

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 12, 2004 AT 1:30 P.M.**

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

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of January 5, 2004, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Coleen J. Seng came forward to present the Mayor's Award of Excellence for the month of December to James Anderson of the Finance Department in the category of Productivity/Loss Prevention/Customer Relations.

PUBLIC HEARING

APPLICATION OF MIPFIVE, INC. DBA MICKEY'S IRISH PUB AND GRILL FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 1550 S. CODDINGTON, SUITE P;

MANAGER APPLICATION OF TIMOTHY J. MURPHY FOR MIPFIVE, INC. DBA MICKEY'S IRISH PUB AND GRILL AT 1550 S. CODDINGTON, SUITE P - Daniel E. Klaus, 1201 Lincoln Mall, Suite 102, took oath and came forward on behalf of Mickey's Irish Pub and Grill, as their attorney to request approval and discuss the concerns regarding any opposition of these applications. Further discussion followed.

Tom Casady, Chief of Lincoln Police Department, came forward in opposition of these applications and discussed the concerns regarding citations that were given to the establishment previously, the number of people being served while intoxicated at their establishment, and also discussed other concerning issues.

Mr. Klaus, came forward for rebuttal.

This matter was taken under advisement.

APPLICATION OF SHOGUN RK, INC. DBA SHOGUN FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 5520 S. 56TH STREET;

MANAGER APPLICATION OF SUN OK KIM FOR SHOGUN RK, INC. DBA SHOGUN AT 5520 S. 56TH STREET - Sun Ok Kim, 5220 S. 56th Street, took oath and came forward to answer questions.

Joel Lonowski, 201 N. 8th Street, took oath and came forward on behalf of Shogun as their attorney to state that Sun Ok Kim would like the liquor license to be in her name since she is now the primary and sole owner. Previously it was in her ex-husbands name.

Ken Svoboda, Council Member, asked Ms. Kim if she has gone through or attended a Responsible Hospitality Class or if she is signed up to attend.

Ms. Kim stated that she is signed up to attend one on February 8th of this year.

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE PARKS AND RECREATION CAPITAL IMPROVEMENT PROGRAM ATHLETIC FUNDS IN THE AMOUNT OF \$75,000 FROM BUSINESS UNIT 409374.6138 UNI BALLFIELD LIGHTING TO BUSINESS UNIT 409312.6138 BALLFIELD RENOVATION TO PURCHASE AGRA LIME FOR IMPROVED DRAINAGE TO FIELDS AT ELK, HOLMES, DENSMORE AND MAHONEY PARKS - Lynn Johnson, Parks and Recreation Director, came forward to request approval of this fund so they can purchase infield mix to improve the drainage of their fields.

This matter was taken under advisement.

CHANGE OF ZONE 3424 - APPLICATION OF EVERETT NEIGHBORHOOD ASSOCIATION FOR A

CHANGE OF ZONE FROM R-4 RESIDENTIAL, R-5 RESIDENTIAL, R-6 RESIDENTIAL AND B-3 COMMERCIAL TO R-2 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED BETWEEN 9TH AND 13TH STREETS, FROM WASHINGTON TO SOUTH STREETS - Kristi Wamstad-Evans, 1209 Peach Street, came forward representing the Everett Neighborhood Association and gave a presentation asking for approval of their original request of Change of Zone 3424. Further discussion followed.

Pat Anderson, 1500 S. 11th Street, came forward in favor of the original request of Change of Zone 3424. Further discussion followed.

Jeffery Tangeman, 1144 Peach Street, came forward in favor of the original request of Change of Zone 3424. Further discussion followed.

Michael Tavlin, 340 Victory Lane, came forward on behalf of B&J Partnership in favor of the request of Change of Zone 3424 as the Planning Department submitted it.

Ray Hill, Planning Department, came forward to discuss the Change of Zone. Discussion followed.

Kristi Wamstad-Evans came forward for rebuttal.

