

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 24, 2002 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Vice Chairperson Camp; Council Members: Friendt, McRoy, Seng, Svoboda. Joan Ross, City Clerk; Absent: Cook, Werner.

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

FRIENDT Having been appointed to read the minutes of the City Council proceedings of June 17, 2002, reported having done so, found same correct.

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

MAYOR'S STATE OF THE CITY ADDRESS

Mayor Don Wesely presented his State of The City Address; a copy of his address is on file with the City Clerk's Office in the 2002-03 Budget file.

PUBLIC HEARING

MANAGER APPLICATION OF DANA E. LIPPOLD FOR CORPORATE GOLF MARKETING INC. DBA "BUNKER'S SPORTS BAR & GRILL" AT 8901 AUGUSTA DRIVE - Dana Lippold, 430 S. 47th St., took oath & came forward to answer any questions.

Annette McRoy, Council Member, asked if he was taking the Responsible Hospitality Class since he hasn't had any liquor experience.

Mr. Lippold answered he was enrolled for the class on July 11th.

This matter was taken under advisement.

MANAGER APPLICATION OF LINDA L. HUBKA FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 2925 N.W. 12TH STREET - Linda Hubka, 3169 Puritan Avenue, took oath & came forward to answer any questions.

This matter was taken under advisement.

CREATING WATER DISTRICT NO.1188 FOR A 6" WATER MAIN IN MOCKINGBIRD LANE, 14TH STREET WEST APPROXIMATELY 2,300 FEET, AND NORTH APPROXIMATELY 590 FEET IN COLONEL DENSMORE PARK, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - Clerk stated she had received a letter of opposition from Mr. & Mrs. Robert Luedke.

Tom Huston, 233 S. 13th St., Ste. 1900 came forward representing the YMCA on 14th St. in opposition. The YMCA has already installed their water & would like to be excluded from this Water Dist. They have provided for their own infrastructure.

Keith Herbster, 1201 N. Mockingbird, came forward in opposition. He presented a letter of opposition from the residents of North Mockingbird. Discussion followed.

Dennis Bartels, Public Works Dept., stated that if a Water District is created it will automatically order the construction. Discussion followed.

This matter was taken under advisement.

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 286 IN THE LINCOLN COUNTRY CLUB AREA FROM APPROXIMATELY S. 27TH STREET ON THE EAST TO S. 20TH STREET ON THE WEST, VAN DORN ON THE NORTH TO HIGH STREET ON THE SOUTH, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - Roger Dodson, 2941 S. 26th Street, came forward in favor of.

Lynn Senkbeil, 2905 S. 27th Street, came forward in favor of.

Bob Routh, 3120 S. 24th Street, came forward in favor of.

Virginia Knolls, 2818 S. 24th Street, came forward in favor of.

Michelle Suarez, 2427 Woodsdale Blvd., came forward in favor of.

Bob Hanna, 2930 Cedar Avenue, came forward in opposition.

Dean Clawson, 2573 Van Dorn Street, came forward in opposition.

Janina Fouts, 3010 S. 26th Street, came forward in opposition.

Katharina Sidiki, 2590 Woodsdale Blvd., came forward in opposition.

Ruth Clawson, 2573 Van Dorn, came forward in opposition speaking for a 94 year old neighbor who absolutely cannot afford to pay for

ornamental lighting.

Tom Tallman, 2330 Woodsdale Blvd., came forward in opposition if the number of lights would be cut down from 10 to 5. If 10 ornamental lights were put in then he would be in favor of it.

Roger Bacon, 3211 Summit Blvd., came forward representing the Board of Directors of the Country Club who are asking to be excluded from this ornamental lighting district. They are in opposition to this district. Discussion followed.

Heidi Burkland, 2936 S. 25th Street, came forward in opposition. Discussion followed.

Jon Camp, Council Chair, asked how much the assessment for a 50' frontage would be.

Elmer Cole, Public Works Dept., stated it would cost \$1,160 to \$1,200 per property, based on 201 home assessment.

