

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, SEPTEMBER 16, 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, Joan Ross, City Clerk. Absent: Werner.

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

**READING OF THE MINUTES**

MCROY Having been appointed to read the minutes of the City Council proceedings of September 9, 2002, reported having done so, found same correct.

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

**PUBLIC HEARING**

APP. OF CLURICAUN WINES L.L.C. DBA "CLURICAUN WINES" FOR A CLASS X LIQUOR LICENSE AT 825 M ST., SUITE 211;

MANAGER APP. OF TIMOTHY P. BURKE FOR CLURICAUN WINES L.L.C. DBA "CLURICAUN WINES" AT 825 M ST., SUITE 211 - Tim Burke, 1129 Harrison Ave., #2 as per liquor license application, took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF DAVID NGUYEN, INC. DBA "CLUB ENERGY" FOR A CLASS I LIQUOR LICENSE AT 1415 O ST.;

MANAGER APP. OF THAHN DOAN NGUYEN FOR DAVID NGUYEN, INC. DBA "CLUB ENERGY" AT 1415 O ST. - Christopher Heinrich, 206 S. 13th, Ste. 1400, took oath & came forward as attorney representing David Nguyen & David Nguyen, Inc. to answer any questions.

Annette McRoy, Council Member, asked what they envisioned Club Energy to be & that an article in the student newspaper referred to it as a rave type atmosphere more Miami.

Mr. Heinrich stated it would be a liquor establishment serving liquor by the drink. It will be open Thursday, Friday & Saturday nights and would be a mainstream dance club.

Glenn Friendt, Council Member, asked what kind of background Mr. Nguyen had to run this type of operation.

Mr. Heinrich answered that Mr. Nguyen was the owner of several LA Nail stores in Lincoln. He has been a business owner in that capacity for most of the 1990's.

Tom Casady, Chief of Lincoln Police Dept., came forward to ask the City Council to ask the Liquor Commission to put on certain stipulations if approved. Discussion followed.

Dana Roper, City Attorney, noted that the City Council has legal ability to only recommend they approve a liquor license with pre-conditions set forth. The Liquor Commission has the authority to approve or disapprove.

Richard J. Fitzgerald, no address given, stated that this club will be more mainstream, techno music. There will be no rave or glow sticks. They want it to be more attractive to the college kids. There will be a dress code & there will be a cover charge. Further discussion followed.

Bob Valentine, 2660 Park Avenue, asked that a moratorium be put on anymore liquor licenses for bars or clubs until there can be an increase in Police protection. Further comment followed.

This matter was taken under advisement.

VACATING THE NORTH-SOUTH ALLEY FROM THE SOUTH LINE OF M ST. TO THE NORTH LINE OF THE EAST-WEST ALLEY IN BLOCK 83, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED WEST OF S. 7TH ST. BETWEEN L AND M STS. - Mike Rierden, 645 M St., Suite 200, came forward representing John Woolam, Cotswald Management, L.L.C. He stated this is a housekeeping issue due to the building being built over the alley 50 years ago. They feel the alley was only on paper, but actually nonexistent.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 35.3 ACRES OF

PROPERTY GENERALLY LOCATED AT U.S. HWY. 77, S.W. 12TH ST. AND W. SOUTH ST. (IN CONNECTION W/02-134, 02-135) (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02);

APPROVING THE ACQUISITION OF APPROX. 30.84 ACRES OF PROPERTY IN ORDER FOR THE NEBRASKA HOUSING RESOURCE, INC. TO DEVELOP AFFORDABLE HOUSING ON PROPERTY GENERALLY LOCATED AT U.S. HWY. 77 AND W. SOUTH ST. (IN CONNECTION W/02-133, 02-135) (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02);

DECLARING APPROX. 30.84 ACRES OF PROPERTY GENERALLY LOCATED AT U.S. HWY. 77 AND W. SOUTH ST., AS SURPLUS AND AUTHORIZING THE SALE THEREOF. (IN CONNECTION W/02-133, 02-134) (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - Steve Werthmann, Urban Development, stated that the City of Lincoln is working as a conduit for this land transaction so NHR can prepare & provide affordable housing. The State owns this property which they declared surplus, therefore, the City has to declare it surplus as well. The City wants to pass this property onto Nebraska Housing Resource.

