

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 17, 2002 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Vice Chairperson Camp; Council Members: Friendt, McRoy, Seng, Svoboda. Teresa Meier Brock, Deputy City Clerk; Absent: Cook, Werner.

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of June 10, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF B. CHRISTENSEN ENTERPRISES L.L.C. DBA "BC'S" FOR A CLASS "C" LIQUOR LICENSE AT 1200 O STREET;

MANAGER APPLICATION OF MARY F. RAUNER FOR B. CHRISTENSEN ENTERPRISES, L.L.C. DBA "BC'S" AT 1200 O STREET - Bruce Christensen, 1820 Surfside Drive and Mary Rauner, 2901 A Street, Apt. 12, came forward, took the oath and answered questions posed by council.

Richard Halverson, 6311 Inverness Road came forward in opposition, due to the fact that Southeast Community College is located right across the street.

This matter was taken under advisement.

APPLICATION OF LINCOLN P STREET CATERING CO. DBA "EMBASSY SUITES" FOR THE ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 90 FEET BY 105 FEET TO THE NORTHWEST OF THEIR LICENSED PREMISES LOCATED AT 1040 P STREET - Craig Pomrenke, 626 Lyncrest Drive, General Manager of The Embassy Suites, came forward and had handouts for each Council member regarding their proposal to use a gate and a mesh lining to keep any alcohol from being passed through the gate during parties on their back dock area.

Councilmen Camp and Friendt noted that this request would be a full time license and eliminate the process of applying for Special Designated Liquor Licenses during the football season.

Chip Cary, 2245 "A" Street, Catering Director of The Embassy Suites, came forward in support of this application and noted to Council that this would handle additional requests they have from corporate customers who also wish to use the back dock area from time to time. He feels that the gates and fabric will be aesthetically pleasing to the rest of the hotel area.

Richard Halverson, 6311 Inverness Road, came forward in opposition. He feels that The Embassy Suites should have to apply each time for the license. At the minimum the Council should delay this and deny the request.

Police Chief Tom Casady came forward to answer questions posed by Council members.

Councilman Friendt asked if this would now cause other businesses to start putting up fences.

Chief Casady stated this would be his 28th football season in Lincoln and he thought the gate and fabric liners was an excellent idea. He had met with Mr. Pomrenke and discussed the potential of the design and felt this would eliminate the SDL predicament for the Police Dept. and the City Council.

This matter was taken under advisement.

APPLICATION OF LINCOLN WINGS L.L.C. DBA "HOOTERS" FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 96 FEET BY 47 FEET TO

THE NORTH AT 6811 O STREET ON JUNE 29, 2002 FROM 8:00 P.M. TO 12:00 A.M.
- Brian Clark, 5255 So. 157th Ct., #368, Omaha, NE, came forward
representing Hooters.

Council Chair Camp asked Mr. Clark what type of event was planned.

Mr. Clark replied that this was their annual Sand Volleyball
Tournament and they generally have a band as well.

This matter was taken under advisement.

APPLICATION OF DENIS M. VONTZ DBA "PIONEERS GOLF COURSE" FOR A SPECIAL
DESIGNATED LIQUOR LICENSE FOR THE ENTIRE GOLF COURSE INCLUDING DRIVING
RANGE AND BOTH PARKING LOTS AT 3403 W. VAN DORN STREET ON JUNE 29, 2002,
FROM 7:00 A.M. TO 8:00 P.M. - Denis Vontz, 7514 Brennan Drive, came
forward to explain this SDL was for a golf tournament.

This matter was taken under advisement.

CHANGE OF ZONE 3365 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF
ZONE FROM H-1 INTERSTATE COMMERCIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL
DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N.
27TH STREET AND WHITEHEAD DRIVE - Mark Hunzeker, 530 S. 13th St., Suite
B, representing Whitehead Oil, came forward to explain this Change of
Zone would help bring the use of this property into conformance with the
property immediately across the road from it and to allow for broader
range of business use.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 18.18
ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST
OF N.W. 48TH STREET. (IN CONNECTION W/02-80, 02R-129);

