

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 20, 2002 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, McRoy, Seng, Svoboda, Werner. Teresa Meier-Brock, Deputy City Clerk; Absent: Friendt.

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

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of May 13, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF BDF, L.L.C. DBA "LIBATIONS" AND "THE GRAND ROOM" FOR A CLASS "C" AND CATERING LIQUOR LICENSE AT 317 S. 11TH STREET;
MANAGER APPLICATION OF BARRY D. FRANZEN FOR BDF, L.L.C. DBA "LIBATIONS" AND "THE GRAND ROOM" AT 317 S. 11TH STREET - Barry Franzen, 3322 S. 40th St., took oath & came forward to answer any questions.

This matter was taken under advisement.

ESTABLISHING A VOLUNTARY BILLING DONATION PROGRAM THROUGH LINCOLN ELECTRIC SYSTEM - Lynn Johnson, Parks & Recreation Dept. came forward to explain the purpose of implementing the partner relationship with LES & the City in which their customers can donate \$1.00 when paying the electric bill to be designated towards a special program of their choice such as the Parks & Recreation projects. Discussion followed.

This matter was taken under advisement.

CREATING RE-PAVING DISTRICT NO. 155 IN WEST CHARLESTON STREET FROM NORTH 1ST STREET WEST TO AND INCLUDING THE PROPOSED CUL-DE-SAC AND ASSESSING THE COST THEREOF TO THE BENEFITTED PROPERTIES - Ron Ross, Ross Engineering, 210 N 8th St., came forward on behalf of Dinersteins of Texas developers of student housing on West Charleston St. He stated that the Dinersteins are willing to pay for the water main & that the apartments can't open until the paving is done. Discussion followed.

Elmer Cole of Public Works & Utilities stated that 30% of the cost will be assessed back to the property owners. He feels this is fair & equitable.

Roger Figard, Public Works & Utilities, stated that there is not a spending freeze on the Special Assessment revolving fund yet. Each request will be prioritized as they come in.

Mike Grieger, 2645 Van Dorn, expressed concern that this road will not be stable due to the landfill that used to be there. The DEQ stated the road needed a special fiber to keep the integrity of the road in tact. He stated the road is at the same level as Oak Creek Lake causing concern of flooding and there is not a second exit from these apartments. He feels this road needs to be redesigned & re-enforced.

Mr. Figard stated that construction of the new pavement will meet all City, State, & Federal requirements as set forth by the Dept. of Environmental Quality.

Jonathan Cook, Council Chair, asked about the issue of flood waters & the issue of a second exit.

Mr. Ross stated the entrance & exit is West Charleston, but through the mini storage there is a secondary entrance. They are filling in that area about a foot and a half of what is out there.

This matter was taken under advisement.

CREATING IMPROVEMENT DISTRICT NO. 183 IN S.W. 8TH STREET FROM WEST C STREET TO HANNEMAN DRIVE AND ASSESSING THE COST THEREOF TO THE BENEFITTED

PROPERTIES - CLERK requested a motion to place Bill No. 02-58 on Pending.

SENG So moved.

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

This matter was taken under advisement.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN ACTION PROGRAM AT THE ONE STOP CENTER FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES AT THE ONE STOP CENTER FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NAF MULTICULTURAL DEVELOPMENT CORPORATION FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Urban Development Director, stated that his department administers the Workforce Investment Act for the City of Lincoln. These leases are only \$5,600 added together. The Dept. of Labor is the biggest tenant. Two more tenants will be added to meet the required 17.

This matter was taken under advisement.

APPROVING THE NORTHEAST COMMUNITY RECREATIONAL SPORTS COMPLEX IMPROVEMENT, LEASE, AND OPERATING AGREEMENT BETWEEN JOINT ANTELOPE VALLEY AUTHORITY, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND THE CITY OF LINCOLN, NEBRASKA FOR THE DEVELOPMENT OF THE NORTHEAST COMMUNITY RECREATIONAL SPORTS COMPLEX ON PROPERTY GENERALLY LOCATED AT 32ND STREET AND LEIGHTON AVENUE;

APPROVING THE ANTELOPE CREEK OPERATING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO COORDINATE THE FUTURE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF CERTAIN PORTIONS OF THE ANTELOPE CREEK WATERWAY FROM J STREET TO THE CONFLUENCE OF SALT CREEK;

APPROVING THE FIRST AMENDMENT TO THE JOINT ANTELOPE VALLEY AUTHORITY INTERLOCAL AGREEMENT BETWEEN THE JOINT ANTELOPE VALLEY AUTHORITY, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, THE CITY OF LINCOLN, NEBRASKA, AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT FOR THE DESIGN, CONSTRUCTION, OPERATION, AND IMPLEMENTATION OF THE PHASE ONE PRIORITY PROJECTS - Joel Pedersen, Assistant City Attorney, presented an orientation about what the agreements are.

