

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 9, 2002 AT 1:30 P.M.**

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

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

WERNER Having been appointed to read the minutes of the City Council proceedings of August 26, 2002, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

For the month of August, 2002, the following recipients were Robert Borer, Jeremy Hosek, Mike Wright and Guy Jones of the Lincoln Fire Department in the category of valor.

2002 - LOCAL LAW ENFORCEMENT BLOCK GRANT

Police Chief Tom Casady gave an overview of the 2002 proposed use of funds received from block grants.

PUBLIC HEARING

APPLICATION OF COREY FLETCHER DBA "MAHONEY GOLF COURSE" FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING THE ENTIRE GOLF COURSE INCLUDING DRIVING RANGE, PARKING LOTS, AND ALL FENCED-IN AREAS AT MAHONEY GOLF COURSE AT 7900 ADAMS STREET ON SEPTEMBER 21, 2002 FROM 8:00 A.M. TO 6:00 P.M. - Corey Fletcher, 7900 Adams Street, came forward in favor of the SDL.

Bob Van Valkenburg, 7921 Reno Rd., came forward in favor.

Councilman Werner questioned Mr. Van Valkenburg if he thought the city should be in the golf business, competing with the private courses. Mr. Van Valkenburg replied that he thought the city should be focused on family entertainment.

This matter was taken under advisement.

APPLICATION OF EMPYREAN BREWING COMPANY FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN 7TH STREET FROM Q TO P STREETS AND P STREET FROM 7TH TO 8TH STREETS ON SEPTEMBER 20, 2002 FROM 4:00 P.M. TO 1:00 A.M. AND ON SEPTEMBER 21, 2002 FROM 8:00 A.M. TO 1:00 A.M. - Scott Miller, Empyrean Brewing Co., 7041 Woody Creek Lane, came forward in favor.

This matter was taken under advisement.

APPLICATION OF VALENTINO'S OF LINCOLN, INC. DBA "VALENTINO'S" FOR AN ADDITION OF AN AREA TO THE NORTH OF THEIR PRESENTLY LICENSED PREMISES LOCATED AT 2701 S. 70TH STREET, FOR A TOTAL AREA OF APPROXIMATELY 122 FEET BY 136 FEET - Anthony Messineo, Valentino's, 2701 S. 70th, came forward and took the oath to answer potential questions by Council.

This matter was taken under advisement.

APPLICATION OF IRIE INC. DBA "DOC'S PLACE" FOR A CLASS "C" AND CATERING LIQUOR LICENSE AT 140 N. 8TH STREET, SUITE 150;
MANAGER APPLICATION OF TROY JAMES FALK FOR IRIE INC. DBA "DOC'S PLACE" AT 140 N. 8TH STREET, SUITE 150 - Troy James Falk, 140 N. 8th Street, Suite 150, came forward and took the oath to answer potential questions by Council.

This matter was taken under advisement.

AMENDING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR LINCOLN

MALL REDEVELOPMENT PROJECT FOR STREET SCAPE AND INFRASTRUCTURE IMPROVEMENTS IN AN AREA GENERALLY EXTENDING ALONG LINCOLN MALL FROM S. 10TH STREET TO S. 14TH STREET.(IN CONNECTION W/02R-193); APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEBCO, INC. TO FUND PUBLIC IMPROVEMENTS WITHIN THE LINCOLN MALL PROJECT AREA GENERALLY LOCATED ALONG LINCOLN MALL BETWEEN 10TH AND 14TH STREETS. (IN CONNECTION W/02R-192) - Joel Pederson, Assistant City Attorney, came forward to explain the Amendment to the Lincoln Center Redevelopment Plan and the Redevelopment Agreement.

Councilwoman McRoy asked about the blight standards back in 1987. area. Mr. Pederson explained that 1987 was the initial blight study for the Lincoln Center Redevelopment area, which included the downtown area of Lincoln. The determinations have not changed dramatically since that time. Councilwoman McRoy questioned how the Lincoln Mall was determined to be blighted compared to other areas in Lincoln. Mr. Pederson explained that the increment opportunity presented itself here for this area first.

