

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 6, 2002 AT 1:30 P.M.**

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

CAMP Having been appointed to read the minutes of the City Council proceedings of April 29, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF SALEM OIL COMPANY DBA "AIRPORT AMOCO" FOR A CLASS "B" LIQUOR LICENSE AT 3100 N.W. 12TH STREET.;

MANAGER APPLICATION OF JEFFREY J. SCOTT FOR SALEM OIL COMPANY DBA "AIRPORT AMOCO" AT 3100 N.W. 12TH STREET - Charles Salem. 2825 Stratford Ave. and Jeffrey Scott, 1500 Irving Street, came forward, took the oath and answered questions posed by Council.

Councilman Werner asked Mr. Scott if he will just be managing one station. Mr. Scott affirmed that it would be only one location.

This matter was taken under advisement.

APPLICATION OF MMG PROPERTIES, L.L.C. DBA "THE C STATION" FOR A CLASS "D" LIQUOR LICENSE AT 1120 S. CODDINGTON AVE.;

MANAGER APPLICATION OF DONN R. MANN FOR MMG PROPERTIES, L.L.C. DBA "THE C STATION" AT 1120 S. CODDINGTON AVE. - Donn R. Mann, 3121 South 6th Street, and Cynthia L. Loos, 2619 S. 12th Street, came forward, took the oath and stated that no decision has been made on a manager yet. They will reapply before Council when that person has been hired.

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 - Councilman Werner advised the public that the amendment regarding the tattooing of children under the age of 18, with parental consent, is on the city's website.

Donna Brophy, 3025 South 42nd Street, came forward to address the amendment, stating that no one should be allowed to get a tattoo under the age of 18.

Discussion followed among Council members.

Bruce Dart, Director of Lincoln Lancaster Health Dept., came forward to explain why this ordinance was drafted was due to the complaints they had been receiving from parents whose children were underage and getting tattoos. Mr. Dart further explained that from his experience in other areas where he had worked, he felt it would be easier to circumvent a rule regarding parental consent, rather than a rule regarding age. We will be the third county in Nebraska to pass an ordinance such as this.

Discussion followed among Council members regarding the city limits and what laws exist in the counties that surround Lincoln.

Scott Holmes, Health Dept., stated that the health codes do encompass the 3 mile limit outside of the City.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc. came forward and stated he had spoken to many parents in the last week and they were very adamant about wanting parental control.

Councilman Svoboda asked Tonya Skinner, Asst. City Attorney's office why the specific age of 18 was applied to this amendment.

Tonya Skinner, Asst. City Attorney, replied that they looked at other ages of consent in reference to liquor, living on your own and

other cities that have put this same type of law into effect and they were also using the age of 18. She also informed Council that the County is considering passing what the Council passes to prevent problems outside of the City limits.

Councilman Svoboda asked about the State Fair Grounds area.

Ms. Skinner advised if the County did pass this, that the State Fair Grounds area would be included in that scope.

This matter was taken under advisement.

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;

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;

AMENDING TITLE 19 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE INTERNATIONAL FIRE CODE 2000 EDITION WITH AMENDMENTS - Chuck Zimmerman, Building and Safety, came forward to give the Council an overview of the updates for the uniforms codes.

Councilman Cook asked if these codes were tailored to Lincoln, Nebraska.

Mr. Zimmerman affirmed that they were.

Councilman Cook asked how the code changes will affect older home renovation.

Mr. Zimmerman stated that he didn't know if it offered more or less flexibility.

Council Chair McRoy asked if there had been much reaction from the industry.

Mr. Zimmerman informed the Council that he felt that due to the good representation on the task forces that review these policies, there had not been any reaction.

Councilman Werner asked about other than renovating, would these new codes facilitate renovation of older buildings?

Mr. Zimmerman informed him that the Uniform Code does just that.

Ron Peary, Building and Safety Manager, came forward to explain the basics of the Fire code and did advise Council that this code applies to only the properties within the City limits of Lincoln.

