

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 15, 2002 AT 1:30 P.M.**

The Meeting was called to order at 1:37 p.m. Present: Council Chairperson Cook; Council Members: Camp, McRoy, Seng, Svoboda, Werner. Joan Ross, City Clerk; Friendt Absent.

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 July 8, 2002, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Wesely presented the Mayor's Award of Excellence for the Month of June to Larry Jochum, Senior Engineer of the Public Works Dept. in the category of Safety, Productivity & Loss Prevention.

PUBLIC HEARING

APPLICATION OF BODEGA'S ALLEY, INC. DBA "BODEGA'S ALLEY" FOR AN ADDITION OF AN AREA APPROXIMATELY 4' BY 35' TO THE WEST OF THE OUTDOOR AREA AT 1418 O STREET FOR A TOTAL LICENSED PREMISE DESCRIBED AS MAIN FLOOR AND BASEMENT APPROXIMATELY 122' BY 22' PLUS AN ENCLOSED OUTDOOR AREA APPROXIMATELY 35' BY 19' - Shawn Darnell, 2515 Clayton Circle, took oath & came forward to answer any questions.

Annette McRoy, Council Member, asked what will this increase add to their building?

Mr. Darnell answered that it would increase the size by 20%.

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 AUGUST 12, 2002, FROM 8:00 A.M. TO 4:30 P.M. ;

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 AUGUST 28, 2002, FROM 7:30 A.M. TO 4:00 P.M. - Dennis Vontz, 7514 Brummond Dr., stated that the Special Designated License for August 12, 2002 is for a memorial fund raiser sponsored by the Police Department. The Special Designated License for August 28, 2002 is a fund raiser for Muscular Dystrophy sponsored by the Fire Department.

This matter was taken under advisement.

CREATING THE NORTH 27TH STREET BUSINESS IMPROVEMENT DISTRICT GENERALLY EXTENDING FROM 26TH STREET ON THE WEST TO 28TH STREET ON THE EAST AND FROM O STREET ON THE SOUTH TO FAIR STREET ON THE NORTH - Wynn Hjermsstad, Urban Development Dept., stated that the people that live & work in the North 27th Street area are in favor of these improvements. She presented a letter of support from some of the people.

Anthony Benelli, 2700 O Street, President of the North 27th Street Business Assn. came forward in favor of.

Jan Gauger, 850 N 27th Street, came forward in favor of.

Tim Francis, 2511 T Street, came forward in favor of having a better looking business district.

John Yohe, 7430 Briarhurst Cr., came forward against having his residential rental property assessed for the improvements in the Business District. A letter was submitted.

Ms. Hjermsstad replied that it was determined that if it's rental property it is considered a business so, therefore, it would be taxed. If it was owner occupied it would not be taxed.

Annette McRoy, Council Member, presented a letter of opposition from Scott Friendt who owns duplexes in this area.

Coleen Seng, Council Member, presented a letter of opposition from Lowell Cravantia.

Huong V. Nguyen, 5333 NW 4th Street, who owns a business at 2630 Orchard St. came forward in favor of the Business Improvement District, but wants the current landscaping taken care of better.

Ken Svoboda, Council Member, stated that his firm is the one who has the landscaping project on North 27th Street. He said that some of the plants had to be replanted due to various circumstances. The plants that were removed this spring were not replanted due to the drought, but will be replaced next spring.

Tam Nguyen, 2333 Chanticleer, owns business VINA Plaza at 611 N. 27th Street, is against the assessment for now because it costs too much, but would be okay in the future.

Mike Nguyen, owns business at 1221 N. 27th St., is for the Business Improvement District, but objects to paying for it if the landscaping isn't going to be maintained better. He stated there was a problem with trash & maintenance of the alleys on Dudley Street.

Ms. McRoy asked if there was anything that could be done with this part of the BID.

Ms. Hjerstad stated that they are looking at the general condition of the alleys. It is in the Redevelopment Plan to make alley improvements. They are talking about improving the general condition of the alleys such as putting in rock & doing general cleanup of overgrown vegetation & trash.

