

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 29, 2004 AT 5:30 P.M.

The Meeting was called to order at 5:30 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

FRIENDT Having been appointed to read the minutes of the City Council proceedings of March 22, 2004, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF FOUR SUNS RESTAURANT, INC. DBA FOUR SUNS RESTAURANT FOR A CLASS I (SPIRITS, WINE, BEER, ON SALE) LIQUOR LICENSE AT 3239 S. 13TH STREET; MANAGER APPLICATION OF PIMPA MILLS FOR FOUR SUNS RESTAURANT, INC. DBA FOUR SUNS RESTAURANT AT 3239 S. 13TH STREET - Christopher Heinrich, with Harding, Schultz & Downs, at 800 Lincoln Square 121 South 13<sup>th</sup> Street, took oath and came forward for approval on behalf of Four Suns Restaurant. Further discussion followed.

Pimpa Mills, 3239 South 13<sup>th</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF MICHAEL K. RICE FOR RT OMAHA FRANCHISE, LLC DBA RUBY TUESDAY AT 2700 NORTH HILL ROAD - Michael K. Rice, 2700 North Hill Road, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF JASON T. KUHR DBA MAIN ST. CAFÉ FOR A LIQUOR CATERING LICENSE AT 1325 O STREET - Jason T. Kuhr, 3203 Starr Street, took oath and came forward for approval. Further discussion followed.

This matter was taken under advisement.

CREATING SEWER DISTRICT NO. 1179 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE NORTH, SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY;

CREATING WATER DISTRICT NO. 1191 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY;

CREATING PAVING DISTRICT NO. 2627 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE NORTH, SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Rich Baeder, 1201 Mockingbird Lane South, came forward to request withdrawal of all 3 items. Further discussion followed.

Tom Huston, 233 South 13<sup>th</sup> Street, Suite 1900, came forward on behalf of the Young Men's Christian Association and stated for the record that since the petitions have been withdrawn, he would like to reflect they have relinquished access to any of the neighborhood streets thus they shouldn't be subject to any special assessments for their improvements, ultimately whenever that may occur.

Mike Eckery, 1141 South Mockingbird Lane, resident of Lazy Acres, came forward and discussed an opinion survey that was made available to the City Council last Friday, that showed of all the proposed districts and that the neighborhood is unanimous in their opposition to those who approve this.

Glenn Friendt, Council Member, asked Mr. Eckery if he will be sure to make this available to those who move in so they don't go this far down the road again to have a proposal withdrawn.

Mr. Eckery stated yes.

This matter was taken under advisement.

CHANGE OF ZONE 3421 - APPLICATION OF THE DINERSTEIN COMPANIES FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET;

SPECIAL PERMIT NO. 1928A - APPLICATION OF THE DINERSTEIN COMPANIES TO DEVELOP STERLING UNIVERSITY PHASE 2 COMMUNITY UNIT PLAN TO ADD 171 DWELLING UNITS FOR 561 OCCUPANTS AND ADDITIONAL AMENITIES TO THE EXISTING STUDENT HOUSING PROJECT, WITH A WAIVER OF THE LANDSCAPE SCREEN, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET;

PRELIMINARY PLAT NO. 03011 - ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF OUTFIELD PARK, CREATING FIVE LOTS AND SIX OUTLOTS WITH WAIVERS TO ALLOW SIDEWALKS ON ONLY ONE SIDE OF PRIVATE STREET, PUBLIC WATER MAIN ADJACENT TO DRIVEWAY, AND BLOCK LENGTH IN EXCESS OF 1,000 FEET, ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET - Mike Rierden, 645 M Street, Suite 200, came forward on behalf of Dinerstein Companies for approval, and stated that the neighborhood is in support of this application. He also stated that the Dinerstein Companies is willing to do several things for the neighborhood such as the following: make a one-time contribution of \$15,000 to fund a police substation within the North bottoms neighborhood, install street lighting and sidewalks along the west side of West Charleston Street between Phases 1 and 2, the shuttle buses will not go thru the neighborhood but will go around it, adopt West Charleston Street for purposes of the litter control and the students will be the volunteers, also along with the neighborhood they will support relocation of the toll lot if that were to ever happen.