CHANGE OF ZONE 3353 - APPLICATION OF M & S CONSTRUCTION FOR A CHANGE OF ZONE
FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY
GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH
STREET. (IN CONNECTION W/02-79, 02R-129);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ASHLEY HEIGHTS 1ST ADDITION,
INCLUDING EXCEPTIONS TO THE DESIGN STANDARDS TO PERMIT A 19.5' MAN-HOLE
DEPTH, OFF-SITE STORM WATER DETENTION, AND N.W. 48TH STREET TO BE BUILT
WITHOUT CURB AND GUTTER, ON PROPERTY GENERALLY LOCATED SOUTH OF WEST
ADAMS STREET AND EAST OF N.W. 48TH STREET. (IN CONNECTION W/02-79, 02-
80) - Mark Hunzeker, 530 S. 13th St., Suite B, representing M & S
Construction, came forward to note this is an addition to the Ashley
Heights Subdivision that was approved approximately a year ago. This is
the parcel just south of the previous subdivision which permits us to
add a street back out onto N.W. 48th Street at West Thatcher, giving us
the access that gave rise to a lot of concern about emergency access to
the area.

Councilman Friendt asked Nicole Fleck-Tooze of Public Works to
come forward for questions. He asked for the waivers to be explained
and reason for granting them.

Ms. Fleck-Tooze explained the waivers and why each one was needed
for this project.

This matter was taken under advisement.

SPECIAL PERMIT NO. 1952 - APPLICATION OF ROBERT BECK, KIT DIMON, DIANE
OLDFATHER, ZANE AND ETHEL FAIRCHILD, ALAN AND JACQUELINE EMBURY, VINCENT
AND JANICE GORACKE, AND HERBERT AND BARBARA GRIESS TO DEVELOP HAWKSWOOD
ESTATES 1ST ADDITION COMMUNITY UNIT PLAN CONSISTING OF 28 DWELLING UNITS
AND A CHURCH ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND OLD
CHENEY ROAD. (IN CONNECTION W/02R-128);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HAWKSWOOD ESTATES 1ST
ADDITION, INCLUDING WAIVERS OF THE REQUIRED SIDEWALKS ON ONE SIDE OF THE
STREETS, PEDESTRIAN WAY EASEMENTS ON BLOCKS LONGER THAN 1,000 FEET,
MAXIMUM BLOCK LENGTH, AND THE 3 TO 1 DEPTH TO WIDTH RATIO, ON PROPERTY
GENERALLY LOCATED AT S. 70TH STREET AND OLD CHENEY ROAD. (IN CONNECTION
W/02R-127) - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall,
Suite 350, came forward, representing the clients listed for the acreage
development. He requested a two week delay on this hearing to finalize
an agreement with some of the clients.

Mark Hunzeker, 530 S. 13th St., Suite B, came forward and stated
the delay did not make a big difference to his clients.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2002 ACTION PLAN: ONE YEAR USE OF FUNDS FOR
CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - Marc Wullschlager,
Urban Development Director, came forward to explain the action plan that
needs to be submitted to HUD.

Hallie Salem, Urban Development, reviewed a briefing sheet that was submitted to Council members.

Discussion followed.

Troy Gagner, Urban Development, came forward to answer additional questions on the economic development program and the Capital Access Program.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to talk about his membership on the loan committee. He explained many of the projects were very worthy of funding. He did suggest that in the reports there needs to be a classification that shows what the funds are allocated for. He suggested the Council should ask for better accountability.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16 - 31, 2002 - Heidi Burklund, 2936 S. 25th Street, came forward to request the Council consider her claim again. She had learned from her insurance company that they were denying her claim and that she did have her car repainted and paid for the expense herself. Dana Roper, City Attorney, has spoken with her and informed her that the company is self-insured up to \$25,000, so they can refuse to pay it, even though the City is named as an insured on the policy. She requested that the City take consideration for this sub-contractor's actions.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO PROVIDE POLICE OFFICERS AS SCHOOL RESOURCE OFFICERS FOR A THREE YEAR TERM - Councilwoman Seng requested that Chief of Police, Tom Casady come forward to explain what this legislation deals with. He reported that the police department has 8 officers that work in Middle and High Schools and 5 officers that work in elementary schools. This is a renewal of an agreement, that began in 1994, for the officers in the Middle and High Schools. The school district pays a portion of the salary of the officers who are assigned to these positions.

