suite B, representing Hampton Development Services, is requesting a waiver to the design standards due to a series of mishaps during the platting process. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1962 - APPLICATION OF MMG PROPERTIES TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. CODDINGTON AVE. AND CAPITOL PARKWAY WEST - Peter Katt, 1045 Lincoln Mall, Ste 200, came forward on behalf of MMG Properties. He stated this is a continued demonstration of the investment of the West A neighborhood & expansion of services to the residents.

This matter was taken under advisement.

SPECIAL PERMIT 1963 - APPLICATION OF SALEM OIL COMPANY TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF N.W. 12TH STREET AND W. ADAMS STREET - Chuck Salem, 2825 Stratford Ave., came forward to ask for approval & to answer any questions.

This matter was taken under advisement.

APPROVING A THREE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND D & D DISTRIBUTOR FOR ADVERTISING RIGHTS ON THE ELECTRONIC MESSAGE SYSTEMS AT PERSHING AUDITORIUM AT 15TH AND N STREETS;

APPROVING A THREE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND ALLTEL COMMUNICATIONS, INC. FOR ADVERTISING RIGHTS ON THE ELECTRONIC MESSAGE SYSTEMS AT PERSHING AUDITORIUM AT 15TH AND N STREETS - Tom Lorenz, General Manager of Pershing Auditorium, stated that D & D Beer Co. will replace K & Z. Discussion followed.

Terry Werner, Council Member, asked if there are any policy restrictions on the advertising.

Mr Lorenz answered that there was. He said there would be no advertising that would encourage improper use of a controlled substance.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, came forward to express his concern about the sale of the Old Federal Building. A developer has offered \$600,000, but \$2,000,000.00 has been spent remodeling this building. He feels it needs to be preserved for public use.

This matter was taken under advisement.

Rick Shaw, 2427 Park Avenue, came forward to request a review of an ordinance passed banning wolf hybrids in the City limits.

Dana Roper, City Attorney, stated the Ordinance goes into effect May 14, 2002, but this could be extended for further review.

This matter was taken under advisement.

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

#### COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF ROLAND L. MEIROSE FOR SAM'S WEST, INC. DBA "SAM'S CLUB #6413" AT 4900 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81450 WHEREAS, Sam's West, Inc. dba "Sam's Club #6413" located at 4900 N. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Roland L. Meirose be named manager;

WHEREAS, Roland L. Meirose 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 Roland L. Meirose 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 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 or 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 second 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 second time.

RESOLUTIONS

WAIVING DESIGN STANDARDS FOR STREET PAVING, SIDEWALKS, STORM SEWER AND STREET TREES ON S. CODDINGTON AVE. SOUTH OF WEST M STREET. (4/8/02 - DELAYED 2 WEEKS TO 4/22/02) - PRIOR to reading:

COOK Moved to amend Bill No. 02R-69 on page 1, line 16, delete the word "waived" and insert in lieu thereof the word mandated. 2. On page 1, starting on line 17, delete the language "until such time as any future urban type development of the property occurs". 3. On page 1, delete lines 19 through page 2 line 3.

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

CLERK read the following resolution, introduced by Terry Werner, who moved its adoption.

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

The resolution, having **LOST**, was assigned File #38-4400, & was placed on file in the Office of the City Clerk.

APPROVING THE ANNUAL PLAN PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO PROVIDE FOR WEED CONTROL AND WEED ABATEMENT WITHIN THE CITY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81451 WHEREAS, the City of Lincoln and Lancaster County have entered into an Interlocal Agreement to provide for noxious weed control and weed abatement within the City of Lincoln, which Agreement was approved by City Council Resolution No. A-77437 on June 17, 1996; and

WHEREAS, pursuant to said Interlocal Agreement the Lancaster County Noxious Weed Control Authority is required to annually submit a plan for the combined weed control program to the County Board, the City Council, and the Mayor; and

WHEREAS, the Lancaster County Noxious Weed Control Superintendent has submitted a plan for 2001, a copy of which is attached hereto, marked Attachment "A", and made a part hereof by reference.