Scott Lewis, Associate Vice Chancellor for Business & Finance at UNL, read into record a statement from Harvey Pearlman, Chancellor of the UNL.

Glenn Johnson, General Manager of Lower Platte Valley Resource, came forward to answer the question as to the Corp of Engineer's part of the project. He stated that he received official notification from the U.S. Corp of Engineer that the Antelope Creek Flood Project has been completed and it was determined that it has a sound economic analysis & a solid benefit cost ratio & no further economic reassessments are warranted. The current design & construction efforts should proceed without further delay. The bids & awards will start in September.

Mike Morosin, Past President Malone Neighborhood Assoc. & member of the Citizen Advisory Committee, 2055 S St., felt the neighborhood should be included as partners of this project.

Deputy City Clerk noted that the Clerk's office did receive a request to delay action on items 15 & 16 for two weeks so that all three items could be acted upon on the same date.

This matter was taken under advisement.

APPEAL OF SUTHERLAND PARK PARTNERS, L.L.C. FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1964 FOR AUTHORITY TO CONSTRUCT A PRIVATE SCHOOL FOR TUMBLING, DANCE, CHEERLEADING, AND GYMNASTICS, ON PROPERTY GENERALLY LOCATED AT S 8TH STREET AND PIONEERS BLVD. (DELAYED ONE WEEK AT APPLICANT'S REQUEST) - Rich Bollerup, 3930 South Street, appearing on behalf of the applicant Novis Sports. He presented an amendment as a replacement for the amendment prepared by Law Dept. Planning Staff, Law Dept., Dept. of Health Staff and the applicant are in agreement with the language set forth in this amendment combined with the initially

proposed Resolution. He explained how the Health Department's concern of hazardous waste has been worked out. It was stated that the Dept. of Corrections has no obligation to remove the hazardous waste.

Terry Werner, Council Member, asked for an explanation of the

reference to a private school.

Mr. Bollerup answered that it is an academy where young people & adults can come take organized lessons in gymnastics, tumbling, cheerleading & dance classes. According to the zoning code this is a private school. Discussion followed.

Scott Holmes, Chief of Environmental Health Division of Lincoln Lancaster County Health Dept., came forward to state they were in concurrence with this. An equitable agreement has been worked out with the parties as they proposed. He explained the 300 foot buffer required to protect from hazardous waste spills.

This matter was taken under advisement.

WAIVING THE SUBDIVISION REQUIREMENTS FOR SIDEWALKS, STREET PAVING, AND STREET TREES ON W. BENTON STREET WEST OF MORGAN STREET IN DOLEZAL 2ND ADDITION FINAL PLAT - Don Dolezal, no address given, came forward to answer any questions.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Ben Gobel, no address given, came forward to express his concern of reducing the availability of School Resource Officers in the public schools. He recommended the City Council, 1. give public safety top priority and 2. consider a select committee of people who know something about law enforcement to serve for six months to set out a firm, long distance plan. Discussion followed.

Stanley (no last name or address given), came forward to ask about the City Council process and how he can find out what's upcoming on the City's agenda. Discussion followed.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF BDF, L.L.C. DBA "LIBATIONS" AND "THE GRAND ROOM" FOR A CLASS "C" AND CATERING LIQUOR LICENSE AT 317 S. 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81498 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 BDF, L.L.C. dba "Libations" and "The Grand Room" for a Class "C" and "Catering" liquor license at 317 S. 11th Street, Lincoln, Nebraska, for the license period ending October 31, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF BARRY D. FRANZEN FOR BDF, L.L.C. DBA "LIBATIONS" AND "THE GRAND ROOM" AT 317 S. 11TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81499 WHEREAS, BDF, L.L.C. dba "Libations" and "The Grand Room" located at 317 S. 11th Street, Lincoln, Nebraska has been approved for a Retail Class "C" and "Catering" liquor license, and now requests that Barry D. Franzen be named manager;

WHEREAS, Barry D. Franzen 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 Barry D. Franzen 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 Jon Camp

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

ORDINANCES - 2ND READING

ESTABLISHING A VOLUNTARY BILLING DONATION PROGRAM THROUGH LINCOLN ELECTRIC SYSTEM - CLERK read an ordinance, introduced by Ken Svoboda, establishing a voluntary utility billing donation program to fund City programs and projects serving the community, the second time.