Ron Ross, 201 North 8<sup>th</sup> Street, Suite 401, with Ross Engineering, came forward for approval for construction of Phase 2 and asked the City Council to vote on this application tonight.

Craig Dickerson, 201 North 8<sup>th</sup> Street, Suite 401, with Ross Engineering, came forward for approval of Phase 2 and he read a paragraph from a letter from Ed Caudill, the President of the North Bottoms Neighborhood Association which stated that the Board of the North Bottoms Association voted to support the proposed Phase 2 project and they feel that this project offers an opportunity to improve the area around Oak Lake and it provides good quality and high density housing for students within a reasonable distance from their lower density residential areas.

Patte Newman, Council Member, stated that it turns out that the Lincoln Police Department does not wish to build a police substation in the North Bottoms Area and asked Mr. Dickerson if the \$15,000 contribution that they are giving for that purpose can be used for another purpose.

Mr. Dickerson replied yes. He said that the money is ear-marked for the North Bottoms Neighborhood Area, but not ear-marked to be used only for a police substation.

Adam Brunsting, 315 West Charleston, Apartment 1114, came forward in support.

Mike Greger, 2645 Van Dorn Street, Owner of Ace Financial Services, came forward with a Geotechnical Engineering Report from HWS and stated that the site of where Phase 2 will be constructed does has methane gas on site and the report from HWS proves it. He further discussed his concerns regarding the methane gas and how it should be removed and not covered.

Glenn Friendt, Council Member, asked Mr. Greger who paid for the HWS study.

Mr. Greger replied that the University of Nebraska paid for the study because they were planning on putting a practice field on the lot, but felt that the risk was too great to do so.

Chad Novak, 315 West Charleston, Apartment 1114, came forward in support. Further discussion followed.

Elizabeth Dodson, 315 West Charleston, Apartment 811, came forward in support. Further discussion followed.

Russ Fosler, LPD Investigator, came forward to answer questions of the Council regarding police activity at the facility. Further discussion followed.

Nicole Fleck-Tooze, Public Works Department, came forward to answer questions of the Council regarding flood plain and drainage questions. Further discussion followed.

Greg Czaplewski, Planning Department, came forward to answer questions of the Council regarding methane gas. Further discussion followed.

Mr. Ross, with Ross Engineering, came forward to answer additional questions of the Council regarding methane gas at the site. He stated that there was methane gas detected but it is a very small amount. However, although not required, they are willing to take extra precautions so they are going to put down an 18" thick clay blanket liner of compacted clay material under the building to stop the methane gas from going up into the building and if needed they could also vent the building with PVC pipe, however due to the minimal amount of methane gas found in the area, the venting is not required. Further discussion followed.

Dana Roper, City Attorney, came forward to answer questions of the Council.

Glenn Friendt, Council Member, asked Mr. Roper if this application is passed if the City can be held accountable for any claims regarding this in the future.

Mr. Roper replied no and stated that the City would be protected under the "Tort Claims Act". Further discussion followed.

Mr. Ross came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

ANNEXATION NO. 03004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2; CHANGE OF ZONE NO. 3387 - APPLICATION OF CASEYCO FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2; APPROVING THE EDENTON WOODS ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND CASEYCO, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2; SPECIAL PERMIT NO. 1992 - APPLICATION OF CASEYCO TO DEVELOP EDENTON WOODS COMMUNITY UNIT PLAN CONSISTING OF 46 SINGLE-FAMILY AND ATTACHED SINGLE-FAMILY UNITS, WITH A WAIVER OF THE LOT AREA, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2; PRELIMINARY PLAT NO. 02023 - ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF EDENTON WOODS, CREATING 46 LOTS FOR RESIDENTIAL DEVELOPMENT AND FIVE - OUTLOTS, WITH WAIVERS FOR MODIFICATION OF TURN-AROUNDS FOR PRIVATE ROADWAYS, TO ALLOW LOT LINES NOT RADIAL TO ROADWAYS, DOUBLE-FRONTAGE LOTS, INTERSECTION APPROACH GRADES, SIDEWALKS, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - Mark Hunzeker, 1045 Lincoln Mall, Suite 200, came forward on behalf of the applicant for approval.

This matter was taken under advisement.