This matter was taken under advisement.

2:43 P.M. BREAK

2:55 P.M. RECONVENED

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Ave., came forward to express his opinion about the City Council's lack of adopting a Code of Ethics.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF B. CHRISTENSEN ENTERPRISES L.L.C. DBA "BC'S" FOR A CLASS "C" LIQUOR LICENSE AT 1200 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81543 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 B. Christensen Enterprises L.L.C. dba "BC's" for a Class

"C" liquor license at 1200 O Street, Lincoln, Nebraska, for the license period ending October 31, 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 Ken Svoboda

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

MANAGER APPLICATION OF MARY F. RAUNER FOR B. CHRISTENSEN ENTERPRISES, L.L.C. DBA "BC'S" AT 1200 O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81544 WHEREAS, B. Christensen Enterprises L.L.C. dba "BC's" located at 1200 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Mary F. Rauner be named manager;

WHEREAS, Mary F. Rauner 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 Mary F. Rauner be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF LINCOLN P STREET CATERING CO. DBA "EMBASSY SUITES" FOR THE ADDITION OF AN OUTDOOR AREA MEASURING APPROXIMATELY 90 FEET BY 105 FEET TO THE NORTHWEST OF THEIR LICENSED PREMISES LOCATED AT 1040 P STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81545 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 Lincoln P Street Catering Co. dba "Embassy Suites" to expand its licensed premises by the addition of an area measuring 90 feet by 105 feet to the northwest of the presently licensed premises located at 1040 P Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF LINCOLN WINGS L.L.C. DBA "HOOTERS" FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 96 FEET BY 47 FEET TO THE NORTH AT 6811 O STREET ON JUNE 29, 2002 FROM 8:00 P.M. TO 12:00 A.M. CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81546 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 Lincoln Wings L.L.C. d/b/a "Hooters" for a Special Designated License to cover an area measuring 96 feet by 47 feet to the north at 6811 O Street, Lincoln, Nebraska, on the 29th day of June, 2002, between the hours of 8:00 p.m. and 12:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF DENIS M. VONTZ DBA "PIONEERS GOLF COURSE" FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR THE ENTIRE GOLF COURSE INCLUDING DRIVING RANGE AND BOTH PARKING LOTS AT 3403 W. VAN DORN STREET ON JUNE 29, 2002, FROM 7:00 A.M. TO 8:00 P.M. - CLERK read the following resolution, introduced by Ken Svoboda who moved its adoption for denial.

Seconded by Friendt & carried by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: McRoy, Seng; ABSENT: Cook, Werner.
Due to lack of majority vote, carried over one week to 6/24/02.

ORDINANCES - 2ND READING

CHANGE OF ZONE 3365 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF ZONE FROM H-1 INTERSTATE COMMERCIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 27TH STREET AND WHITEHEAD DRIVE - CLERK read an ordinance, introduced by Coleen Seng, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 18.18 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH STREET. (IN CONNECTION W/02-80, 02R-129) - CLERK read an ordinance, introduced by Coleen Seng, amending Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17932 passed November 19, 2001, prescribing and defining the corporate limits of the City of Lincoln and repealing said Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17932 passed November 19, 2001, as hitherto existing, the second time.

CHANGE OF ZONE 3353 - APPLICATION OF M & S CONSTRUCTION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH STREET. (IN CONNECTION W/02-79, 02R-129) - CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

APPLICATION OF ST. THOMAS AQUINAS CHURCH/NEWMAN CENTER FOR ONE RAFFLE AND FIVE LOTTERY PERMITS FOR THE FOLLOWING TIMES: JUNE 1, 2002 TO AUGUST 31, 2002 (RAFFLE); OCTOBER 1, 2002 TO OCTOBER 31, 2002; NOVEMBER 1, 2002 TO NOVEMBER 30, 2002, DECEMBER 1, 2002 TO DECEMBER 31, 2002; JANUARY 1, 2003 TO JANUARY 30, 2003; FEBRUARY 1, 2003 TO FEBRUARY 28, 2003 (LOTTERIES) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81547 WHEREAS, St. Thomas Aquinas Church/Newman Center has made application for a permit to conduct five lotteries and one raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Thomas Aquinas Church/Newman Center to conduct five lotteries and one raffle in the City of Lincoln in accordance with the application filed by Fr. Robert A. Matya. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries and raffles described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery and raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery or raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

