

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 10, 2002 AT 1:30 P.M.**

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

SENG Having been appointed to read the minutes of the City Council proceedings of June 3, 2002, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely presented the Mayor's Award of Excellence for the month of May to Brian Jackson and Scott Alexander of the Lincoln Police Dept in the category of Loss Prevention.

PUBLIC HEARING

APPLICATION OF NHUNG TUYET HUYNH DBA "NHA TRANG RESTAURANT" FOR A CLASS "I" LIQUOR LICENSE AT 1309 L STREET - Nhung Tuyet Huynh, 1309 L Street, took oath & came forward to answer any questions.

Annette McRoy asked if the applicant has had any previous experience in holding a liquor license.

Nhung Tuyet Huynh stated no she has not, but she is signed up for the Responsible Hospitality class on July 11th.

This matter was taken under advisement.

APPLICATION OF MORALES, INC. DBA "LA MEXICANA MARKET" FOR AN ADDITION OF AN AREA MEASURING APPROXIMATELY 25' BY 28' TO THE NORTH OF THE PRESENTLY LICENSED PREMISES AT 1637 P STREET - Guillermo Haro, 6000 S. 88th St., took oath & came forward to answer any questions.

Attorney representing applicant (couldn't understand name & didn't sign in) took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF WHITEHEAD OIL CO. DBA "U-STOP CONVENIENCE SHOP" FOR A CLASS B AND K LIQUOR LICENSE AT 7100 PIONEERS BLVD.;

MANAGER APPLICATION OF BRIAN J. MAKOVICKA FOR WHITEHEAD OIL CO. DBA "U-STOP CONVENIENCE SHOP" AT 7100 PIONEERS BLVD. - Mark Whitehead, 2537 Randolph St., took oath & came forward to answer any questions.

Terry Werner, Council Member, asked if having a manager for each convenience shop was beneficial or a hardship to the company.

Mr. Whitehead stated it was beneficial for accountability & liability reasons.

Coleen Seng, Council Member, complimented them on having a manager for each establishment.

This matter was taken under advisement.

APPLICATION OF DAN WILLIAMS DBA "HIGHLANDS GOLF COURSE" FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE GOLF COURSE AND PARKING LOT AT 5501 N.W. 12TH STREET ON JUNE 15, 2002 FROM 8:00 A.M. TO 6:00 P.M. AND ON JUNE 22, 2002 FROM 7:30 A.M. TO 5:00 P.M. - Dan Williams, 5501 NW 12th Street, came forward to answer any questions.

This matter was taken under advisement.

VACATING A PORTION OF HAWTHORNE ADDITION ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (IN CONNECTION W/02-70, 02R-120, 02R-121); CHANGE OF ZONE 3361 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (IN CONNECTION W/02-69, 02R-120, 01R-121);

SPECIAL PERMIT 1951 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN FOR 120 MULTIPLE FAMILY UNITS, 186

SINGLE FAMILY UNITS AND 59 UNASSIGNED UNITS, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (IN CONNECTION W/02-69, 02-70, 02R-121);

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HARTLAND HOMES SOUTHWEST FOR 187 LOTS AND FOUR OUTLOTS, WITH WAIVERS TO THE REQUIRED BLOCK LENGTH AND STREET TREES, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (IN CONNECTION W/02-69, 02-70, 02R-121) - Brian Carstens, 2935 Pine Lake Rd., Suite H, appeared on behalf of Hartland Homes Inc. requesting waivers for block length along SW 25th Street to the east and existing platted subdivision. Provisions were not made for street connections so they were not able to tie in. The other waiver was the street trees along SW 27th. There's a large tree mass of Austrian Pines & some volunteer trees that they did not want to disturb. It is their understanding that they are going to exchange right of way for right of way & they are asking if it would be acceptable to pay 11 cents per sq. ft. for the 24,000 sq. ft. deficiency in the Hawthorne Addition final plat.

Clint Thomas, Real Estate Division, stated he put a value on this property before he saw a proposed plat & would not have a problem with using this value & basing it on the excess land that's sold. If there's less property being dedicated than being vacated then equal it out in terms of dollars. Discussion followed.

Dana Roper, City Attorney, stated that if everyone's in agreement with the value & the difference then the City will need the money in hand before this Ordinance is acted upon. More discussion followed.

This matter was taken under advisement.

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE - Ted Stutheit, Chief Electrical Inspector for the City of Lincoln, came forward to answer questions of the Council.

Jonathan Cook, Council Chair, read from the list of things you get a permit for, change overhead to underground with no change of panel, \$18.00. He then asked what were you previously doing when someone wanted to change their panel from overhead to underground?

Mr. Stutheit answered that they did it administratively and charged that minimum permit fee. It's an inspection that we can do on the outside of the house & so it doesn't take as much to do as one of the others.

