

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

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

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

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of June 24, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

REPEALING ORDINANCE 16807 WHICH CREATED ALLEY PAVING DISTRICT #351 IN THE NORTH/SOUTH ALLEY, 28TH TO 29TH ST., N ST. NORTH TO THE NORTH PROPERTY LINE OF LOT 7 AND LOT 10, BLOCK 6, EAST LINCOLN, FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 16808 WHICH CREATED ALLEY PAVING DISTRICT #352 IN THE EAST/WEST ALLEY BETWEEN HAVELOCK AVE. AND PLATTE AVE., 64TH ST. TO 65TH ST., FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 17060 WHICH CREATED ALLEY PAVING DISTRICT #353 IN THE EAST/WEST ALLEY BETWEEN HOLDREGE STREET AND STARR STREET, 34TH EAST APPROXIMATELY 250 FEET, FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 17183 WHICH CREATED ALLEY PAVING DISTRICT #354 IN THE EAST/WEST ALLEY BETWEEN HOLDREGE ST. AND STARR ST., 32ND TO 33RD STREETS, FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 17312 WHICH CREATED PAVING DISTRICT #2614 IN W. S STREET, N. CODDINGTON TO N.W. 20TH ST., WHICH WAS CONSTRUCTED UNDER EXECUTIVE ORDER 53178;

REPEALING ORDINANCE 17772 WHICH CREATED PAVING DISTRICT #2619 IN GLADSTONE ST., 35TH TO 36TH STS. AND 36TH ST. FROM GLADSTONE TO HARTLEY STREET, FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 17133 WHICH CREATED PAVING DISTRICT #2607 IN W. CHESAPEAKE CIR. FROM N.W. 57TH ST., WEST APPROXIMATELY 162 FEET, FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 17925 WHICH CREATED RE-PAVING DISTRICT #152 IN SAUNDERS AVE., SPRINGFIELD DR. TO 12TH ST., FOR LACK OF A MAJORITY PETITION;

REPEALING ORDINANCE 16753 WHICH CREATED ORNAMENTAL LIGHTING DISTRICT #281 IN GREEN PRAIRIE HEIGHTS, GREEN PRAIRIE 3RD ADDITION, FOR LACK OF A MAJORITY PETITION - Councilman Glenn Friendt asked Nicole Fleck-Tooze of Public Works to explain the difference between paving being done by a Executive Order or by creating a paving district. She stated that generally when done by executive order, the cost is solely the promoter's responsibility and when done by district, the cost is shared by those in the specific area. She noted that these nine items were being repealed as a clean up for anything that is outstanding for a year's time.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 78.153 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-101, 02-102, 02R-140, 02R-141, 02R-142, 02R-143);

CHANGE OF ZONE 3338 - APPLICATION OF THOMPSON CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-102, 02R-140, 02R-141, 02R-142, 02R-143);

CHANGE OF ZONE 3339 - APPLICATION OF THOMPSON CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-101, 02R-140, 02R-141, 02R-142);

SPECIAL PERMIT 1930 - APPLICATION OF THOMPSON CREEK L.L.C. TO DEVELOP THOMPSON CREEK COMMUNITY UNIT PLAN FOR 352 DWELLING UNITS WITH WAIVERS OF THE

REQUIRED LOT AREA FOR SINGLE FAMILY DWELLINGS, LOT WIDTH, ALLOWING MULTIPLE FAMILY DWELLINGS WITH A HEIGHT OF 40', AND WAIVERS OF FRONT, SIDE, AND REAR SETBACKS, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-101, 02-102, 02R-141, 02R-142, 02R-143);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF THOMPSON CREEK FOR 285 LOTS AND 8 OUTLOTS WITH WAIVERS OF THE REQUIRED DEPTH-TO-WIDTH RATIOS, INTERSECTION PLATFORMS, PERPENDICULAR SIDE LOT LINES, AND SANITARY SEWER DEPTH, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-101, 02-102, 02R-140, 02R-142, 02R-143);

USE PERMIT 141 - APPLICATION OF THOMPSON CREEK L.L.C. TO DEVELOP 69,000 SQ. FT. OF OFFICE SPACE AND 21 DWELLING UNITS, WITH WAIVERS OF SETBACK REQUIREMENTS, REDUCTION OF PARKING REQUIREMENT FOR THE LIVE/WORK UNITS, AND TO REDUCE THE REQUIRED OPEN SPACE FOR DWELLINGS, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-101, 02-102, 02R-140, 02R-141, 02R-143);