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

That the combined weed control plan for calendar year 2002 attached hereto, marked as Attachment "A" is hereby approved and the Mayor is authorized to execute said plan on behalf of the City.

The City Clerk is directed to return one executed copy of the Combined Weed Control Plan for the year 2002 to Earleen Ladd in the Records Division of the County Clerk's Office for retention in their files.

Introduced by Jonathan Cook

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 THE NEBRASKA DEPARTMENT OF ROADS FOR THE DESIGN, OPERATION, AND MAINTENANCE OF THE SOUTH LINCOLN BELTWAY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81452 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 the design, operation, and maintenance of the South Lincoln Beltway, 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 Jonathan Cook

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

APPROVING A WAIVER OF THE DESIGN STANDARDS TO WAIVE THE DEDICATED PEDESTRIAN WAY EASEMENT ON LOTS 8 AND 9, BLOCK 2, VINTAGE HEIGHTS 7TH ADDITION AND ON LOTS 9 AND 10, BLOCK 2, VINTAGE HEIGHTS 6TH ADDITION, ON PROPERTY GENERALLY LOCATED SOUTH OF BENZIGER DRIVE AND BLACKSTONE ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81453 WHEREAS, Vintage Heights 6th Addition and Vintage Heights 7th Addition Final Plats were previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Final Plats was the Subdivision Ordinance requirement that pedestrian way easements for the installation of pedestrian sidewalks in all blocks that are longer than 1000 feet be installed on Lots 9 and 10, Block 2, Vintage Heights 6th Addition and along Lots 8 and 9, Block 2, Vintage Heights 7th Addition; and

WHEREAS, Pine Lake Development, L.L.C. has requested a modification to waive said requirement pursuant to § 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 Vintage Heights 6th Addition and Vintage Heights 7th Addition relating to the installation of a pedestrian sidewalk in the pedestrian way easement along Lots 9 and 10, Block 2, Vintage Heights 6th Addition and along Lots 8 and 9, Block 2, Vintage Heights 7th Addition, is hereby waived; provided, however, nothing herein shall be construed to preclude the City Council from

ordering the construction of the pedestrian sidewalk in said location at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Final Plat of Vintage Heights 6th Addition and Vintage Heights 7th 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.

SPECIAL PERMIT 1962 - APPLICATION OF MMG PROPERTIES TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF S. CODDINGTON AVE. AND CAPITOL PARKWAY WEST - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81454 WHEREAS, MMG Properties has submitted an application designated as Special Permit No. 1962 for authority to sell alcoholic beverages for consumption off the premises at the convenience store/service station generally located northeast of the intersection of South Coddington Ave. and Capitol Parkway West, legally described as:

Lots 119 I.T. and 121 I.T., located in the Southeast Quarter of Section 28, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises 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 MMG Properties, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. Before receiving building permits:
  - a. The Permittee must submit a reproducible final site plan with five copies to the Planning Department for review and approval.
  - b. The construction plans must conform to the approved plans.
3. Before occupying these structures all development and construction must conform to the approved plans.
4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, location of buildings, location of parking and circulation elements, and similar matters.
5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his 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.
6. 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.

SPECIAL PERMIT 1963 - APPLICATION OF SALEM OIL COMPANY TO PERMIT THE SALE OF

ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF N.W. 12TH STREET AND W. ADAMS STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81455 WHEREAS, Salem Oil Company has submitted an application designated as Special Permit No. 1963 for authority to sell alcoholic beverages for consumption off the premises at the convenience store/service station generally located northeast of the intersection of Northwest 12th Street and West Adams Street, legally described as:

Beginning at the southwest corner of Lot 1, Block 4, Union Pacific Addition, Lincoln, Lancaster County, Nebraska; thence north 89 degrees 29 minutes 30 seconds east (assumed bearing) along the northerly right-of-way line of I-80, a distance of 165.0 feet; thence north 04 degrees 29 minutes 30 seconds east, a distance of 200.0 feet; thence north 71 degrees 57 minutes 35 seconds west, a distance of 139.46 feet to a point on the easterly right-of-way line of N.W. 12th Street; thence south 18 degrees 09 minutes 54 seconds west along said right-of-way line, a distance of 109.80 feet to the point of curve; thence along a circular curve to the left having a radius of 227.40 feet and subtended by a chord 87.54 feet in length and bearing south 09 degrees 01 minutes 00 seconds west; thence south 00 degrees 11 minutes 00 seconds east along said easterly right-of-way line, a distance of 53.23 feet to the point of beginning; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises 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 Salem Oil Company, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises at the convenience store located at 3100 N.W. 12th Street.
2. Before receiving building permits:
  - a. The Permittee must complete the following instructions and submit the documents and plans to the Planning Department for review and approval.
    - i. A revised site plan showing the dimensions of parking spaces and isles consistent with the City of Lincoln Design Standards.
    - ii. A reproducible final site plan with five copies as approved.
  - b. The construction plans must conform to the approved plans.
3. Before occupying these structures all development and construction must conform to the approved plans.
4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, location of buildings, location of parking and circulation elements, and similar matters.
5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his 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.
6. 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.

APPROVING A THREE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND D & D  
DISTRIBUTOR FOR ADVERTISING RIGHTS ON THE ELECTRONIC MESSAGE SYSTEMS AT  
PERSHING AUDITORIUM AT 15TH AND N STREETS - CLERK read the following  
resolution, introduced by Jonathan Cook, who moved its adoption:

A-81456 WHEREAS, the City of Lincoln owns and operates Pershing Municipal  
Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska;  
and

WHEREAS, two exterior animated programmable electronic message  
systems, and one interior animated programmable electronic message  
system are located at said auditorium; and

WHEREAS, D & D Distributor, P.O. Box 29169, Lincoln, NE 68529,  
(402) 467-3573, wishes to acquire the right to display advertisements on  
said message systems and the City is willing to grant certain  
advertising rights to D & D Distributor.

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

That the Advertising Agreement, which is attached hereto marked as  
Attachment "A" and made a part hereof by reference, by and between the  
City of Lincoln dba Pershing Municipal Auditorium and D & D Distributor,  
under which D & D Distributor is granted certain interior and exterior  
advertising rights at Pershing Municipal Auditorium for a three-year  
period on the terms and conditions as set forth in said Agreement is  
hereby approved and the Mayor is authorized to execute the same on  
behalf of the City.

The City Clerk is directed to transmit one fully executed copy of  
said Advertising Agreement to Thomas Lorenz, Manager of Pershing  
Municipal Auditorium, and one fully executed copy to D & D Distributor.

Introduced by Jonathan Cook

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

APPROVING A THREE-YEAR ADVERTISING CONTRACT BETWEEN THE CITY AND ALLTEL  
COMMUNICATIONS, INC. FOR ADVERTISING RIGHTS ON THE ELECTRONIC MESSAGE  
SYSTEMS AT PERSHING AUDITORIUM AT 15TH AND N STREETS - CLERK read the  
following resolution, introduced by Jonathan Cook, who moved its  
adoption:

A-81457 WHEREAS, the City of Lincoln owns and operates Pershing Municipal  
Auditorium located at 226 Centennial Mall South in Lincoln, Nebraska;  
and

WHEREAS, two exterior animated programmable electronic message  
systems, and one interior animated programmable electronic message  
system are located at said auditorium; and

WHEREAS, Alltel Communications, Inc., 1440 M Street, Lincoln, NE  
68508, (402) 436-4448, wishes to acquire the right to display  
advertisements on said message systems and the City is willing to grant  
certain advertising rights to Alltel Communications, Inc.

