

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 29, 2002 AT 5:30 P.M.**

The Meeting was called to order at 5:35 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.

Council Chair McRoy passed the gavel to Mayor Don Wesely to entertain nominations for the office of Council Chair.

Councilwoman Seng nominated Jonathan Cook.

Councilman Friendt nominated Jon Camp.

The roll call vote was taken and the motion carried 4-3, with Jonathan Cook being approved. Councilmen Camp, Friendt and Svoboda dissenting.

Mayor Wesely passed the gavel to Council Chair McRoy to entertain nominations for the office of Council Vice Chair.

Councilwoman Seng nominated Jon Camp.

With no other nominations for Council Vice Chair, the roll was called and Jon Camp was approved by a 7-0 vote.

The newly elected Chair and Vice Chair will take office on May 13, 2002.

READING OF THE MINUTES

WERNER Having been appointed to read the minutes of the City Council proceedings of April 22, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF DAVID L. WEST FOR FONTENELLE OIL CO. DBA "HOLIDAY STATIONSTORE #117" AT 2200 NORTH 48TH STREET - David West, 1626 So. 15th Street, came forward and took the oath, to answer any questions Council may have.

This matter was taken under advisement.

CREATING A RE-PAVING DISTRICT 154 IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET, FOR THE WIDENING OF THE STREET TO 33' IN WIDTH. (IN CONNECTION W/02R-66);

APPROVING THE WIDENING OF SAUNDERS AVENUE TO 33' IN WIDTH FROM SPRINGFIELD DRIVE TO 12TH STREET AND ASSESSING THE BENEFITTED PROPERTIES. (IN CONNECTION W/02-40) - Ernest Larkins, Larkins Heating & Air Conditioning, 1346 Saunders Street, came forward in opposition to the paving district and widening of Saunders Ave. Mr. Larkins expressed concern due to the fact that the city has filled the alley up so high that it has caused flooding in his lot. He reported there is a big 27" sewer line that was abandoned in 1975 and he is concerned that when the new paving goes in, there will be potential problems. He feels that installing a new street at a higher level will cause additional flooding problems. Out of the 44 lots in this area, Mr. Larkins has obtained 27 signatures of people who are against this paving.

Nicole Fleck-Tooze, Public Works & Utilities, came forward to explain that the drainage problems will be a responsibility of the city at the time the street would be repaved. The goal would be to improve all the drainage in that location.

Elmer Cole, Engineer Services, suggested that a survey would first need to be done by the city. For 33' width of pavement, the City will not need to acquire extra right-of-way. Elmer suggested that he would need to investigate the 27" sewer line further.

Nicole Fleck-Tooze, PW&U, we do have a motion to amend for the CDBG funding, which has been drafted by the Law Dept.

Karen Knopp, 1200 Saunders, came forward in opposition to the re-paving district. She also complained about the flooding problems. She asked how long this project would take to complete. The intersection on 14th & Saunders is quite dangerous and the alleyway is in horrible condition. We have put in asphalt on our portion of the alley and it has dropped at least 4".

Ms. Fleck-Tooze came forward to clarify the steps to the project. If the district is created, and there is a majority petition, the Public

Works Dept. would come back to the Council with a resolution ordering construction. That would be the point of time of looking at details and so forth and the surveying. If at that time, the cost changed because of something unexpected or unforeseen, if it came out to be greater than 25% of the original cost, we would come back to this Council prior to the construction of it.

Council Chair McRoy reiterated that we would still need 51% of the neighbors to approve this paving district.

Judy Isley, 1229 & 1240 Saunders Street, came forward in opposition. She stated that having this street closed for repaving would be a hardship on both of their businesses, as they have no other access for their customers. She stated they had a contract with the railroad and it would cost them approximately \$10,000 to put a different door in the back side of their business, allowing their customers access. This is an expenditure they are not willing to make, due to the present economy.

Mr. Cole assured Ms. Isley that the city would work with them to provide access to their business during the construction process.

Councilman Camp asked about the process of pricing the construction phase out and discussing with business property owners of ways to meet their needs.