AUTHORIZING STARBUCKS COFFEE COMPANY TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1225 P STREET FOR USE AS A SIDEWALK CAFÉ - John Lister, 1450 E. 300 T Road, #400 B, West Chester, PA, architect for Starbucks Coffee Company, came forward for approval.

This matter was taken under advisement.

AFFIRMING CITY COUNCIL HOLIDAYS - Mr. Roper, came forward an answer questions of the Council.

Terry Werner, Council Member, asked Mr. Roper what the normal procedure would be to change Council rules.

Mr. Roper replied that Council rules are established by ordinance and are contained in Chapter 2.04 of the code and the Council would have to amend it like any other ordinance.

Mr. Werner then asked if this item should be an ordinance and not a resolution.

Mr. Roper replied that this is just more of a statement of intent and to make it binding you would do an ordinance. Further discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS - NONE

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APPLICATION OF FOUR SUNS RESTAURANT, INC. DBA FOUR SUNS RESTAURANT FOR A CLASS I (SPIRITS, WINE, BEER, ON SALE) LIQUOR LICENSE AT 3239 S. 13TH STREET - PRIOR to reading:

NEWMAN Moved approval with the condition that the applicant will obtain a special permit under applicable provisions of the City's zoning restriction.

CLERK Read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82657 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 Four Suns Restaurant, Inc. dba Four Suns Restaurant for a Class "I" liquor license at 3239 S. 13th 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 Patte Newman

Seconded by Werner & carried by the following vote as amended:

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

MANAGER APPLICATION OF PIMPA MILLS FOR FOUR SUNS RESTAURANT, INC. DBA FOUR SUNS RESTAURANT AT 3239 S. 13TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82658 WHEREAS, Four Suns Restaurant, Inc. dba Four Suns Restaurant located at 3239 S. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Pimpa Mills be named manager;

WHEREAS, Pimpa Mills 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 Pimpa Mills 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 Patte Newman

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

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

APPLICATION OF DLH, INC. DBA COACHES SPORTS BAR & GRILL FOR A CLASS I (SPIRITS, WINE, BEER, ON SALE) LIQUOR LICENSE AT 640 W. PROSPECTOR COURT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its denial:

A-82659 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 DLH, Inc. dba Coaches Sports Bar & Grill for a Class "I" liquor license for the license period ending April 30, 2004, at 640 W. Prospector Court, Lincoln, Nebraska, be refused for the following reasons:

1. 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.

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

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

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

5. 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 Jonathan Cook

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

MANAGER APPLICATION OF DUANE L. HARTMAN FOR DLH, INC. DBA COACHES SPORTS BAR & GRILL AT 640 W. PROSPECTOR COURT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its denial:

A-82660 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 Duane L. Hartman as manager of DLH, Inc. dba Coaches Sports Bar & Grill located at 640 W. Prospector Court, Lincoln, Nebraska, be denied. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jonathan Cook

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

MANAGER APPLICATION OF MICHAEL K. RICE FOR RT OMAHA FRANCHISE, LLC DBA RUBY TUESDAY AT 2700 NORTH HILL ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82661 WHEREAS, RT Omaha Franchise, LLC dba Ruby Tuesday located at 2700 North Hill Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Michael K. Rice be named manager;

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

APPLICATION OF JASON T. KUHR DBA MAIN ST. CAFÉ FOR A LIQUOR CATERING LICENSE AT 1325 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82662 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 ordinance, the City Council recommends that the application of Jason T. Kuhr dba Main St. Café for the issuance of a Catering Permit to the existing liquor license, located at 1325 O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

ORDINANCES - 2ND READING

CREATING SEWER DISTRICT NO.1179 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE NORTH, SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - PRIOR to reading:

COOK Moved to Withdraw Bill No. 04-31.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, creating Sewer District No. 1179, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING WATER DISTRICT NO. 1191 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - PRIOR to reading:

COOK Moved to Withdraw Bill No. 04-32.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, creating a Water District No. 1191, designating the real estate to be benefitted, providing for assessment of the costs of the improvement constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING PAVING DISTRICT NO. 2627 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE NORTH, SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - PRIOR to reading:

COOK Moved to Withdraw Bill No. 04-33.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, creating Paving District No. 2627, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CHANGE OF ZONE 3421 - APPLICATION OF THE DINERSTEIN COMPANIES FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET - PRIOR to reading:

MCROY Moved to have action on Bill No. 04-51.  
Seconded by Svoboda & lost by the following vote: AYES: Camp, McRoy, Svoboda; NAYS: Cook, Friendt, Newman, Werner.