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

That the Advertising Agreement, which is attached hereto marked as  
Attachment "A" and made a part hereof by reference, by and between the  
City of Lincoln dba Pershing Municipal Auditorium and Alltel  
Communications, Inc., under which Alltel Communications, Inc. is granted  
certain interior and exterior advertising rights at Pershing Municipal  
Auditorium for a three-year period on the terms and conditions as set  
forth in said Agreement is hereby approved and the Mayor is authorized  
to execute the same on behalf of the City.

The City Clerk is directed to transmit one fully executed copy of  
said Advertising Agreement to Thomas Lorenz, Manager of Pershing  
Municipal Auditorium, and one fully executed copy to Alltel  
Communications, Inc.

Introduced by Jonathan Cook

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

SPECIAL PERMIT 1774A - AMENDING THE WILDERNESS ESTATES 3RD ADDITION COMMUNITY  
UNIT PLAN TO REDUCE THE REAR YARD SETBACK ON ONE LOT, ON PROPERTY  
GENERALLY LOCATED AT SOUTH 7TH STREET AND GLENRIDGE ROAD - CLERK read  
the following resolution, introduced by Jonathan Cook, who moved its

adoption:

A-81458 WHEREAS, Lyle Loth has submitted an application designated as Special Permit No. 1774A for authority to amend the Wilderness Estates 3rd Addition Community Unit Plan to reduce the rear yard setback on Lot 4 of said CUP generally located at S. 7th Street and Glenridge Road, and legally described to wit:

Lots 1-8 and the southern portion of Outlot "A" Wilderness Estates 2nd Addition, located in the Northwest Quarter of Section 14, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at a point on the east line of said Northwest Quarter, said point being 50.00 feet south of the north quarter corner of said Section 14, and extending thence south 00 degrees 23 minutes 24 seconds east, for a distance of 235.00 feet to the point of beginning; thence continuing south 00 degrees 23 minutes 24 seconds east, for a distance of 231.46 feet; thence south 00 degrees 56 minutes 51 seconds east, for a distance of 125.55 feet; thence north 90 degrees 00 minutes 00 seconds west, for a distance of 357.62 feet; thence north 03 degrees 24 minutes 50 seconds west, for a distance of 357.62 feet; thence north 00 degrees 00 minutes 00 seconds east, for a distance of 375.24 feet to the point of beginning and containing a calculated area of 3.00 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan 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 Lyle Loth, hereinafter referred to as "Permittee", to amend the Wilderness Estates 3rd Addition Community Unit Plan to reduce the rear yard setback on Lot 4 of said CUP, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves eight single family dwelling units and an adjustment of the rear yard setback from 15 feet to 5 feet on Lot 4.

2. Before receiving building permits:

i. The Permittee must submit a revised and reproducible final plan including five copies to the Planning Department for review and approval.

ii. The construction plans must conform to the approved plans.

iii. The existing LES easement must be released and the relocated easement filed with the Register of Deeds.

3. Before occupying the dwelling units 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 or an appropriately established homeowners association approved by the City Attorney.

5. 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.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the



special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

Introduced by Jonathan Cook

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

#### PETITIONS & COMMUNICATIONS

##### THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone No. 3353 - App. of Stephen Clymer for M & S Construction from AG to R-3 at N.W. 48<sup>th</sup> & W. Thatcher.

Change of Zone No. 3355 - App. of Prairie Homes Builders Inc., Faith Evangelical Lutheran Church, & Jonathan M. Welles from AG to R-3 at N. 84<sup>th</sup> & Adams Streets

Change of Zone No. 3363 - App. of Monte L. & Lisa A. Froehlich from R-3 to R-4 at N. 3<sup>rd</sup> & Fairfield Streets.

Special Permit No. 194 - App. of Brian D. Carstens to develop 4 single family acreage lots at North 190<sup>th</sup> & Havelock Avenue.

Special Permit No. 893B - App. of Monte L. & Lisa R. Froehlich to develop 32 new multi-family units and relocate 6 existing attached dwelling units for a total of 82 dwelling units at N. 3<sup>rd</sup> & Fairfield Streets.