Mr. Cole replied they usually have a survey done, obviously for future reference. We can attempt to work with property owners with the design team to figure out a plan. As far as costs go, this is a creation stage, we don't have an actual order to construct. Time can effect the cost of materials.

Councilman Camp asked if the Isley's could have total accessibility to their business would they still be in favor of the paving district.

Pete Wooley, 1329 Dawes, Arrow Stage Lines, came forward in opposition to the paving district.

Mike Morosin, 2055 S Street, JAVA citizen for Antelope Valley project, noted that it was too bad that the person who requested this paving district was not present at this meeting.

Councilman Friendt asked Nicole Fleck-Tooze of Public Works to explain the criteria of CDBG funds and she replied that it only applied to residential homes, rather than businesses.

This matter was taken under advisement.

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. - SCOTT Holmes, Health Dept. came forward and reviewed the new code for Council and clarified several key issues that would now be covered. Scott reported that there had been excellent cooperation with the future regulated parties and they were supportive of these changes to the code.

Councilman Werner questioned Scott about the no smoking in areas where the body art was being done. Scott explained that there is a risk of hand to mouth contamination from this process, and the exposure of environmental tobacco smoke.

Mike Morosin, State HIV Committee, 2055 S Street, came forward in favor of this new code.

Councilman Werner explained that there is an amendment that there may be considered for allowing body art or tattooing for people under 18 years of age with the consent of their parent.

Councilman Friendt asked if this would be the only opportunity for the public to address the issue of parental consent.

Dana Roper, City Attorney, came forward to explain that if Council wanted to, we could continue the public hearing to allow additional publicity and allow people who may not be aware of the amendment.

Council Chair McRoy asked if the amendment had been advertised with the original ordinance last week? Mr. Roper affirmed that to be correct.

Councilman Werner made a motion to bring forward the amendment that would allow body art for people under the age of 18 with parental consent. Seconded by Svoboda. Discussion ensued among Council members regarding procedures on this amendment and advertising of such. No roll call vote was taken. Motion was withdrawn by Councilman Werner.

LeRoy Downey, 2525 Cleveland, came forward in favor of the parental consent.

Russ Baehr, 633 So. 112th Street, came forward in favor of the ordinance and especially the amendment regarding parental consent. He asked for clarification of the meaning of parental consent. He stated he felt that parental consent would mean that the parent be present.

Tonya Skinner, Asst. City Atty., came forward to answer Mr. Baehr's question regarding parental consent. She stated that the parent needs to be present while the child is receiving the body art. The parents would have to show proof of identification and also an index fingerprint taken and the requirement of the establishment to keep that on file.

Donna Brophy, 3025 So. 42nd Street, came forward in favor of the ordinance.

Councilman Camp commended Mrs. Brophy for coming forward with this issue and bringing it to the attention of the public and that this ordinance is needed for public safety.

This matter was taken under advisement.

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 - Mike Morosin, 2055 S Street, came forward to ask the following questions in regards to what decibel level of loud will be considered; what length of time is considered as continued; and the definition of frequent?

Dana Roper, City Attorney, came forward to address Mr. Morosin's questions.

Roberta Nichols, 701 Yukon Ct., came forward to express her feelings about the roosters in her neighborhood and that they are frustrated as homeowners and believe people should not be allowed to have roosters in the city limits.

Leo Behne, 4240 Belridge Drive, came forward and stated they have been putting up with three to four months of crowing roosters in their neighborhood. He is concerned that there has not been an ordinance previously to cover this issue.

Craig Groat, 4935 Huntington Street, expressed his opinions saying that he enjoyed hearing roosters crowing and that many serious gardeners enjoy having chickens to help eliminate insects in the garden.

This matter was taken under advisement.

7:20 P.M. BREAK

7:35 P.M. RECONVENED

APPROVING JACK'S BAR & GRILL AT 100 N. 8TH STREET AS A KENO SATELLITE SITE - John Hewitt, Big Red Keno, came forward to answer questions council may have. He advised them it was a change of ownership.

