

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

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

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of September 23, 2002, reported having done so, found same correct.
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PUBLIC HEARING

APPLICATION OF DAN WILLIAMS DBA "HIGHLANDS GOLF COURSE" FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE GOLF COURSE AND PARKING LOT AT 5501 N.W. 12TH STREET ON OCTOBER 14, 2002 FROM 8:00 A.M. TO 6:00 P.M. - Dan Williams, Highlands Golf Course, came forward to answer any potential Council questions.

This matter was taken under advisement.

MANAGER APPLICATION OF KEVIN LANNING FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 1421 CENTERPARK ROAD - Kevin Lanning, came forward and took the oath, to answer any potential Council questions.

This matter was taken under advisement.

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 - Lynn Johnson, Parks & Recreation Director, came forward to explain the basics of the long-term contract with Nebraska Wesleyan and the City for the ballfield being constructed in Woods Park.

Councilman Werner asked if the contract would go through whether the Council was in favor tonight or not. Mr. Johnson affirmed that it would.

Councilman Werner asked if it was necessary to spend \$140,000. Mr. Johnson stated that Wesleyan was paying \$60,000 of that amount.

Councilman Werner asked if this contract could still be granted by the Executive Order process, to which Mr. Johnson said it could be done that way but not a multi-year process, only year by year leases can be done by the Mayor.

Councilman Cook asked about the field use fee. Mr. Johnson explained that Wesleyan would have to pay field use fees, if this multi-year lease was not passed, and it would be \$2,000 per year in the spring and the fall. The City would have to incur the \$60,000 cost that Wesleyan would not be paying.

Councilman Friendt asked why there wasn't notification to the neighbors much sooner, since the construction has already begun.

Mr. Johnson stated that the communication to the neighborhood association was not as good as it could have been and that no project board had been posted on the site.

Brad Korel, Board Member of Wesleyan University, came forward in support of the project. He shared the many ways in which Wesleyan supports the community by sharing their campus for various events.

Ira Zeff, 7544 Baldwin Ave., Athletic Director of Wesleyan University, came forward in support of this project and to answer questions regarding the attendance statistics.

Councilman Friendt asked Mr. Zeff if they would be in favor of a clause in the contract that eliminated lights for the ballfield. Mr. Zeff said they would be in agreement with that.

Harold Chaffee, 4040 South 31st Street, associated with Nebraska Wesleyan and Kiwanis, came forward in favor of this project and the potential of helping the youth in Lincoln.

Steve McKelvey, President of Babe Ruth Baseball, 9221 Simi Ct., came forward in favor of the project and the potential for youth

baseball in Lincoln to use this field as well.

Councilman Camp asked about needing the potential of lights for Babe Ruth Baseball and Mr. McKelvey answered that they are not necessary.

Steve Lortz, 934 South 32nd St., came forward in favor of the baseball field for Wesleyan University.

Mike Korsakas, 5430 So. Bristolwood Place, Lincoln Dodgers Select Baseball Program, came forward in favor and suggested there would not be a negative impact on the neighborhood.

Councilman Werner asked Mr. Korsakas if this wouldn't increase traffic for the neighborhood. Mr. Korsakas replied that basically when the Rebel Baseball tryouts are held, there is an increase of traffic at that time, but not on a regular basis.

Bob Valentine, 2660 Park Avenue, came forward in opposition.

Jose J. Soto, 509 S. 28th Street, came forward in opposition. He discussed the fact that the process of notification of the neighbors was lacking.

Michael Gengler, Pres. of Woods Park Neighborhood Assoc., 442 So. 28th St., came forward in opposition.

Kelli Achen, 364 S. 30th Street, came forward in opposition.

Ron Cerney, 434 S. 28th Street, came forward in opposition.

Jim Millstead, 600 Marshall Ave., came forward in opposition.

Craig Groat, 4935 Huntington, came forward in opposition.

Jon Delunger, 325 So. 30th St., came forward in opposition.

Hans Gilde, 610 S. 32nd St., came forward in opposition.

Jayne Sebby, 320 S. 29th St., came forward in opposition.

Glen Cejkal, 1420 C Street, came forward in opposition.