Councilman Werner asked when using Tax Increment Financing dollars, how far can you go with the project? Mr. Pederson suggested there is some latitude as to how district boundaries are drawn.

Craig Groat, 4935 Huntington, came forward in favor. He showed a catalog of light fixtures he thought would be aesthetically pleasing to the renovation of the Lincoln Mall between the Capitol and the City Council Building.

Council Chair Cook asked Ed Zimmer to come forward to answer questions regarding the present light poles that line the Lincoln Mall.

Mr. Zimmer stated that Lincoln Electric System was who selected the current lights now in use. He informed the Council that there will not be sufficient funds to replace the poles that are now in place.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$39,950 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - Bob Van Valkenburg, 7921 Reno Rd. came forward to question what the specific health and human service items were that were receiving the lottery funds. He suggested that these funds might more appropriately go to funding the Fire Department's communication equipment.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Street, came forward to address the financing of new light fixtures along Lincoln Mall between the State Capital and the City-County Building. He suggested that the business community might do some fund raising in order provide the new light fixtures.

Bob Van Valkenburg, 7921 Reno Rd., came forward to invite Council members to discuss impact fees with him at any time. He commented about the present gasoline tax in Lincoln, suggesting that gasoline is much cheaper 40 miles from this location. He questioned why Councilman Friendt did not speak up during the budget hearings, but yet put a large article in the editorial section of the Lincoln Journal Star. He also stressed the importance of regaining the public's confidence by adopting a new standard of ethical codes.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF COREY FLETCHER DBA "MAHONEY GOLF COURSE" FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING THE ENTIRE GOLF COURSE INCLUDING DRIVING RANGE, PARKING LOTS, AND ALL FENCED-IN AREAS AT MAHONEY GOLF COURSE AT 7900 ADAMS STREET ON SEPTEMBER 21, 2002 FROM 8:00 A.M. TO 6:00 P.M. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81676 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 Corey Fletcher d/b/a Mahoney Golf Course for a Special Designated License to cover the entire golf course including driving range, parking lots, and all fenced-in areas at Mahoney Golf Course at 7900 Adams Street, Lincoln, Nebraska, on September 21, 2002 from 8:00 a.m. to 6:00 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, McRoy, Seng, Werner; NAYS: Svoboda; ABSENT: Camp & Friendt.

APPLICATION OF EMPYREAN BREWING COMPANY FOR A SPECIAL DESIGNATED LIQUOR LICENSE IN 7TH STREET FROM Q TO P STREETS AND P STREET FROM 7TH TO 8TH STREETS ON SEPTEMBER 20, 2002 FROM 4:00 P.M. TO 1:00 A.M. AND ON SEPTEMBER 21, 2002 FROM 8:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81677 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 Empyrean Brewing Co. for a Special Designated License to cover an area in 7th Street from Q to P Streets (62' x 382') and P Street from 7th to 8th Streets (60' x 270'), Lincoln, Nebraska, on September 20, 2002 from 4:00 p.m. to 1:00 a.m. and on September 21, 2002 from 8:00 a.m. to 1:00 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. From 8:00 a.m. to 1:00 p.m. the licensed premises will be limited to a 40' by 90' tent at 7th and P Streets. At 1:00 p.m. the licensed premises shall revert back to the originally stated area at 7th Street from Q to P Streets (62' x 382') and P Street from 7th to 8th Streets (60' x 270').

2. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
3. Adequate security shall be provided for the event.
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 Annette McRoy

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

APPLICATION OF VALENTINO'S OF LINCOLN, INC. DBA "VALENTINO'S" FOR AN ADDITION OF AN AREA TO THE NORTH OF THEIR PRESENTLY LICENSED PREMISES LOCATED AT 2701 S. 70TH STREET, FOR A TOTAL AREA OF APPROXIMATELY 122 FEET BY 136 FEET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81678 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 Valentino's of Lincoln, Inc. dba "Valentino's" to expand its licensed premises by the addition of an area to the north of the presently licensed premises for a total area measuring 122 feet by 136 feet located at 2701 S. 70th 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 Annette McRoy

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

APPLICATION OF IRIE INC. DBA "DOC'S PLACE" FOR A CLASS "C" AND CATERING LIQUOR LICENSE AT 140 N. 8TH STREET, SUITE 150 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81679 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 Irie Inc. dba "Doc's Place" for a Class "C" liquor license at 140 N. 8th Street, Suite 150, Lincoln, Nebraska, for the license period ending October 31, 2002, 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 Annette McRoy

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

MANAGER APPLICATION OF TROY JAMES FALK FOR IRIE INC. DBA "DOC'S PLACE" AT 140 N. 8TH STREET, SUITE 150 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81680 WHEREAS, Irie Inc. dba "Doc's Place" located at 140 N. 8th Street, Suite 150, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Troy James Falk be named manager; WHEREAS, Troy James Falk 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 Troy James Falk 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 Annette McRoy

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

ORDINANCES - 2ND READING - NONE

RESOLUTIONS

AMENDING AN AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN FOR LINCOLN MALL REDEVELOPMENT PROJECT FOR STREET SCAPE AND INFRASTRUCTURE IMPROVEMENTS IN AN AREA GENERALLY EXTENDING ALONG LINCOLN MALL FROM S. 10TH STREET TO S. 14TH STREET. (IN CONNECTION W/02R-193) - CLERK read the following resolution, introduced by Terry Werner, who moved its

adoption:

A-81681 WHEREAS, the City Council on October 22, 1984, adopted Resolution No. A-69719 finding an area generally bounded by "R" Street, 17th Street, "S" Street, and 7th Street to be blighted, and on October 19, 1987, adopted Resolution No. A-71701 finding said area to be blighted and substandard as defined in the Nebraska Community Development Law (Neb. Rev. Stat. § 18-2101, et seq. as amended) and in need of redevelopment; and

WHEREAS, the City Council has previously adopted the Lincoln Center Redevelopment Plan (hereinafter the "Plan") including plans for various redevelopment projects within said area in accordance with the requirements and procedures of the Nebraska Community Development Law; and now desires to establish a new Project Area for the Lincoln Mall Redevelopment Project along Lincoln Mall from 10th to 14th Streets and in the right-of-way of Blocks 119 and 128 (10th to 11th Street, H Street to K Street) to provide public improvements consisting of thematic and coordinated sidewalk, street curb, lighting, bus shelter, landscape, irrigation, benches, security, and other utility and other improvements throughout the project area, and to provide details on how said development will be implemented; and

WHEREAS, the Director of the Urban Development Department has filed with the City Clerk the Amendments to the Plan to provide for the Lincoln Mall Redevelopment Project within said blighted and substandard area, which amendments are attached hereto, marked as Exhibit "A", and made a part hereof by reference, and has reviewed said Amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on July 26, 2002 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on August 7, 2002 before the Lincoln City - Lancaster County Planning Commission regarding the Amendments, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Exhibit "B" and "C" respectively; and

WHEREAS, said proposed Amendments to the Plan have been submitted to the Lincoln City - Lancaster County Planning Commission for review and recommendation, and said Planning Commission on August 7, 2002 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on August 23, 2002 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on September 9, 2002 regarding the proposed Amendments, a copy of said notice having been attached hereto as Exhibit "D"; and

WHEREAS, on August 23, 2002 and August 30, 2002, a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on September 9, 2002 regarding the proposed Amendments for said blighted and substandard area, a copy of such notice having been attached hereto and marked as Exhibit "E"; and

WHEREAS, on September 9, 2002 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed Amendments and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed Amendments; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed plans.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the Amendments to provide for the Lincoln Mall Redevelopment Project are described in sufficient detail and are designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations or

conditions of blight.