This matter was taken under advisement.

AMENDING SECTION 14.80.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO SNOW AND ICE REMOVAL TO PROVIDE THAT THE SIDEWALK INSPECTOR SHALL PLACE A WRITTEN NOTICE ON THE FRONT DOOR OR OTHER CONSPICUOUS PLACE ON THE PROPERTY ORDERING THE SIDEWALKS ALONG THE SAME OR ANY PORTION THEREOF TO BE CLEARED IMMEDIATELY AND PROVIDING A DEADLINE TO COMPLETE THE SAME OF NOT LESS THAN TWELVE HOURS AFTER POSTING THE SAME - Harry Kroos, Public Works and Utilities Sidewalk Services, came forward requesting approval and to answer any questions of the Council. Further discussion followed.

This matter was taken under advisement.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$35,000,000 - Allan Abbott, Public Works and Utilities Director, came forward to request approval of this highway allocation fund pledge bonds that Don Herz the Finance Director gave a presentation on at last week's meeting.

Ken Svoboda, Council Member, when CIP is developed and presented to us, do we have any flexibility in that, as a body, to alter that CIP whether it be the ranking of these projects or eliminating that project and slipping in another project?

Mr. Abbott, yes with the exception of that if we had a multi-year resolution pass by the council previously for a project that is the 2nd half of the funding as in the CIP, but it would be difficult to do that. Discussion followed.

Don Herz, Finance Director, came forward requesting approval of the highway allocation fund pledge bonds and explained the Tax Exempt Yield Curve, the additional wheel tax revenue, and the difference between a revenue bond and a highway allocation bond. Discussion followed.

Bruce Bohrer, Lincoln Chamber of Commerce, came forward in support of the highway allocation fund pledge bonds and to answer questions.

This matter was taken under advisement.

SPECIAL PERMIT 1826A - APPLICATION OF LARRY AND BLANCHE SCHWARCK TO INCREASE THE NUMBER OF RESIDENTS AT HAVEN MANOR, A DOMICILIARY CARE FACILITY, FROM 37 TO 46, ON PROPERTY GENERALLY LOCATED AT S. 56TH AND LINDEN STREET - Bob Schoenleber, Project Architect, 123 S. 84th Street, Suite A, came forward to request approval of this Special Permit No. 1826A and to answer questions.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS - NONE

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

PUBLIC HEARING REOPENED 3:13P.M.

NEWMAN

Moved to re-open the public hearing for Kabuki Japanese

Restaurant and Manager Application of Richard Kim.

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

APPLICATION OF KABUKI JAPANESE RESTAURANT, INC. DBA KABUKI JAPANESE RESTAURANT FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 5571 S. 48TH STREET;

MANAGER APPLICATION OF RICHARD KIM FOR KABUKI JAPANESE RESTAURANT, INC. DBA KABUKI JAPANESE RESTAURANT AT 5571 S. 48TH STREET - Richard Kim, 7400 S. 33rd Street, took oath and came forward to answer questions.

Terry Werner, Council Member, asked if he was notified of the City Council meeting today.

Mr. Kim stated that he was notified and expressed his apologies for being late.

Mr. Svoboda asked Mr. Kim if he was open for business.

Mr. Kim stated no due to construction.

This matter was taken under advisement.

PUBLIC HEARING ENDED 3:15P.M.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF MIPFIVE, INC. DBA MICKEY'S IRISH PUB AND GRILL FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 1550 S. CODDINGTON, SUITE P - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for denial:

A-82530 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 MIPFIVE, Inc. dba Mickey's Irish Pub and Grill for a Class "I" liquor license for the license period ending April 30, 2004, at 1550 S. Coddington, Suite P, Lincoln, Nebraska, be refused for the following reasons:

1. The proposed operation will not be in conjunction with the public interest.

2. The applicant cannot insure that alcoholic beverages will be handled by persons in accordance with state law.

3. The applicant has not demonstrated that its type of management and control will be sufficient to insure the license can conform to all the provisions and requirements of the rules and regulations adopted and promulgated pursuant to the act.