Ms. McRoy suggested that it be noted if people along this alley have proper containers for their trash.

Jonathan Cook asked if there were any plans to put sprinklers in the medians.

Ms. Hjerstad stated it was decided it would be too expensive, but drought resistant plants are being planted to conserve on the need for watering.

This matter was taken under advisement.

CHANGE OF ZONE 73HP - APPLICATION OF DELTA ETA CHAPTER OF SIGMA NU FRATERNITY FOR A LANDMARK DESIGNATION FOR THE SIGMA NU HOUSE AT 625 NORTH 16TH STREET - Ed Zimmer, Historic Preservation of the Planning Dept., stated this general area was declared a National Registered District several years ago. They are working in conjunction with the University Foundation for fund raising for preservation projects that are available to them as a designated landmark. This is one of the few Spanish Colonial revival houses in the City of Lincoln.

This matter was taken under advisement.

AMENDING SECTION 17.18.030 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO APPROVE THE USE OF ALTERNATE MATERIALS FOR SUPPLY AND SERVICE PIPES CONVEYING CITY WATER - Nicole Fleck-Tooze, Public Works Dept., stated this ordinance revision relates to some broader revisions that are currently underway to Title 17 as a whole. There is a committee representing plumbers, contractors & engineers who are looking at making changes overall to that Title. This ordinance is just to amend one aspect of Title 17 to use alternate materials if need be.

This matter was taken under advisement.

APPROVING A WAIVER OF THE LAND SUBDIVISION ORDINANCE FOR STREET TREES, SIDEWALKS, STREET PAVING WITH CURB AND GUTTER, WATER DISTRIBUTION, AND STREET LIGHTS AT 4811 MANDARIN CIRCLE - Keith Dubas, 1712 E Street #1, came forward representing Richard Speidell, owner of property at 4811 Mandarin Circle. He stated the Planning Commission stated conditional approval based on the statement saying that the owner would not object to having any special assessment district developed for that property. The owner will comply with that request.

Mr. Cook asked if the owner cares if that provision is deleted.

Mr. Dubas stated that no he doesn't think the owner would care if it was deleted.

Gary Danek, 4800 Mandarin Circle, came forward representing Pioneer Heights, MarMaRaLo Heights Home Association in approval of the request for the waiver of designs. Discussion followed.

Jason Reynolds, Planning Dept., pointed out that the Council a year ago granted a waiver of paving, curb & gutter, water, sewer & street trees based on the exact same conditions of approval for the property to the north, Lot 5, Block 2, Pioneer Heights Addition & ½ of vacated Capital Parkway. This affects only prospective buyers of these properties who would enter into an agreement to purchase the property well aware that they are giving up their right to protest if special assessment districts are levied in the future. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Dean Clawson, 2573 Van Dorn Street, came forward to address the loss of a Parks & Recreation Dept. employee who maintains the Veterans Memorial Garden. He was asked to come forward on this issue at the August 12, 2002 City Council meeting which will be addressing budget items of which this issue is part of the City budget.

This matter was taken under advisement.

Craig Groat, 4935 Huntington Street, came forward to read from McQuillan's Municipal Corporation which is considered the most respected leading government law referring to code of ethics.

He also addressed the issue of controlling noxious weeds within the City of Lincoln.

This matter was taken under advisement.

Terry Werner, Council Member, made a motion to add language on the agenda for the open mike period to limit speakers to 5 minutes regardless of the topic & regardless if they are signed up or not.