APPROVING THOMPSON CREEK CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND THOMPSON CREEK L.L.C. RELATING TO THE ANNEXATION OF APPROXIMATELY 78.153 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-101, 02-102, 02R-140, 02R-141, 02R-142) - Mark Hunzeker, 530 S. 13th St., Suite B, Attorney, representing Hampton Development Services, came forward and explained there were a couple of issues still outstanding in regards to this project and they are the sewer area and the block lengths. He requested that Council delete the lines on 2 and 3 of Item 19. The existing ordinances call for shortening one block. Mr. Hunzeker requested an amendment be adopted accordingly regarding the length of streets.

Councilman Werner questioned the block length and Mr. Hunzeker replied that it was 1320'. Mr. Werner also asked if there were any paths for walking between these streets. Mr. Hunzeker replied that there is no pedestrian areas, but a bike trail is planned for the area immediately south of the LES power line.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Ridge Development Company and Southview, Inc. He stated that his clients are the next major property owners to the South and they are having trouble with the block length and establishing a safe entry into their new development. He stated that if LES was willing to sell this small parcel of land, this would solve the problem regarding meeting the regulations of street length.

Mr. Hunzeker returned to the dias for rebuttal. He stated that this piece of property is subject to power line easement and is owned by Mr. Seacrest's client. He suggested that the bike path could serve as an adequate connection. He asked that his client be allowed to comply with the regulations that exist and not impose additional costs.

Council Chair Cook asked that Jason Reynolds of the Planning Staff come forward to answer questions posed by Council regarding. Mr. Reynolds stated that as a part of the CUP there were quite a few waivers that the applicant requested and the Planning Dept. has supported those. In return Planning has asked for the applicant to have a street connection between Graycliff and Kentwell. He explained that the Police Dept. saw potential problems with long straight streets and speeding.

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) (6/17/02 - PUBLIC HEARING & ACTION DELAYED FOR TWO WEEKS TO 7/1/02);

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) (6/17/02 - PUBLIC HEARING & ACTION DELAYED FOR TWO WEEKS TO 7/1/02) - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing six different property owners. He stated that this plat has been approved once and it didn't get it all perfectly put together.

Councilman Werner asked if the covenants were going to regulate this neighborhood. Mr. Seacrest explained that we are working with 5 acre acreages and making them work and by adding a church property and making this retrofit because this area has been developed once before.

Mark Hunzeker, 530 S. 13th, Suite B, Attorney for Sheridan Lutheran Church, came forward to explain the reason the road is no longer there, is that it is no longer needed and residential uses will take access to that road.

Council Chair Cook asked if the City has an understanding for a traffic signal there and Mr. Hunzeker replied, not as yet.

This matter was taken under advisement.

WAIVING THE DESIGN STANDARD CONDITIONS FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS FOR SILVER SPRINGS 4TH ADDITION FINAL PLAT, INCLUDING GRADING OF LIBERTY COURT, ROCK, GRAVEL, SEEDING, AND ONE STREET NAME SIGN, ON PROPERTY GENERALLY LOCATED AT DAWN DRIVE AND LIBERTY LANE - Brian Carstens, 601 Old Cheney Rd., Suite C, came forward representing Lonnie and Mary Jane Athey. He requested that Liberty Lane be vacated to Dawn Drive and that the applicant be granted an extension of time.

Marvin Schultz, 10445 Dave Ave., came forward to also request that this property development not go forward and that the Athey's be granted an extension of time.

Lonnie Athey, 10701 Dawn Ave., came forward and stated he owned all three lots that surround this proposed cul-de-sac. He stated he originally agreed, because it was worse than having a road go through. In the mean time it takes away the trees and flower garden and he planned to sell these lots in about 10 years when he retired.

Council Chair Cook requested Nicole Fleck-Tooze from Public Works to come forward to answer questions. She explained that if this was waived it would only grant the Athey's a 24 month extension of time.

Mike DeKalb of Planning Dept. came forward and answered questions asked by Councilwoman McRoy. He stated that Planning Staff does not recommend this extension because the Council would be setting a precedent to put something like this in place for others down the road.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Neil Kringel, 5100 W. Craw Street came forward to discuss a fence or guardrail be placed over a culvert at 5108 W. Craw Street. City Attorney, Dana Roper, advised Mr. Kringel that he would have to speak to this topic in very general terms due to the fact that the Kringel family has filed a \$1 million claim against the city for the injuries their child sustained upon falling into the culvert.