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

SPECIAL PERMIT NO. 1952 - APPLICATION OF ROBERT BECK, KIT DIMON, DIANE OLDFATHER, ZANE AND ETHEL FAIRCHILD, ALAN AND JACQUELINE EMBURY, VINCENT AND JANICE GORACKE, AND HERBERT AND BARBARA GRIESS TO DEVELOP HAWKSWOOD ESTATES 1ST ADDITION COMMUNITY UNIT PLAN CONSISTING OF 28 DWELLING UNITS AND A CHURCH ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/02R-128) - PRIOR to reading:

SENG Moved to delay public hearing and action on Bill. No. 02R-127 for two weeks to 7/1/02.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HAWKSWOOD ESTATES 1ST ADDITION, INCLUDING WAIVERS OF THE REQUIRED SIDEWALKS ON ONE SIDE OF THE STREETS, PEDESTRIAN WAY EASEMENTS ON BLOCKS LONGER THAN 1,000 FEET, MAXIMUM BLOCK LENGTH, AND THE 3 TO 1 DEPTH TO WIDTH RATIO, ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND OLD CHENEY ROAD. (In connection w/02R-127) PRIOR to reading:

SENG Moved to delay public hearing and action on Bill. No. 02R-128 for two weeks to 7/1/02.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ASHLEY HEIGHTS 1ST ADDITION, INCLUDING EXCEPTIONS TO THE DESIGN STANDARDS TO PERMIT A 19.5' MAN-HOLE DEPTH, OFF-SITE STORM WATER DETENTION, AND N.W. 48TH STREET TO BE BUILT WITHOUT CURB AND GUTTER, ON PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH STREET. (In connection w/02-79, 02-80) - PRIOR to reading:

SENG Moved to delay action on Bill. No. 02R-129 for one week to 6/24/02.

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

APPROVING THE FISCAL YEAR 2002 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81548 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2002 Action Plan: One Year Use of Funds for HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Program Regulations; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2002 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations and 24 C.F.R., Part 91.

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

That the FY 2002 Action Plan, a copy of which is attached hereto, is consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY 2002 Action Plan to the Department of Housing and Urban

Development for total grants for Fiscal Year 2002 in the amount of \$5,360,059 (\$3,339,068 CDBG; \$1,944,991 HOME; and \$76,000 Emergency Shelter Grant) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY2002 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by subparagraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to

every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -

- i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or

local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.

4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, and ESG funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2001 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2002 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Emergency Shelter Grant Program portion of

the FY 2002 Action Plan that:

1. In the case of assistance involving major rehabilitation or conversion, the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a 10-year period;
2. In the case of assistance involving rehabilitation less than that covered under paragraph (1), the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a three-year period;
3. In the case of assistance involving essential services (including but not limited to employment, health, drug abuse, or education) or maintenance, operation, insurance, utilities and furnishings, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served;
4. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary;
5. The City will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance available for such individuals;
6. The City will obtain matching amounts required under 24 C.F.R. §576.71 (redesignated to § 576.51);
7. The City will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter;
8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program; and
9. The City is following a current HUD-approved consolidated plan.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2002 Action Plan that:

1. The tenant-based assistance is an essential element of its consolidated plan;
2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;
3. The before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Ken Svoboda

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16 - 31, 2002 - PRIOR to reading:

- McROY Moved to separate Burklund claim out for consideration.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
Moved to approve Burklund claim.
Seconded by Friendt & both motion and second was withdrawn.
- SENG Moved to delay Burklund claim for one week.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook & Werner.