CREATING RE-PAVING DISTRICT NO. 155 IN WEST CHARLESTON STREET FROM NORTH 1ST STREET WEST TO AND INCLUDING THE PROPOSED CUL-DE-SAC AND ASSESSING THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Re-paving District No. 155, defining the limits thereof, establishing the width of the roadway to be re-paved and new curb, providing for the payment of the cost thereof, designating the property to be benefitted, 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 IMPROVEMENT DISTRICT NO. 183 IN S.W. 8TH STREET FROM WEST C STREET TO HANNEMAN DRIVE AND ASSESSING THE COST THEREOF TO THE BENEFITTED PROPERTIES - PRIOR to reading:

SENG Moved to place Bill NO. 02-58 on Pending.

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

CLERK Read an ordinance, introduced by Ken Svoboda, creating Improvement District No. 183, defining the limits thereof, designating the improvements to be made therein, designating the property to be benefitted, providing for the payment of the cost thereof, providing for the acquisition of title, by purchase or condemnation, to the lands and lots necessary for the completion of the improvements therein, and repealing all ordinances and parts of ordinances in conflict herewith, the second time.

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

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND GOODWILL INDUSTRIES AT THE ONE STOP CENTER FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Sublease Agreement between the City of Lincoln and One Stop Partner Goodwill industries for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of March 1, 2002 through December 31, 2006 whereby the City of Lincoln is subleasing space to Goodwill Industries at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND NAF MULTICULTURAL DEVELOPMENT CORPORATION FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Sublease Agreement between the City of Lincoln and One Stop Partner NAF Multicultural Human Development Corporation for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of March 1, 2002 through December 31, 2006 whereby the City of Lincoln is subleasing space to NAF Multicultural Human Development Corporation at the One Stop Career Center for providing job training and employment services under the Workforce Investment Act, the second time.

APPROVING THE NORTHEAST COMMUNITY RECREATIONAL SPORTS COMPLEX IMPROVEMENT, LEASE, AND OPERATING AGREEMENT BETWEEN JOINT ANTELOPE VALLEY AUTHORITY, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, AND THE CITY OF LINCOLN, NEBRASKA FOR THE DEVELOPMENT OF THE NORTHEAST COMMUNITY RECREATIONAL SPORTS COMPLEX ON PROPERTY GENERALLY LOCATED AT 32ND STREET AND LEIGHTON AVENUE - CLERK read an ordinance, introduced by Ken Svoboda, approving an Improvement Lease and Operating Agreement (Agreement) and accepting the terms and conditions of the Lease and Operating Agreement (Agreement) and accepting the terms and conditions of the Lease and Operating Agreement between the Board of Regents of the University of Nebraska, a public body corporate and governing body of the University of Nebraska (University), the City of Lincoln, Nebraska, a municipal corporation (City), and the Joint Antelope Valley Authority, a joint administrative entity created under the Interlocal Cooperation Act Neb. Rev. Stat. § 13-801 et seq., public agencies within the meaning of Neb. Rev. Stat. § 13-803 (Reissue 1997), under which the parties agree that it is in their best interest to coordinate planning, development, and implementation of a joint use shared facility complex to be known as the Northeast Community Recreational Sports Complex (Complex) in connection with the Antelope Valley Study and the United States Army Corps of Engineer Antelope Creek Feasibility Study No. M-5244(3) (Project), in cooperation with one another through the Agreement setting forth the provisions for improvement, lease, and operating the Complex, and upon the terms and conditions set forth in the Agreement, the second time.