Becky Martin, 338 So. 29th St., came forward in opposition. She gave the Council Members a handout of her letter. **(53B)**

Dan Sloan, 405 S. 28th St., came forward in opposition.

Lisa Hoffman, 445 So. 30th St., came forward in opposition.

Greg Hoffman, 445 So. 30th St., came forward in opposition.

Christina Nemec, 703 S. 34th St., came forward in opposition.

Mike Morosin, 2055 "S" St., came forward in opposition.

Mr. Johnson returned for rebuttal and to answer the questions that had come up. He stated these are not tax dollars, rather they are user fees that have been collected over the years. There is adequate funding to complete this project. Parks and Rec Dept. anticipated the loss of this field and are adding another backstop to another field in this same park. The Dept. would agree to not put up lights on the field. There would be a portable PA system and if the neighborhood has a problem with that they will have to call Parks and Rec so that the sound level can be adjusted accordingly. As to the parking, there are 150 parking spaces available and there are plans to make the turn ins more accessible to the public traffic situation. Mr. Johnson stated that if the Wesleyan situation becomes a larger impact on the neighborhood then they could ultimately be moved to the Sherman Field. He assured the Council that Parks and Rec is committed to work with the neighborhood. In regards to the signage, he stated it would have Kiwanis Complex and Home of the Wesleyan Prairie Wolves.

Further discussion and questions were exchanged between Mr. Johnson and Council members.

Sarah Boatman, Nebraska Wesleyan Affairs Office, 7244 Sugar Creek Ct., came forward in favor of the project and to answer additional questions for the council.

Councilman Werner questioned City Attorney, Dana Roper about the concern of church and state. Mr. Roper replied that the baseball games were not secular events. He also stated that if the Council does not approve this contract, it could be done on a yearly basis by the Mayor through the Executive Order process.

This matter was taken under advisement.

8:15 P.M. COUNCIL BREAK

8:30 P.M. RECONVENED

CREATING PAVING UNIT NO. 137 IN SAUNDERS AVE., 12TH STREET TO 14TH STREET - CLERK stated that a letter had been received from Ben & Amy Herr in favor of the Paving Unit.

Nicole Fleck-Tooze, Public Works came forward to offer the substitute resolution.

Ed Grubbs, 536 Pier 1, came forward in favor of the paving unit.

Ernie Larkins, 1346 Saunders, came forward in opposition

Judy Isley, 1229 Saunders, came forward in opposition.

Karen Knopp, 1200 Saunders St., came forward in opposition.

Councilman Friendt asked City Attorney, Dana Roper to answer

questions as to why this issue was back before Council when the majority of people were against it previously. Mr. Roper explained that there was not 50% approval to go forward so therefore state law states it can be paved in a special assessment district. This law was put in by municipalities as a tool to complete projects such as this.

Councilwoman Seng asked if it was possible to work around the businesses.

Bruce Sweeney, Public Works Engineering Services, came forward and said this is a difficult area because of a rural setting type drainage and that it needed to be improved and they would be willing to work with the businesses to provide alternate entrances.

Councilwoman McRoy asked if we could use the funds to upgrade the alley if this doesn't pass.

Elmer Cole, Public Works Engineering Services, came forward to explain the funds are allocated thru the Special Assessments Board and the money is earmarked and can not be used for the alley.

Nicole Fleck-Tooze, Public Works, returned to explain the process of the request by one individual to pave and how each step is followed through until a Paving Unit is formed.

Discussion ensued among Council members.

Mr. Grubbs returned for rebuttal saying he would not have a reason to bring this item forward again.

This matter was taken under advisement.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY ACROSS P STREET AND EAST ALONG THE NORTH SIDE OF P STREET TO 16TH STREET FOR INSTALLATION OF PRIVATE CHILLED WATER LINES FOR THE NEBRASKA STATE HISTORICAL MUSEUM LOCATED AT CENTENNIAL MALL AND P STREET - Tony Schmitz, Deputy Director of the Historical Museum came forward in favor of this issue.

This matter was taken under advisement.

APPROVING A SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM - Margaret Remmenga, Office Manager of Public Works, came forward to explain the increase in water use charges.