Sharon McRandon, 310 N. 30th Street, came forward about the fence or guardrail needing to be placed around the concrete culvert at 5100 W. Craw Street. She stated she was the grandmother of the child who was injured. She referenced another culvert on Kingly Road that has fencing. She commented that she was acting as an advocate for parents of children who do not know where to go to get help for issues such as these. Councilwoman McRoy suggested that the Neighborhood Assoc. in this area is very good and would be a useful source for them.

This matter was taken under advisement.

Craig Groat, 4935 Huntington Street, came forward to talk about the City's neglect to implement a Code of Ethics. He requested a committee be set up to work on formulating a new code. He stated that the City Attorney is appointed by the Council and the Mayor and he is not a servant of the City Council. He is required to follow the direction of the Council and is a servant of the people and burdened with duties.

Dana Roper, City Attorney responded that a Code of Ethics has been in place since 1966 and was passed again in the 1990's as a restructuring. He stated that the present Code of Ethics has a definition section, financial interest section, and a section concerning contracts. He stated he was quite comfortable with the content of the charter provision and we can defend our Code of Ethics as it exists in

the Lincoln Municipal Code.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION 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 approval for adoption:

A-81568 WHEREAS, West "O" PNP Inc., dba "Petro Sport" located at 2000 West O Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Marjorie I. Tyler be named manager;

WHEREAS, Marjorie I. Tyler 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 Marjorie I. Tyler 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, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND READING

REPEALING ORDINANCE 16807 WHICH CREATED ALLEY PAVING DISTRICT #351 IN THE NORTH/SOUTH ALLEY, 28TH TO 29TH ST., N ST. NORTH TO THE NORTH PROPERTY LINE OF LOT 7 AND LOT 10, BLOCK 6, EAST LINCOLN, FOR LACK OF A MAJORITY PETITION, CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 16807 which created alley Paving District #351 in the North/South Alley, 28th to 29th St., N St. North to the north property line of Lot 7 and Lot 10, Block 6, East Lincoln, for lack of a majority petition, the second time.

REPEALING ORDINANCE 16808 WHICH CREATED ALLEY PAVING DISTRICT #352 IN THE EAST/WEST ALLEY BETWEEN HAVELOCK AVE. AND PLATTE AVE., 64TH ST. TO 65TH ST., FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 16808 which created Alley Paving District #352 in the East/West alley between Havelock Ave. and Platte Ave., 64th St. to 65th St., for lack of a majority petition, the second time.

REPEALING ORDINANCE 17060 WHICH CREATED ALLEY PAVING DISTRICT #353 IN THE EAST/WEST ALLEY BETWEEN HOLDREGE STREET AND STARR STREET, 34TH EAST APPROXIMATELY 250 FEET, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 17060 which created Alley Paving District #353 in the East/West alley between Holdrege Street and Starr Street, 34th East approximately 250 feet, for lack of majority petition, the second time.

REPEALING ORDINANCE 17183 WHICH CREATED ALLEY PAVING DISTRICT #354 IN THE EAST/WEST ALLEY BETWEEN HOLDREGE ST. AND STARR ST., 32ND TO 33RD STREETS, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 17183 which created Alley Paving District #354 in the East/West alley between Holdrege St. and Starr St., 32nd to 33rd Streets, for a lack of a majority petition, the second time.

REPEALING ORDINANCE 17312 WHICH CREATED PAVING DISTRICT #2614 IN W. S STREET, N. CODDINGTON TO N.W. 20TH ST., WHICH WAS CONSTRUCTED UNDER EXECUTIVE ORDER 53178 - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 17312 which created Paving District #2614 in W. S Street, N. Coddington to N.W. 20th St., which was constructed under Executive Order 53178, the second time.

REPEALING ORDINANCE 17772 WHICH CREATED PAVING DISTRICT #2619 IN GLADSTONE ST., 35TH TO 36TH STS. AND 36TH ST. FROM GLADSTONE TO HARTLEY STREET, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 17772 which created Paving District #2619 in Gladstone St., 35th to 36th Sts. and 36th St. from Gladstone to Hartley Street, for lack of a majority petition, the second time.