This matter was taken under advisement.

SPECIAL PERMIT 622E - APPLICATION OF LAKESIDE PARTNERS, L.L.C. TO AMEND THE LAKESIDE VILLAGE COMMUNITY UNIT PLAN TO INCREASE THE MAXIMUM ALLOWABLE HEIGHT FROM 35 FEET TO 36.5 FEET TO ALLOW 9-FOOT CEILINGS ON THE THIRD FLOOR OF THE APARTMENT BUILDINGS, ON PROPERTY GENERALLY LOCATED AT WEST S STREET AND LAKESIDE DRIVE - Mark Hunzeker, Attorney, 530 So. 13th Street, Suite B, came forward on behalf of his clients.

This matter was taken under advisement.

SPECIAL PERMIT 1913 - APPLICATION OF HERITAGE LAKES, L.L.C. TO DEVELOP HERITAGE LAKES COMMUNITY UNIT PLAN CONSISTING OF 134 DWELLING UNITS, WITH A MODIFICATION OF THE YARDS TO ALLOW STRUCTURES TO BE BUILT TO THE LOT LINES FOR SINGLE FAMILY DWELLINGS AND A WAIVER OF THE REQUIRED LOT AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/02R-89);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HERITAGE LAKES FOR 124 LOTS, WITH WAIVERS TO THE REQUIRED LOT DEPTH AND SIDEWALKS ON ONE SIDE OF THE PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/02R-88) - Jack Lynch of Olsson Associates came forward to explain the reasoning to eliminate the setbacks. The variance was needed to create outlots and for landscaping

purposes.

This matter was taken under advisement.

SPECIAL PERMIT 1956 - APPLICATION OF WINONA KETELHUT, PATRICIA SLAUGHTER, AND CONNIE HEIER, TO DEVELOP PHEASANT POINTE COMMUNITY UNIT PLAN FOR 9 SINGLE-FAMILY ACREAGE DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT SOUTH 148TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/02R-91); ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PHEASANT POINTE FOR 9 LOTS AND 4 OUTLOTS, WITH WAIVERS TO THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, STORMWATER DETENTION, SIDEWALKS, CUL-DE-SAC LENGTH, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT SOUTH 148TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/02R-90) - Brian Carstens, 2935 Pine Lake Rd., Ste. H, appearing on behalf of his client.

Councilman Friendt asked why they are requesting waivers.

Mr. Carstens explained that due to the fact they were outside the city limits many of these items are not conducive to their style.

Mike Morosin, 2055 S Street, came forward in opposition to the waiver of street trees, suggesting that these are an important part of the city's landscape and that in time this area will be inside the city limits.

Craig Groat, 4935 Huntington, came forward in opposition as well, suggesting that in Atlanta, Georgia, their city has a tree preservation ordinance. Mr. Groat suggested that planting these trees will add a strong environmental quality to our city.

Mike DeKalb, Planning Dept., came forward to answer questions posed by Council. He reported that the County board had already recommended approval of this Special Permit and preliminary plat.

In rebuttal, Mr. Carstens explained to Council that when the streets are put in, it would likely kill the street trees.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Street, came forward to speak to the issue of the Old Federal Building. In his opinion the city should keep this building, as it would not be cost effective to seal it and continue to use it for city offices. Photos that he shared with Council reflected that the building has been kept in excellent condition and he gave figures of the anticipated cost to repair the roof, which could be budgeted over the next ten years.

Richard Hendricks, 404 Mormon St., came forward to ask about a property that is adjacent to his, if Roundup could be used on the section of property between the street and sidewalk to eliminate weeds or grass. Dana Roper, City Attorney, stated that he would get an answer for him.