Ed Patterson, 2108 "Q" Street, came forward to ask if this could be explained better in pre-council meeting. He was in opposition to this matter.

Glen Cejkal, 1420 "C" Street, came forward in opposition to the increase in water use charges.

Craig Groat, 4935 Huntington Street, came forward to suggest there needs to be a Civilian Board appointed to oversee the Water System.

Discussion and questions ensued among Council members.

This matter was taken under advisement.

ASSESSING PREMISE CLEARANCE COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES TO THE FOLLOWING BENEFITTED PROPERTIES: 621 N. 70TH, 2442 VINE ST., 417 S. 56TH ST., 621 N. 70TH ST., 1616 N. 24TH ST., 1340 PLUM ST., 1529 S. 24TH ST., 2032 U ST., 1340 PLUM ST., 1032 LAKE ST., 1315 S. 8TH ST. - Scott Holmes, Lincoln - Lancaster Health Dept., came forward to explain the assessment to the property owners who had not removed garbage.

Craig Groat, 4935 Huntington Street, came forward to complain about the inspections that are done by the Health Dept.

This matter was taken under advisement.

SPECIAL PERMIT 1985 - APPLICATION OF ALONZO AND MARIJANE ATHEY TO ALLOW THE RECONSTRUCTION AND EXPANSION OF A NON-CONFORMING USE, ON PROPERTY GENERALLY LOCATED AT 9400 YANKEE HILL ROAD - Brian Carstens, 2935 Pine Lake Rd., Suite H, representing Lonnie Athey of Athey Painting, came forward to explain the need for the special permit for nonconforming use.

Lonnie Athey, 10701 Dawn Ave., came forward to explain since lightning struck his place of business, causing a fire that destroyed his building, he obviously needs to rebuild. In conjunction with this he planned to expand his building to be able to house equipment that has previously been outside.

Gayle Haunch, Pres. of Cheney Improvement Program, came forward in support of the application.

Mark Southwick, 1943 Independence Ct., came forward in support of the expansion.

Linda Spanel, Cheney Sanitary Improvement District #5, came forward in opposition.

Deb Marlor, Cheney Sanitary Improvement District #5, came forward in opposition.

Ray Hill, Planning Dept., came forward and recommended that this should not be approved due to the nonconformance of the zone for the entry corridor to Lincoln.

Discussion ensued among Council members.

This matter was taken under advisement.

APPROVING THE APPLICATION OF THE PARKS AND RECREATION DEPARTMENT FOR A GRANT APPLICATION TO THE NEBRASKA GAME AND PARKS COMMISSION FOR THE COMPLETION OF TRAILS AND RELATED BRIDGES IN THE HOLMES LAKE PARK IMPROVEMENT PROJECT - Lynn Johnson, Director of Parks & Rec, came forward to explain the grant application to Council.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Ed Patterson, 2108 "Q" Street, President of Malone Neighborhood Association, came forward to read a letter, which he handed out to the Council regarding Malone Neighborhood Association and Hawley Historic District. **(53B)**

Mike Morosin, 2055 "S" Street, Past President of Malone Neighborhood Association, came forward and continued to read from the same letter Ed Patterson had presented.

Glen Cejkal, 1420 C Street, came forward to talk about impact fees. Council Chair Cook informed Mr. Cejkal that it had been a consensus decision among council members to not allow people to talk about impact fees during the open mike session because it will be on an upcoming agenda. Mr. Cejkal continued with another topic regarding the votes on the Cheney property.

Craig Groat, 4935 Huntington Ave., came forward and read several definitions of an agenda from various dictionaries. He suggested to Council that they are in violation of their own agenda by not allowing people to speak on various topics.

These matters were taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF DAN WILLIAMS DBA "HIGHLANDS GOLF COURSE" FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE GOLF COURSE AND PARKING LOT AT 5501 N.W. 12TH STREET ON OCTOBER 14, 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-81721 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 Dan Williams d/b/a "Highlands Golf Course" for a Special Designated License to cover the entire golf course including the driving range, parking lots, and all fenced-in areas at 5501 N.W.12th Street, Lincoln, Nebraska, on October 14, 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: Camp, Friendt, Svoboda.