Bill Moody, Chief Fire Inspector, came forward and relayed that basically there was very little change made, mostly administrative.

Councilman Werner asked if these new regulations had anything to do with the staffing of fire stations?

Mr. Moody advised him these do not apply.

Councilman Camp commended all three men for the excellent job done on this project.

This matter was taken under advisement.

APPROVING THE PROPOSAL FOR BMP AND DRY WEATHER STORM DRAINAGE ASSESSMENT BY THE UNL CIVIL ENGINEERING DEPARTMENT FOR MONITORING DRY WEATHER FLOWS, THE WORK PLAN, AND THE IMPLEMENTATION PLAN - Nicole Fleck-Tooze of Public Works and Utilities, came forward to briefly explain this agreement for UNL to provide services to the City.

This matter was taken under advisement.

APPEAL OF CRAIG GROAT FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF SPECIAL PERMIT 23E FOR AUTHORITY TO CONSTRUCT STUDENT HOUSING FOR 352 STUDENTS, A STUDENT CAMPUS CENTER AND LIBRARY COMPLEX, AND THE RELOCATION OF THE EXISTING PHYSICAL PLANT, ON PROPERTY GENERALLY LOCATED BETWEEN N. 50TH AND 56TH STREETS, AND HUNTINGTON AND MADISON AVENUES -

Craig Groat, 4935 Huntington Street, came forward to appeal the approval of this special permit. He is requesting that Wesleyan build a parking garage to eliminate them destroying numbers of historic homes in the neighborhood. He is seeking screening requirements to the present

parking lot that is across from his property.

Council Chair McRoy asked Mr. Groat if he basically just wanted them to build a garage.

Mr. Groat replied he did, as it would be a big help for the neighborhood.

John Sinclair, Sinclair Hille Architects, 700 Q Street, came forward to present the plans to Council for the construction of student housing for 352 students, a student campus center, library complex and the relocation of the physical plant. He stated they are trying to create a more village like atmosphere.

Councilman Werner asked if there were plans for a baseball field being built.

Matt Kavany, Director of Physical Plant for Wesleyan, came forward to explain to Council the ultimate goal they are working towards at Wesleyan.

Councilman Werner stated that the Woods Park Neighborhood Association has complained about the baseball field. He also asked if Wesleyan has considered students to live on campus through their Junior year and thus eliminating so many parking problems.

Mr. Kavany suggested that Mr. Werner speak to Dr. Sarah Boatman about this topic.

Councilwoman Seng stated she has been to all of the meetings for University Place. Wesleyan has met with the neighborhood association and they have an excellent plan in place. It is unfortunate that they have become landlocked however. She did ask why there are plans for more than one power plant.

Mr. Sinclair said that two locations were put in as options.

Councilman Camp asked for expansion purposes, if all the property needed is owned by Wesleyan.

Mr. Sinclair replied that Wesleyan does own all of it.

Councilman Cook asked Mr. Sinclair to explain the screening of parking lots.

Mr. Sinclair replied that they would be obligated to comply with city codes.

Councilman Cook addressed the issue of maintenance of parking lots.

Mr. Kavany said that he was ultimately responsible for the upkeep of property on campus.

Mr. Groat came forward to give his rebuttal statement. He reinforced the need for a parking garage and showed photos of parking lots on campus where the maintenance of areas showed lots of weeds in the areas discussed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Ed Holloway, 8310 Sandalwood Drive, came forward to report that his lawn is littered frequently with beer bottles and that traffic in his neighborhood is excessive and most drivers are exceeding the speed limit due to the construction on 84th Street. He reported that there are 35 children in his neighborhood that are under age six and he is worried about their safety.