2. That the Project is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That the Director of the Urban Development Department has submitted with said Redevelopment Plan a statement of the proposed method and estimated cost of the acquisition and preparation for redevelopment of the Project areas and the estimated proceeds or revenue from the partial disposal thereof to redevelopers, if any; a statement of the proposed method of financing the Redevelopment Projects; and a statement of the method proposed for the relocation of families and businesses to be displaced from the Redevelopment Project areas, is any, attached hereto as Exhibit "F".

4. That the acquisitions by the City of real property, if any, as set forth in the Amendments are necessary for implementation of said Projects and their purposes under the provisions of the Community Development Law.

5. That the Redevelopment Projects in the Amendments would not be economically feasible without the use of tax-increment financing.

6. That said Redevelopment Projects would not occur in the Lincoln Center Plan Redevelopment Area without the use of tax-increment financing.

7. That the costs and benefits of the Redevelopment Projects, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the City Council and have been found to be in the long-term best interest of the community impacted by the redevelopment projects according to the cost benefit model (a) summarized in Exhibit "G" hereto, which model analyzes the tax shifts from the use of Community Improvement Financing as authorized in § 18-2147; (b) the community's public service needs impacts and local tax impacts arising from the approval of the project; (c) impacts on employers and employees of firms locating or expanding within the boundaries of the project area; (d) impacts on other employers and employees in the City and immediate area outside the project area; and (e) other impacts the City Council hereby determines to be relevant to the consideration of costs and benefits arising from the redevelopment project.

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

That, pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the Amendments attached hereto as Exhibit "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said Amendments.

BE IT STILL FURTHER RESOLVED that the Urban Development Director, or her authorized representative, is hereby authorized and directed to contact the owners and tenants of those properties listed in said Amendments for the purpose of negotiation of contracts or options for the acquisition of all interests in said real estate in accordance with the land acquisition procedures of the City of Lincoln; and to take all steps necessary for the acquisition of said property by purchase, if possible, or by condemnation if necessary.

BE IT STILL FURTHER RESOLVED that the Finance Director is hereby authorized and directed to cause to be drafted and submitted to the City Council any appropriate ordinances and documents for the authorization

to provide necessary funds, including Community Improvement Financing in accordance with the provisions of the Community Development Law, to finance necessary and appropriate public acquisitions, improvements, and activities set forth in said Amendments to the Lincoln Center Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto the findings, approvals, and authorizations set forth in Resolution No. A-70273, Resolution No. A-71073, Resolution No. A-71490, Resolution No. A-71701, Resolution No. A-72046, Resolution No. A-72329, Resolution No. A-72774, Resolution No. A-73000, Resolution No. A-73698, Resolution No.

A-74165, Resolution No. A-74186, Resolution A-74291, Resolution No. A-74583, Resolution No. A-74603, Resolution No. A-75257, Resolution No. A-75784, Resolution No. A-75974, Resolution No. A-76438, Resolution No. A-77828, Resolution No. A-78138, Resolution No. A-78688, and Resolution No. A-80587.

Introduced by Terry Werner

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

APPROVING A REDEVELOPMENT AGREEMENT BETWEEN THE CITY AND NEBCO, INC. TO FUND PUBLIC IMPROVEMENTS WITHIN THE LINCOLN MALL PROJECT AREA GENERALLY LOCATED ALONG LINCOLN MALL BETWEEN 10TH AND 14TH STREETS. (IN CONNECTION W/02R-192) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81682 WHEREAS, the City of Lincoln has undertaken a program for the redevelopment of blighted and substandard areas in the City of Lincoln, Nebraska. As part of that program the City has prepared and approved the Lincoln Center Redevelopment Plan (Redevelopment Plan) providing for redevelopment in downtown Lincoln including the Lincoln Mall Project Area Amendment to the Redevelopment Plan; and