Robert Peterson, 6035 Sumner St., Executive Director and General Counselor of Nebraska Housing Resource, explained the plans for this property. This housing will be available to families that are at 80% or less of median income.

Bob Valentine, 2660 Park Avenue, asked if these lots that are for families that meet the income guideline pay property taxes? Does Lincoln Housing Authority pay property taxes?

Mr. Werthmann, answered that these are not Lincoln Housing Authority lots, these are Affordable Housing & everyone of them pay property tax.

Craig Groat, 4935 Huntington Avenue, came forward to ask that the City renew the statute of the 60's requiring a vote of the people to sell City property at a value of \$100,000 or above.

Dana Roper, City Attorney, stated that this transaction will be done in a legal manor.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND LINCOLN HOUSING AUTHORITY FOR THE JOINT DEVELOPMENT AND MAINTENANCE OF A MINI-PARK IN THE ARNOLD HEIGHTS NEIGHBORHOOD AND APPROVING THE NAME AS "EAGLES VIEW PARK" ON PROPERTY GENERALLY LOCATED AT W. KNIGHT STREET AND N.W. 52ND STREET - Lynn Johnson, Director of Parks & Recreation Dept., presented an overview of the proposal stating there is a cooperative agreement with the neighborhood, Housing Authority & the City of Lincoln. The Housing Authority will maintain the grounds, the City will maintain the playground & fund utility costs associated with the water fountain and the Arnold Heights Neighborhood Association will plant the trees and assist with the construction of playground. This park will benefit the preschool children in the area since the school playground is not always available for their use.

Bob Valentine, 2660 Park Avenue, asked how much it will cost the property owners of Lincoln to build and maintain the mini-park. He suggested the lot be sold & use the revenue to hire more Police Officers.

Ms. McRoy stated that the lot belongs to Lincoln Housing Authority not the City. This is an unused commons area they've decided to turn into a park. Discussion followed.

Tom Huston, 233 S. 13th Street, Ste. 1900, came forward representing the Lincoln Housing Authority. Several years ago the Housing Authority funded the preparation of a subarea plan for the Arnold Heights Neighborhood which included a recommendation that recreation opportunities be increased for the kids in the area. Further discussion followed.

Jeff Schwebke, 4230 N.W. 54th Street, representing the Arnold Heights Neighborhood Association, came forward to state they would like to provide a playground that is safe, accessible & visible to the community to deter any vandalism. The playground behind the school is not visible to the community & there has been vandalisms. LPS does not allow swing sets, therefore the playground behind the school does not have swing sets for the preschool children to use & the new playground would have. Discussion followed.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AGING SERVICES AND THE SENIORS FOUNDATION FOR A THREE-YEAR TERM FOR THE FOUNDATION'S ASSISTANCE WITH

FUND-RAISING, SERVICES AND SUPPORT FOR THE VARIOUS MULTI-PURPOSE SENIOR CENTERS AND AGING PROGRAMS - Paul Yates, 129 N 10th St., Aging Services, came forward to ask that the agreement be continued & to answer any questions.

This matter was taken under advisement.

WAIVING DESIGN STANDARDS FOR STREET TREES IN TWO LOTS IN MCNEESE ADDITION ON PROPERTY GENERALLY LOCATED AT S. 25TH STREET AND SUMNER STREET - Brian Carstens, 2935 Pine Lake Rd., Suite H, came forward representing Ted and Patricia McNeese. Stated there is no room for street trees.

This matter was taken under advisement.

APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF LINCOLN POLICE DEPARTMENT AND HANIGAN BJORKMAN ECKLUND FOR ASSISTANCE IN EVALUATING EVIDENCE HANDLING POLICIES AND PROCEDURES FOR A THREE YEAR TERM - Bob Valentine, 2660 Park Avenue, asked if this is an accounting firm. He also asked if they were operating as advisors and consultants or are they conducting an audit. He feels that consulting functions should be separate from auditing functions to eliminate conflict of interest.