RESOLUTIONS

APPLICATION OF ALZHEIMER'S ASSOCIATION LINCOLN/GREATER NEBRASKA CHAPTER, 5601 SOUTH 27TH STREET, SUITE 201 TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM MAY 15 TO JULY 22, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81500 WHEREAS, Alzheimer's Association Lincoln/Greater Nebraska Chapter, has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

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

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Alzheimer's Association Lincoln/Greater Nebraska Chapter to conduct a raffle in the City of Lincoln in accordance with the application filed by Karen Noel. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jon Camp

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

APPEAL OF SUTHERLAND PARK PARTNERS, L.L.C. FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1964 FOR AUTHORITY TO CONSTRUCT A PRIVATE SCHOOL FOR TUMBLING, DANCE, CHEERLEADING, AND GYMNASTICS, ON PROPERTY GENERALLY LOCATED AT S. 8TH STREET AND PIONEERS BLVD. - PRIOR to reading:

SENG Moved to amend Bill No. 02R-104 in the following manner:

1. On page 2, line 7, delete existing condition No. 2 and insert the following in lieu thereof:

2. The Permittee agrees to terminate the use of the premises as a private school within fourteen days following receipt of notification from the building official that quantities of

hazardous materials that require a permit under Section 19.04.150 of the Lincoln Municipal Code are being stored, transported, dispensed, used, or handled, on property within 300 feet of the building areas used for the private school, until such materials are removed to the satisfaction of the Lincoln-Lancaster County Health Department.

2. On page 2, line 11, delete existing condition No. 3 and insert the following in lieu thereof:

3. The Permittee shall not allow quantities of hazardous materials that require a permit under § 19.04.150 of the Lincoln Municipal Code to be stored, transported, dispensed, used, or handled, on the premises of the special permit.

3. On page 3, line 12, delete subparagraph No. 4.a.i.(10) and insert the following:

(10) Add a note to the site plan to indicate that, should quantities of hazardous materials that require a permit under § 19.04.150 of the Lincoln Municipal Code be stored, transported, dispensed, used, or handled within the area of the special permit, or within 300 feet of the building used for the private school, the Permittee shall within fourteen days of such activity terminate the use of the premises as a private school, until such materials are removed to the satisfaction of the Lincoln-Lancaster County Health Department and Law Department.

4. On page 3, line 19, delete subparagraph 4.a.i(11) in its entirety and insert the following:

(11) Add a note to the site plan indicating that the building shall have an emergency single switch shut-off switch so that the air handling system can be immediately shut down in case of a hazardous chemical spill in the area to the satisfaction of the Lincoln-Lancaster County Health Department. The switch shall be located so that it is easily accessible at all times to the Permittee's staff. Permittee's staff shall be trained on how to operate the switch.

5. On page 3, line 25, delete subparagraph 4.a.i.(12).

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

CLERK

Read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81501

WHEREAS, Sutherland Park Partners L.L.C. has submitted an application designated as Special Permit No. 1964 for authority to construct a private school for tumbling, dance, cheerleading and gymnastics on property located at 4001 South 8th Street, and legally described to wit:

Lot 1, Block 1, Sutherland Park 1st Addition, Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing and denied said application; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this dance/gymnastics school will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Sutherland Park Partners L.L.C., hereinafter referred to as "Permittee", to construct a private school for tumbling, dance, cheerleading and gymnastics be and the same is hereby granted under the provisions of Section 27.63.075 of the Lincoln Municipal Code upon condition that construction of said dance/gymnastics school be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a private dance/gymnastics school for 207 students and 10 staff on Lot 1, Block 1, Sutherland Park 1st Addition.

2. ~~The Permittee agrees to terminate the use of the premises as a private school within sixty days following receipt of notification from the building official that hazardous materials are being stored on property within 300 feet of the building used for the private school.~~
The Permittee agrees to terminate the use of the premises as a private school within fourteen days following receipt of notification from the

building official that quantities of hazardous materials that require a permit under Section 19.04.150 of the Lincoln Municipal Code are being stored, transported, dispensed, used or handled, on property within 300 feet of the building areas used for the private school, until such materials are removed to the satisfaction of the Lincoln-Lancaster County Health Department.

3. ~~The Permittee shall not allow the storage or use of hazardous materials on the premises of the special permit. The Permittee shall not allow quantities of hazardous material that require a permit under Sec. 19.04.150 of the Lincoln Municipal Code to be stored, transported, dispensed, used or handled, on the premises of the special permit.~~

4. Before receiving building permits:

a. The Permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.

i. A revised site plan including five copies showing the following revisions:

(1) Include only parking stalls that will be constructed. Remove references to proposed stalls.

(2) Remove parking stalls that do not meet Design Standards.

(3) Indicate stalls required and stalls provided.

(4) Indicate landscaping materials and specifications.