WHEREAS, the Lincoln Mall Project Area Amendment provides for pedestrian, street and mall environment redevelopment improvements which may include open spaces, pedestrian ways, intermodal transportation facilities, streets, landscaping, irrigation, lighting, sidewalk and street furniture, security, curb and gutter, related streetscape improvements and other public improvements on portions or all of the public right-of-way in the eight city blocks adjacent to Lincoln Mall from 10th to 14th Street and the area surrounding Blocks 119 and 128 (10th Street to 11th Street, H Street to K Street); and

WHEREAS, the attached Lincoln Mall Redevelopment Agreement will create public mall improvements surrounding Block 119 to be integrally coordinated with private improvements on the Property. The Property will be subject to Use Restrictions, Building Requirements and Redevelopment Standards to improve attractive and conflict-free pedestrian connections and foster conditions favorable to the removal of blight in the Project Area consistent with the Redevelopment Plan.

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

That the attached Redevelopment Agreement is hereby approved and the Mayor is hereby authorized to enter into such Agreement on behalf of the City of Lincoln, Nebraska. Said Agreement is attached hereto, marked as Attachment "A", and is incorporated herein by this reference.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute such other documents, agreements, or amendments to the above referenced Redevelopment Agreement as may be necessary to effectuate the purposes and intent thereof.

Introduced by Terry Werner

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 1 - 15, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81683 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 August 16, 2002, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Merlyn H. Pohlmann	\$11,172.20	David & Jayne Christensen	\$15,500.00
Kimball Management	81.00	Brian & Rochelle Senkbeil	775.00
Michelle Asencio	440.30	Gene Kavanaugh	190.00
Kenneth Postun	NAS*	United Fire Group	
		(Antonina Lewicki, Insured)	480.48
		Ronald G. & Marna E. Payne	2,001.98

*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 Terry Werner

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

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$39,950 FROM THE OPERATION OF KENO LOTTERY FUNDS FOR VARIOUS HUMAN SERVICES - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81684 WHEREAS, Resolution No. A-75378 provides that five percent of the gross proceeds realized by the City of Lincoln from the operation of a keno lottery shall be designated for such human services as may be recommended and approved by the Joint Budget Committee, City Council and Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City Council and Lancaster County Board of Commissioners approve the designation of \$39,950 from said gross funds for the human services listed in Attachment "A" (Keno Prevention Fund Round 17) attached hereto and incorporated herein by reference.

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

The designation of the \$39,950 from gross funds from the operation of keno lottery for the human services listed in Attachment "A" is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the respective agencies providing said human services.

Introduced by Terry Werner

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

APPOINTING JOHN LUDDEN TO THE LINCOLN AREA AGENCY ON AGING ADVISORY COUNCIL FOR A THREE-YEAR TERM EXPIRING JULY 1, 2005 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81685 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of John Ludden to the Lincoln Area Agency on Aging Advisory Council for a three-year term expiring July 1, 2005 is hereby approved.

Introduced by Terry Werner

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

APPOINTING COLETTE MAST TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR A THREE-YEAR TERM TO EXPIRE AUGUST 31, 2005 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81686 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Colette Mast to the Community Development Task Force for a three-year term expiring August 31, 2005 is hereby approved.

Introduced by Terry Werner

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

APPOINTING JEFF KIRKPATRICK, LYNDA ANDERSON, AND JAMES O'HANLON TO THE LINCOLN LIBRARY BOARD FOR TERMS COMMENCING ON SEPTEMBER 1, 2002 AND EXPIRING ON AUGUST 31, 2006, AUGUST 31, 2009, AND AUGUST 31, 2004, RESPECTIVELY - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81687 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jeff Kirkpatrick, Lynda Anderson, and James O'Hanlon to the Lincoln Library Board for terms expiring August 31, 2006, August 31, 2009, and August 31, 2004, respectively, is hereby approved.