REPEALING ORDINANCE 17133 WHICH CREATED PAVING DISTRICT #2607 IN W. CHESAPEAKE CIR. FROM N.W. 57TH ST., WEST APPROXIMATELY 162 FEET, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 17133 which created Paving District #2607 in W. Chesapeake Cir. from N.W. 57th St., West approximately 162 feet, for lack of a majority petition, the second time.

REPEALING ORDINANCE 17925 WHICH CREATED RE-PAVING DISTRICT #152 IN SAUNDERS AVE., SPRINGFIELD DR. TO 12TH ST., FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 17925, which created Re-Paving District #152 in Saunders Ave., Springfield Dr. to 12th St., for lack of a majority petition, the second time.

REPEALING ORDINANCE 16753 WHICH CREATED ORNAMENTAL LIGHTING DISTRICT #281 IN GREEN PRAIRIE HEIGHTS, GREEN PRAIRIE 3RD ADDITION, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance 16753 which created Ornamental Lighting District #281 in Green Prairie Heights, Green Prairie 3rd Addition, for lack of a majority petition, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 78.153 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND UNION HILL ROAD - CLERK read an ordinance, introduced by Glenn Friendt, Amending the Corporate limits of the City by annexing approximately 78.153 acres of property generally located at S. 56th Street and Union Hill Road, the second time.

CHANGE OF ZONE 3338 - APPLICATION OF THOMPSON CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD - CLERK read an ordinance, introduced by Glenn Friendt, for a Change of Zone 3338 - Application of Thompson Creek L.L.C. for a change of Zone from AG Agricultural to R-3 residential on property generally located East of S. 56th Street and Union Hill Road, the second time.

CHANGE OF ZONE 3339 - APPLICATION OF THOMPSON CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD - CLERK read an ordinance, introduced by Glenn Friendt, fir a Change of Zone 3339 - Application of Thompson Creek L.L.C. for a change of zone from AG Agricultural to O-3 Office Park on property generally located east of S. 56th Street and Union Hill Road, the second time.

RESOLUTIONS

APPLICATION OF ST. JOHN'S CATHOLIC CHURCH AT 7601 VINE STREET TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM JULY 3, 2002 THROUGH SEPTEMBER 15, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81569 WHEREAS, St. John's Church has made application for a permit to conduct a lottery 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. John's Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Rev. Lyle M. Johnson. 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 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 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 to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Annette McRoy

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

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 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81570 WHEREAS, Robert Beck, Kit Dimon, Diane Oldfather, Zane and Ethel Fairchild, Alan and Jacqueline Embury, Vincent and Janice Goracke, and Herbert and Barbara Griess, have submitted an application designated as Special Permit No. 1952 for authority to develop Hawkswood Estates 1st Addition Community Unit Plan for 28 dwelling units and a church on property located at South 70th Street and Old Cheney Road, and legally described to wit:

The remaining portion of Lot 70 I.T., the remaining portion of Lot 55 I.T., the remaining portion of Lot 71 I.T., Lot 54 I.T., Lot 52 I.T., Lot 57 I.T., and the remaining portion of Lot 139 I.T., all located in the Northeast Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows: Commencing at a northeast corner of the remaining portion of Lot 70 I.T., said point being 65.18 feet south of the north line of said Northeast Quarter and 88.93 feet west of the east line of said Northeast Quarter, said point being the true point of beginning; thence on an assumed bearing of south 44 degrees 52 minutes 14 seconds east along a northeast line of said remaining portion of Lot 70 I.T., a distance of 50.04 feet to a northeast corner of said remaining portion of Lot 70 I.T.; thence south 00 degrees 24 minutes 44 seconds west along the east line of said remaining portion of Lot 70 I.T., a distance of 354.54 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 00 degrees 34 minutes 24 seconds east along the east line of said remaining portion of Lot 70 I.T., a distance of 195.89 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 00 degrees 24 minutes 44 seconds west along the east line of said remaining portion of Lot 70 I.T., said line being 50.00 feet west of and parallel with the east line of said Northeast Quarter, a distance of 304.46 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 45 degrees 24 minutes 42 seconds west along a southeast line of said remaining portion of Lot 70 I.T., a distance of 9.28 feet to an east corner of said remaining portion of Lot 70 I.T.; thence north 89 degrees 35 minutes 16 seconds west along a south line of the remaining portion of Lot 70 I.T., a distance of 43.44 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 00 degrees 24 minutes 44 seconds west along an east line of said remaining