MANAGER APPLICATION OF ROY G. DICKSON FOR CORPORATE GOLF MARKETING DBA "YANKEE HILL COUNTRY CLUB" AT 7600 SAN MATEO LANE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81722 WHEREAS, Corporate Golf Marketing dba "Yankee Hill Country Club" located at 7600 San Mateo Lane, Lincoln, Nebraska has been approved for a Retail Class "CK" liquor license, and now requests that Roy G. Dickson be named manager;

WHEREAS, Roy G. Dickson 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 Roy G. Dickson 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: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF KEVIN LANNING FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 1421 CENTERPARK ROAD - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

A-81723 WHEREAS, Whitehead Oil Company dba "U-Stop Convenience Shop" located at 1421 Centerpark Road, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Kevin Lanning be named manager;

WHEREAS, Kevin Lanning 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 Kevin Lanning 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: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ORDINANCES - 2ND 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. (9/9/02 - To have 2nd Reading on 9/30/02) - PRIOR to reading:

CAMP Moved to delay P.H. and action on Bill No. 02-126 to 10/14/02.

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

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 second time.

RENAMING THE STUB STREET RUNNING EAST FROM TALLGRASS PARKWAY FROM "NIGHTHAWK ROAD" TO "BLUE SAGE BOULEVARD", GENERALLY LOCATED AT HIGHWAY 34 AND FALLBROOK BOULEVARD - CLERK read an ordinance, introduced by Glenn Friendt, renaming the stub street running east from Tallgrass Parkway from "Nighthawk Road" to "Blue Sage Boulevard", generally located at Highway 34 and Fallbrook Boulevard, the second time.

RESOLUTIONS

CREATING PAVING UNIT NO. 137 IN SAUNDERS AVE., 12TH STREET TO 14TH STREET -
PRIOR to reading:

McROY Moved to adopt the Substitute Resolution.

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

McROY Moved to adopt the Main Resolution.

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

The resolution, having **LOST**, was assigned File #38-4414, & was placed on file
in the Office of the City Clerk.

AUTHORIZING THE USE OF THE PUBLIC RIGHT-OF-WAY ACROSS P STREET AND EAST ALONG
THE NORTH SIDE OF P STREET TO 16TH STREET FOR INSTALLATION OF PRIVATE
CHILLED WATER LINES FOR THE NEBRASKA STATE HISTORICAL MUSEUM LOCATED AT
CENTENNIAL MALL AND P STREET - CLERK read the following resolution,
introduced by Annette McRoy, who moved its adoption:

A-81724 WHEREAS, the Nebraska State Historical Society has submitted an
application for a permit to use the public right-of-way across P Street
and east along the north side of P Street to 16th Street for the
installation of a private chilled water line at 1500 R Street; and

WHEREAS, said applicant has submitted a letter of application and
a site plan which are attached hereto, marked as Exhibit "A" and Exhibit
"B" respectively, and made a part of this resolution by reference, to
use the public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of
Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the application aforesaid of Nebraska State Historical,
hereinafter referred to as "Permittee" to use the public right-of-way
across P Street and east along the north side of P Street to 16th
Street, at 1500 R Street, is granted as a privilege only by virtue of
and subject to strict compliance with the site plan, the letter of
application, and the following terms and conditions, to wit:

1. That the permission herein granted is granted as a privilege
only, and is subject to all the terms and conditions of Chapter 14.54 of
the Lincoln Municipal Code including those provisions relating to the
posting of a continuing bond in the amount of \$5,000, and the filing of
a certificate of insurance with a minimum combined single limit of
\$500,000 aggregate for any one occurrence.

2. That said use shall be in full accordance with the aforesaid
application, the site plan filed therewith, and with all applicable City
ordinances and regulations.

3. The Permittee, its heirs, successors or assigns shall save
and keep the City free and harmless from any and all loss or damages or
claims for damages arising from or out of the use of the public way
requested herein.

4. That all work done under the authority of this resolution
shall be subject to the inspection and approval of the Director of
Public Works of the City of Lincoln.