CLERK Read an ordinance, introduced by Terry Werner, 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.

ANNEXATION NO. 03004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - 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.

CHANGE OF ZONE NO. 3387 - APPLICATION OF CASEYCO FOR A CHANGE OF ZONE FROM AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 7 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.

AMENDING TITLE 10 OF THE LINCOLN MUNICIPAL CODE RELATING TO VEHICLES AND TRAFFIC TO DEFINE A MOBILE INFRARED TRANSMITTER AND MAKING IT ILLEGAL TO POSSESS, USE, SELL, OR PURCHASE MOBILE INFRARED TRANSMITTERS - CLERK read an ordinance, introduced by Terry Werner, amending Title 10 of the Lincoln Municipal Code relating to Vehicles and Traffic to add provisions regulating the use of mobile infrared transmitters by adding a new section numbered 10.02.195 to establish a definition for "mobile infrared transmitter"; adding a new section numbered 10.12.055 to make it unlawful to possess, use, sell, or purchase a mobile infrared transmitter and providing exceptions thereto, the second time.

**RESOLUTIONS**

REAPPOINTING RUSS BAYER AND GARY "RANDY" BOLDT TO THE EMERGENCY MEDICAL SERVICES BOARD FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2007 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82663 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Russ Bayer and Gary "Randy" Boldt to the Emergency Medical Services Board for three-year terms expiring March 28, 2007, is hereby approved.

Introduced by Jonathan Cook

Seconded by Newman & 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 MARCH 1 - 15, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82664 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 March 1, 2004, 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> |           |
|---|----------|---------------------------|-----------|
| Carol J. Portsche                                 | NAS*     | Matthew Strand            | \$ 546.42 |
| Robb Hayes  | NAS*     | Eric Reil                 | 1,700.00  |
| Charles A. Chandler                               | \$ 17.96 | Otha Serrell              | 765.25    |
| David & Donna Taylor                              | 75.84    | Steve Fuehrer             | 11.25     |
| Betty Mumford                                     | 35.00    | Nathan E. Thomas          | 2,230.07  |
| Tammy Rogers                                      | 30.00    |                           |           |
| Randall J. Kuta                                   | NAS*     |                           |           |
| Jill Meile  | 10.69    |                           |           |
| Angela R. Owens                                   | 34.39    |                           |           |
| Nicholas Wemhoff                                  | NAS*     |                           |           |
| Jospeh E. Banset Jr.                              | 150.00   |                           |           |
| David Hywood                                      | 65.99    |                           |           |
| Scott Romine                                      | NAS*     |                           |           |
| Continental Western Group<br>(Claim No. 10004704) | NAS*     |                           |           |
| Knickerbockers                                    | NAS*     |                           |           |
| Kristin Meester                                   | 1,862.43 |                           |           |
| Don Handy   | NAS*     |                           |           |
| Cathy Smith                                       | NAS*     |                           |           |
| Darwin Bietz                                      | 86.82    |                           |           |
| Barb Stokke                                       | 8.00     |                           |           |
| Jane & Norm Schuller                              | 55.00    |                           |           |
| Denise Arnold                                     | 53.47    |                           |           |
| Frederic "Buck" Kiechel IV                        | 171.33   |                           |           |
| Cindy Doné  | 50.00    |                           |           |
| June Beeman                                       | 42.78    |                           |           |