(5) Indicate sidewalks and street trees as approved on the preliminary plat.

(6) Remove references to contract area as the special permit will cover the entire lot.

(7) Correct the legal description.

(8) Remove references to area separation walls and the Uniform Building Code and site plan notations.

(9) Add a general site note indicating that the use of the building will comply with all applicable building and life safety codes.

(10) ~~Add a note to the site plan to indicate that, should hazardous materials be located within the area of the special permit, the Permittee shall immediately terminate the use of the premises as a private school to the satisfaction of the Lincoln-Lancaster County Health Department and Law Department. Add a note to the site plan to indicate that, should quantities of hazardous materials that require a permit under § 19.04.150 of the Lincoln Municipal Code be stored, transported, dispensed, used, or handled within the area of the special permit, ro within 300 feet of the building used for the private school, the Permittee shall within fourteen days of such activity terminate the use of the premises as a private school, until such materials are removed to the satisfaction of the Lincoln-Lancaster County Health Department and Law Department.~~

11) ~~Add a note to the site plan indicating that the building shall have an emergency shut-off switch for the ventilation system in case of a hazardous chemical spill in the area to the satisfaction of the Lincoln-Lancaster County Health Department. Add a note to the site plan indicating that the building shall have an emergency single switch shut-off switch so that the air handling system can be immediately shut down in case of a hazardous chemical spill in the area to the satisfaction of the Lincoln-Lancaster~~

County Health Department. The switch shall be located so that it is easily accessible at all times to the Permittee's staff. Permittee's staff shall be trained on how to operate the switch.

(12) ~~Add a note to the site plan indicating that the special permit shall be automatically terminated within sixty days following receipt of notification from the building office that hazardous materials are being stored on property within 300 feet of the building used for the private school.~~

(13) Provide an evacuation plan, in the event of a hazardous materials spill, to the satisfaction of the Lincoln-Lancaster County Health Department.

ii. A permanent final site plan with five copies as approved.

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

c. The required easements as shown on the site plan must be recorded with the Register of Deeds.

d. All development must comply with floodplain regulations.

5. Before occupying this private dance/gymnastics school all development and construction must conform to the approved plans.

6. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.

7. The operation must meet appropriate local and state licensing requirements.

8. 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.

9. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's 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.

10. 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 Ken Svoboda

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

REAPPOINTING MARY ARTH, WILLIAM HASTINGS AND SANDRA WASHINGTON TO THE PARKS AND RECREATION ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 27, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81502 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of the following people to the Parks and Recreation Advisory Board for three-year terms expiring April 27, 2005, is hereby approved:

Mary Arth
William Hastings
Sandra Washington

Introduced by Jon Camp

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

APPOINTING DENNIS SCHEER TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81503 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dennis Scheer to the Parks and Recreation

Advisory Board for a three-year term expiring April 27, 2005 is hereby approved.

Introduced by Jon Camp

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

APPOINTING SUE QUAMBUSCH TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81504 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Sue Quambusch to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2005 is hereby approved.

Introduced by Jon Camp

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

APPROVING THE ANTELOPE CREEK OPERATING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT TO COORDINATE THE FUTURE OPERATION, MAINTENANCE, REPAIR, AND REPLACEMENT OF CERTAIN PORTIONS OF THE ANTELOPE CREEK WATERWAY FROM J STREET TO THE CONFLUENCE OF SALT CREEK - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 02R-112 for two weeks to 6/3/02.

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

APPROVING THE FIRST AMENDMENT TO THE JOINT ANTELOPE VALLEY AUTHORITY INTERLOCAL AGREEMENT BETWEEN THE JOINT ANTELOPE VALLEY AUTHORITY, THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA, THE CITY OF LINCOLN, NEBRASKA, AND THE LOWER PLATTE SOUTH NATURAL RESOURCES DISTRICT FOR THE DESIGN, CONSTRUCTION, OPERATION, AND IMPLEMENTATION OF THE PHASE ONE PRIORITY PROJECTS - PRIOR to reading:

SVOBODA Moved to delay action on Bill No. 02R-113 for two weeks to 6/3/02.