Officer Russ Fossler, Lincoln Police Dept., came forward and stated he would take Mr. Holloway's concerns to Sgt. Smith who handles traffic enforcement.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF SALEM OIL COMPANY DBA "AIRPORT AMOCO" FOR A CLASS "B" LIQUOR

LICENSE AT 3100 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81475 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Salem Oil Company dba "Airport Amoco" for a Class "B" liquor license at 3100 N.W. 12th Street, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JEFFREY J. SCOTT FOR SALEM OIL COMPANY DBA "AIRPORT AMOCO" AT 3100 N.W. 12TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81476 WHEREAS, Salem Oil Company dba "Airport Amoco" located at 3100 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Jeffrey J. Scott be named manager;

WHEREAS, Jeffrey J. Scott 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 Jeffrey J. Scott 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, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

APPLICATION OF MMG PROPERTIES, L.L.C. DBA "THE C STATION" FOR A CLASS "D" LIQUOR LICENSE AT 1120 S. CODDINGTON AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81477 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of MMG Properties, L.L.C. dba "The C Station" for a Class "D" liquor license at 1120 S. Coddington Ave., Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF DONN R. MANN FOR MMG PROPERTIES, L.L.C. DBA "THE C STATION" AT 1120 S. CODDINGTON AVE. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81478 WHEREAS, MMG Properties, L.L.C. dba "The C Station" located at 1120 S. Coddington Ave., Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Donn R. Mann be named manager;

WHEREAS, Donn R. Mann 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 Donn R. Mann 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, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

ORDINANCES - 2ND READING

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 Jon Camp, 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, the second time.

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 second 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 second 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 second time.

RESOLUTIONS

APPROVING THE PROPOSAL FOR BMP AND DRY WEATHER STORM DRAINAGE ASSESSMENT BY THE UNL CIVIL ENGINEERING DEPARTMENT FOR MONITORING DRY WEATHER FLOWS, THE WORK PLAN, AND THE IMPLEMENTATION PLAN - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81479 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Proposal for BMP and Dry Weather Storm Drainage Assessment for monitoring dry weather flows, the Work Plan, and the Implementation Plan, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved, upon the terms and conditions as set forth in said Proposal, and the Mayor is authorized to execute said Proposal on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Proposal to the University of Nebraska-Lincoln, 303 Canfield Administration Building, P.O. Box 880430, Lincoln, NE 68588-0430.

Introduced by Coleen Seng

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

APPEAL OF CRAIG GROAT FROM THE PLANNING COMMISSION CONDITIONAL APPROVAL OF SPECIAL PERMIT 23E FOR AUTHORITY TO CONSTRUCT STUDENT HOUSING FOR 352 STUDENTS, A STUDENT CAMPUS CENTER AND LIBRARY COMPLEX, AND THE RELOCATION OF THE EXISTING PHYSICAL PLANT, ON PROPERTY GENERALLY LOCATED BETWEEN N. 50TH AND 56TH STREETS, AND HUNTINGTON AND MADISON AVENUES -
CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81480 WHEREAS, Nebraska Wesleyan University has submitted an application designated as Pre-existing Special Permit No. 23E to amend the special permit to construct student housing for 352 students, a student campus center and library complex, and the relocation of the existing physical plant on property located between N. 50th and 56th Streets, and Huntington and Madison Avenues, and legally described to wit:

Lot 10, Block 49; the south 92 feet of Lots 7 and 8, Block 53; the south 3 feet of the east 92 feet of Lot 2 and all of Lots 3, 4, 5, and 6, Block 77; Lots 4, 5, and 6, Block 85; Lots 5 and 6 except the east 12 feet of Block 97, Lots 1, 2, 3, 4, and 5, Block 99; Lots 1 and 2, Block 100; the north 75 feet of Lot 1 and all of Lots 2, 3, 6, 7, and 8, Block 101; University Place Addition; and Lot 22 Irregular Tract; and an Irregular Tract between 50th and 56th Streets and Baldwin and Huntington Avenues; all located in the Northeast Quarter of Section 17, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on April 3, 2002 and conditionally approved Special Permit No. 23E; and

WHEREAS, Craig Croat has appealed the action of the Lincoln City-Lancaster County Planning Commission approving Special Permit No. 23E; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this expansion will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Nebraska Wesleyan University, hereinafter referred to as "Permittee", to construct student housing for 352 students, a student campus center and library complex, and the relocation of the existing physical plant be and the same is hereby granted under the provisions of Section 27.63.075 the Lincoln Municipal Code upon condition that expansion of said accessory uses be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves new student housing capable of accommodating up to 352 students along with 200 new off-street parking spaces located near the northeast corner of the campus, a Campus Center/Library Complex which will replace the current student union and, designation of two alternate sites for the relocation of the physical plant.