4. The City Council has determined that the existing population of the City of Lincoln and the projected population growth of the City of Lincoln and within the area to be served are inadequate to support the proposed license.

5. The City Council has determined that the existing licenses are adequately serving the area.

6. The City Council has determined that issuance of the license would not be compatible with the nature of the neighborhood.

7. The applicant has not demonstrated the propriety of the issuance of such license.

8. The issuance of the license will not be required by the present or future public convenience and necessity.

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 Ken Svoboda

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

MANAGER APPLICATION OF TIMOTHY J. MURPHY FOR MIPFIVE, INC. DBA MICKEY'S IRISH PUB AND GRILL AT 1550 S. CODDINGTON, SUITE P - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for denial:

A-82531 BE IT RESOLVED by the City Council of the City of Lincoln, Nebras

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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 Timothy J. Murphy as manager of MIPFIVE, Inc. dba Mickey's Irish Pub and Grill located at 1550 S. Coddington, Suite P, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF KABUKI JAPANESE RESTAURANT, INC. DBA KABUKI JAPANESE RESTAURANT FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 5571 S. 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82532 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 Kabuki Japanese Restaurant, Inc. dba Kabuki Japanese Restaurant for a Class "I" liquor license at 5571 S. 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2004, 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 Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF RICHARD KIM FOR KABUKI JAPANESE RESTAURANT, INC. DBA KABUKI JAPANESE RESTAURANT AT 5571 S. 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82533 WHEREAS, Kabuki Japanese Restaurant, Inc. dba Kabuki Japanese Restaurant located at 5571 S. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Richard Kim be named manager;

WHEREAS, Richard Kim 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 Richard Kim 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 Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

APPLICATION OF SHOGUN RK, INC. DBA SHOGUN FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 5520 S. 56TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82534 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 Shogun RK, Inc. dba Shogun for a Class "I" liquor license

at 5520 S. 56th Street, Lincoln, Nebraska, for the license period ending April 30, 2004, 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 Glenn Friendt

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

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

MANAGER APPLICATION OF SUN OK KIM FOR SHOGUN RK, INC. DBA SHOGUN AT 5520 S. 56TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82535 WHEREAS, Shogun RK, Inc. dba Shogun located at 5520 S. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Sun Ok Kim be named manager;
WHEREAS, Sun Ok Kim 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 Sun Ok Kim 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 Glenn Friendt

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

ORDINANCES - 2ND READING

AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 186.7 ACRES OF PROPERTY GENERALLY LOCATED EAST OF SOUTH 84TH STREET BETWEEN OLD CHENEY ROAD AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Terry Werner, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits map attached to and made a part of Ordinance No.18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the second time.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE PARKS AND RECREATION CAPITAL IMPROVEMENT PROGRAM ATHLETIC FUNDS IN THE AMOUNT OF \$75,000 FROM BUSINESS UNIT 409374.6138 UNI BALLFIELD LIGHTING TO BUSINESS UNIT 409312.6138 BALLFIELD RENOVATION TO PURCHASE AGRA LIME FOR IMPROVED DRAINAGE TO FIELDS AT ELK, HOLMES, DENSMORE AND MAHONEY PARKS - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of unspent and unencumbered appropriations and between certain capital improvement projects within the Parks and Recreation Department, the second time.

CHANGE OF ZONE 3424 - APPLICATION OF EVERETT NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL, R-5 RESIDENTIAL, R-6 RESIDENTIAL AND B-3 COMMERCIAL TO R-2 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED BETWEEN 9TH AND 13TH STREETS, FROM WASHINGTON TO SOUTH STREETS - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

NAMING THE STUB STREETS ON O STREET NEAR 63RD STREET AS NORTH 63RD STREET AND SOUTH 63RD STREET AND NAMING THE STUB STREETS ON O STREET NEAR 68TH STREET AS NORTH 68TH STREET AND SOUTH 68TH STREET - CLERK read an ordinance, introduced by Annette McRoy, to name the stub streets on O Street near 63rd Street and 68th Street as North 63rd Street, and South 68th Street, as recommended by the Street Name Committee, the second time.