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 23, 2002 AT 1:30 P.M. FOR THE APPLICATION OF ROBERT & SUSAN IHRIG DBA BOB'S GRIDIRON GRILLE & PIGSKIN PUB FOR A CLASS I LIQUOR LICENSE LOCATED AT 4200 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81688 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. Sep. 23, 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 Robert M. & Susan J. Ihrig dba Bob's Gridiron Grille & Pigskin Pub for a Class I liquor license, located at 4200 South 27th Street.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 23, 2002 AT 1:30 P.M. FOR THE APPLICATION OF CHASE ENTERPRISES, INC. DBA SILVER SPOKE SALOON FOR A CLASS D-1 LIQUOR LICENSE LOCATED AT 1400 SALTILLO ROAD - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81689 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. Sep. 23, 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 Chase Enterprises, Inc. dba Silver Spoke Saloon for a Class D-1 Liquor license, located at 1400 Saltillo Road, Roca, NE.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 23, 2002 AT 1:30 P.M. FOR THE APPLICATION OF LEVY PREMIUM FOODSERVICE LTD. DBA LEVY RESTAURANTS FOR A DELETION TO PREMISE CONSISTING OF SOUTH PARKING LOT APPROX. 50' X 200', LOCATED AT HAYMARKET PARK, 403 LINE DRIVE CIRCLE - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81690 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. Sep. 23, 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 Levy Premium Foodservice Ltd. dba Levy Restaurants for a deletion to premise consisting of south parking lot approx. 50' x 200' located at Haymarket Park, 403 Line Drive Circle.

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

Introduced by Terry Werner

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

APPLICATION OF CRAWDAD'S INC. DBA HOLMES GOLF COURSE FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE GOLF COURSE AND PARKING LOT AT 3701 S. 70TH STREET ON THE 26TH DAY OF SEPTEMBER, 2002, FROM 8:00 A.M. TO 8:00 P.M. (8/26/02 - Carried over due to 3-3 tie vote) (Request by applicant to withdraw) - PRIOR to reading:

WERNER Moved to withdraw the application per the request of applicant.

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

The ordinance, having been **WITHDRAWN**, was assigned File #38-4413, & placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 16, 2002 AT 1:30 P.M. FOR THE APPLICATION OF ST. JOSEPH CATHOLIC CHURCH & SCHOOL TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM OCTOBER 1 THROUGH NOVEMBER 30, 2002 -

CLERK requested to set the hearing date of Monday, September 16, 2002 at 1:30 p.m.

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

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 16, 2002 AT 1:30 P.M. FOR THE APPLICATION OF ST. TERESA'S CATHOLIC CHURCH TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM OCTOBER 1 THROUGH NOVEMBER 10, 2002 - PRIOR to reading:

CLERK Reported applicant requested change of start date to 9/29/02.

CLERK Requested to set the hearing date of Monday, September 16, 2002 at 1:30 p.m.

WERNER So moved with the change of start date of 9/29/02.
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp & Friendt.

SETTING THE HEARING DATE OF MONDAY, SEPTEMBER 16, 2002 AT 1:30 P.M. FOR THE APPLICATION OF ST. PATRICK'S SCHOOL TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 17 THROUGH NOVEMBER 22, 2002 - CLERK requested to set the hearing date of Monday, September 16, 2002 at 1:30 p.m.

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

The following were referred to the Planning Dept.:

Change of Zone 3375 - Application of Carol J. Sjulín, David H. Sjulín, and Kathryn Sjulín-Lonowski to change the zoning from R-1/AGR to O-3 property located at the NE corner of Old Cheney Rd. and Highway 2.

Use Permit 146 - Application of Carol J. Sjulín, David H. Sjulín, and Kathryn Sjulín-Lonowski to permit 60,000 sq. ft. of office and financial on property located at the NE corner of Old Cheney Rd. and Highway 2.