portion of Lot 70 I.T., a distance of 72.00 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 89 degrees 35 minutes 16 seconds east along a north line of said remaining portion of Lot 70 I.T., a distance of 43.44 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 44 degrees 35 minutes 05 seconds east along a northeast line of said remaining portion of Lot 70 I.T., a distance of 9.28 feet to an east corner of said remaining portion of Lot 70 I.T.; thence south 00 degrees 24 minutes 44 seconds west along the east line of said remaining portion of Lot 70 I.T., the east line of the remaining portion of Lot 55 I.T., and the east line of the remaining portion of Lot 71 I.T., said line being 50.00 feet west of and parallel with the east line of said Northeast Quarter, a distance of 485.13 feet to the southeast corner of said remaining portion of Lot 55 I.T., thence north 89 degrees 50 minutes 46 seconds west along the south line of said remaining portion of Lot 55 I.T., and the south line of the remaining portion of Lot 71 I.T., a distance of 1,011.90 feet to the southwest corner of said remaining portion of Lot 71 I.T., thence north 00 degrees 11 minutes 25 seconds east along the west line of said remaining portion of Lot 71 I.T., a distance of 250.75 feet to a west corner of said remaining portion of Lot 71 I.T., thence north 89 degrees 51 minutes 49 seconds west along a south line of said remaining portion of Lot 71 I.T., and the south line of Lots 54 I.T., and 52 I.T., a distance of 249.88 feet to the southwest corner of said Lot 52 I.T., thence north 00 degrees 14 minutes 27 seconds east along the west line of said Lot 52 I.T., a distance of 467.58 feet to the southeast corner of the remaining portion of Lot 139 I.T., thence south 89 degrees 50 minutes 24 seconds west along the south line of said remaining portion of Lot 139 I.T., a distance of 400.13 feet to a southwest corner of said remaining portion of Lot 139 I.T., thence north 00 degrees 13 minutes 24 seconds east along the west line of said remaining portion of Lot 139 I.T., a distance of 754.58 feet to the northwest corner of said remaining portion of Lot 139 I.T., thence north 89 degrees 48 minutes 25 seconds east along the north line of said remaining portion of Lot 139 I.T., said line being 45.00 feet south of and parallel with the north line of said Northeast Quarter, a distance of 399.69 feet to the northeast corner of said remaining portion of Lot 139 I.T., thence north 00 degrees 11 minutes 24 seconds east along the west line of Lot 57 I.T., a distance of 45.00 feet to the northwest corner of said Lot 57 I.T., thence north 89 degrees 48 minutes 25 seconds east along the north line of said Lot 57 I.T., and the north line of Lot 54 I.T., said line being the north line of said Northeast Quarter, a distance of 515.26 feet to the northeast corner of said Lot 54 I.T., thence south 00 degrees 24 minutes 44 seconds west along the east line of said Lot 54 I.T., a distance of 49.89 feet to the northwest corner of the remaining portion of Lot 70 I.T., thence south 89 degrees 16 minutes 13 seconds east along the north line of said remaining portion of Lot 70 I.T., a distance of 216.01 feet to a north corner of said remaining portion of Lot 70 I.T., thence north 89 degrees 48 minutes 25 seconds east along the north line of said remaining portion of Lot 70 I.T., a distance of 179.32 feet to a north corner of said remaining portion of Lot 70 I.T., thence south 84 degrees 27 minutes 14 seconds east along a north line of said remaining portion of Lot 70 I.T., a distance of 118.11 feet to a north corner of said remaining portion of Lot 70 I.T., thence north 89 degrees 48 minutes 25 seconds east along a north line of said remaining portion of Lot 70 I.T., a distance of 200.13