DENIED

|                         |           |      |
|-------------------------|-----------|------|
| Patrick Parolek         |           | NAS* |
| Christine A. Huenink    | 95.00     |      |
| JoAnne Baldwin          | 21.13     |      |
| Frank M. Rich           | 159.20    |      |
| Clinton Palu            | 200.00    |      |
| Darren & Crystal Prouty | 14.96     |      |
| Chris Sheridan          |           | NAS* |
| Rex Mercer              |           | NAS* |
| Karen C. Tadsen         |           | NAS* |
| Mylo R. Bushing         | 35.00     |      |
| Patricia Brookhouser    |           | NAS* |
| Mike Creighton          | 53.00     |      |
| Joann Sturdy            | 30.01     |      |
| Mick & Jane Pierce      | 48.98     |      |
| Tanya West              | 68.82     |      |
| Troy Karsting           | 102.94    |      |
| Phyllis M. Moore        | \$ 149.75 |      |
| Jenelle Plachy          |           | NAS* |
| Cindy Farley            | 53.00     |      |
| Bruce Bottsford         | 51.35     |      |
| D. Mark Brown           | 130.00    |      |
| Mrs. Doyle Crawford     | 67.00     |      |
| Kaye Sasek              | 85.27     |      |
| Bonnie Collins          | 53.47     |      |
| Benne Linder            | 22.15     |      |
| Sarai Bloomquist        | 53.00     |      |
| Mike Puckett            | 185.13    |      |
| Deb Yeutter             | 366.03    |      |
| Rosanna Meyer           | 40,000.00 |      |
| Wilma Naylor            | 897.23    |      |
| Lloyd L. Goracke        |           | NAS* |
| Thomas L. Lannin        | 5,300.62  |      |
| EMC Insurance Co.       |           |      |
| (Claim No. BW3019080)   |           | NAS* |

\* 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 Jonathan Cook

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

AUTHORIZING STARBUCKS COFFEE COMPANY TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1225 P STREET FOR USE AS A SIDEWALK CAFÉ - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82665 WHEREAS, Starbucks Coffee Company has submitted an application for a Sidewalk Cafe Permit to use a portion of the public right-of-way at 1225 P Street as a sidewalk cafe; and

WHEREAS, the applicant is willing to comply with all of the provisions of Chapter 14.50 of the Lincoln Municipal Code pertaining to such use; and

WHEREAS, the application has been reviewed by the Planning Department, the Public Works and Utilities Department, and the Urban Design Committee, each of which has submitted a report in conformance with § 14.50.050 of the Lincoln Municipal Code.

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

That the application of Starbucks Coffee Company, hereinafter referred to as "Permittee", to operate a sidewalk cafe in a portion of the public right-of-way at 1225 P Street is hereby approved conditioned upon such use conforming to the application which is attached hereto as Exhibit "A", the site plan which is attached hereto as Exhibit "B", the provisions of Chapter 14.50 of the Lincoln Municipal Code and the following express terms, conditions, and requirements:

1. This permit authorizes a maximum seating capacity of 12 within the permit area as shown on the site plan.

2. Permittee shall maintain a clear, unobstructed passageway entirely across the frontage of the property occupied by the Permittee parallel to the line of the street and generally in the line of pedestrian traffic as shown on the site plan.

4. The space to be occupied by this use shall only be used for the activity or activities specified on the permit and in accordance with all applicable regulations.

5. Such use is temporary and the Permittee, by the granting of this permit, acquires no right, title, or interest in the space permitted to be used.



6. The City Council may require such space to be vacated, restored to its prior condition upon demand, and its use discontinued, with no recourse against the City for any loss or damage occasioned thereby. If any such space is not vacated and restored to its prior condition and such use not discontinued by the time specified, the City may remove from such space any property left thereon at the risk and expense of the Permittee and restore such space to its prior condition at the expense of the Permittee.

7. The Permittee shall promptly remove any litter deposited on or in the vicinity of the space used by the Permittee resulting from the activity or activities conducted by the Permittee.

8. The Permittee shall at all times conduct their use of the space in an orderly fashion and in such a manner as to protect the public health and safety.

9. Such space shall be used for business purposes by Permittee only between the hours of 7:00 a.m. to 9:00 p.m., Monday through Sunday.

10. The Permittee shall comply with all health and sanitation regulations.

11. The permit issued pursuant to this section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

12. Where exigent circumstances exist and a police officer or other authorized officer or employee of the City gives notice to Permittee to temporarily move from a location, Permittee shall comply with the notice. Exigent circumstances shall include, but not be limited to, unusually heavy pedestrian vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire, or other emergency situation at or near such location, or parade, demonstration, or other such event or occurrence at or near such location.

13. Permittee shall not sound or permit the sounding of any signal from any stationery bell, chime, siren, whistle, or device for non-emergency purposes or use or operate any loud speaker, public address system, radio, sound amplifier, or similar device which may be heard beyond 50 feet from its source.