Special Permit 1986 - Application of TJK Investments, Inc. to construct a parking lot in residential zoning district on property located at 28th and Vine Street.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR AUGUST 26 THROUGH AUGUST 30, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81691 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

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

INVESTMENT OF FUNDS FOR AUGUST 19 THROUGH AUGUST 23, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81692 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED JULY 31, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81693 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended July 31, 2002, \$70,360,52 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

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

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, SEPTEMBER 30, 2002 AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:
02R-198 TO PROVIDE AUTHORITY TO CREATE A PAVING UNIT IN SAUNDERS AVENUE, 12TH TO 14TH STREETS IN ORDER TO BRING SAID STREET UP TO CURRENT DESIGN STANDARDS WITH 33' WIDE PAVING -

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

SENG So moved.

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

QUARTERLY FINANCIAL REPORT FROM LES FOR APRIL - JUNE, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.
(40)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS JULY 31, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.. (5-21)

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON AUGUST 19, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON AUGUST 26, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR THE MONTH OF JAN. THROUGH MAR., 2002: ZENEX LONG DISTANCE, INC., FAST PHONES OF NEBRASKA, CORP.; FOR THE MONTH OF APRIL THROUGH JUNE, 2002: MATRIX TELECOM, FAST PHONES OF NEBRASKA, CORP.; FOR THE MONTH OF JULY, 2002: NEXTEL WEST CORP., USA PAGING LLC, COMDATA TELECOMMUNICATIONS, INC., RSL COM USA, INC., GLOBALCOM, INC., GLYPHICS COMMUNICATIONS, INC., TRI-M COMMUNICATIONS, INC., NOSVA LIMITED PARTNERSHIP, NOS COMMUNICATIONS, INC. GTC TELECOM, INC., LIGHTYEAR COMMUNICATIONS, INC., ZONE TELECOM, INC., LDMI TELECOMMUNICATIONS, INC., ASSOCIATION ADMINISTRATORS, INC., AFFINITY NETWORK, INC., ONSTAR CORPORATION, ATT WIRELESS PCS, LLC, ATS MOBILE TELEPHONE CO., INC., WORKING ASSETS FUNDING SERVICE, INC., TELCO DEVELOPMENT GROUP DE INC., ACN COMMUNICATIONS SERVICES, INC., INTELICAL OPERATOR SERVICES, TRANS NATIONAL COMMUNICATIONS INT'L., INC., QWEST COMMUNICATIONS, CORP., TELIGENT SERVICES, INC., GLOBAL CROSSING

TELECOMMUNICATIONS, INC., AT&T COMMUNICATIONS OF MIDWEST, EXCEL TELECOMMUNICATIONS, INC., PRIMUS TELECOMMUNICATIONS, INC., BROADWING TELECOMMUNICATIONS, TOUCH AMERICA, INC., BIG PLANET, INC., XO LONG DISTANCE SERVICES, INC., TRACFONE WIRELESS, WORLDXCHANGE CORP., AND OPERATOR COMMUNICATIONS, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF FRANCHISE TAX FOR THE MONTH OF JULY, 2002 FROM AQUILA -CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

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

ORDINANCES - 1ST READING

APPROVING A MULTI-YEAR LEASE BETWEEN THE CITY OF LINCOLN PARKS AND RECREATION DEPARTMENT AND NEBRASKA WESLEYAN UNIVERSITY FOR THE IMPROVEMENT OF AND

USE OF THE BASEBALL FIELD LOCATED IN WOODS PARK - PRIOR to reading:
MCROY Moved to have second reading on 9/30/02.
Seconded by Seng & carried by the following vote: AYES: Cook,
McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp & Friendt.
CLERK Read an ordinance, introduced by Terry Werner, approving a multi-
year lease between the City of Lincoln Parks and Recreation Department
and Nebraska Wesleyan University for the improvement of and use of the
baseball field located in Woods Park, the first time.