feet to the point of beginning, said tract contains a calculated area of 2,114,307.75 square feet or 48.54 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 Robert Beck, Kit Dimon, Diane Oldfather, Zane and Ethel Fairchild, Alan and Jacqueline Embury, Vincent and Janice Goracke, and Herbert and Barbara Griess, hereinafter referred to as "Permittee", to construct Hawkswood Estates 1st Addition Community Unit Plan consisting of 28 dwelling units and a church, 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 28 dwelling units and a church.
2. The requirement of Section 26.23.080 of the Lincoln Municipal Code requiring permanent dead end streets to have a 60-foot minimum radius turnaround is waived for Stevens Ridge Road.
3. Before receiving building permits:
 - a. The Permittee must submit a revised, acceptable, and reproducible final plan including five copies.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the City.
4. Before occupying the dwelling units and the church, all development and construction must be completed in conformance with the approved plans.
5. All privately owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF 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 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81571 WHEREAS, Robert Beck, Kit Dimon, Diane Oldfather, Zane and Ethel Fairchild, Alan and Jacqueline Embury, Vincent and Janice Goracke, and Herbert and Barbara Griess, have submitted the preliminary plat of HAWKSWOOD ESTATES 1ST ADDITION 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 HAWKSWOOD ESTATES 1ST ADDITION, located at South 70th Street and Old Cheney Road as submitted by Robert Beck, Kit Dimon, Diane Oldfather, Zane and Ethel Fairchild, Alan and Jacqueline Embury, Vincent and Janice Goracke, and Herbert and Barbara Griess, 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 the Design Standards for street lights providing that street lights shall have a maximum interval spacing of 240' is waived to allow an interval spacing of 480 - 500'.
2. The requirement of the Design Standards for water mains and sanitary sewers providing that all water mains and sanitary sewers be located 17 feet from center line of the street is waived to allow said water mains and sanitary sewers to be located 15.5 feet from the center line.
3. The requirement of the Design Standards for storm water drainage requiring that storm water be discharged through storm sewers is waived to allow roadside ditches to carry the storm water provided that the abutting property owners agree to accept responsibility for maintenance of the roadway side ditches and culverts.
4. The requirement of the Design Standards for sanitary sewers prohibiting the transfer of sanitary sewage from one drainage basin into another basin is waived to allow such transfer, provided the depth of the sewer does not exceed 15'.
5. The requirement of the Design Standards for streets requiring a cul-de-sac paving diameter of 64 feet and right-of-way diameter of 100 feet is waived.
6. The requirement of the Design Standards for streets regarding tangent lengths is waived to allow shorter tangent lengths between curve 5 and curve 6 and between curve 7 and curve 8.
7. The requirement of Section 26.27.010 of the Land Subdivision Ordinance providing that all streets within a subdivision shall be paved with curbs and gutters is waived to allow the streets to be paved with a rural roadway cross section.
8. The requirement of Section 26.27.020 of the Land Subdivision Ordinance providing that sidewalks be installed on both sides of all streets within the subdivision is waived to allow sidewalks to be installed only on one side of the interior streets within the subdivision.
9. The requirement of Section 26.23.125 of the Lincoln Municipal Code that a pedestrian way shall be provided when a block exceeds 1,000 feet is waived for those locations as shown on the preliminary plat which exceed this maximum.
10. 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 those blocks as shown on the preliminary plat which exceed this maximum.
11. The requirement of § 26.23.140(a) of the Lincoln Municipal Code that residential lots have a maximum depth of not more than three times its width is waived for Lots 17, 20, 21, 22 and 23.
12. The requirement of § 26.23.080 of the Lincoln Municipal Code that permanent dead end streets have a 60 feet minimum radius turnaround is waived for Stevens Ridge Road.

Introduced by Annette McRoy

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

WAIVING THE DESIGN STANDARD CONDITIONS FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS FOR SILVER SPRINGS 4TH ADDITION FINAL PLAT, INCLUDING GRADING OF LIBERTY COURT, ROCK, GRAVEL, SEEDING, AND ONE STREET NAME SIGN, ON PROPERTY GENERALLY LOCATED AT DAWN DRIVE AND LIBERTY LANE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81572 WHEREAS, Lonnie Athey ("Owner") previously submitted the Final Plat of Silver Springs 4th Addition to the Planning Commission for approval and said plat was conditionally approved on September 6, 2000; and

WHEREAS, the conditions of the approval of Silver Springs 4th Addition required the street improvements for Liberty Court, including the grading, rock and gravel, seeding, and a street name sign be installed within two years following Planning Commission approval; and

WHEREAS, the Owner has requested a modification of the Land Subdivision Ordinance to allow for an extension of time to install said improvements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of all the subdivision requirements would result in actual difficulties or substantial hardship or injustice.

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

That the following modifications to the subdivision requirements be and the same are hereby approved:

The requirement that street improvements for Liberty Court including the grading, rock and gravel, seeding, and street name sign, within Silver Springs 4th Addition be installed within two years following Planning Commission Approval of said plat is hereby extended for two years provided, however, that the Owner shall provide a bond or an approved escrow or security agreement in an amount to be determined by the County Engineer to guarantee said improvements if said costs are in excess of the security previously provided.