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

WAIVING THE SUBDIVISION REQUIREMENTS FOR SIDEWALKS, STREET PAVING, AND STREET TREES ON W. BENTON STREET WEST OF MORGAN STREET IN DOLEZAL 2ND ADDITION FINAL PLAT - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81505 WHEREAS, John D. and Joann M. Dolezal previously submitted and received approval of the final plat designated as Dolezal 2nd Addition by the City Council of the City of Lincoln, Nebraska; and

WHEREAS, the conditions of approval of said Final Plat included the requirement that street trees, sidewalk and paving on West Benton, West of Morgan Street be provided in compliance with the Land Subdivision Ordinance; and

WHEREAS, Donald D. and Joann M. Dolezal have requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the requirements of the Final Plat of Dolezal 2nd Addition relating to the installation of street trees, sidewalk, and paving on West Benton Street, west of Morgan Street, are hereby waived.

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

Introduced by Jon Camp

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

ORDERING ORNAMENTAL LIGHTING DISTRICT NO. 285 CONSTRUCTED IN LAKESIDE DRIVE FROM SURFSIDE DRIVE TO WEST S STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81506 WHEREAS petitions signed by the owners of the record title representing a majority of the feet frontage of the property directly abutting upon the streets in Ornamental Lighting District No. 285, being Lakeside Drive, Surfside Drive to West 'S' Street, have been filed with the City Clerk, petitioning for the construction of said ornamental

lighting,

THEREFORE BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that said petitions be and hereby are determined to be sufficient and that said district be and is hereby ordered constructed.

BE IT FURTHER RESOLVED that the Department of Public Works and Public Utilities be and is hereby authorized and directed to prepare detailed plans and specifications for said ornamental lighting in accordance with this resolution.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Jon Camp

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

SETTING HEARING DATE OF JUNE 10, 2002 AT 1:30 P.M. FOR THE APP. OF MORALES INC. DBA "LA MEXICANA MARKET" FOR AN ADDITION TO LICENSED PREMISES CONSISTING OF AN AREA 25' X 28' TO THE NORTH AT 1637 "P" ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81507 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 10, 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 App. of Morales, Inc. dba "La Mexicana Market" for an addition to licensed premises consisting of an area approximately 25' x 28' to the north at 637 "P" St.

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

Introduced by Jon Camp

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

SETTING HEARING DATE OF JUNE 10, 2002 AT 1:30 P.M. FOR THE APP. OF WHITEHEAD OIL CO. DBA "U-STOP CONVENIENCE" FOR A "CLASS "B" LIQUOR LICENSE" AND A CLASS "K" LIQUOR LICENSE AT 7100 PIONEERS - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81508 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 10, 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 App. of Whitehead Oil Co. dba "U-Stop Convenience" for a Class "B" Liquor License and a Class "K" Liquor License at 7100 Pioneers.

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

Introduced by Jon Camp

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

SETTING HEARING DATE OF JUNE 10, 2002 AT 1:30 P.M. FOR THE APP OF HUYNH, NHUNG TUYET DBA "NHA TRANG RESTAURANT" FOR A CLASS "I" LIQUOR LICENSE AT 1309 L STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81509 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 10, 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 App. of Huynh, Nhung Tuyet dba "NHA Trang Restaurant" for a Class "I" Liquor License at 1309 L Street.

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

Introduced by Jon Camp

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

COMBINED USE PERMIT/SPECIAL PERMIT 19 - APPLICATION OF PINNACLE BANK AND 70TH STREET PROPERTIES, INC. TO DEVELOP A 20-BED HEALTH CARE FACILITY, 5,100 SQ. FT. OF BANK/FINANCIAL SPACE, AND 24,000 SQ. FT. OF MEDICAL OFFICE USES, WITH A WAIVER OF THE REQUIRED SIDE YARD SETBACK, ON PROPERTY GENERALLY LOCATED AT S. 70TH STREET AND LINCOLNSHIRE ROAD. **(IN CONNECTION W/02-62)** - (5/13/02 - Delayed one week) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81511 WHEREAS, Pinnacle Bank and 70th Street Properties, Inc. have

submitted an application designated as Combined Use Permit/Special Permit No. 19 for authority to develop a 20-bed health care facility, 5,100 square feet of bank/financial, and 24,000 square feet of medical office uses on property located at South 70th Street and Lincolnshire Road, and legally described to wit:

Lot 8, Lincolnshire Square, and Lots 93 and 94 I.T.,
located in the Northwest Quarter of Section 34,
Township 10 North, Range 7 East of the 6th P.M.,
Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this development of commercial space 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 Pinnacle Bank and 70th Street Properties, Inc., hereinafter collectively referred to as "Permittee", to develop a 20-bed health care facility, 5,100 square feet of bank/financial, and 24,000 square feet of medical office uses, on the property legally described above, be and the same is hereby granted under the provisions of Sections 27.27.080 and 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of said commercial development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 20-bed health care facility, 5,100 square feet of bank/financial space, and 24,000 square feet of medical office uses.