VACATING THE NORTH-SOUTH ALLEY FROM THE SOUTH LINE OF M STREET TO THE NORTH
LINE OF THE EAST-WEST ALLEY IN BLOCK 83, ORIGINAL PLAT OF LINCOLN,
GENERALLY LOCATED WEST OF S. 7TH STREET BETWEEN L AND M STREETS - CLERK
read an ordinance, introduced by Terry Werner, vacating the north-south
alley from the south line of M Street to the north line of the east-west
alley in Block 83, Original Plat of Lincoln, generally located west of
S. 7th Street between L and M Streets, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 35.3 ACRES
OF PROPERTY GENERALLY LOCATED AT U.S. HIGHWAY 77, S.W. 12TH STREET AND
W. SOUTH STREET. (IN CONNECTION W/02-134, 02-135) (REQUEST 2ND & 3RD
READINGS 9/16/02) - CLERK read an ordinance, introduced by Terry Werner,
amending the corporate limits of the City by annexing approximately 35.3
acres of property generally located at U.S. Highway 77, S.W. 12th Street
and W. South Street, the first time.

APPROVING THE ACQUISITION OF APPROXIMATELY 30.84 ACRES OF PROPERTY IN ORDER
FOR THE NEBRASKA HOUSING RESOURCE, INC. TO DEVELOP AFFORDABLE HOUSING
ON PROPERTY GENERALLY LOCATED AT U.S. HIGHWAY 77 AND W. SOUTH STREET.(IN
CONNECTION W/02-133,02-135) (REQUEST 2ND & 3RD READINGS 9/16/02) - CLERK
read an ordinance, introduced by Terry Werner, approving the acquisition
of approximately 30.84 acres of property in order for the Nebraska
Housing Resource, Inc. to develop affordable housing on property
generally located at U.S. Highway 77 and W. South Street, the first
time.

DECLARING APPROXIMATELY 30.84 ACRES OF PROPERTY GENERALLY LOCATED AT U.S.
HIGHWAY 77 AND W. SOUTH STREET, AS SURPLUS AND AUTHORIZING THE SALE
THEREOF.(IN CONNECTION W/02-133, 02-134) (REQUEST 2ND & 3RD READINGS
9/16/02) - CLERK read an ordinance, introduced by Terry Werner,
declaring approximately 30.84 acres of property generally located at
U.S. Highway 77 and W. South Street, as surplus and authorizing the sale
thereof, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 74HP - APPLICATION OF CINDY LOOPE FOR A LANDMARK DESIGNATION
FOR THE EAST CAMPUS NEIGHBORHOOD LANDMARK DISTRICT GENERALLY LOCATED
BETWEEN HOLDREGE STREET ON THE NORTH, IDYLVILD DRIVE ON THE WEST, APPLE
STREET ON THE SOUTH AND N. 40TH STREET ON THE EAST - CLERK read an
ordinance, introduced by Coleen Seng, for a change of zone 74HP -
application of Cindy Loope for a landmark designation for the East
Campus Neighborhood Landmark District generally located between Holdrege
Street on the North, Idylwild Drive on the west, Apple Street on the
south and N. 40th Street on the east, the third time.
SENG Moved to pass the ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Cook,
McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp & Friendt.
The ordinance, being numbered #18063, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

MCROY Moved to extend the Pending List to September 16, 2002.

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

UPCOMING RESOLUTIONS

MCROY Moved to approve the resolutions to have Public Hearing on September 16, 2002.
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp & Friendt.

ADJOURNMENT

2:50 P.M.

MCROY Moved to adjourn the City Council meeting of September 9, 2002.
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp & Friendt.
So ordered.

Teresa Meier-Brock, Deputy City Clerk

Glenna Graupmann, Office Assistant III

REGULAR MEETING
SEPTEMBER 9, 2002
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