All other conditions of approval of the Final Plat of Silver Springs 4th Addition shall remain in full force and effect.

Introduced by Annette McRoy

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JUNE 1 - 15, 2002 - PRIOR to reading:

WERNER Moved to deny the claim of Aaron Peeks on Bill No. 02R-139.
Seconded by Camp. (No vote taken)
Discussion followed.

CAMP Moved to delay the claim of Aaron Peeks for one week to 7/8/02.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81573 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 17, 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>
Carol Wallace	\$1,990.00	David E. Hawkins	\$21,000.00
Aaron Peeks	97.75		
Pamela S. Bergmann	615.70		

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 Annette McRoy

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

SPECIAL PERMIT 1930 - APPLICATION OF THOMPSON CREEK L.L.C. TO DEVELOP THOMPSON CREEK COMMUNITY UNIT PLAN FOR 352 DWELLING UNITS WITH WAIVERS OF THE REQUIRED LOT AREA FOR SINGLE FAMILY DWELLINGS, LOT WIDTH, ALLOWING MULTIPLE FAMILY DWELLINGS WITH A HEIGHT OF 40', AND WAIVERS OF FRONT, SIDE, AND REAR SETBACKS, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD - PRIOR TO READING:

CAMP Moved to delay action on Bill No. 02R-140 for one week to 7/8/02.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF THOMPSON CREEK FOR 285 LOTS AND 8 OUTLOTS WITH WAIVERS OF THE REQUIRED DEPTH-TO-WIDTH RATIOS, INTERSECTION

PLATFORMS, PERPENDICULAR SIDE LOT LINES, AND SANITARY SEWER DEPTH, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD - PRIOR to reading:

CAMP Moved to delay action on Bill No. 02R-140 for one week to 7/8/02.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT 141 - APPLICATION OF THOMPSON CREEK L.L.C. TO DEVELOP 69,000 SQ. FT. OF OFFICE SPACE AND 21 DWELLING UNITS, WITH WAIVERS OF SETBACK REQUIREMENTS, REDUCTION OF PARKING REQUIREMENT FOR THE LIVE/WORK UNITS, AND TO REDUCE THE REQUIRED OPEN SPACE FOR DWELLINGS, ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD - PRIOR to reading:

CAMP Moved to delay action on Bill No. 02R-140 for one week to 7/8/02.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING THOMPSON CREEK CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND THOMPSON CREEK L.L.C. RELATING TO THE ANNEXATION OF APPROXIMATELY 78.153 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND UNION HILL ROAD - PRIOR to reading:

CAMP Moved to continue public hearing and action on Bill No. 02R-143 for one week to 7/8/02.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MON., JULY 15, 2002 AT 1:30 P.M. FOR THE APPLICATION OF BODEGA'S ALLEY, INC., DBA BODEGA'S ALLEY TO ADD 4' ADDITION TO THE WEST OF THE OUTDOOR AREA, LOCATED AT 1418 "O" STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81574 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. July 15, 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 Bodega's Alley, Inc. dba Bodega's Alley for an addition to the premise of an additional 4' to the west of the outdoor area located at 1418 "O" Street.

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

Introduced by Annette McRoy

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

RESETTING THE HEARING DATE OF MONDAY, JULY 8, 2002 at 1:30 P.M. ON THE APPLICATION OF MISSION 3, L.L.C. DBA U-STOP FOR A CLASS D LIQUOR LICENSE, LOCATED AT 110 WEST "O" STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81576 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. July 8, 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, L.L.C. 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 Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, JULY 15, 2002 AT 1:30 P.M. ON THE APPLICATION OF PINELAKE II, L.L.C. DBA THE C STATION FOR A CLASS D LIQUOR LICENSE LOCATED AT 1401 PINE LAKE ROAD - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81577 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 15, 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 Pinelake II, L.L.C. dba The C Station for a Class D liquor license located at 1401 Pine Lake Road.

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

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

INFORMAL PETITION FOR CREATION OF A PAVING DISTRICT FOR A PORTION OF EXISTING ROAD BETWEEN 6310 NORTH 56TH STREET TO 6520 NORTH 56TH STREET, SUBMITTED BY MARVIN SCHMIDT - CLERK presented said petition, which was referred to the Public Works Dept.