Mr. Cook said since the minimum permit fee is going up to \$20.00 keeping this at \$18.00 is actually leaving it the same as it was.

Mr. Stutheit agreed.

Ms. McRoy asked if people actually do call you in for inspections of ceiling fans?

Mr. Stutheit answered yes. He said it is important that they do because they're heavy & they have both the static & dynamic load causing them to shake out of the ceiling and fall down.

This matter was taken under advisement.

SPECIAL PERMIT 1974 - APPLICATION OF MISSION 3, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT THE CONVENIENCE STORE/GAS STATION GENERALLY LOCATED AT 110 WEST O STREET - Mick Mandl, 5810 Robin Ct., President of Mission 3, L.L.C. came forward to answer any questions.

Danny Walker, 427 E St. came forward in opposition. He stated it was too close to the City Mission & the Lincoln Action Program to be selling alcohol. He doesn't understand why every service station & convenience store has to have a liquor license to survive.

Ms. McRoy stated that Brian Wills of Planning Dept. & Sergeant Woolman of LPD received letters from the City Mission stating they had no problem with alcohol being sold at this convenience store.

Mr. Cook asked if it meets the 100' is there any basis to turn this application down?

Dana Roper, City Attorney, answered not really.

Nicole Fleck-Tooze, Public Works & Utilities, stated that the site plan was acceptable & that the access needs to be off of 1st Street or a shared condition needs to be worked out with an easement with the other properties rather than additional access off of West O Street. They've satisfied the conditions for the purpose of this permit.

This matter was taken under advisement.

APPROVING THE ISSUANCE OF BONDS BY THE LINCOLN LANCASTER COUNTY BUILDING COMMISSION IN AN AMOUNT NOT TO EXCEED \$11,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE COMMISSION AND PAYING THE

COSTS OF ADDITIONAL FACILITIES FOR THE COMMISSION. (REQUEST TO WITHDRAW) - City Clerk stated that there has been a request by the Finance Director & Bond Counsel to withdraw this resolution.
This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Ave., stated that the refusal of the City of Lincoln to obey the directive of the Lincoln City's voters requiring the adoption of a code of ethics is a willful violation of the City Charter. There needs to be a planning process to protect the integrity of the environment & the interests of the people. He also mentioned that there wasn't anything more less patriotic than selling the historic Federal Building.

Dana Roper, City Attorney, stated that the City of Lincoln does have a code of ethics. When the State adopted the political accountability & disclosure laws & pre-empted the area the City formed a commission to take a look at that & the result was the Chapter 2.54 of the Lincoln Municipal Code. Because the State had made much of what the City had redundant, we established a governmental code of ethics which explains what conflicts are. It regulates & prohibits self dealing in contracts. It lists & enumerates prohibited acts.

This matter was taken under advisement.

John Ways, no address given, came forward stating that the Police Department says it cannot & will not give information on a person's identification as to whether it is real or false. He felt that as public servants they should help the public out with this information. He does not want the Police Department to come out & check the identification because it's harmful to the business & a waste of taxpayers dollars.

Russ Fosler, Lincoln Police Department, was not aware the Police Department had this policy, but says that without physically looking at the identification & looking at the individual that has the identification how would they know that it's actually the person on the identification or is the person.

Jonathan Cook, Council Chair, asked if the bars normally call the Police when they think they have a fake ID?

Officer Fosler, answered if they have a minor attempting to purchase they will call the Police Dept. & they will respond as calls allow. It may be low priority, but they will eventually respond. If the business has something that is questionable it is their responsibility as the business owner to decide whether or not they want that individual allowed in their establishment. They have the right to refuse service if it's an age sensitive business based upon not being able to provide good identification. You can't base that denial on sexual orientation, gender, race, religious belief.

Annette McRoy, Council Member, asked Mr. Ways since his establishment does not serve alcohol his concern is minors coming in to look?

Mr. Way said yes, that under the law he could let a 12 year old in, but this would be outrageously wrong so they set the age at 18.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF NHUNG TUYET HUYNH 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 for approval:

A-81533 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 Nhung Tuyet Huynh d/b/a "NHA Trang Restaurant" for a Class "I" liquor license at 1309 L Street, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition

that the premise complies in every respect with all city and state regulations. 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.

APPLICATION OF MORALES, INC. DBA "LA MEXICANA MARKET" FOR AN ADDITION OF AN AREA MEASURING APPROXIMATELY 25' BY 28' TO THE NORTH OF THE PRESENTLY LICENSED PREMISES AT 1637 P STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81534 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 Morales, Inc. d/b/a "La Mexicana Market" to expand its licensed premises by the addition of an area measuring 25 feet by 28 feet to the north of the presently licensed premises located at 1637 "P" 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 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.