Craig Groat, 4935 Huntington Street, came forward to express his opinion about a seminar he had attended that was put on by Cecil Steward regarding economic development, aesthetics and high density use of property.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF DAVID L. WEST FOR FONTENELLE OIL CO. DBA "HOLIDAY STATIONSTORE #117" AT 2200 NORTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:
A-81460 WHEREAS, Fontenelle Oil Co. dba "Holiday Stationstore #117" located at 2200 North 48th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that David L. West be named manager;

WHEREAS, David L. West appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that David L. West 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

CREATING A RE-PAVING DISTRICT 154 IN SAUNDERS AVENUE FROM 12TH STREET TO 14TH STREET, FOR THE WIDENING OF THE STREET TO 33' IN WIDTH. (IN CONNECTION W/02R-66) - CLERK read the following ordinance, introduced by Jonathan Cook, creating a re-paving district 154 in the Saunders Avenue from 12th Street to 14th Street, for the widening of the street to 33' in width, the second 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 the following 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 anyone who constructs a city sewer pursuant to the executive order process, the second 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. - PRIOR to reading:

CAMP Moved to have Public Hearing and 2nd Reading continued for one week to 5/6/02.

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

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 the following ordinance, introduced by Jonathan Cook, Amending Chapter 6.04 of the Lincoln Municipal Code by adding a new section numbered 5.04.435 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, the second time.

RESOLUTIONS

APPROVING THE WIDENING OF SAUNDERS AVENUE TO 33' IN WIDTH FROM SPRINGFIELD DRIVE TO 12TH STREET AND ASSESSING THE BENEFITTED PROPERTIES. (IN CONNECTION W/02-40) - PRIOR to reading:

COOK Moved to delay Bill No. 02R-66 for one week.

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

APPROVING JACK'S BAR & GRILL AT 100 N. 8TH STREET AS A KENO SATELLITE SITE - CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81461 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the

Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Jack's Bar & Grill, 100 North 8th Street, Lincoln, NE 68508.

The City Clerk is directed to return an executed copy of this Resolution to Jack's Bar & Grill, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Glenn Friendt

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

APPROVING THE APPLICATION OF THE MILL FOR THE USE OF PUBLIC RIGHT-OF-WAY FOR THE INSTALLATION OF AN ACCESSIBLE RAMP AT 4736 PRESCOTT AVENUE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81462 WHEREAS, David Wiebe has submitted an application for a permit to use the public right-of-way at The Mill, located at 4736 Prescott Avenue, for construction of a handicap accessible ramp; 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 David Wiebe to use the public right-of-way along the north side of Prescott Avenue at The Mill, commonly known as 4736 Prescott Avenue, for the purpose of constructing a handicap accessible ramp, 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, his 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. 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, his successors and assigns.

6. 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 Glenn Friendt

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

REAPPOINTING ROBERT RIPLEY AND BRUCE HELWIG TO THE HISTORIC PRESERVATION

COMMISSION FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2005 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81463 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Robert Ripley and Bruce Helwig to the Historic Preservation Commission for three-year terms expiring April 15, 2005 is hereby approved.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 622E - APPLICATION OF LAKESIDE PARTNERS, L.L.C. TO AMEND THE LAKESIDE VILLAGE COMMUNITY UNIT PLAN TO INCREASE THE MAXIMUM ALLOWABLE HEIGHT FROM 35 FEET TO 36.5 FEET TO ALLOW 9-FOOT CEILINGS ON THE THIRD FLOOR OF THE APARTMENT BUILDINGS, ON PROPERTY GENERALLY LOCATED AT WEST S STREET AND LAKESIDE DRIVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81464 WHEREAS, Lakeside Partners, L.L.C. has submitted an application designated as Special Permit No. 622E for authority to amend the Lakeside Village Community Unit Plan to increase the maximum allowable height from 35 feet to 36.5 feet in order to allow nine-foot ceilings on the third floor of the apartment buildings on property generally located at West "S" Street and Lakeside Drive, and legally described to wit:

Lots 1, 2, Outlot B, Lakeside Village Addition, and a portion of the vacated "S" Street, located in Section 21, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amended 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 Lakeside Partners, L.L.C., hereinafter referred to as "Permittee", to amend the Lakeside Village Community Unit Plan to increase the maximum allowable height from 35 feet to 36.5 feet in order to allow nine-foot ceilings on the third floor of the apartment buildings, 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 a maximum height of 36.5 feet for apartment buildings in the Lakeside Village Community Unit Plan.
2. Before receiving building permits:
 - a. The Permittee shall submit a revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the City.
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, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up

to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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 Glenn Friendt