AMENDING SECTION 14.80.110 OF THE LINCOLN MUNICIPAL CODE RELATING TO SNOW AND ICE REMOVAL TO PROVIDE THAT THE SIDEWALK INSPECTOR SHALL PLACE A WRITTEN NOTICE ON THE FRONT DOOR OR OTHER CONSPICUOUS PLACE ON THE PROPERTY ORDERING THE SIDEWALKS ALONG THE SAME OR ANY PORTION THEREOF TO BE CLEARED IMMEDIATELY AND PROVIDING A DEADLINE TO COMPLETE THE SAME OF NOT LESS THAN TWELVE HOURS AFTER POSTING THE SAME - CLERK read an ordinance, introduced by Annette McRoy, amending Section 14.80.110 of the Lincoln Municipal Code relating to snow and ice removal to provide that the Sidewalk Inspector shall place a written notice on the front door or

other conspicuous place on the property ordering the sidewalks along the same or any portion thereof to be cleared immediately and providing a deadline to complete the same of not less than twelve hours after posting the same; and repealing Section 14.80.110 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING A FIVE YEAR/5,000 HOUR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND DEERE CREDIT INC. FOR A 90 HORSE POWER CLASS BACKHOE LOADER FOR USE BY THE PUBLIC WORKS AND UTILITIES WATER DIVISION IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the City of Lincoln, Nebraska and Deere Credit, Inc. for a 90 horse power class backhoe loader for use by the Public Works & Utilities Water Division, the second time.

APPROVING A FIVE YEAR/5,000 HOUR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY AND DEERE CREDIT INC. FOR AN ARTICULATED FRAME FOUR-WHEEL DRIVE MOTOR GRADER FOR USE BY THE PARKS AND RECREATION DEPARTMENT IN CONSTRUCTION AND MAINTENANCE PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, accepting and approving a five-year/5,000 hour lease agreement between the city of Lincoln, Nebraska and Deere Credit, Inc. for a Four-Wheel Drive Articulated Frame Motor Grader for use by the Public Works & Utilities Water Division, the second time.

RESOLUTIONS

REAPPOINTING JENNIFER A. GUTIERREZ AND NANCY INTERMILL TO THE LINCOLN - LANCASTER WOMEN'S COMMISSION FOR A TWO-YEAR TERM EXPIRING JANUARY 1, 2006 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82536 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Jennifer A. Gutierrez and Nancy Intermill to the Lincoln-Lancaster Women's Commission for two-year terms expiring January 1, 2006 is hereby approved.

Introduced by Patte Newman

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

APPOINTING MARDY MCCULLOUGH TO THE AUDITORIUM ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 31, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82537 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Mardy McCullough to the Auditorium Advisory Board to fill an unexpired six-year term expiring August 31, 2004 is hereby approved.

Introduced by Patte Newman

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, 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 DECEMBER 1 - 31, 2003 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82538 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 December 31, 2003, 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 OR SETTLED</u>
James E. Ford	\$ 94.00	State Farm Insurance Co.	
Mark Sneddeker	73.00	(Claim No. 27-7420-872)	\$ 500.00
Ken & Evelyn Beason	349.61	Samuel Salguero	9,000.00
Lisa Trevena	500,000.00	Ray Hill	430.16
Ben Tomes	2,645.04	Laura Levy	843.16
Jim & Joyce Schiefelbein	NAS*	Judith Yeck	74.85
		Kris Renner	320.00
		Allied Insurance	