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

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF BODEGA'S ALLEY, INC. DBA "BODEGA'S ALLEY" FOR AN ADDITION OF AN AREA APPROXIMATELY 4' BY 35' TO THE WEST OF THE OUTDOOR AREA AT 1418 O STREET FOR A TOTAL LICENSED PREMISE DESCRIBED AS MAIN FLOOR AND BASEMENT APPROXIMATELY 122' BY 22' PLUS AN ENCLOSED OUTDOOR AREA APPROXIMATELY 35' BY 19'- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81595 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 Bodega's Alley, Inc. dba "Bodega's Alley" to expand its licensed premises by the addition of an area measuring 4 feet by 35 feet to the west of the presently licensed premises located at 1418 O 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 Jon Camp

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

APPLICATION OF PINE LAKE II, L.L.C. DBA "THE C STATION #102" FOR A CLASS "D" LIQUOR LICENSE AT 1401 PINE LAKE ROAD - PRIOR TO READING:

CAMP Moved to delay public hearing & action for one week to 7/22/02.

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

MANAGER APPLICATION OF DONN R. MANN FOR PINE LAKE II, L.L.C. DBA "THE C STATION #102" AT 1401 PINE LAKE ROAD - PRIOR TO READING:

CAMP Moved to delay public hearing & action for one week to 7/22/02.

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

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 AUGUST 12, 2002, FROM 8:00 A.M. TO 4:30 P.M. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81596 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 Denis M. Vontz d/b/a "Pioneers Golf Course" for a Special Designated License to cover the entire golf course including driving range and both parking lots at 3403 W. Van Dorn Street, Lincoln, Nebraska, on the 12th day of August, 2002, between the hours of 8:00 a.m. and 4:30 p.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. 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 Annette McRoy

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

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 AUGUST 28, 2002, FROM 7:30 A.M. TO 4:00 P.M. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81597 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 Denis M. Vontz d/b/a "Pioneers Golf Course" for a Special Designated License to cover the entire golf course including driving range and both parking lots at 3403 W. Van Dorn Street, Lincoln, Nebraska, on the 28th day of August, 2002, between the hours of 7:30 a.m. and 4:00 p.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. 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 Annette McRoy

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

ORDINANCES - 2ND READING

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. (6/3/02 - PLACED ON PENDING INDEFINITELY) (REMOVE FROM PENDING FOR P.H. ON 7/15/02) - CLERK read an ordinance, introduced by Jon Camp, 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 applications; providing an effective date of June 1, 2003; and repealing Sections 5.04.064 of the Lincoln Municipal Code as hitherto existing the second time.

CREATING THE NORTH 27TH STREET BUSINESS IMPROVEMENT DISTRICT GENERALLY EXTENDING FROM 26TH STREET ON THE WEST TO 28TH STREET ON THE EAST AND FROM O STREET ON THE SOUTH TO FAIR STREET ON THE NORTH - CLERK read an ordinance, introduced by Coleen Seng, creating the north 27th Street Business Improvement District generally extending from 26th Street on the west to 28th Street on the east and from O Street on the south to Fair Street on the north, the second time.

CHANGE OF ZONE 73HP - APPLICATION OF DELTA ETA CHAPTER OF SIGMA NU FRATERNITY FOR A LANDMARK DESIGNATION FOR THE SIGMA NU HOUSE AT 625 NORTH 16TH STREET - CLERK read an ordinance, introduced by Coleen Seng, for a Change of Zone 73 HP - Application of Delta ETA Chapter of Sigma Nu Fraternity for a landmark designation for the Sigma Nu House at 625 North 16th Street, the second time.

AMENDING SECTION 17.18.030 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE DIRECTOR OF PUBLIC WORKS AND UTILITIES TO APPROVE THE USE OF ALTERNATE MATERIALS FOR SUPPLY AND SERVICE PIPES CONVEYING CITY WATER - CLERK read an ordinance, introduced by Coleen Seng, amending Section 17.18.030 of the Lincoln Municipal Code to allow the Director of Public Works and Utilities to approve the use of alternate materials for supply and service pipes conveying city water, the second time.

RESOLUTIONS

APPROVING A WAIVER OF THE LAND SUBDIVISION ORDINANCE FOR STREET TREES, SIDEWALKS, STREET PAVING WITH CURB AND GUTTER, WATER DISTRIBUTION, AND STREET LIGHTS AT 4811 MANDARIN CIRCLE - PRIOR TO READING:

CAMP Moved to amend Bill No. 02R-144 on page 2, line 7 through 9 delete the following language: "and provided that owners agree not to object to the creation of such special assessment district".