5. This permit may be revoked by resolution of the City Council
and after giving of five days written notice to the Permittee by the
City Clerk, for the following reasons: (a) failure or neglect of the
Permittee to comply with the provisions of Chapter 14.54 of the Lincoln
Municipal Code, or any other provisions of the Lincoln Municipal Code or
the provisions of the permit; (b) failure to use the space for which the
permit was granted for a continuous period of at least six months or (c)
upon a determination by the City that the space for which the permit was
granted is needed for public use.

Upon revocation of a permit, the Permittee shall forthwith remove
or abandon the space for which the permit was granted, together with the
removal of any structure at their own cost and expense and return that
space to the City of Lincoln, free and clear of all structures or
encroachments of any type, at no expense to the City. If the requested
removal or abandonment has not been completed within six months after
revocation of the permit, the City Council may cause such removal or
abandonment to be so done and the cost of such work shall become a lien
against the property of the Permittee.

6. The use of the public way herein granted and the terms and
conditions of this resolution shall be binding and obligatory upon the
above-named Permittee, its successors and assigns.

7. That within thirty (30) days from the adoption of this
resolution, and before commencing any construction under the provisions
hereof, the above-named Permittee shall file an unqualified written

acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon ipso facto terminate.

Introduced by Annette McRoy

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

APPROVING THE 2002-03 WORK PLAN FOR THE STORMWATER INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LOWER PLATTE SOUTH NRD FOR ADDRESSING STORMWATER QUALITY AND QUANTITY ISSUES IN THE CITY - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81725 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Fiscal Year 2002-2003 Work Plan to the Interlocal Agreement on Stormwater Management between the City of Lincoln and the Lower Platte South Natural Resources District, which is attached hereto marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln. Said Fiscal Year 2002-2003 Work Plan establishes a framework and division of responsibilities for addressing stormwater quality and quantity in the City between the City of Lincoln and the Lower Platte South Natural Resources District and authorizes the use of appropriated monies in accordance with the terms and conditions contained in said Fiscal Year 2002-2003 Work Plan.

The City Clerk is directed to transmit a certified copy of the executed original Fiscal Year 2002-2003 Work Plan to the Interlocal Agreement to Steve Masters, Public Works and Utilities Department, for transmittal to the Lower Platte South NRD.

Introduced by Annette McRoy

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

APPROVING A SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM - PRIOR to reading:

WERNER Moved to place Bill No. 02R-207 on pending and to have public hearing the same time as the Impact Fees public hearing.

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

ASSESSING PREMISE CLEARANCE COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES TO THE FOLLOWING BENEFITTED PROPERTIES: 621 N. 70TH, 2442 VINE ST., 417 S. 56TH ST., 621 N. 70TH ST., 1616 N. 24TH ST., 1340 PLUM ST., 1529 S. 24TH ST., 2032 U ST., 1340 PLUM ST., 1032 LAKE ST., 1315 S. 8TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81726 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2002 and draw interest as provided for in Neb. Rev. Stat. § 45-104.1 for assessments.

Introduced by Annette McRoy

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

SPECIAL PERMIT 1985 - APPLICATION OF ALONZO AND MARIJANE ATHEY TO ALLOW THE RECONSTRUCTION AND EXPANSION OF A NON-CONFORMING USE, ON PROPERTY GENERALLY LOCATED AT 9400 YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to delete the waver of planting trees.

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

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

A-81727 WHEREAS, ALONZO and MARIJANE ATHEY have submitted an application designated as Special Permit No. 1985 for authority to reconstruct and expand a non-conforming use on property located at 9400 Yankee Hill Road, and legally described to wit:

Lot 67, Irregular Tract, in the Southwest Quarter of Section 23, Township 9 North, Range 7 East of the 6th

P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reconstruction of a non-conforming use building will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of ALONZO and MARIJANE ATHEY, hereinafter referred to as "Permittee", to reconstruct and expand a non-conforming use, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.280 of the Lincoln Municipal Code upon condition that construction and operation of said commercial construction be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the reconstruction and expansion of a nonconforming use.

2. A waiver of the required parking lot is hereby approved with the exception of a handicap stall to be paved.

~~3. A waiver of the required landscape screen is hereby approved.~~

4. Before receiving building permits the construction plans must conform to the approved plans.

5. Before occupying the building all development and construction must be completed in conformance with the approved plans.

6. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

7. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittees, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

9. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

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

APPROVING THE APPLICATION OF THE PARKS AND RECREATION DEPARTMENT FOR A GRANT APPLICATION TO THE NEBRASKA GAME AND PARKS COMMISSION FOR THE COMPLETION OF TRAILS AND RELATED BRIDGES IN THE HOLMES LAKE PARK IMPROVEMENT PROJECT - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81728 WHEREAS, the City of Lincoln through its Parks and Recreation Department proposes to apply to the Nebraska Game and Parks Commission for financial assistance from the Land and Water Conservation funds for the purpose of development of the recreational trail and related bridges in Holmes Park.

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

1. The City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Land and Water Conservation Grant Fund for the purpose of constructing

recreational trails and related bridges in Holmes Park.

2. The City of Lincoln has available and will apply its share of the project cost (\$125,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use.

3. The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to operate and maintain the completed facility in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by make the facilities accessible to the handicapped.

4. The City of Lincoln will, within 30 days of federal approval, or as soon thereafter as legally possible, obtain the necessary consultant for this project.

5. The Mayor is hereby authorized to sign all documents necessary and required by the Land and Water Conservation Fund administrators to acquire the grant funds.

6. No property developed under this project will, without the approval of the Nebraska Game and Parks Commission and the Secretary of the Interior, be converted to non-public outdoor recreation purposes. The City of Lincoln will replace any converted land in accordance with Section 6(f)(3) of the Land and Water Act of 1965, as amended to date.

7. The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Annette McRoy

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

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

A-81729 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 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>	
Chris Schroeder	\$425.47	State Distributing Co.	\$ 52.48
Bruce Ath & Sarinah Huynh	NAS*	Rena Francis S. Paulo	700.00
Sean Gentrup	NAS*	Peggy Haar	546.29
Monica Dawson	NAS*	Everett L. Shirk	41.47
Joshua S. Matson	86.00	Donna L. Kizzier	1,080.95
Marvin Stancil II	NAS*	Casey Allee	1,600.00
Jessica Sornson	80.00		

*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 Annette McRoy

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

REAPPOINTING JEFFREY SCHWEBKE, LOIS HAUPT, DON POST, AND GLENN FRIENDT TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR THREE-YEAR TERMS EXPIRING AUGUST 31, 2005 - PRIOR to reading:

MCROY Moved to amend Bill No. 02R-212 by adding appointment in front of the name Glenn Friendt.

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

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

A-81730 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jeffrey Schwebke, Lois Haupt, Don Post, and appointing Glenn Friendt to the Community Development Task Force for a three-year term expiring August 31, 2005 is hereby approved.

Introduced by Annette McRoy

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

APPOINTING DR. D'ANDRA OREY TO THE CHARTER REVISION COMMISSION FOR A FOUR-YEAR TERM EXPIRING JULY 15, 2006 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81731 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. D'Andra Orey to the Charter Revision Commission for a four-year term expiring July 15, 2006 is hereby approved.

Introduced by Annette McRoy

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ROADS FOR PROJECT NO. F-77-2(1021) US HIGHWAY 77 - CAPITOL PARKWAY WEST INTERCHANGE - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81732 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads for Project No. F-77-2(1021), U.S. Highway 77 - Capitol Parkway West Interchange, 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 the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 14, 2002 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF WAYNE L. VENTER FOR THE LANCASTER COUNTY AGRICULTURAL SOCIETY DBA LANCASTER EVENT CENTER LOCATED AT 4100 N. 84TH STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81733 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 14, 2002 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Wayne L. Venter for Lancaster County Agricultural Society dba Lancaster Event Center located at 4100 N. 84th Street.

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

Introduced by Annette McRoy

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 14, 2002 AT 1:30 P.M. FOR THE APPLICATION OF BJT, INC. DBA THE OFFICE FOR A CLASS I LIQUOR LICENSE LOCATED AT 1211 "O" STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81734 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 14, 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 App. of BJT, Inc. dba The Office for a Class I liquor license located at 1211 "O" Street.