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

SPECIAL PERMIT 1913 - APPLICATION OF HERITAGE LAKES, L.L.C. TO DEVELOP HERITAGE LAKES COMMUNITY UNIT PLAN CONSISTING OF 134 DWELLING UNITS, WITH A MODIFICATION OF THE YARDS TO ALLOW STRUCTURES TO BE BUILT TO THE LOT LINES FOR SINGLE FAMILY DWELLINGS AND A WAIVER OF THE REQUIRED LOT AREA, ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/02R-89) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81465 WHEREAS, Heritage Lakes, L.L.C. has submitted an application designated as Special Permit No. 1913 for authority to develop Heritage Lakes Community Unit Plan consisting of 134 dwelling units on property generally located at South 98th Street and Pine Lake Road, and legally described to wit:

A portion of the remaining 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 the remaining portion of said Lot 82 I.T., said point being the true point of beginning, said point being 50.00 feet south of the north line of said Northeast Quarter and 50.00 feet west of the east line of said Northeast Quarter; thence on an assumed bearing of 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 a north corner of said remaining portion of Lot 82 I.T.; thence north 89 degrees 52 minutes 45 seconds east along a north line of said remaining portion of Lot 82 I.T., a distance of 17.00 feet to a northeast corner of said remaining portion of Lot 82 I.T.; thence south 00 degrees 07 minutes 15 seconds east along a line 33.00 feet west of and parallel with the east line of said Northeast Quarter, 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 13 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 73.14 feet, a delta angle of 20 degrees 41 minutes 28 seconds, a chord bearing of south 62 degrees 17 minutes 51 seconds west and a chord length of 72.74 feet to a point; thence north 07 degrees 09 minutes 57 seconds west, a distance of 532.19 feet to a point; thence north 20 degrees 22 minutes 02 seconds west, a

distance of 255.67 feet to a point; thence north 60 degrees 46 minutes 13 seconds west, a distance of 269.25 feet to a point of curvature; thence along a curve in a 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 north 55 degrees 10 minutes 13 seconds west, and a chord length of 34.56 feet to a point; thence north 02 degrees 13 minutes 26 seconds west, a distance of 60.00 feet to a point; thence along a curve in a clockwise direction, having a radius of 220.00 feet, an arc length of 74.61 feet, a delta angle of 19 degrees 25 minutes 54 seconds, a chord bearing of north 82 degrees 30 minutes 29 seconds west and a chord length of 74.26 feet to a point of reverse curvature; thence along a curve in a counter-clockwise direction, having a radius of 430.00 feet, an arc length of 1.08 feet, a delta angle of 00 degrees 08 minutes 39 seconds, a chord bearing of north 72 degrees 51 minutes 51 seconds west and a chord length of 1.08 feet to a point; thence north 19 degrees 17 minutes 46 seconds west, a distance of 73.13 feet to a point; thence north 00 degrees 54 minutes 48 seconds west, a distance of 878.11 feet to a point on the northerly line of said remaining portion of Lot 82 I.T. and the southerly line of Lot 94 I.T.; thence along a curve in a clockwise direction, having a radius of 935.00 feet, an arc length of 221.55 feet, a delta angle of 13 degrees 34 minutes 35 seconds, a chord bearing of north 83 degrees 05 minutes 37 seconds east along the northerly line of said remaining portion of Lot 82 I.T., and the southerly line of said Lot 94 I.T., and a chord length of 221.04 feet to a north corner of said remaining portion of Lot 82 I.T., and a southeasterly corner of said Lot 94 I.T., said corner being 60.00 feet south of the north line of said Northeast Quarter; thence north 00 degrees 07 minutes 06 seconds west along the westerly line of said remaining portion of Lot 82 I.T., and an easterly line of said Lot 94 I.T., a distance of 15.00 feet to the northwest corner of said remaining portion of Lot 82 I.T.; thence north 89 degrees 52 minutes 54 seconds east along the north line of said remaining portion of Lot 82 I.T., said line being 50.00 feet south of and parallel with the north line of said Northeast Quarter, a distance of 1,386.86 feet to the true point of beginning; said tract contains a calculated area of 2,369,137.30 square feet or 54.39 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 Heritage Lakes, L.L.C., hereinafter referred to as "Permittee", to develop Heritage Lakes Community Unit Plan consisting of 134 dwelling units, 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 134 dwelling units.
2. This permit further approves a waiver of required yards for the single family attached dwellings so that structures may be built to the lot lines and a waiver of the required minimum 6000 square feet lot