14. No advertising shall be permitted on or in the sidewalk cafe except to identify the product or vendor and shall in all respects comply with the provisions of Titles 22 and 27 of the Lincoln Municipal Code regulating signage.

15. Any umbrella, canopy, or similar device within the permit area shall be no more than 6½ feet above ground level.

16. The sidewalk cafe shall be located only in the exact location described in the approved application, and the approved furnishings may not be modified or substituted.

17. The Permittee shall at all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the City Attorney, with a minimum combined single limit of \$500,000 aggregate for any one occurrence, and shall at all times keep on file with the City Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days notice by mail to the City Clerk before the insurer may cancel the policy for any reason, and upon request of the City Clerk or the City Attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or elapse of such insurance shall automatically revoke this permit.

18. This permit shall expire on the 31st day of May following its issuance, but renewal of the permit may be made for one-year periods by application to the City Clerk and payment of the annual permit fee as set forth in Chapter 14.50 and the payment of the rental for the use or occupation of the space computed as follows: \$.25 per annum for each square foot of the permit area (324 square feet) for an annual rental of \$81.00; provided, however, said rental may be increased for future years by action of the City Council.

19. That within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall execute the letter of acceptance attached hereto and marked as Exhibit "C". Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR THE FUNDING FOR RESURFACING WORK COMPLETED ON CORNHUSKER HIGHWAY BETWEEN 31ST AND 35TH STREETS (PROJECT NO. RD-6-6(1038)) - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82666 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. RD-6-6(1038) for resurfacing work completed on Cornhusker Highway between 31st and 35th Street, is hereby approved in accordance with the terms and conditions contained in said Agreement, 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 Jonathan Cook

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

APPROVING THE EDENTON WOODS ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY OF LINCOLN AND CASEYCO, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to delay Bill No. 04R-56 for 1 week to 4/5/04.

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

SPECIAL PERMIT NO. 1992 - APPLICATION OF CASEYCO TO DEVELOP EDENTON WOODS COMMUNITY UNIT PLAN CONSISTING OF 46 SINGLE-FAMILY AND ATTACHED SINGLE-FAMILY UNITS, WITH A WAIVER OF THE LOT AREA, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to delay Bill No. 04R-57 for 1 week to 4/5/04.

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

PRELIMINARY PLAT NO. 02023 - ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF EDENTON WOODS, CREATING 46 LOTS FOR RESIDENTIAL DEVELOPMENT AND FIVE OUTLOTS, WITH WAIVERS FOR MODIFICATION OF TURN-AROUNDS FOR PRIVATE ROADWAYS, TO ALLOW LOT LINES NOT RADIAL TO ROADWAYS, DOUBLE-FRONTAGE LOTS, INTERSECTION APPROACH GRADES, SIDEWALKS, AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - PRIOR to reading:

COOK Moved to delay Bill No. 04R-58 for 1 week to 4/5/04.

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

SPECIAL PERMIT NO. 1928A - APPLICATION OF THE DINERSTEIN COMPANIES TO DEVELOP STERLING UNIVERSITY PHASE 2 COMMUNITY UNIT PLAN TO ADD 171 DWELLING UNITS FOR 561 OCCUPANTS AND ADDITIONAL AMENITIES TO THE EXISTING STUDENT HOUSING PROJECT, WITH A WAIVER OF THE LANDSCAPE SCREEN, ON PROPERTY GENERALLY LOCATED WEST OF NORTH1ST STREET AND SOUTH OF CHARLESTON STREET - PRIOR to reading:

COOK Moved to delay Bill No. 04R-59 for 1 week to 4/5/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

PRELIMINARY PLAT NO. 03011 - ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF OUTFIELD PARK, CREATING FIVE LOTS AND SIX OUTLOTS WITH WAIVERS TO ALLOW SIDEWALKS ON ONLY ONE SIDE OF PRIVATE STREET, PUBLIC WATER MAIN ADJACENT TO DRIVEWAY, AND BLOCK LENGTH IN EXCESS OF 1,000 FEET, ON PROPERTY GENERALLY LOCATED WEST OF NORTH1ST STREET AND SOUTH OF CHARLESTON STREET - PRIOR to reading:

COOK Moved to delay Bill No. 04R-60 for 1 week to 4/5/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

AFFIRMING CITY COUNCIL HOLIDAYS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82667 WHEREAS, members of the Lincoln City Council having sought their office by public election should exemplify service to the citizens; and  
WHEREAS, City holidays have been established in Lincoln Municipal Code Section 2.76.370; and

WHEREAS, certain efficiencies are achieved by having consistent holidays; and

WHEREAS, the City Council should abide by the same rules as all City employees and not enjoy preferential treatment.