(Claim No. 26E17555)	175.00
Wendy Bolls	1,161.49
Nancy Carr	1,857.54
Rosemary I. Dobson	85.66
David Williams	91.78
Kris Johnson	3,361.85
State Farm Insurance Co.	
(Claim No. 27-7449-856)	2,217.77
Jean M. Young	421.47
Sue Lawlor, Personal Representative of the Estate of John Michael Lawlor and Sue Lawlor, Individually	18,500.00
Norval D. Emery	600.00

* 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 Patte Newman

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

SPECIAL PERMIT 1826A - APPLICATION OF LARRY AND BLANCHE SCHWARCK TO INCREASE THE NUMBER OF RESIDENTS AT HAVEN MANOR, A DOMICILIARY CARE FACILITY, FROM 37 TO 46, ON PROPERTY GENERALLY LOCATED AT S. 56TH AND LINDEN STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82539 WHEREAS, Larry and Blanche Schwarck have submitted an application designated as Special Permit No. 1826A to amend the Haven Manor Retirement Facility by increasing the number of residents from 37 to 46 on property generally located at South 56th Street and Linden Street, and legally described to wit:

Lot 1, Block 1, Piazza Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to Haven Manor Retirement Facility 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 Larry and Blanche Schwarck, hereinafter referred to as "Permittee", to amend the Haven Manor Retirement Facility by increasing the number of residents from 37 to 46, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.530 of the Lincoln Municipal Code upon condition that construction and operation of said expansion be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a domiciliary care facility for a maximum of 46 residents conforming to 50% density bonus regulations.

2. Before receiving building permits:

a. The Permittee must submit a revised and acceptable final plan including five copies.

b. The Construction plans must conform to the approved plans.

3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.

4. All privately-owned improvements must be permanently maintained by the Permittee.

5. 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.

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

7. 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.

8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 26, 2004, AT 5:30 P.M. FOR MAN. APP. OF DAVID M. SOFLIN FOR HINKY DINKY LINCOLN #9 LLC DBA SUNMART #738 AT 2145 S. 17TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82540 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 26, 2004, 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 David M. Soflin for Hinky Dinky Lincoln #9 LLC dba Sunmart #738 at 2145 S. 17th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 26, 2004, AT 5:30 P.M. FOR MAN. APP. OF MARTY L. DLOUHY FOR B & R STORES INC. DBA RUSS'S BISHOP HEIGHTS IGA AT 4200 S. 27TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82541 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 26, 2004, 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 David M. Soflin for Hinky Dinky Lincoln #9 LLC dba Sunmart #738 at 2145 S. 17th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 2, 2004, AT 1:30 P.M. FOR MAN. APP. OF CARROLL R. BURNS FOR EAGLES FRATERNAL ORDER 147 AT 500 W. INDUSTRIAL LAKE DRIVE. - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82542 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 26, 2004, 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 David M. Soflin for Hinky Dinky Lincoln #9 LLC dba Sunmart #738 at 2145 S. 17th Street.

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

Introduced by Patte Newman

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 2, 2004, AT 1:30 P.M. FOR APP. OF FAST BREAK, INC. DBA FAST BREAK #1 FOR A CLASS B LIQUOR LICENSE AT 4801 RANDOLPH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82543 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 26, 2004, 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 David M. Soflin for Hinky Dinky Lincoln #9 LLC dba Sunmart #738 at 2145 S. 17th Street.

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

Introduced by Patte Newman

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

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

SETTING THE HEARING DATE OF MONDAY, FEBRUARY 2, 2004, AT 1:30 P.M. FOR APP. OF ERNIE'S FB LLC DBA ERNIE'S FAST BREAK FOR A CLASS B LIQUOR LICENSE AT 7000 "O" STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82544 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., January 26, 2004, 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 David M. Soflin for Hinky Dinky Lincoln #9 LLC dba Sunmart #738 at 2145 S. 17th Street.