Seconded by Svoboda & **LOST** due to a tie vote as follows: AYES: Camp, Cook, Svoboda; NAYS: McRoy, Seng, Werner; ABSENT: Friendt.

CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81598 WHEREAS, Richard and Tina Speidell (Owners) have submitted the Administrative Final Plat of Mandarin Court Addition to the Planning Director for approval; and

WHEREAS, the Owners have requested a modification of the Land Subdivision Ordinance to waive street pavement with curb and gutter, the installation of the sidewalks, ornamental lighting, street trees, and the community water distribution system requirements 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:

a. The requirement of § 26.27.020 of the Land Subdivision Ordinance that sidewalks be installed along both sides of all streets is hereby waived; provided, however, nothing herein shall be construed to preclude the City Council from ordering the construction of sidewalks in said location at any time in the future upon proper notice to the owners, their successors or assigns. The owners further agree not to object to the installation of sidewalks if and when ordered constructed by the City Council.

b. The requirement of § 26.27.030 of the Land Subdivision Ordinance requiring the community water distribution system to be extended to each lot is hereby waived to allow private water wells until such time that water mains are built in the Mandarin Court Community Unit Plan or a special assessment district is created to extend the community water distribution system to each lot which ever occurs first

and provided that owners agree not to object to the creation of such special assessment district.

c. The requirement of § 26.27.090 of the Land Subdivision Ordinance requiring trees be planted along both sides of all streets is hereby waived.

d. The requirement of § 26.27.010 of the Land Subdivision Ordinance that all streets abutting and within the subdivision be paved with curbs and gutters is hereby waived provided that owners agree not to object to the creation of a special assessment district for the construction of said street paving.

e. The requirement of § 26.27.070 of the Land Subdivision Ordinance that street lighting be installed is hereby waived provided the owners agree not to object to the creation of a special assessment district for the installation of said improvements.

BE IT FURTHER RESOLVED that the Administrative Final Plat of Mandarin Court Addition shall not be filed for record or recorded in the office of the Register of Deeds of Lancaster County and no lot shall be sold from this Administrative Final Plat unless or until said Owner shall enter into a written agreement with the City which shall provide for the above agreement by Owner with respect to the conditional waiver of the improvements herein granted.

All other conditions for approval of the Administrative Final Plat shall remain in full force and effect.

Introduced by Ken Svoboda

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

APPROVING A WAIVER OF THE LAND SUBDIVISION ORDINANCE TO EXTEND THE TIME OF CONSTRUCTION AND INSTALLATION OF SIDEWALKS AND STREET TREES WITHIN UNION PACIFIC 3RD ADDITION ON PROPERTY GENERALLY LOCATED AT N.W. 12TH STREET AND W. COMMERCE WAY - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81599 WHEREAS, Century Sales and Management Company previously submitted and received approval of the administrative final plat designated as Union Pacific 3rd Addition by the City of Lincoln; and

WHEREAS, the conditions of approval for said administrative final plat included construction of sidewalks and the planting of street trees along Lot 2, Union Pacific 3rd Addition as shown on the plat to be completed by October 7, 2000 which completion date was subsequently extended to October 7, 2002; and

WHEREAS, John Watson on behalf of Century Sales and Management Company, hereinafter referred to as "Subdivider" is requesting an extension of the completion date for installation of the sidewalks and street trees until October 7, 2007; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said request for the waiver of the requirement of Lincoln Municipal Code Section 26.11.040 that said improvements be installed within four years of final plat approval and recommends conditional approval of an extension of the time for installation of said sidewalks and street trees to October 7, 2005.

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

1. That Lot 2, Union Pacific 3rd Addition is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and therefore the requirement of Section 26.11.040 of the Lincoln Municipal Code providing sidewalks and street trees be installed within four years of final plat approval is waived to allow an extension of the date to October 7, 2005, provided that the applicant provides a bond, escrow or security agreement, approved by the City Law Department, to guarantee the installation of said sidewalks and street trees in the amount of \$6,500 and \$2,420, respectively.