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

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

PETITIONS & COMMUNICATIONS

SETTING THE HEARING DATE OF MONDAY, OCTOBER 7, 2002 AT 1:30 P.M. FOR THE APPLICATION OF PIUS X HIGH SCHOOL TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN BEGINNING FEB. 3, 2003 TO MAY 3, 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81735 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., October 7, 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 App. of Pius X High School Booster Club to conduct a lottery within the City of Lincoln beginning Feb. 3, 2003 to May 3, 2003.

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

Introduced by Annette McRoy

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

PETITION TO VACATE THE NORTH-SOUTH ALLEY RUNNING FROM L STREET NORTH HALFWAY TO M STREET BETWEEN SOUTH 7TH AND SOUTH 8TH STREET SUBMITTED BY PETER KATT, ATTORNEY FOR BFP LTD. - CLERK presented said petition, which was referred to the Law Dept.

PETITION TO VACATE THE EAST-WEST ALLEY LYING SOUTH OF LOTS 1,2,3,4,5 & P6, & THAT PORTION OF THE NORTH-SOUTH ALLEY LYING BETWEEN LOTS 11, 12 & 13 ON THE WEST AND LOTS 24,25 & 26 ON THE EAST IN HALTERS SUB (SEC 14, T10N, R6E, SUBMITTED BY BOARD OF REGENTS, UNIVERSITY OF NEBRASKA - CLERK presented said petition, which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR SEPT. 16 THROUGH SEPT. 20 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81736 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, Werner; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMMUNICATIONS OCC. TAX FOR THE MONTH OF FEBRUARY, 2002: MERCHANT WIRED; FOR THE MONTH OF AUGUST, 2002: NPCR, INC., D&D COMMUNICATIONS, INC., ATS MOBILE TELEPHONE CO., OPERATOR COMMUNICATIONS, INC., VARTEC, TOUCH AMERICA, INC., PRIMUS TELECOMMUNICATIONS, INC., BROADWING TELECOMMUNICATIONS, TELIGENT SERVICES, INC., GLOBAL CROSSING TELECOMMUNICATIONS, INC., ACN COMMUNICATIONS SERVICES, INC., WORKING ASSETS FUNDING SERVICE, INC., QWEST COMMUNICATIONS, INC., ONSTAR CORPORATION, AT&T COMMUNICATIONS OF MIDWEST, XO LONG DISTANCE SERVICES, INC., TRACFONE WIRELESS, INC., INTELICAL OPERATOR SERVICES, WESTERN UNION COMMUNICATIONS, INC., AFFINITY NETWORK, INC., NOSVA LIMITED PARTNERSHIP, NOS COMMUNICATIONS, INC., RSL COM USA, INC., TRANS NATIONAL COMMUNICATIONS, INT'L., INC., TRI-M COMMUNICATIONS, INC., ATT WIRELESS PCS, LLC, ATT WIRELESS SERVICES, I-LINK COMMUNICATIONS, INC., ASSOCIATION ADMINISTRATORS, INC., LDMI TELECOMMUNICATIONS, INC., ZONE TELECOM, INC., COMDATA TELECOMMUNICATIONS SERVICES, INC., GTC TELECOM, INC., LIGHTYEAR COMMUNICATIONS, INC., AND NEXTEL WEST CORP. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON SEPTEMBER 23, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS SEPTEMBER 27, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING

VACATING NIGHTHAWK ROAD WEST OF N.W. 6TH STREET WITHIN FALLBROOK ADDITION, GENERALLY LOCATED NORTH OF FALLBROOK BLVD. AND WEST OF N.W. 6TH STREET - CLERK read the following ordinance, introduced by Annette McRoy, vacating Nighthawk Road west of N.W. 6th Street within Fallbrook Addition, generally located north of Fallbrook Blvd. and west of N.W. 6th Street, the first time.

ORDINANCES - 3RD 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 third time.
CAMP Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18069, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to October 7, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS; None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on October 7, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS; None.

ADJOURNMENT

11:30 P.M.

CAMP Moved to adjourn the City Council meeting of September 30, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Glenna Graupmann, Office Assistant III