2. Before receiving building permits:

- a. The Permittee must submit for review and approval to the Planning Department 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 be completed in conformance with the approved plans.

4. 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.

5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's 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.

7. 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 Coleen Seng

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

APPOINTING DR. HENA ROY TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED TERM EXPIRING APRIL 15, 2003 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81481 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Hena Roy to the Lincoln-Lancaster County Board of Health to fill an unexpired term expiring April 15, 2003 is hereby approved.

Introduced by Coleen Seng

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

APPOINTING TONY MESSINEO TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH TO FILL AN UNEXPIRED TERM EXPIRING APRIL 15, 2003 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81482 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tony Messineo to the Lincoln-Lancaster County Board of Health to fill an unexpired term expiring April 15, 2003 is hereby approved.

Introduced by Coleen Seng

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

REAPPOINTING RODRIGO CANTARERO TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2005 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81483 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

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

Introduced by Coleen Seng

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

SETTING THE HEARING DATE OF MONDAY, MAY 20, 2002 AT 5:30 P.M. FOR APP. OF BDF, LLC DBA LIBATIONS AND THE GRAND ROOM FOR A CLASS C LIQUOR LICENSE, LOCATED AT 317 SO. 11TH STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81484 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 20, 2002 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of BDF, LLC dba Libations and The Grand Room for a Class C liquor license located at 317 So. 11th Street.

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

Introduced by Coleen Seng

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

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)(4/29/02 - Action delayed to 5/6/02) - CLERK read the following resolution, introduced by Glenn Friendt.

SENG Moved to adopt the resolution as read:

A-81486 WHEREAS, the City of Lincoln, Nebraska, is authorized under *Neb. Rev. State. §18-2001, et seq.*, to pave any street when the paved street does not meet or exceed the minimum standards for pavement set by the City for its paved streets and to do so without petition or creating a street improvement district; and

WHEREAS, a portion of Saunders Avenue, Springfield Drive to 12th Street is paved but does not meet or exceed the City's minimum standards for pavement.

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

That Saunders Avenue, Springfield Drive to 12th Street is hereby designated as Paving Unit No. 136 and is hereby ordered paved to meet the City's minimum standards for street paving.

The roadway to be paved shall be 33 feet in width; grading to be from lot line to lot line, and the cost of grading, curbing, guttering, and paving the same; including the cost of grading, curbing, guttering, and paving the intersections and returns, and the cost of grading the sidewalk space and relaying the sidewalks, and all expenses incidental to all of said improvements shall be assessed against the real estate benefitted, to-wit: All that portion of Lots 25 through 34, Block 20, lying southeasterly of the southeasterly line of Springfield Drive, including the south half of the east- west alley vacated by ordinance No. 13856 abutting said Lots 29 through 34, Block 20; and Lots 1 through 10, Block 23; all located in Belmont Addition, Northeast Quarter Section 14, Township 10 North, Range 6 East, of the Sixth principal Meridian in the City of Lincoln, Lancaster County, Nebraska, the assessments against said property benefitted to be in proportion to the benefits, not exceeding the cost thereof. In the event that easements or additional right-of-way must be acquired for the completion of this project, such property rights may be acquired by negotiation and purchase or by condemnation, if necessary, as provided by law.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

The following are referred to the Planning Dept.:

Special Permit 1973 - App. of Donald Bowman for Three Eagles Communications to erect 100' tower to support communications antenna or operation of radio station located at 3800 Cornhusker.

Special Permit 1974 - App. of Michael Mandl for Mission 3, LLC to sell liquor at a convenience store located at 110 West "O" Street.