Jonathan Cook, Chairperson, stated they would present him with the letter explaining exactly what they will be doing.

Chief Casady stated an annual audit is done every year of property in evidence. This firm was also used once to establish the cost of producing a criminal history report. He did not know if they did any other work with the City that would cause a conflict of interest.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Avenue, restated his desire to renew the requirement of the City Charter to require a vote of the people to sell City property over \$100,000. He then read from the Duncan Associates Infrastructure Finance Study Capitol Cost of Growth Memorandum about developers contributing substantially to capitol costs. He then went on to read about code of professional ethics.

Bob Valentine, 2660 Park Avenue, came forward questioning Fire Chief Spadt's statement that the ISO Report indicated a need for two more fire stations when a newspaper article quoted ISO as saying they did not recommend two more fire stations.

This matter was taken under advisement.

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

#### COUNCIL ACTION

##### LIQUOR RESOLUTIONS

APP. OF CLURICAUN WINES L.L.C. DBA "CLURICAUN WINES" FOR A CLASS X LIQUOR LICENSE AT 825 M ST., SUITE 211 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81694 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 Cluricaun Wines L.L.C. dba "Cluricaun Wines" for a Class "X" liquor license at 825 M Street, Suite 211, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APP. OF TIMOTHY P. BURKE FOR CLURICAUN WINES L.L.C. DBA "CLURICAUN WINES" AT 825 M ST., SUITE 211 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81695 WHEREAS, Cluricaun Wines L.L.C. dba "Cluricaun Wines" located at

825 M Street, Suite 211, Lincoln, Nebraska has been approved for a Retail Class "X" liquor license, and now requests that Timothy P. Burke be named manager;

WHEREAS, Timothy P. Burke 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 Timothy P. Burke 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; NAYS: None; ABSENT: Werner.

APP. OF DAVID NGUYEN, INC. DBA "CLUB ENERGY" FOR A CLASS I LIQUOR LICENSE AT 1415 O ST. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81696 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 David Nguyen, Inc. dba "Club Energy" for a Class "I" liquor license at 1415 O Street, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations and with the following requirements:

1. Written management policies maintained and available to all employees, with a copy to the Lincoln Police Department covering at minimum the following issues:

- a. Prohibiting service to intoxicated patrons and procedures for stopping service to a patron who appears to be intoxicated.
- b. Prohibiting service to minors, and procedures specifying circumstances employees are to check patron identification.
- c. Procedures for employees to follow in the event of a fight, argument, or similar disturbance in the establishment.

2. A requirement of a staff to patron ratio of at least 1:25.

3. All servers and supervisors (wait staff, bartenders, managers) to complete an alcohol server education course, or equivalent within one month of employment.

4. All employees to be easily identifiable either wearing a distinctive uniform or distinctive nameplate visible from ten feet under prevailing conditions.

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

Introduced by Ken Svoboda

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

MANAGER APP. OF THAHN DOAN NGUYEN FOR DAVID NGUYEN, INC. DBA "CLUB ENERGY" AT 1415 O ST. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81697 WHEREAS, David Nguyen, Inc. dba "Club Energy" located at 1415 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Thanh Doan Nguyen be named manager;

WHEREAS, Thanh Doan Nguyen 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 Thanh Doan Nguyen 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; NAYS: None; ABSENT: Werner.

**ORDINANCES - 2ND READING**

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 second 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 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - PRIOR to reading:

SVOBODA Moved to waive the rules to have 3rd Reading on Bill No. 02-133 this date.

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

CLERK Read an ordinance, introduced by Annette McRoy for Terry Werner who was absent, 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 second time. (**See Council Action under "ORDINANCES - 3RD READING".**)

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 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - PRIOR to reading:

FRIENDT Moved to waive the rules to have 3rd Reading on Bill No. 02-134 this date.