area for Outlot "E".

3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within the area of this community unit plan must be approved by the City.
4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners 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.

Introduced by Glenn Friendt

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HERITAGE LAKES FOR 124 LOTS, WITH WAIVERS TO THE REQUIRED LOT DEPTH AND SIDEWALKS ON ONE SIDE OF THE PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT SOUTH 98TH STREET AND PINE LAKE ROAD. (IN CONNECTION W/02R-88) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81466 WHEREAS, Heritage Lakes, L.L.C. has submitted the preliminary plat of Heritage Lakes for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated March 8, 2002, which is attached hereto as Exhibit "A".

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

That the preliminary plat of Heritage Lakes, generally located at South 98th Street and Pine Lake Road as submitted by Heritage Lakes, L.L.C. is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

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

1. The requirement of Section 26.23.140 of the Lincoln Municipal Code requiring lot depth of 90 feet is waived to allow lots to have less than 90 feet of depth.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 1956 - APPLICATION OF WINONA KETELHUT, PATRICIA SLAUGHTER, AND CONNIE HEIER, TO DEVELOP PHEASANT POINTE COMMUNITY UNIT PLAN FOR 9 SINGLE-FAMILY ACREAGE DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT SOUTH 148TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/02R-91) - CLERK read the following resolution, introduced by Glenn Friendt, who moved it adoption:

A-81467 WHEREAS, Winona Ketelhut, Patricia Slaughter, and Connie Heier have submitted an application designated as Special Permit No. 1956 for

authority to develop Pheasant Pointe Community Unit Plan consisting of nine single family acreage dwelling units on property located at South 148th Street and Yankee Hill Road, and legally described to wit:

Lot 13 I.T., located in the Southeast Quarter of Section 21, Township 9 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska; more particularly described as follows:

Beginning at the southwest corner of the Southeast Quarter of said Section 21, said point being also the southwest corner of said Lot 13; thence in an easterly direction on the south line of the Southeast Quarter of said Section 21 and on an assumed bearing of north 89 degrees 12 minutes 54 seconds east, for a distance of 2596.10 feet to the southeast corner of said Lot 13, said point being 50.00 feet west of the southeast corner of the Southeast Quarter of said Section 21; thence north 00 degrees 57 minutes 30 seconds west on a line 50.00 feet west of and parallel to the east line of the Southeast Quarter of said Section 21 and on the easterly line of said Lot 13, for a distance of 652.85 feet to the southeast corner of Lot 3 of Irregular Tracts; thence south 89 degrees 02 minutes 34 seconds west on the south line of said Lot 3, for a distance of 419.00 feet to the southwest corner of said Lot 3; thence north 00 degrees 57 minutes 29 seconds west on the west line of said Lot 3, for a distance of 491.00 feet; thence south 89 degrees 01 minutes 48 seconds west, for a distance of 25.99 feet; thence north 00 degrees 57 minutes 34 seconds west on the west line of said Lot 3, for a distance of 212.00 feet to the northwest corner of said Lot 3; thence north 89 degrees 02 minutes 31 seconds east on the north line of said Lot 3, for a distance of 445.00 feet to the northeast corner of said Lot 3, said point being also 50.00 feet west of the east line of the Southeast Quarter of said Section 21; thence north 00 degrees 57 minutes 29 seconds west on the east line of said Lot 13, said line being 50.00 feet west of and parallel to the east line of the Southeast Quarter of said Section 21, for a distance of 1293.22 feet to the northeast corner of said Lot 13, said point being 50.00 feet west of the northeast corner of the Southeast Quarter of said Section 21; thence south 89 degrees 13 minutes 26 seconds west on the north line of said Lot 13, said line being also the north line of the Southeast Quarter of said Section 21, for a distance of 2585.99 feet to the northwest corner of the Southeast Quarter of said Section 21 and the northwest corner of said Lot 13; thence south 00 degrees 44 minutes 22 seconds east on the west line of the Southeast Quarter of said Section 21 and on the west line of said Lot 13, for a distance of 2649.46 feet to the point of beginning; said property contains 150.69 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 Winona Ketelhut, Patricia Slaughter, and Connie Heier, hereinafter referred to as "Permittee", to develop Pheasant Pointe Community Unit Plan consisting of nine single family acreage dwelling units, 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 nine single family lots.
2. Before receiving building permits:

- a. The Permittee must submit a revised and acceptable site plan.
 - b. The Permittee must submit six prints and a permanent reproducible final site plan as approved by the City Council.
 - c. The construction plans must conform to the approved plans.
 - d. Final plats within this community unit plan must be approved by the City and the County Board.
 - e. The required easements as shown on the site plan must be recorded with the Register of Deeds.
 - f. The City Council and the County Board must approved the following associated requests:
 - i. Pheasant Pointe Preliminary Plat #01022.
 - ii. County Special Permit #191.
 - iii. A waiver to the sidewalk, street lights, landscape screen, and street tree requirements since the area will consist of larger lots, of a rural nature and the subdivision will not be annexed.
 - iv. A waiver of the requirements of the land subdivision ordinance to permit a block length in excess of 1320' along the north and east perimeter of this subdivision and a waiver of cul-de-sac length in excess of 1,000 feet.
 - g. The County engineer must approve an agreement for street maintenance.
3. Before occupying this community unit plan all development and construction must conform to the approved plans.
 4. Before occupying this community unit plan, City/County Health Department must approve the water and waste water systems.
 5. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners 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, their 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.

Introduced by Glenn Friendt

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF PHEASANT POINTE FOR 9 LOTS AND 4 OUTLOTS, WITH WAIVERS TO THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, STORMWATER DETENTION, SIDEWALKS, CUL-DE-SAC LENGTH, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT SOUTH 148TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/02R-90) - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81468 WHEREAS, Winona Ketelhut, Patricia Slaughter, and Connie Heier have submitted the preliminary plat of Pheasant Pointe for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated February 7, 2002, which is attached hereto as

Exhibit "A".

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

That the preliminary plat of Pheasant Pointe, generally located at South 148th Street and Yankee Hill Road as submitted by Winona Ketelhut, Patricia Slaughter, and Connie Heier is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

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

1. The requirements of Sections 26.23.105, 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code relating to the installation of storm water detention, sidewalks, street lights, landscape screen, and street trees respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits of the City.

2. The requirement of Section 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1320' between cross streets is waived along the north and east perimeter of this subdivision and waiver of cul-de-sac length.

3. The requirement of Section 26.23.080 of the Lincoln Municipal Code that dead end streets shall be no longer than 1000 feet is waived for the cul-de-sac.

Introduced by Glenn Friendt

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 APRIL 1 - 15, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81469 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 16, 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>	
Cindy Coon	\$ 193.00	Pamela Miller	\$1,250.00
James N. Harman	7,203.16	Jamey & Chris Davey	85.00
James Blake	10,139.77	Brian O. Schmidt	223.80
Tanya Mussmann	NAS*	Thu Kim Tran	6,100.00
Floyd Dixon	NAS*	Judds Brothers Construction Co.	1,550.00
Elizabeth Von Seggern	45.00	John Hamilton	792.99
Sue & Bill Wilson	NAS*		
Kathy Cather	80.00		
Tim Frentz	85.00		

* 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 Glenn Friendt

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

REAPPOINTING KEN SVOBODA TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2005 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81470 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ken Svoboda to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2005 is hereby approved.