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

That the City Council will choose not to meet only during a week in which a holiday established in the City Personnel Code occurs.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 12, 2004 AT 1:30 PM FOR AN APPLICATION OF CCW LLC DBA HUHOT MONGOLIAN GRILL FOR A CLASS J LIQUOR LICENSE AT 201 N. 66<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-82669 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 12, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Buildings, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of CCW LLC dba Huhot Mongolian Grill for a Class J Liquor License at 201 North 66<sup>th</sup> Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 12, 2004 AT 1:30 PM FOR AN APPLICATION OF NASH FINCH COMPANY DBA SUNMART #025 FOR A CATERING LIQUOR LICENSE AT 1340 WEST "O" STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-82670 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 12, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of Nash Finch Company dba Sunmart #25 for a Catering Liquor License at 1340 West "O" Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 12, 2004 AT 1:30 PM FOR AN APPLICATION OF SALEM OIL COMPANY DBA YANKEE HILL AMOCO FOR A CLASS B LIQUOR LICENSE AND A CLASS K LIQUOR LICENSE AT 630 WEST PROSPECTOR COURT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-82671 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 12, 2004, at 1:30 p.m. or as soon thereafter in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of Salem Oil Company dba Yankee Hill Amoco for a Class B Liquor License and a Class K Liquor License at 630 West Prospector Court.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, APRIL 12, 2004, AT 1:30 PM FOR AN APPLICATION OF ROBOT VENUS INC. DBA BACIAMINI FOR A CLASS C LIQUOR LICENSE AT 301 N. 8<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-82674 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 12, 2004, at 1:30 p.m. or as soon thereafter in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE for the Application of Robot Venus Inc. dba Baciama for a Class C Liquor License at 301 North 8<sup>th</sup> Street.

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

Introduced by Jonathan Cook

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PUBLIC WORKS DEPARTMENT:

Request for a Lighting District in West Charleston Street, northwest from North 1<sup>st</sup> Street and continuing to the existing cul-de-sac at the west end of West Charleston Street.

Request for Gap Paving in North 57<sup>th</sup> Street, Fremont to Hartley Streets signed by Jack & Wyona Markwardt and Mr. and Mrs. Wayne Roland.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON MARCH 22, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF MARCH 22 THRU MARCH 26, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82668 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 Jonathan Cook

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED FEBRUARY, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82672 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended February 29, 2004, \$984,063.83 was earned from the investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

INVESTMENT OF FUNDS FOR THE WEEK OF MARCH 15 THRU MARCH 19, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-82673 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 Jonathan Cook

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

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF FEBRUARY, 2004: Excel Telecommunications Inc, VarTec Telecom Inc, Lightyear Communications Inc, Worldxchange Corp, Sprint Spectrum L.P., Nosva Limited Partnership, Affinity Network Inc, Globalcom Inc, Telecorp Communications Inc, Zone Telecom Inc, Nos Communications Inc, Tri-M Communications Inc, GTC Telecom Corp, ATT Wireless Services, Guaranteed Phone Service, D&D Communications Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF FEBRUARY, 2004 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

#### ORDINANCES - 1<sup>ST</sup> READING

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND EXPERIENCE WORKS FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving a Sublease Agreement between the City of Lincoln and Experience Works for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2003 through June 30, 2004 whereby the City of Lincoln is subleasing space to Experience Works at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

STREET NAME CHANGE 04002 - RENAMING FISCHER DRIVE TO COTSWOLD LANE IN HERITAGE LAKES 1ST ADDITION, GENERALLY LOCATED AT S. 95TH STREET AND PINE LAKE ROAD - CLERK read an ordinance, introduced by Jonathan Cook, changing the name of Fischer Drive to Cotswold Lane located in Heritage Lakes 1<sup>st</sup> Addition, generally located at S. 95<sup>th</sup> Street and Pine Lake Road, as recommended by the Street Name Committee, the first time.