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

CLERK Read an ordinance, introduced by Coleen Seng for Terry Werner who was absent, 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 second time. (**See Council Action under "ORDINANCES - 3RD READING".**)

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 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - PRIOR to reading:

FRIENDT Moved to waive the rules to have 3rd Reading on Bill No. 02-135 this date.

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

CLERK Read an ordinance, introduced by Coleen Seng for Terry Werner who was absent, 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 second time. (**See Council Action under "ORDINANCES - 3RD READING".**)

**RESOLUTIONS**

APPROVING AN AGREEMENT BETWEEN THE CITY AND LINCOLN HOUSING AUTHORITY FOR THE JOINT DEVELOPMENT AND MAINTENANCE OF A MINI-PARK IN THE ARNOLD HEIGHTS NEIGHBORHOOD AND APPROVING THE NAME AS "EAGLES VIEW PARK" ON PROPERTY GENERALLY LOCATED AT W. KNIGHT STREET AND N.W. 52ND STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81698 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Arnold Heights Park Development Agreement between the City and the Housing Authority of the City of Lincoln for the joint development and maintenance of a mini-park and approval of the name "Eagles View Park", in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the Parks and Recreation Department for transmittal to the Lincoln Housing Authority.

Introduced by Jon Camp

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

APPROVING AN AGREEMENT BETWEEN THE CITY AGING SERVICES AND THE SENIORS FOUNDATION FOR A THREE-YEAR TERM FOR THE FOUNDATION'S ASSISTANCE WITH FUND-RAISING, SERVICES AND SUPPORT FOR THE VARIOUS MULTI-PURPOSE SENIOR CENTERS AND AGING PROGRAMS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81699 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between Aging Services (Lincoln Area Agency on Aging) and Seniors Foundation for the Foundation's assistance with fundraising, services and support for the various multi-purpose senior centers and Aging programs, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the Lincoln Area Agency on Aging for transmittal to the Seniors Foundation.

Introduced by Jon Camp

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

WAIVING DESIGN STANDARDS FOR STREET TREES IN TWO LOTS IN MCNEESE ADDITION ON PROPERTY GENERALLY LOCATED AT S. 25TH STREET AND SUMNER STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81700 WHEREAS, the conditions of approval of proposed Administrative Final Plat McNeese Addition contains the requirements that the subdivider plant street trees along S. 25th Street and Sumner Street in said Administrative Final Plat generally located at the northeast corner of S. 25th Street and Sumner Street; and

WHEREAS, applicant has requested a modification to waive said 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 strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

1. That the requirement of the Administrative Final Plat of McNeese Addition generally located at the northeast corner of S. 25th and Sumner Streets relating to the planting of street trees along S. 25th Street and Sumner Street, is hereby waived. Be it further resolved that nothing herein shall be construed to preclude the City Council from ordering the planting of street trees in said location at any time in the future upon proper notice to the owners, their successors or assigns.

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

Introduced by Jon Camp

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

APPROVING A LETTER AGREEMENT BETWEEN THE CITY OF LINCOLN POLICE DEPARTMENT AND HANIGAN BJORKMAN ECKLUND FOR ASSISTANCE IN EVALUATING EVIDENCE HANDLING POLICIES AND PROCEDURES FOR A THREE YEAR TERM - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81701 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Letter Agreement between the City of Lincoln Police Department and Hanigan Bjorkman Ecklund, for assistance in evaluating evidence handling policies and procedures, for a three-year term, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return an executed copy of the Letter Agreement to Hanigan Bjorkman Ecklund, P.O. Box 23110, Lincoln, NE 68542-9939, and to send a copy of the same to Rich Anderson, Lincoln Police Department for their file.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING  
DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 16 - 31,  
2002 - CLERK read the following resolution, introduced by Jon Camp, who  
moved its adoption:

A-81702 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 September 3, 2002, of various new and pending tort claims  
filed against the City of Lincoln with the Office of the City Attorney  
or the Office of the City Clerk, as well as claims which have been  
disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905  
(Reissue 1997). The dispositions of claims by the Office of the City  
Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED</u>
American Family Insurance Group (Pamela Bergmann, Insured)	\$ 581.40	Billie Enders \$ 25.00 Terry Hager 151.40
Ann Lafler	90.00	Michelle Cartwright 608.55
Allen V. Thomsen	400.00	Scott & Valerie Wolf
American Family Insurance Group (Eric Paik, Insured)	1,624.25	6,278.28 Twyla Hansen 100.00
Cathy & Darwin Schwisow	447.82	
Steven Shelor	NAS*	
Jamie Jerabek	601.01	
Christine & Clayton Ingersoll	328.00	
Kristen Nekovar	100.00	
Christopher Yllescas	484.63	

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

APP. OF ST. JOSEPH CATHOLIC CHURCH/SCHOOL AT 1940 S. 77TH ST. TO CONDUCT A  
LOTTERY WITHIN THE CITY OF LINCOLN FROM OCT. 1 THROUGH NOV. 30, 2002 -  
CLERK read the following resolution, introduced by Jon Camp, who moved  
its adoption:

A-81703 WHEREAS, St. Joseph Catholic Church and School 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. Joseph Catholic Church and School to conduct a  
lottery in the City of Lincoln in accordance with the application filed  
by Msgr. Myron J. Pleskac. 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 Jon Camp  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.

APP. OF ST. TERESA'S CATHOLIC CHURCH AT 735 S. 36TH ST. TO CONDUCT A LOTTERY  
WITHIN THE CITY OF LINCOLN FROM SEPT. 29 THROUGH NOV. 10, 2002 - CLERK  
read the following resolution, introduced by Jon Camp, who moved its  
adoption:

A-81704 WHEREAS, St. Teresa's Catholic 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. Teresa's Catholic Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Rev. Joseph J. Nemecek. 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 Jon Camp

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

APP OF ST. PATRICK'S SCHOOL AT 4142 N. 61ST ST. TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPT. 16 THROUGH NOV. 22, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81705 WHEREAS, St. Patrick's School has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

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

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Patrick's School to conduct a raffle in the City of Lincoln in accordance with the application filed by Jeanne L. Vrbka. 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 raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, SEPT. 30, 2002 AT 5:30 P.M. FOR THE APPLICATION OF JANEANE M. & ROBERT F. GLENN DBA "PARK TERRACE BANQUET HALL" FOR A CLASS "I" LIQUOR LICENSE AT 1501 CENTER PARK ROAD #200 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81706 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., September 30, 2002, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the App. of Janeane M. & Robert F. Glenn dba "Park Terrace Banquet Hall" for a Class "I" Liquor License at 1501 Center Park Rd., #200.

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



Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, SEPT. 30, 2002 AT 5:30 P.M. FOR THE MAN. APP. OF ROY G. DICKSON FOR CORPORATE GOLF MARKETING DBA "YANKEE HILL COUNTRY CLUB" LOCATED AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81707 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., September 30, 2002, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Roy G. Dickson for Corporate Golf Marketing dba "Yankee Hill Country Club" located at 7600 San Mateo Lane.

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

Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, SEPT. 30, 2002 AT 5:30 P.M. FOR MAN. APP. OF KEVIN LANNING FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" LOCATED AT 1421 CENTERPARK ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81708 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., September 30, 2002, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Kevin Lanning for Whitehead Oil Company dba "U-Stop Convenience Shop" located at 1421 Centerpark Road.

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

Introduced by Jon Camp

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

#### PETITIONS & COMMUNICATIONS

INFORMAL PETITION FOR WATER MAIN DISTRICT IN NORTHWEST 6<sup>TH</sup> STREET, WEST DAWES TO WEST SAUNDERS SUBMITTED BY ROBERT M. MARKOVIC - CLERK presented said petition which was referred to the Public Works Dept.

INFORMAL PETITION FOR SEWER DISTRICT IN NORTHWEST 23<sup>RD</sup> STREET WEST O TO WEST Q SUBMITTED BY NOEL L. CHADD - CLERK presented said petition which was referred to the Public Works Dept.

#### REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR SEPT. 3 THROUGH SEPT. 6 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81709 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 Jon Camp

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR THE MONTH OF NOV., 2001 THRU JAN. 2002: MERCHANT WIRED DBA MW CINTRAL; MAR. THRU APRIL, 2002: MERCHANT WIRED DBA MW CINTRAL; JUNE 2002: SHAFFER COMM.; JULY 2002: CRICKET, CRICKET (OVER REPORTED REVENUE), SPRINT, SPRINT SPECTRUM, ALLTEL OF MIDWEST, ALLTEL NEBRASKA, ALLTEL COMM., NEBRASKA TECHNOLOGY & TELECOMM., CELLULAR ONE, MCI WORLDCOM, IBM GLOBAL, GUARANTEED PHONE SERVICE, QUANTUMSHFT, BELL ATLANTIC, NETWORK BILLING SYSTEMS, OCMC, NORSTAN NETWORK, MCLEOD USA - 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 AUGUST, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND LINCOLN ACTION PROGRAM FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N ST., TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jon Camp, accepting and approving a Sublease Agreement between the City of Lincoln and Lincoln Action Program for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of July 1, 2002 through June 30, 2003 whereby the City of Lincoln is subleasing space to Lincoln Action Program at the One Stop Center for providing job training and employment services under the Workforce Investment Act, the first time.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$180,000,000 AGGREGATE PRINCIPAL AMOUNT OF LINCOLN ELECTRIC SYSTEM REVENUE AND REFUNDING BONDS, AMENDING CERTAIN PROVISIONS OF THE NOTE ORDINANCE, AND RELATED MATTERS. (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READING ON 9/23/02) - CLERK read an ordinance, introduced by Jon Camp, a Series Ordinance adopted under and pursuant to Ordinance No. 17879 passed July 23, 2002; authorizing the issuance of Lincoln Electric System Revenue and Refunding Bonds, Series 2002 of the City of Lincoln, Nebraska in an aggregate principal amount not to exceed \$180,000,000; fixing in part and providing for the fixing in part of the details of said bonds; providing for the sale of said bonds and the application of the proceeds of such sale; taking other action in connection with the foregoing; amending certain provisions of Ordinance Nos. 16792 and 16800 of the City; and declaring and emergency, the first time.

ORDINANCES - 3RD READING

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 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - PRIOR to reading:

SVOBODA Moved to waive the rules to have 3rd Reading on Bill No. 02-133 this date.

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

CLERK Read an ordinance, introduced by Annette McRoy for Terry Werner who was absent, amending the corporate limits of the City by annexing approximately 35.3 acres of property generally located at U.S. Highway Page 77, S.W. 12th Street and W. South Street, the third time.

The ordinance, being numbered **#18064**, is recorded in Ordinance Book 25, Page

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 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - PRIOR to reading:

FRIENDT Moved to waive the rules to have 3rd Reading on Bill No. 02-134 this date.

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

CLERK Read an ordinance, introduced by Coleen Seng for Terry Werner who was absent, 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 third time.

The ordinance, being numbered **#18065**, is recorded in Ordinance Book 25, Page

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 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 9/16/02) - PRIOR to reading:

FRIENDT Moved to waive the rules to have 3rd Reading on Bill No. 02-135 this date.

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

CLERK Read an ordinance, introduced by Coleen Seng for Terry Werner who was absent, 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 third time.

The ordinance, being numbered #18066, is recorded in Ordinance Book 25, Page

**MISCELLANEOUS BUSINESS**

**PENDING LIST -**

CAMP Moved to extend the Pending List to September 23, 2002.  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda; NAYS; None; ABSENT: Werner.

**UPCOMING RESOLUTIONS**

CAMP Moved to approve the resolutions to have Public Hearing on  
September 23, 2002.  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda; NAYS; None; ABSENT: Werner.

**ADJOURNMENT**

**3:33 P.M.**

CAMP Moved to adjourn the City Council meeting of September 16, 2002.  
Seconded by Friendt & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Werner.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Office Assistant III

REGULAR MEETING  
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