Combined Use Permit/Special Permit 20 - App. of Danay Kalkowski for Security Federal Savings and CPW Partnership to allow 1,800 square feet of medical testing laboratories located at 70th & Teton Streets.

PETITION TO VACATE THE PUBLIC WAY - A PORTION OF O'HANLON DRIVE, SUBMITTED BY RIDGE DEVELOPMENT COMPANY - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED AT THE COUNCIL MEETING OF APRIL 29, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED AT THE COUNCIL MEETING OF APRIL 22, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR APRIL 22 THROUGH APRIL 26, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:
A-81485 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 22 - April 26, 2002)

Introduced by Coleen Seng

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

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

REPORT FROM CITY TREASURER OF TELECOMM, OCC. TAX FOR THE MONTH OF SEPTEMBER, 2001: MERCHANT WIRED; JANUARY & FEBRUARY, 2002: NORSTAN NETWORK SERVICES, INC.; MARCH, 2002: TRAC FONE WIRELESS, INC., TELCO DEVELOPMENT GROUP DE INC., EXCEL TELECOMMUNICATIONS, INC., ATS MOBILE TELEPHONE CO., INC., AMERIVISION COMMUNICATIONS, INC., NEXTEL WEST CORP., MCLEOD USA TELECOMMUNICATIONS SERVICES, INC., SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP, SPRINT SPECTRUM, L.P., GUARANTEED PHONE SERVICE, AND NORSTAN NETWORK SERVICES, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

CHANGE OF ZONE 3359 - APPLICATION OF PINNACLE BANK AND 70TH STREET PROPERTIES, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND LINCOLNSHIRE ROAD. (IN CONNECTION W/02R-103) - CLERK read an ordinance, introduced by Coleen Seng, for a Change of Zone 3359 - Application of pinnacle Bank and 70th Street properties, Inc. for a Change of Zone from O-2 Suburban Office to O-3 Office Park on property generally located at South 70th Street and Lincolnshire Road, the first time.

APPROVING A CONTRACT BETWEEN THE CITY AND THE DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A TUESDAY OPEN-AIR MARKET IN THE AREA OF 12TH STREET FROM Q TO R STREETS AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 4, 2002, THROUGH JUNE 25, 2002 - CLERK read an ordinance, introduced by Coleen Seng, approving a contract between the City and the Downtown Lincoln Association to operate and regulate a Tuesday Open-Air Market in the area of 12th Street from Q to R Streets and R Street from 12th to 13th Streets from June 4, 2002, through June 25, 2002, the first time.

AMENDING SECTION 6.04.155 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL HYBRIDS TO POSTPONE THE EFFECTIVE DATE OF THE BAN ON ANIMAL HYBRIDS TO OCTOBER 1, 2002 - CLERK read an ordinance, introduced by Coleen Seng, amending Section 6.04.155 of the Lincoln Municipal Code relating to animal hybrids to postpone the effective date of the ban on animal hybrids to October 1, 2002, the first time.

ORDINANCES - 3RD 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) - PRIOR to reading:

SENG Moved to amend Bill No. 02-40 in the following manner:
One page 1, line 16, after the word "thereof" replace the period with a semi-colon and insert the following language:
provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Pavign Program funds for property owners earning at or below 50% of the City's median income.

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

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 third time.

CAMP Moved to pass the ordinance as read.

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

The ordinance, being numbered **17993**, is recorded in Ordinance Book 25, Page

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **17994**, is recorded in Ordinance Book 25, Page

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 third time.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **17995**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

WERNER Moved to set a policy that if signatures representing greater than 50% of total front footage are not received within one year from creation of a district requiring such signatures (Ornamental Lighting and Paving), Public Works shall bring the created district back to the City Council for repeal.

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

CAMP Moved to extend the Pending List to May 13, 2002.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
May 13, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

ADJOURNMENT

3:30 P.M.

CAMP Moved to adjourn the City Council meeting of May 6, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Office Assistant III

REGULAR MEETING
MAY 6, 2002
PAGE 194