Special Permit No. 1959 - App. of Prairie Home Builders Inc., Faith Evangelical Lutheran Church, Jonathan M. Welles for C.U.P. under R-3 with 474 units at N. 84<sup>th</sup> & Adams.

Special Permit No. 1971 - App. of Valcom Wireless Construction Inc. to construct communications site for multicarrier corporations at 5401 Cornhusker Highway.

FOUR PETITIONS TO VACATE PUBLIC WAY THE NORTH-SOUTH ALLEY BETWEEN S. 38<sup>TH</sup> STREET AND WOODBINE AVENUE NORTH OF CALVERT STREET SUBMITTED BY DENNIS R. KEEFE & PATRICIA J. WARNER, CHRIS R & ANNETTE T. GAHAN, ROSS D. & CAROL A. ERIE, AND MARK A. & KENDELL M. TONJES - CLERK presented said petition which was referred to the Law Dept.

FORMAL PETITION FOR ORNAMENTAL LIGHTING ON LAKESIDE DR., SURFSIDE DR. TO WEST S STREET SUBMITTED BY CRAIG G. BAUER, PARTNER LAKESIDE PARTNERS, LLC. - CLERK presented said petition which was referred to the Public Works Dept.

LEASE AGREEMENT RENEWAL OF LINCOLN TELEPHONE AND TELEGRAPH COMPANY DBA ALLTEL FOR AN ADDITIONAL FIVE YEARS AT THE ANTELOPE PARK SITE FROM JULY 1, 2002 TO JUNE 30, 2007 - CLERK presented said report which was placed on file in the Office of the City Clerk.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APRIL 15, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR APRIL 8 THROUGH APRIL 12, 2002 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81459 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attachments 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 8 -April 12, 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 AUG., 2001:

MERCHANT WIRED; OCT. - DEC., 2001: AMERIVISION COMM.; JAN. - FEB., 2002: OPEX, ONESTAR LONG DISTANCE, ACN, ATLAS COMM.; MARCH, 2002: OPEX, ONESTAR LONG DISTANCE, ACN, BUSINESS TELECOM., D & D, OPERATOR COMM., AT&T, WORKING ASSETS FUNDING SERVICE, QUEST, IDT CORP., TOUCH AMERICA, BROADWING, GLOBAL CROSSING, PRIMUS, POS, INC. NEXIFICE COMM., TELIGENT SERVICES, ATLAS COMM., WWC LICENSE LLC, RSI, COM, USA, INC., GLYPHICS, XO LONG DISTANCE, COMDATA, GLOBALCOM, TRI-M, LIGHTYEAR, NOSVA, TRANS NATIONAL, ATT WIRELESS, LONG DISTANCE OF MICHIGAN, ZONE TELECOM., ASSOCIATION ADMINISTRATORS, BIG PLANET, I-LINK, WORLDXCHANGE, GTC TELECOM., SINGK BILLING SERVICE, AFFINITY NETWORK, NOS COMM., VARTEC, WINSTAR, TOUCH 1, USA PAGING, NEXTEL, WESTERN UNION COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS MARCH 29, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT FROM CITY TREASURER OF SURCHARGE OF \$278,334.83 FROM ALIANT HAS BEEN COLLECTED - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH, 2002 FROM UTILICORP - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

#### ORDINANCES - 1ST READING

CREATING A RE-PAVING DISTRICT NO. 154 SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET, FOR THE WIDENING OF THE STREET TO 33' IN WIDTH - CLERK read an ordinance, introduced by Jonathan Cook, creating Repaving District No. 154, defining the limits thereof, establishing the width of the roadway to be repaved and recurbed, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