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

Introduced by Patte Newman

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

PETITIONS & COMMUNICATIONS - NONE

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON JANUARY 5, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FROM DECEMBER 22, 2003 THRU JANUARY 2, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82545 BE IT 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 Patte Newman

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

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM FOR RECAPITULATION OF DAILY CASH RECEIPTS FOR DECEMBER 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JULY, 2003: CINCINNATI BELL; AUGUST, 2003: CINCINNATI BELL; SEPTEMBER, 2003: CINCINNATI BELL; OCTOBER, 2003: ONE CALL COMMUNICATIONS, CINCINNATI BELL; NOVEMBER, 2003: CELLULAR ONE, TOUCH AMERICA, INC., AT&T COMM OF MIDWEST, TRANS NATIONAL, ACN COMM SERVICES, TRACZONE WIRELESS, QWEST COMM, CRICKET COMM, CIERA NETWORK SYSTEMS, INTELICALL OPERATOR SERVICES, VERIZON MOBILE, VERIZON LONG DISTANCE, GLOBAL CROSSING TELECOMM., WORKING ASSETS FUNDING SERVICE, ONSTAR CORP, VERIZON SELECT SERVICES, BUYERS UNITED, PRIMUS TELECOMM, LIBERTY WIRELESS, UNITED SYSTEMS ACCESS TELECOM, IBM GLOBAL SERVICES, QUANTUM SHIFT COMMUNICATIONS, ALYON TECHNOLOGIES, T-NETIX TELECOM SERVICES, XO LONG DISTANCE SERVICES, TELIGENT SERVICES, VOICECOM TELCOMM, NORSTAN NETWORK SERVICES, MCLEODUSA TELECOMM, C III COMM - CLERK presented said report which was placed on file in the Office of the City Clerk.(20)

ORDINANCES - 1ST READING

APPROVING A FOUR-YEAR FINANCIAL CONSULTING SERVICE AGREEMENT BETWEEN THE CITY AND AMERITAS INVESTMENT - CLERK read an ordinance, introduced by Patte Newman, approving an agreement between the City of Lincoln and Ameritas Investment Corp. for the provision of financial consulting services to the City of Lincoln, the first time.

STREET NAME CHANGE 03008 - NAMING THE NEW STREET CONSTRUCTED AS PART OF THE A STREET OVERPASS PROJECT AS S.W. 1ST STREET, GENERALLY LOCATED AT S.W. 1ST AND WEST A STREETS - CLERK read an ordinance, introduced by Patte Newman, naming the new street constructed as part of the A Street Overpass Project as S.W. 1st Street located generally at S.W. 1st Street and West A Street, as recommended by the Street Name Committee, the first time.

STREET AND ALLEY VACATION 03012 - VACATING THE EAST-WEST ALLEY IN BLOCK 1, TRESTERS ADDITION, FROM THE EAST LINE OF N. 26TH STREET TO THE WEST LINE OF N. 27TH STREET, ON PROPERTY GENERALLY LOCATED AT N. 27TH AND Y STREETS - CLERK read an ordinance, introduced by Patte Newman, vacating the east-west alley in Block 1, Tresters Addition, from the east line of N. 26th Street to the west line of N. 27th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$35,000,000 - PRIOR to reading:

WERNER Moved to accept the substitute ordinance.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COOK Moved to delay the action for two weeks to 1/26/04.
Seconded by Newman & carried by the following vote: AYES: Cook, McRoy, Newman, Werner; NAYS: Camp, Friendt, Svoboda.

CLERK Read an ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance of highway allocation fund pledge bonds of the City of Lincoln, Nebraska in an amount not to exceed \$35,000,000, the third time.

MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to January 26, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on January 26, 2004.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 3:28 P.M.

SVOBODA Moved to adjourn the City Council meeting of January 12, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp,
 Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
 So ordered.

Joan E. Ross, CMC, City Clerk

Jamie Neddenriep, Senior Office Assistant