CLERK Read the following resolution, introduced by Ken Svoboda, who moved its adoption, as amended:

A-81549 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 June 3, 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>	
Heidi J. Burklund	\$ 1,441.80	Michael Harwood	\$1,250.00
Erik Paik	2,300.00	Karen Carder	330.00
Laura J. LeFrois & Laura J. LeFrois		Richard C. Nesiba	5,191.74
o/b/o her minor child, Matthew Young	614.95	Victor Gayed	1,418.87
Terry S. Henninger	1,314.61	Eugene L. Jones & Alice L. Jones	
Ella Banks Barbee	75,000.00	(Jones Apartments)	3,015.26
Mohamed A. El-Tabech	NAS*	Larry & Connie Gaskill	545.95
Christopher J. Colbert	2,000.00	Donlynn C. Rice	239.54
Laurie Drake	1,322.10		

* NAS

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 Ken Svoboda

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND LINCOLN PUBLIC SCHOOLS TO PROVIDE POLICE OFFICERS AS SCHOOL RESOURCE OFFICERS FOR A THREE YEAR TERM - CLERK read the following resolutions, introduced by Ken Svoboda, who moved its adoption:

A-81550 WHEREAS, the City of Lincoln and School District No. 1, Lincoln Public Schools, have previously entered into an Interlocal Agreement under which the City would provide School Resource Officers supplied by the Lincoln Police Department to serve the public high schools and middle schools in the Lincoln Public School System; and

WHEREAS, said Agreement provides that the Lincoln Public School System has requested the following number of School Resource Officers be assigned/provided: Eight (8) officers during the 2001-2002 school year with a maximum of \$260,899.50 for the eight officers; Nine (9) officers during the 2002-2003 school year with a maximum of \$293,511.96 for the nine officers; and ten (10) officers during the 2003-2004 school year with a maximum of \$326,124.40 for the ten officers.

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

That the attached "Contract for Interlocal Services and Cooperation," under which the City of Lincoln will assign Lincoln Police Officers as School Resource Officers to serve the public high schools and middle schools in the Lincoln Public School System and providing that the Lincoln Public School System will pay \$32,612.44 annually for each School Resource Officer, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Lincoln Public Schools, Attention Phil Schoo, Superintendent, one copy to the Lincoln Police Department, and one copy to the Finance Director.

Introduced by Ken Svoboda

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

APPROVING A THREE-YEAR CONTRACT BETWEEN HOUCK MOTOR COACH ADVERTISING, INC. AND THE CITY OF LINCOLN D/B/A STARTRAN FOR PROVIDING TRANSIT ADVERTISING SERVICES - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81551 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached agreement between Houck Motor Coach Advertising, Inc. and the City of Lincoln, dba StarTran, under which Houck Motor Coach Advertising will provide a transit advertising program for a period of three years upon the terms and conditions as set forth in said Agreement for Transit Advertising Services, is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to transmit one copy of said agreement to the Purchasing Department for delivery to Houck Motor Coach

Advertising and one copy of said agreement to StarTran.

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JULY 1, 2002 AT 1:30 P.M. FOR THE APP. OF MISSION 3, LLC DBA U-STOP FOR A CLASS D LIQUOR LICENSE, LOCATED AT 110 WEST "O" STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81552 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 1, 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 Mission 3, LLC dba U-STOP for a Class D Liquor license located at 110 West "O" Street.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, JULY 1, 2002 AT 1:30 P.M. FOR THE MGR. APP. OF MARJORIE I. TYLER FOR WEST "O" PNP INC DBA PETRO SPORT LOCATED AT 2000 WEST "O" STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81553 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 1, 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 Manager Application of Marjorie I. Tyler for West "O" PNP Inc. dba Petro Sport located at 2000 West "O" Street.

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

Introduced by Ken Svoboda

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

SPECIAL PERMIT 1951 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN FOR 120 MULTIPLE FAMILY UNITS, 186 SINGLE FAMILY UNITS AND 59 UNASSIGNED UNITS, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (In connection w/02-69, 02-70, 02R-121) - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81555 WHEREAS, Hartland Homes, Inc. has submitted an application designated as Special Permit No. 1951 for authority to develop Hartland Homes Southwest Community Unit Plan on property located at S.W. 27th Street and South Street, and legally described to wit:

Lots 38 and 39 I.T., and all of Blocks 13, 14, 15, 16, 17, 18, 19, and 20, and Lots 1 through 5, Block 37, and all of Block 38, 39, and 40, Hawthorne Addition together with adjacent streets and alleys, except for Southwest 27th Street, West South Street, and the east-west alley of Block 37, all being located in the West Half of the Northwest Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Beginning at the northwest corner of said Lot 38 Irregular tract, said point being on the west line of said West Half of the Northwest Quarter; thence on the north line of said Lot 38, on an assigned bearing of north 89 degrees 41 minutes 55 seconds east, 1326.76 feet to the northeast corner of said Lot 38; thence on the east line of said West Half, south 00 degrees 10 minutes 26 seconds east, 1784.05 feet, to a point on the north line of West South Street; thence on said north line, south 89 degrees 28 minutes 03 seconds west, 1036.21 feet, to a point on the west line of Lowell Avenue; thence on said west line, north 00 degrees 31 minutes 03 seconds west, 139.00 feet, to a point on the north line of the east-west alley in Block 37 extended easterly; thence on said north line of alley, south 89 degrees 28 minutes 03 seconds west, 261.00 feet, to a point on the east line of Southwest

27th Street; thence on said east line, north 00 degrees 31 minutes 03 seconds west, 459.01 feet, to the northwest corner of said Block 20; thence continuing on said east line, north 00 degrees 27 minutes 08 seconds west, 365.26 feet, to the centerline of Poplar Street; thence on said centerline of Poplar Street, south 89 degrees 28 minutes 03 seconds west, 26.72 feet, to a point on the west line of said West Half of the Northwest Quarter; thence on said west line, north 00 degrees 00 minutes 00 seconds east, 826.13 feet, to the point of beginning, said tract containing an area of 53.02 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 Hartland Homes, Inc., hereinafter referred to as "Permittee", to develop Hartland Homes Southwest Community Unit Plan, 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 120 multiple family units, 186 single family units and 59 unassigned units for a total of 365 dwelling units.

2. 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 with the area of 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 owner 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.

Introduced by Coleen Seng

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HARTLAND HOMES SOUTHWEST FOR 187 LOTS AND FOUR OUTLOTS, WITH WAIVERS TO THE REQUIRED BLOCK LENGTH AND STREET TREES, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (In connection w/02-69, 02-70, 02R-121) - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81556 WHEREAS, Hartland Homes, Inc. has submitted the preliminary plat of HARTLAND HOMES SOUTHWEST 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 April 4, 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 HARTLAND HOMES SOUTHWEST, located at S.W. 27th Street and South Street as submitted by Hartland Homes, Inc. 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 26.27.090 of the Lincoln Municipal Code that street trees be planted along the side of the public street which abuts the subdivision is waived along S.W. 27th Street.2. The requirement of § 26.23.130(a) of the Lincoln Municipal Code that block length not exceed 1320 feet between cross streets is waived for Block 6 to allow a block length of 1980.44 feet.

Introduced by Coleen Seng

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION FOR ORNAMENTAL LIGHTING FROM 20TH TO 27TH STREETS, VAN DORN TO HIGH STREETS, REQUESTED BY ROBERT & VIRGINIA E. KNOLL - CLERK presented said petition, which was referred to the Public Works Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR JUNE 3 THROUGH JUNE 7, 2002 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption: A-81554 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 June 3 - June 7, 2002)

Introduced by Ken Svoboda

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

MAYOR DON WESELY'S VETO MESSAGE OF RESOLUTION NO. A-81520, SPECIAL PERMIT NO. 1970 (APPLICATION OF CHUCK SALEM, TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT 4801 RANDOLPH STREET) WHICH COUNCIL ADOPTED JUNE 3, 2002 - CLERK presented said report, which was placed on file in the Office of the City Clerk.

FRIENDT Moved to overridethe Mayor's Veto.

Seconded by Svoboda & LOST due to lack of majority by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Seng ABSENT: Cook, Werner.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED AT THE COUNCIL MEETING OF JUNE 3, 2002. RESOLUTION NUMBER A-81520 HAS BEEN VETOED. - 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 JUNE 10, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

ORDINANCES - 1ST READING

CREATING WATER DISTRICT NO. 1188 FOR A 6" WATER MAIN IN MOCKINGBIRD LANE, 14TH STREET WEST APPROXIMATELY 2,300 FEET, AND NORTH APPROXIMATELY 590

FEET IN COLONEL DENSMORE PARK, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1188 for a 6" water main in Mockingbird Lane, 14th Street west Approx. 2,300 feet, and north approx. 590 feet in Colonel Densmore Park, and approving assessment of the cost thereof to the benefitted properties, the first time.