APPLICATION OF WHITEHEAD OIL CO. DBA "U-STOP CONVENIENCE SHOP" FOR A CLASS B AND K LIQUOR LICENSE AT 7100 PIONEERS BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81535 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 Whitehead Oil d/b/a "U-Stop Convenience Shop" for a Class "B" and "K" liquor license at 7100 Pioneers Blvd., Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon camp

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

MANAGER APPLICATION OF BRIAN J. MAKOVICKA FOR WHITEHEAD OIL CO. DBA "U-STOP CONVENIENCE SHOP" AT 7100 PIONEERS BLVD. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81536 WHEREAS, Whitehead Oil Co. d/b/a U-Stop Convenience Shop located at 7100 Pioneers Blvd., Lincoln, Nebraska has been approved for a Retail Class "B" and "K" liquor license, and now requests that Brian J. Makovicka be named manager;

WHEREAS, Brian J. Makovicka 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 Brian J. Makovicka 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.

APPLICATION OF DAN WILLIAMS DBA "HIGHLANDS GOLF COURSE" FOR A SPECIAL DESIGNATED LICENSE TO COVER THE ENTIRE GOLF COURSE AND PARKING LOT AT 5501 N.W. 12TH STREET ON JUNE 15, 2002 FROM 8:00 A.M. TO 6:00 P.M. AND ON JUNE 22, 2002 FROM 7:30 A.M. TO 5:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for

approval:

A-81537 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Dan Williams d/b/a "Highlands Golf Course" for a Special Designated License to cover the entire golf course including the driving range, parking lots, and all fenced-in areas at 5501 N.W.12th Street, Lincoln, Nebraska, on June 15, 2002 from 8:00 a.m. to 6:00 p.m. and on June 22, 2002 from 7:30 a.m. to 5:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. Responsible alcohol service practices shall be followed.

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING

VACATING A PORTION OF HAWTHORNE ADDITION ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET (IN CONNECTION W/02-70, 02R-120, 02R-121) - CLERK read an ordinance, introduced by Annette McRoy, vacating a portion of Hawthorne Addition on property generally located at S. W. 27th Street and South Street, the second time.

CHANGE OF ZONE 3361 - APPLICATION OF HARTLAND HOMES, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET (IN CONNECTION W/02-69, 02R-120, 01R-121) - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3361 - Application of Hartland Homes, Inc. for a change of zone from AG Agricultural to R-3 Residential on property generally located at S. W. 27th Street and South Street, the second time.

AMENDING CHAPTER 23.10 OF THE LINCOLN MUNICIPAL CODE TO ADOPT THE 2002 EDITION OF THE NATIONAL ELECTRICAL CODE - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 23.10 of the Lincoln Municipal Code to adopt the 2002 edition of the National Electrical Code, the second time.

RESOLUTIONS

SPECIAL PERMIT 1951 - APPLICATION OF HARTLAND HOMES INC. TO DEVELOP HARTLAND HOMES SOUTHWEST COMMUNITY UNIT PLAN FOR 120 MULTIPLE FAMILY UNITS, 186 SINGLE FAMILY UNITS AND 59 UNASSIGNED UNITS, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (IN CONNECTION W/02-69, 02-70, 02R-121) - PRIOR TO READING:

CAMP Moved to delay action for one week to June 17, 2002.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HARTLAND HOMES SOUTHWEST FOR 187 LOTS AND FOUR OUTLOTS, WITH WAIVERS TO THE REQUIRED BLOCK LENGTH AND STREET TREES, ON PROPERTY GENERALLY LOCATED AT S.W. 27TH STREET AND SOUTH STREET. (IN CONNECTION W/02-69, 02-70, 02R-121) - PRIOR TO READING:

CAMP Moved to delay action for one week to June 17, 2002.

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

REAPPOINTING DEBRA SCHORR TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2005 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81538 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the reappointment of Debra Schorr to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2005 is hereby

approved.

Introduced by Coleen Seng

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

SPECIAL PERMIT 1974 - APPLICATION OF MISSION 3, L.L.C. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT THE CONVENIENCE STORE/GAS STATION GENERALLY LOCATED AT 110 WEST O STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81539 WHEREAS, Mick Mandl on behalf of Mission 3, L.L.C. has submitted an application designated as Special Permit No. 1974 for authority to sell alcoholic beverages for consumption off the premises at a convenience store located at 110 West O Street, legally described as:

Lot 3, Sun Valley Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises 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 Mick Mandl on behalf of Mission 3, L.L.C., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan with five copies showing the driveway onto West O Street as the future proposed drive access and not part of this special permit.
 - b. The construction plans must conform to the approved plans.
3. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.
4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his 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.
5. 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 Coleen Seng

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

APPROVING THE ISSUANCE OF BONDS BY THE LINCOLN LANCASTER COUNTY BUILDING COMMISSION IN AN AMOUNT NOT TO EXCEED \$11,000,000 FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE COMMISSION AND PAYING THE COSTS OF ADDITIONAL FACILITIES FOR THE COMMISSION - PRIOR TO READING:
SVOBODA Moved to request Bill No. 02R-126 to be Withdrawn.