2. A reduction of side yard setback along the north property line from 15 feet to 5 feet for parking only is hereby approved.

3. The health care facility must conform to all applicable state and federal regulations.

4. Before receiving building permits:

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

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

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

6. All privately-owned improvements shall be permanently maintained by the Permittee.

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 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.

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.

10. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approve previous special permits remain in force unless specifically amended by this Resolution. Special Permit #328 and Special Permit #716 are hereby rescinded.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone No. 3365 - App. of Whitehead Oil Company from H-1 to H-3.

Special Permit No. 1972 - App. of John & Pam Rallis & Debra Placek to

develop 4 single family one acre lots and one five acre church lot at S. 112th Street & Old Cheney Road.
Special Permit No. 1975 - App. of Juliana Buller, Jimmy Ace's Platinum Grille, for consumption of alcoholic beverages on premises at 923 South Street.
Special Permit No. 1977 - App. of Susan L. Thelen to open an early childhood care facility for 15 or fewer children at 452 South 25th St.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED AT THE COUNCIL MEETING OF MAY 6, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR MAY 6 THROUGH MAY 10, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:
A-81510 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attachments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments for May 6 - May 10, 2002)

Introduced by Jon Camp

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

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF APRIL, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS APRIL 30, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ORDINANCES - 1ST READING

AMENDING CHAPTER 5.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO AUCTIONS AND AUCTIONEERS BY ADDING A NEW SECTION 5.08.025 TO PROVIDE THAT ANNUAL PERMITS GRANTED UNDER CHAPTER 5.08 SHALL EXPIRE ON MAY 31ST FOLLOWING THEIR DATE OF ISSUANCE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.08 of the Lincoln Municipal Code relating to auctions and auctioneers by adding a new section numbered 5.08.025 to provide that annual permits granted under Chapter 5.08 shall expire on May 31st following their date, the first time.

AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ALCOHOLIC LIQUOR BY AMENDING SECTION 5.04.062 TO PROVIDE THAT MISREPRESENTATIONS AND/OR OMISSIONS ON APPLICATIONS FOR SPECIAL DESIGNATED LICENSES SHALL CONSTITUTE GROUNDS FOR DENIAL OR CANCELLATION OF SUCH LICENSE; AMENDING SECTION 5.04.064 TO PROVIDE ADDITIONAL REQUIREMENTS AND LIMITATIONS FOR SPECIAL DESIGNATED LICENSES REQUESTING HOURS OF OPERATION FOR ONE OR MORE LICENSES ANY TIME BETWEEN 12:01 A.M. THE DAY OF ANY UNIVERSITY OF NEBRASKA HOME FOOTBALL GAME THROUGH 6:30 A.M. THE FOLLOWING DAY AND TO PROVIDE AN EXCEPTION TO THE REQUIREMENTS FOR STATE GOVERNMENT APPLICATION AND PROVIDING AN EFFECTIVE DATE OF 6/1/03 - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 5.04 of the Lincoln Municipal Code relating to Alcoholic Liquor by amending Section 5.04.062 to provide that misrepresentations and /or omissions on applications for special designated licenses shall constitute grounds for denial or cancellation of such license; amending Section 5.04.064 to provide additional requirements and limitations for special designated licenses requesting hours of operation for one or more licenses any time between 12:01 a.m. the day of any University of Nebraska home football game through 6:30 a.m. the following day and to provide an exception to the requirements for state government applications; providing an effective date of June 1, 2003; and repealing Sections 5.04.062 and 5.04.064 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3298 - AMENDING SECTION 5 OF ORDINANCE NO. 17981, PASSED APRIL

1, 2002, TO CORRECT THE LEGAL DESCRIPTION FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED BETWEEN S. 27TH STREET AND S. 40TH STREET, NORTH OF YANKEE HILL ROAD - CLERK read an ordinance, introduced by Jon Camp, amending Section 5 of Ordinance 17981, passed by City Council on April 1, 2002, to correct the legal description to accurately reflect the property being transferred from the R-3 Residential District to the B-2 Planned Neighborhood Business District and repealing Section 5 of Ordinance 17981 as hitherto existing, the first time.