DECLARING APPROXIMATELY 14,000 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT 17TH AND PROSPECT STREET AS SURPLUS PROPERTY - CLERK read an ordinance, introduced by Jonathan Cook, declaring approximately 14,000 square feet of City-owned property generally located at 17<sup>th</sup> and Prospect Streets as surplus and authorizing the sale thereof, the first time.

CHANGE OF ZONE 04008 - AMENDING SECTION 27.28.080 OF THE LINCOLN MUNICIPAL CODE TO REVISE THE PARKING REQUIREMENTS IN THE R-T RESIDENTIAL TRANSITION DISTRICT TO ALLOW PARKING LOTS CLOSER THAN 20 FEET TO A RESIDENTIAL DISTRICT WHEN ABUTTING A NON-RESIDENTIAL USE - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 27.28.080 of the Lincoln Municipal Code to revise the parking requirements in the R-T Residential Transition District to allow parking lots closer than 20 feet to a residential district when abutting a non-residential use; and repealing Section 27.28.080 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 04012 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND WEST SOUTH STREET - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3<sup>RD</sup> READING

AMENDING SECTION 14.40.030 OF THE LINCOLN MUNICIPAL CODE PERTAINING TO BLOCK PARTY PERMITS TO INDICATE ISSUANCE BY THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND REQUIRING A DAMAGE DEPOSIT FROM THE APPLICANT - PRIOR to reading:

COOK Moved motion to Amend No. 1.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

COOK Moved motion to Amend No. 2.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

SVOBODA Moved motion to Amend No. 3.  
Seconded by Werner & lost by the following vote: AYES: None; NAYS: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.

COOK Moved motion to Amend No. 4.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

NEWMAN Moved to pass the ordinance as amended.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Patte Newman, amending Section 14.40.030 of the Lincoln Municipal Code to provide that block party permits be issued by the Department of Public Works and Utilities and to add a provision requiring a damage deposit for loss of or damage to barricades; and repealing Section 14.40.030 of the Lincoln Municipal Code as hitherto existing, the third time.

The ordinance, being numbered **#18328**, is recorded in Ordinance Book #25.

VACATION 03014 - VACATING A PORTION OF THE EAST-WEST ALLEY FROM VACATED SOUTH 26<sup>TH</sup> STREET TO SOUTH 27<sup>TH</sup> STREET, BETWEEN N AND "O" STREETS - PRIOR to reading:

COOK Moved to delay Bill No. 04-19 for 1 week to 4/5/04.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Glenn Friendt, vacating a portion of the east west alley from vacated South 26<sup>th</sup> Street to South 27<sup>th</sup> Street, between N and O Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

REPEALING ORDINANCE NO. 18139 WHICH CREATED PAVING DISTRICT NO. 2625 IN NORTH 57TH STREET, FREMONT TO HARTLEY, DUE TO THE LACK OF MAJORITY PETITION - CLERK read an ordinance, introduced by Ken Svoboda, an ordinance repealing Ordinance No. 18139 which created Paving District No. 2625, which Paving District included all that portion of North 57<sup>th</sup> Street lying between the south curb line of Fremont Street and the north curb line of Hartley Street describing the benefitted property as follows: Lots 4 through 9, block 183 and Lots 1,2,3,10,11,12, Block 184, all in Havelock Addition to Lincoln all in the Southwest Quarter of Section 9, Township 10, North, Range 7 East of the Sixth Principal Meridian, in the City of Lincoln, Lancaster County, Nebraska and providing for the payment of the cost thereof, the third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18329**, is recorded in Ordinance Book #25.

CHANGE OF ZONE 04006 - APPLICATION OF TOM JORNAT, L.L.C. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT L STREET AND S.W. 25TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, an ordinance 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 third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18330**, is recorded in Ordinance Book #25.

#### MISCELLANEOUS BUSINESS

##### PENDING -

SVOBODA Moved to extend the Pending List to April 5, 2004.  
Seconded by Friendt & 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 April 5, 2004.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

##### ADJOURNMENT 7:45 P.M.

SVOBODA Moved to adjourn the City Council meeting of March 29, 2004.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
So ordered.

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Joan E. Ross, CMC, City Clerk

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Jamie Neddenriep, Senior Office Assistant