2. That all other conditions for approval of the Final Plat of Union Pacific 3rd Addition shall remain in full force and effect.

Introduced by Ken Svoboda

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JUNE 16 - 30, 2002 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81600 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 July 1, 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>	
Loretta Crocker	NAS*	Charles Yearley	\$ 400.00
Ruth Evelyn Morris	NAS*	Paul Eckerson	750.00
Jacen Roper	\$5,322.69	Michael S. Baxendale	916.81
Jian Ning Li	100.00	Janet M. Wagner	998.70
		Jane Brubaker	90.00
		Office Interiors & Design	248.46
		Jennifer Powell	545.83
		Michael & Lori Herbolsheimer	4,094.09
		Nerim Becic	500.00

No Amount Specified.

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Ken Svoboda

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

SETTING A HEARING DATE OF MONDAY, JULY 22, 2002 AT 1:30 P.M. ON THE APPEAL OF MICHAEL D. MALONE FROM THE DENIAL OF HIS PEDDLER'S PERMIT BY THE LINCOLN POLICE DEPARTMENT - CLERK requested a hearing date of Monday, July 22, 2002 at 1:30 p.m. on appeal of Michael D. Malone of his Peddler's Permit.

SENG So moved.

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

SETTING HEARING DATE OF MONDAY, JULY 29, 2002 AT 5:30 P.M. FOR APP. OF SPEAKEASY INC DBA J.R.'S DOWN UNDER FOR A CLASS "C" LIQUOR LICENSE AT 3233 ½ S. 13TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81601 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 29, 2002, at 5:30 p.m. for App. of Speakeasy Inc. dba J.R.'s Down Under for a Class "C" Liquor License at 3233 ½ S. 13th Street.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY A PORTION OF WAGON LANE FROM THE EXTENSION OF THE EAST LINE OF OUTLOT "B" FRONTIER ACRES TO THE EAST LINE OF THE REMAINING PORTION OF LOT 46 I.T. SUBMITTED BY CARL J & RENEE SJULIN, WAYNE & KATHRYN SJULIN LONOWSKI, AND DAVID H. & ANN M. SJULIN - CLERK presented said petition which was referred to the Law Dept.

REPORT OF NEBRASKA DEPARTMENT OF ROADS 2003 - 2008 SURFACE TRANSPORTATION PROGRAM - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JUNE, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone HP74 - App. of Cindy Loope from R-2 & R-6 to R-2 & R-2 w/landmark district overlay to designate a landmark district.

Change of Zone HP 75 - App. of Joel & Kathy Sartore for a landmark designation of the Hitchcock House at 2733 Sheridan Blvd.

Pre-Existing Special Permit 27A - App. of Alltel to amend for the expansion of the parking lot at South 27th Street & Old Cheney Road.

Special Permit 450N - App. of Madonna Rehabilitation Center to construct

4 Family Housing Units & add parking stalls at 5401 South Street.
Special Permit 1629E - App. of South Ridge Village L.L.C. to allow an increase in the maximum height for a clock tower structure from 35 feet to 50 feet at South 27th Street & Pine Lake Road.
Change of Zone 3369 - App. of Ridge Development Co. & Southview Inc. from AG to R-4 at 27th Street & Yankee Hill Road.
Special Permit 1978 - App. of Ridge Development Co. & Southview Inc. to form a multi-family C.U.P. at 27th Street & Yankee Hill Road.
Special Permit 1979 - App. of Chicago, Burlington & Quincy Railroad Company to place a microwave tower at S.W. 12th Street & West "O" Street.
Special Permit 1980 - App. of Chace Enterprise Inc. dba Silver Spoke Saloon for an open bar & restaurant (on & off sale liquor) at 1400 Saltillo Road.
Special Permit 1981 - App. of Joel & Kathy Sartore to allow the re-use of the upper floor apartment in the original garage on the property at 2733 Sheridan Boulevard.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR JULY 1 THROUGH JULY 5, 2002 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-81602 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 July 1 - July 5, 2002)