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, MAY 6, 2002 AT 1:30 P.M. FOR APP. OF SALEM OIL CO. DBA AIRPORT AMOCO FOR A CLASS B LIQUOR LICENSE, LOCATED AT 3100 NW 12TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81471 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 6, 2002 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Salem Oil Co., dba Airport Amoco for a Class B liquor license located at 3100 NW 12th Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, MAY 6, 2002 AT 1:30 P.M. FOR APP. OF MMG PROPERTIES LLC DBA THE C STATION FOR A CLASS D LIQUOR LICENSE, LOCATED AT 1120 SO. CODDINGTON STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81472 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 6, 2002 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of MMG Properties LLC dba The C Station for a Class D liquor license, located at 1120 So. Coddington Street

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR APRIL 15 THROUGH APRIL 19, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81473 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 15 - April 19, 2002)

Introduced by Glenn Friendt

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

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED MARCH 31, 2002 - CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81474 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended March 31, 2002, \$103,524.64 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Glenn Friendt

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

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, MAY 20, 2002, AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

02-57 Authority to create a Re-Paving District, West Charleston Street, 1st Street, west for the reconstruction of said paving

and to assess the costs thereof against the benefitted property.

02-58 Authority to create an Improvement District in SW 8th Street, West C Street north approximately 175 feet; and, authority to acquire right-of-way needed to open SW 8th Street to Hanneman Drive as dedicated with Muff's 5th Addition plat.

CLERK Requested to set the hearing date of Monday, May 20, 2002 at 5:30 p.m.:

SENG So moved.

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

ORDINANCES - 1ST READING

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL CODE BY ADDING A NEW CHAPTER 20.10 TO ADOPT THE 2000 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE REGULATING AND CONTROLLING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF ONE- AND TWO-FAMILY DWELLINGS AND TOWNHOUSES IN THE CITY OF LINCOLN - CLERK read an ordinance, introduced by Glenn Friendt, amending Title 20 of the LMC by adding a new Chapter 20.10 to adopt the 2000 Edition of the International Residential Code regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one-and two-family dwellings and townhouses in the City of Lincoln, the first time.

AMENDING TITLE 20 OF THE LINCOLN MUNICIPAL CODE BY CREATING A NEW CHAPTER 20.08 TO ADOPT THE 2000 EDITION OF THE INTERNATIONAL BUILDING CODE, WITH AMENDMENTS, ADDITIONS AND DELETIONS THERETO, TO ESTABLISH THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; TO PROVIDE THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND TO PROVIDE FOR THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND THE DEMOLITION OF SUCH STRUCTURES, WITHIN THE CITY OF LINCOLN - CLERK read an ordinance, introduced by Glenn Friendt, amending Title 20 of the LMC by creating a new chapter 20.08 to adopt the 2000 Edition of the International Building Code, with amendments, additions and deletions thereto, to establish the minimum regulations governing the conditions and maintenance of all property, buildings and structures; to provide the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and to provide for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures, within the city of Lincoln, the first time.

AMENDING TITLE 19 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL FIRE CODE 2000 EDITION WITH AMENDMENTS - CLERK read an ordinance, introduced by Glenn Friendt, amending Title 19 of the LMC to adopt the International Fire Code 2000 Edition with amendments, the first time.

ORDINANCES - 3RD 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 third time.

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CAMP Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **17992**, is recorded in Ordinance Book 25, Page

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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Seng & **LOST** by the following vote: AYES: Camp,
Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.
The ordinance, having **LOST**, was assigned File **#38-4401** & was placed on file in
the Office of the City Clerk.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to May 6, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Cook, Seng.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
May 6, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Cook, Seng.

ADJOURNMENT

8:30 P.M.

CAMP Moved to adjourn the City Council meeting of April 29, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Cook, Seng.
So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Office Assistant III