ORDINANCES - 3RD READING

AMENDING TITLE 8, HEALTH & SANITATION, OF THE LINCOLN MUNICIPAL CODE BY CREATING CHAPTER 8.08 TO REGULATE BODY ART ESTABLISHMENTS AND PRACTITIONERS BY REQUIRING ESTABLISHMENTS TO MEET AND MAINTAIN CERTAIN REQUIREMENTS IN ORDER TO OBTAIN AND MAINTAIN A PERMIT FROM THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT; REQUIRING PRACTITIONERS TO RECEIVE PROPER TRAINING BEFORE BEING ISSUED A PERMIT; AND PROHIBITING ALL BODY ART, EXCEPT BODY PIERCING, ON MINORS UNDER THE AGE OF 18 - PRIOR to reading:

WERNER Re-moved Amendment #2 of Bill No. 02-55 1) on page 22, delete lines 4 & 5; 2) on page 22, line 6, renumber (2) as (1) and delete the word "piercing" and insert in lieu thereof the word "art"; 3) on page 22, line 8, renumber (3) as (2); 4) on page 22, delete lines 11, 12, and 13; 5) on page 22, line 14 renumber (5) as (3) and delete the word "piercing" and insert in lieu thereof the word "art"; 6) on page 22, line 16 renumber (6) as (4) and delete the word "piercing" and insert in lieu thereof the word "art"; 7) on page 22, line 18 renumber (7) as (5) and delete the word "piercing" and insert in lieu thereof the word "art"; 8) on page 22, line 20 renumber (8) as (6) and delete the word "piercing" and insert in lieu thereof the word "art"; 9) on page 23, line 19 delete the word "piercing" and insert in lieu thereof the word "art"; 10) on page 23, line 21 delete the word "piercing" and insert in lieu thereof the word "art"; 11) on page 24, line 7 delete the word "piercing" and insert in lieu thereof the word "art"; 12) on page 24, line 11 delete the word "piercing" and insert in lieu thereof the word "art"; 13) on page 25, line 20 delete the word "piercing" and insert in lieu thereof the word "art".

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

WERNER Moved Amendment #4 of Bill No. 02-55 in the following manner: On page 22, line 19, after the word "areas" insert the following phrase:

" , buttocks, "

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

SVOBODA Moved Amendment #5 of Bill No 02-55 in the following manner: On page 22, delete lines 18 and 19 in their entirety and renumber the following paragraph appropriately.

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

CLERK Read an ordinance, introduced by Jon Camp, amending Title 8, health & sanitation, of the Lincoln Municipal Code by creating Chapter 8.08 to regulate body art establishments and practitioners by requiring establishments to meet and maintain certain requirements in order to obtain and maintain a permit from the Lincoln-Lancaster County Health Department; requiring practitioners to receive proper training before being issued a permit; and prohibiting all body art, except body piercing, on minors under the age of 18, the third time.

CAMP Moved the ordinance as amended.

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

The ordinance, being numbered **#17999**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3359 - APPLICATION OF PINNACLE BANK AND 70TH STREET PROPERTIES, INC. FOR A CHANGE OF ZONE FROM O-2 SUBURBAN OFFICE TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT SOUTH 70TH STREET AND LINCOLNSHIRE ROAD. **(IN CONNECTION W/02R-103)** - CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by § 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

SENG Moved to pass ordinance as read.

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Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt. The ordinance, being numbered #18000, is recorded in Ordinance Book 25, Page

APPROVING A CONTRACT BETWEEN THE CITY AND THE DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A TUESDAY OPEN-AIR MARKET IN THE AREA OF 12TH STREET FROM Q TO R STREETS AND R STREET FROM 12TH TO 13TH STREETS FROM JUNE 4, 2002, THROUGH JUNE 25, 2002 - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving the Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Tuesday public market in the area of 12th Street from Q to R Streets and R Street from 12th to 13th Streets from June 4, 2002 through June 25, 2002, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

SENG Moved to pass ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt. The ordinance, being numbered #18001, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to June 3, 2002. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June 3, 2002. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

ADJOURNMENT

7:35 P.M.

CAMP Moved to adjourn the City Council meeting of May 20, 2002. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt. So ordered.

Teresa Meier-Brock Deputy City Clerk

Judy Roscoe, Office Assistant III