Introduced by Ken Svoboda

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR THE MONTH OF MAY, 2002: QUANTUMSHIFT COMM., IBM GLOBAL, BELL ATLANTIC DBA VERIZON LONG DISTANCE, WWC LICENSE DBA CELLULAR ONE, GUARANTEED PHONE SERVICE, SHAFFER COMM., ALLTEL SYSTEMS OF THE MIDWEST, ALLTEL NEBRASKA INC., ALLTEL COMM. OF NEBRASKA, CRICKET; FOR THE MONTH OF JUNE: D & D , OPERATOR, ATS MOBILE TELEPHONE CO. - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

AMENDING CHAPTER 4.16 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE COMMUNITY HEALTH ENDOWMENT BY ADDING A NEW SECTION NUMBERED 4.16.007 TO RESTRICT THE USE OF THE FUNDS REALIZED BY THE SALE OF LINCOLN GENERAL HOSPITAL - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 4.16 of the Lincoln Municipal Code relating to the Community Health Endowment by adding a new section numbered 4.16.007 to restrict the use of the funds realized by the sale of Lincoln General Hospital, the first time.

VACATING THE UN-NAMED STREET SOUTH OF PERKINS BOULEVARD BETWEEN SOUTH 17TH STREET AND HARRISON AVENUE - CLERK read an ordinance, introduced by Ken Svoboda, vacating the un-named street south of Perkins Boulevard between South 17th Street and Harrison Avenue, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 113.05 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH AND ADAMS STREETS.(IN CONNECTION W/02-111, 02R-147, 02R-148) - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 15 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17937, passed November 19, 2001, and amending Section 17 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17677, passed May 30, 2000, defining the corporate limits of the City of Lincoln, Nebraska; repealing said Section 15 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17937, passed November 19,2001, and repealing Section 17 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17677, passed May 30, 2000, as hitherto existing, the first time.

CHANGE OF ZONE 3355 - APPLICATION OF PRAIRIE HOMES BUILDERS, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF NORTH 84TH AND ADAMS STREETS.(IN CONNECTION 2/02-111, 02R-147, 02R-148) - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

APPROVING A LEASE BETWEEN THE CITY OF LINCOLN AND ST. GEORGE L.L.C. ON BEHALF OF THE LINCOLN AREA AGENCY ON AGING FOR 13,705 SQ. FT. OF OFFICE SPACE AND 7,242 SQ. FT. OF STORAGE/BASEMENT SPACE AT 1023 O STREET FOR A TERM OF 5 YEARS.(IN CONNECTION W/02R-149, 02R-150, 02R-151) - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Lease Agreement between St. George, L.L.C. and the City of Lincoln for a lease of space at 1023 O Street, Lincoln Lancaster County, Nebraska for a five-year term, whereby the City of Lincoln is leasing 20,947 square feet of space for the Lincoln Area Agency on Aging, the first time.

ORDINANCES - 3RD READING

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 Coleen Seng, 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, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Svoboda; ABSENT: Friendt.

The ordinance, being numbered **#18035**, is recorded in Ordinance Book 25, Page

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 third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

The ordinance, being numbered **#18036**, is recorded in Ordinance Book 25, Page

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 third time.

CAMP Moved to delete the Assistant Fire Chief Class Code 3002.
No second.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Svoboda, Werner; NAYS: Camp; ABSENT: Friendt.

The ordinance, being numbered **#18037**, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to July 22, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS; None; ABSENT: Friendt.

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UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on July 22,
2002.
 Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, McRoy, Seng, Svoboda, Werner; NAYS; None; ABSENT: Friendt.

ADJOURNMENT

3:10 P.M.

CAMP Moved to adjourn the City Council meeting of July 15, 2002.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
McRoy, Seng, Svoboda, Werner; NAYS: None; None; ABSENT: Friendt.
 So ordered.

Joan Ross, City Clerk

Judy Roscoe, Office Assistant III