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

The ordinance, having been **WITHDRAWN**, was assigned File #38-4403, & placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MON., JUNE 24, 2002 AT 5:30 P.M. FOR MAN. APP. OF LINDA L. HUBKA FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP LOCATED AT 2925 NW 12TH STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81540 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 24, 2002, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Linda L. Hubka for Whitehead Oil Company dba U-Stop Convenience Shop located at 2925 NW 12th Street.

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

Introduced by Coleen Seng

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

SETTING HEARING DATE OF JUNE 24, 2002 AT 5:30 P.M. FOR MAN. APP. OF DANA E. LIPPOLD FOR CORPORATE GOLF MARKETING INC. DBA BUNKER'S SPORTS BAR & GRILL LOCATED AT 8901 AUGUSTA DR. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81542 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 24, 2002, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of Dana E. Lippold for Corporate Golf Marketing Inc. dba Bunker's Sports Bar & Grill located at 8901 Augusta Dr.

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

Introduced by Coleen Seng

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

PETITIONS & COMMUNICATIONS

APP. OF ST. THOMAS AQUINAS CHURCH/NEWMAN CENTER, 320 N. 16TH STREET, TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN - CLERK requested a motion to set a hearing date of Mon., June 17, 2002 at 1:30 p.m.

SVOBODA So moved.

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

PETITION TO VACATE PUBLIC WAY A RECTANGULAR PARCEL OF LAND APPROX. 18' WIDE (NORTH-SOUTH LINE) & 124.2' LONG (EAST-WEST) ADJACENT TO & BETWEEN THE SOUTH PROPERTY LINE OF LOT 8 & THE NORTH CURB OF GLADE STREET OR AS MUCH THEREOF AS IS AVAILABLE TO BE VACATED SIGNED BY BENJAMIN V. & STACY A. HOLLINGWORTH - CLERK presented said petition which was referred to the Law Dept.

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Use Permit No. 143 - App. of Thistle Glenn Investments, LLC to develop a retail/office center w/Veterinary Clinic w/associated parking & meeting all setbacks at 7401 Pioneers Blvd.

Change of Zone No. 3367 - App. of Richard W. Berger to change from Ag to AGR on property at S.W. 70th & W. Van Dorn St.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR MAY 28 THROUGH MAY 31, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81541 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 28 - May 31, 2002)

Introduced by Coleen Seng

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

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS TAX COLLECTED FOR THE MONTH JANUARY - MARCH, 2002: PNG TELECOMM.; APRIL, 2002: COAST INT'L., NEBRASKA TECHNOLOGY & TELECOMM., BELL ATLANTIC COMM., INTELICALL OPERATOR SERVICES, SHAFFER COMM., MCI WORLDCOM., IBM GLOBAL - CLERK presented said report which was placed on file in the office of the City Clerk.

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY 2002 - CLERK presented said report which was placed on file in the office of the City Clerk.

ORDINANCES - 1ST READING

CHANGE OF ZONE 3365 - APPLICATION OF WHITEHEAD OIL COMPANY FOR A CHANGE OF ZONE FROM H-1 INTERSTATE COMMERCIAL DISTRICT TO H-3 HIGHWAY COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF N. 27TH STREET AND WHITEHEAD DRIVE - CLERK read an ordinance, introduced by Coleen Seng, 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 first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 18.18 ACRES OF PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH STREET.(IN CONNECTION W/02-80, 02R-129) - CLERK read an ordinance, introduced by Coleen Seng, amending Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17932 passed November 19, 2001, prescribing and defining the corporate limits of the City of Lincoln and repealing said Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17932 passed November 19, 2001, as hitherto existing, the first time.

CHANGE OF ZONE 3353 - APPLICATION OF M & S CONSTRUCTION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH STREET.(IN CONNECTION W/02-79, 02R-129) - 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 Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD 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 third time.

CAMP Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **#18008**, is recorded in Ordinance Book 25, Page

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 third time.
CAMP Moved to pass the ordinance as read.
Seconded by Svoboda& carried by the following vote: AYES: Camp,
Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered #18009, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to June 17, 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 17, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

ADJOURNMENT

2:48 P.M.

CAMP Moved to adjourn the City Council meeting of June 10, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
So ordered.

Joan Ross, City Clerk

Judy Roscoe, Office Assistant III

REGULAR MEETING
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