AMENDING SECTION 24.52.010 OF THE LINCOLN MUNICIPAL CODE RELATING TO SEWER CONNECTION FEES TO PROVIDE FOR A CONNECTION FEE REIMBURSEMENT TO ANYONE WHO CONSTRUCTS A CITY SEWER PURSUANT TO THE EXECUTIVE ORDER PROCESS - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 24.52.010 of the Lincoln Municipal Code relating to sewer connection fees to provide for a connection fee reimbursement to a party who has constructed a city sewer pursuant to the executive order process authorized by Section 26.11.038; and repealing Section 4.52.010 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING TITLE 8, HEALTH & SANITATION, OF THE LINCOLN MUNICIPAL CODE BY CREATING CHAPTER 8.08 TO REGULATE BODY ART ESTABLISHMENTS AND PRACTITIONERS BY REQUIRING ESTABLISHMENTS TO MEET AND MAINTAIN CERTAIN REQUIREMENTS IN ORDER TO OBTAIN AND MAINTAIN A PERMIT FROM THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT; REQUIRING PRACTITIONERS TO RECEIVE PROPER TRAINING BEFORE BEING ISSUED A PERMIT; AND PROHIBITING ALL BODY ART, EXCEPT BODY PIERCING, ON MINORS UNDER THE AGE OF 18 - CLERK read an ordinance, introduced by Jonathan Cook, amending Title 8, Health & Sanitation, of the Lincoln Municipal Code by creating Chapter 8.08 to regulate body art establishments and practitioners by requiring establishments to meet and maintain certain requirements in order to obtain and maintain a permit from the Lincoln-Lancaster County Health Dept.; requiring practitioners to receive proper training before being issued a permit; and prohibiting all body art, except body piercing, on minors under the age of 18, the first time.

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW SECTION NUMBERED 6.04.435 TO MAKE IT UNLAWFUL FOR ANY PERSON TO OWN, KEEP, OR HARBOR ANY BIRD OR ANIMAL WHICH BY LOUD, CONTINUED, OR FREQUENT NOISE SHALL DISTURB THE PEACE AND QUIET OF ANY PERSON OR NEIGHBORHOOD, TO PROVIDE EXCEPTIONS, AND TO PROVIDE DEFINED FINES FOR FIRST, SECOND, AND THIRD OFFENSES - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 6.04 of the Lincoln Municipal Code by adding a new Section 6.04.435, Animal Noise; Disturbing the Peace Prohibited, to make it unlawful for any person to own, keep, or harbor any bird or animal

which by loud, continued, or frequent noise shall disturb the peace and quiet of any person or neighborhood; to provide exceptions; and to provide defined fine amounts for first, second, and third offenses, 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) (4/15/02 - P.H. con't. to 4/22/02) (ACTION DELAYED W/PUBLIC HEARING FOR TWO WEEKS TO 6/3/02, 7-0)- PRIOR to reading:

COOK Moved to delay action & Public Hearing on Bill No. 02-30 to June 3, 2002.

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

CLERK read an ordinance, introduced by Glenn Friendt, creating Sewer District No. 1177 in Old Cheney Road from approximately 62nd Street east to approximately Pheasant Run Lane, the third time.

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 third time.

WERNER Moved to pass the ordinance as read.

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

The ordinance, being numbered **#17989**, is recorded in Ordinance Book 25, Page

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 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 **#17990**, is recorded in Ordinance Book 25, Page

APPROVING A FIVE-YEAR LEASE BETWEEN THE CITY AND NEBRASKA NATIONAL BANK FOR THE LEASE OF GOLF COURSE MAINTENANCE EQUIPMENT - PRIOR to reading:

WERNER Moved to amend Bill No. 02-49 to add an Emergency Clause.

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

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 & declaring it an emergency, 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 **#17991**, is recorded in Ordinance Book 25, Page

**MISCELLANEOUS BUSINESS**

**PENDING LIST -**

CAMP Moved to extend the Pending List to April 29, 2002.

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

**UPCOMING RESOLUTIONS -**

**REGULAR MEETING**  
**APRIL 22, 2002**  
**PAGE 164**

CAMP            Moved to approve the resolutions to have Public Hearing on  
April 29, 2002.  
                  Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

**3:10 P.M.**

CAMP            Moved to adjourn the City Council meeting of April 22, 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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Judy Roscoe, Office Assistant III