CREATING ALLEY PAVING DISTRICT NO. 362 IN THE NORTH/SOUTH ALLEY FROM 54TH STREET TO 56TH STREET, CLEVELAND TO ADAMS STREETS, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating an Alley Paving District No. 362 in the North/South alley from 54th Street to 56th Street, Cleveland to Adams Streets, and approving assessment of the cost thereof to the benefitted properties, the first time.

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 286 IN THE LINCOLN COUNTRY CLUB AREA FROM APPROXIMATELY S. 27TH STREET ON THE EAST TO S. 20TH STREET ON THE WEST, VAN DORN ON THE NORTH TO HIGH STREET ON THE SOUTH, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Ornamental Lighting District No. 286 in the Lincoln Country Club area from approx. S. 27th Street on the east to S. 20th Street on the West, Van Dorn on the north to High Street on the South, and approving assessment of the cost thereof to the benefitted properties, the first time.

VACATING A PORTION OF NORTH 67TH STREET BETWEEN THE NORTH LINE OF SEWARD AVENUE AND A POINT LOCATED 150.0 FEET NORTH THEREOF - CLERK read an ordinance, introduced by Ken Svoboda, vacating a portion of north 67th Street between the north line of Seward Avenue and a point located 150.0 feet north thereof, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA WORKFORCE DEVELOPMENT, DEPARTMENT OF LABOR, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, approving a sublease agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, for providing job training and employment services under the workforce investment act, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DYNAMIC EDUCATION SYSTEMS, INC. FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, approving a sublease agreement between the City of Lincoln and Dynamic Education Systems, Inc. for providing job training and employment services under the Workforce Investment Act, the first time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND INDIAN CENTER, INC. FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, approving a sublease agreement between the City of Lincoln and Indian Center, Inc. for providing job training and employment services under the Workforce Investment Act, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY, THE COUNTY, AND THE PUBLIC BUILDING COMMISSION FOR PARKING FACILITIES AND APPROVING THE ISSUANCE OF BONDS BY THE COMMISSION IN AN AMOUNT NOT TO EXCEED \$11,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE COMMISSION AND PAYING THE COSTS OF SUCH PARKING FACILITIES - CLERK read an ordinance, introduced by Ken Svoboda, approving a lease agreement between the City, the County, and the Public Building Commission for parking facility and approving the issuance of bonds by the Commission in an amount not to exceed \$11,000,000 for the purpose of refunding certain outstanding bonds of the Commission and paying the costs of such parking facilities, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE CAPITAL IMPROVEMENT PROGRAM FOR VARIOUS PARKS & RECREATIONS DEPT. PROJECTS - CLERK read an ordinance, introduced by Ken Svoboda, approving a transfer of

appropriations within the Capital Improvement Program for various Parks and Recreations Dept. Projects, the first time.

ORDINANCES - 3RD READING

VACATING A PORTION OF HAWTHORNE ADDITION ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by Annette McRoy, vacating a portion of Hawthorne Addition on property generally located at S. W. 27th Street and South Street, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
The ordinance, being numbered **18010**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3361 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3361 - Application of Hartland Homes, Inc. for a change of zone from AG Agricultural to R-3 Residential on property generally located at S. W. 27th Street and South Street, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
The ordinance, being numbered **18011**, is recorded in Ordinance Book 25, Page

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 23.10 of the Lincoln Municipal Code to adopt the 2002 edition of the National Electrical Code, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
The ordinance, being numbered **18012**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

FRIENDT Moved to extend the Pending List to June 24, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.

UPCOMING RESOLUTIONS -

FRIENDT Moved to approve the resolutions to have Public Hearing on June 24, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.

ADJOURNMENT

3:35 P.M.

FRIENDT Moved to adjourn the City Council meeting of June 17, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
So ordered.

Teresa J. Meier Brock, Deputy City Clerk

Glenna Graupmann, Office Assistant III