FOUR FORMAL PAVING PETITIONS FOR RE-PAVING DISTRICT NO. 155 ON WEST CHARLESTON AND 1ST STREET WEST, SIGNED BY LORRIE KENNEL, MONTE FROEHLICH, TOM CALTAGIRONE, AND ROBERT WHITE - CLERK presented said petitions, which were referred to the Law Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR JUNE 17 THROUGH JUNE 21, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:
A-81575 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 17 - June 21, 2002)

Introduced by Annette McRoy

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

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDING MAY 31, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81578 BE IT RESOLVED by the City Council, of the City of Lincoln, Nebraska:

That during the month ended May 31, 2002, \$120,789.60 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all funds balances.

Introduced by Annette McRoy

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR THE MONTH OF MAY, 2002: ATS MOBILE TELEPHONE CO., INC., WORLDXCHANGE CORP., NEXTEL WEST CORP., I-LINK COMMUNICATIONS, INC., BIG PLANET, INC., ZONE TELECOM, INC., LONG DISTANCE OF MICHIGAN, INC., ASSOCIATION ADMINISTRATORS, INC., XO LONG DISTANCE SERVICES, INC., SINGLE BILLING SERVICE, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED AT THE COUNCIL MEETING OF JUNE 24, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

QUARTERLY FINANCIAL REPORT OF LES FOR THE PERIOD OF JANUARY 1 THROUGH MARCH 31, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

2001 ANNUAL REPORT OF THE LINCOLN POLICE DEPT. - CLERK presented said report which was placed on file in the Office of the City Clerk. (6-33)

ORDINANCES - 1ST READING

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY CREATING THE CLASSIFICATION OF ATHLETIC FIELDS TECHNICIAN IN CLASS CODE 5523 - CLERK read an ordinance, introduced by Annette McRoy, amending the pay schedules for certain employee groups by creating the classification of athletic fields technician in Class Code 5523, the first time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY CREATING THE CLASSIFICATION OF ASSISTANT CITY ENGINEER IN CLASS CODE 2021; AND BY CREATING THE CLASSIFICATION OF ASSISTANT FIRE CHIEF IN CLASS CODE 3002 - CLERK read an ordinance, introduced by Annette McRoy, amending the pay

schedules for certain employee groups by creating the classification of Assistant City Engineer in Class Code 2021; and by creating the classification of Assistant Fire Chief in Class Code 3002, the first time.

ORDINANCES - 3RD 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 approximately 2,300 feet, and north approximately 590 feet in the Colonel Densmore Park, and approving assessment of the cost thereof to the benefitted properties, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, having **LOST**, was assigned File #38-4405, & was placed on file in the Office of the City Clerk.

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 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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18016, is recorded in Ordinance Book 25, Page

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 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, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18017, is recorded in Ordinance Book 25, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18018, is recorded in Ordinance Book 25, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered #18019, is recorded in Ordinance Book 25, Page

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

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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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18020**, is recorded in Ordinance Book 25, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18021**, is recorded in Ordinance Book 25, Page

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 & Recreations Dept. projects, the third time.

SVOBODA Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18022**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR BY AMENDING SECTION 5.04.062 TO PROVIDE THAT MISREPRESENTATIONS AND/OR OMISSIONS ON APPLICATIONS FOR SPECIAL DESIGNATED LICENSES SHALL CONSTITUTE GROUNDS FOR DENIAL OR CANCELLATION OF SUCH LICENSE; AMENDING SECTION 5.04.064 TO PROVIDE ADDITIONAL REQUIREMENTS AND LIMITATIONS FOR SPECIAL DESIGNATED LICENSES REQUESTING HOURS OF OPERATION FOR ONE OR MORE LICENSES ANY TIME BETWEEN 12:01 A.M. THE DAY OF ANY UNIVERSITY OF NEBRASKA HOME FOOTBALL GAME THROUGH 6:30 A.M. THE FOLLOWING DAY AND TO PROVIDE AN

EXCEPTION TO THE REQUIREMENTS FOR STATE GOVERNMENT APPLICATION AND PROVIDING AN EFFECTIVE DATE OF 6/1/03 - CLERK requested to have this bill removed from pending for public hearing on 7/15/02.

CAMP So moved.

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

CAMP Moved to extend the Pending List to July 8, 2002.

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

UPCOMING RESOLUTIONS - None

ADJOURNMENT

3:35 P.M.

CAMP Moved to adjourn the City Council meeting of July 1, 2002.

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

So ordered.

Joan Ross, City Clerk

Glenna Graupmann, Office Assistant III

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