Glenn Friendt, Council Member, asked if families who need income assistance can qualify through the CDBG funds.

Mr. Cole answered that it does not apply to ornamental lighting districts. It applies strictly to paving districts and paving units that come forward.

Tim Aschoff, 130-132 S. 13th St., Suite 300, came forward representing Duane & Phyllis Acklie and Todd Duncan who are in opposition. Discussion followed.

Annette McRoy asked if the City would be receiving a credit of \$27,000 to \$30,000 from LES.

Mr. Cole said yes it would be based on the existing poles taken down & replaced.

Mr. Camp asked over how many years will the assessment to the property owners be amortized.

Mr. Cole answered it will be over 5 years & the interest rate will be the current rate of 7.5%.

Mr. Camp stated there will be no City participation in this other than the LES credit.

This matter was taken under advisement.

TOOK BREAK 7:26 P.M.

RECONVENED 7:49 P.M.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA WORKFORCE DEVELOPMENT, DEPARTMENT OF LABOR, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DYNAMIC EDUCATION SYSTEMS, INC. FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT;

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND INDIAN CENTER, INC. FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - Marc Wullschleger, Urban Development Director, stated One Stop Operator leases from Golds Galleria and in turn leases out to others for exactly what they are charged. Department of Labor is the biggest tenant. Starting 8/1/02 the lease will go up from \$11.25 to \$11.50 per square foot to include janitorial.

Mr. Friendt asked if it was a requirement that we pass on what Golds Galleria charges us.

Mr. Wullschelger stated no it is not, but when we leased from the State they passed on only what they paid so we're reciprocating & some of the other organizations really don't have much money.

This matter was taken under advisement.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY, THE COUNTY, AND THE PUBLIC BUILDING COMMISSION FOR PARKING FACILITIES AND APPROVING THE ISSUANCE OF BONDS BY THE 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 SUCH PARKING FACILITIES - CITY CLERK stated that the Finance Director and the Bond Counsel has asked for a continuance of the Public Hearing to 7/8/02 and to have action on 7/15/02.

Mr. Friendt moved to continue public hearing & to have action on 7/15/02.

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

This matter was taken under advisement.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE CAPITAL IMPROVEMENT PROGRAM FOR VARIOUS PARKS & RECREATIONS DEPT. PROJECTS - Lynn Johnson, Parks & Recreation Director, stated that \$85,000 will come from Keno funds for existing projects. This will be used to fund the upgrading of site

utilities to Holmes Golf Course. Eventually the club house will be remodeled or replaced so would go ahead and put in utilities to adequately support a new facility in the future. Also, the allocations of a gift from Alice Nielsen of \$72,000 of which the majority was used for the new parking lot at 12th & F Street to serve the F Street Rec Center and the remainder will be used for acquisition of a lot that abuts Peach Park, demolition of a house at a new park site acquired at 43rd & Y Street and demolition of a house & garage at a new park site donated at 98th & Adams.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Scott LeFebre, 2610 W. M Court, Executive Director of Developmental Services of Nebraska, came forward to state he felt the Lincoln Zoning ordinances are in violation of the Fair Housing Act & Individuals with Disabilities. He is mostly concerned about the distance requirements and the bias against the placement of group homes versus student housing.

This matter was taken under advisement.

Craig Groat, 4935 Huntington Ave., came forward to express his opinion about the City Council's lack of adopting a Code of Ethics and to request a committee be set up to establish these code of ethics.

Dana Roper, City Attorney, came forward to read from Charter of Lincoln. He stated that he believes the Law Dept. can defend this Charter as being in compliance with the code of ethics.

Glenn Friendt, Council Member, asked if the Council could make the change.

Mr. Roper answered that it would have to be in the form of an Ordinance.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF DANA E. LIPPOLD FOR CORPORATE GOLF MARKETING INC. DBA "BUNKER'S SPORTS BAR & GRILL" AT 8901 AUGUSTA DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81557 WHEREAS, Corporate Golf Marketing Inc. dba "Bunker's Sports Bar & Grill" located at 8901 Augusta Drive, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Dana E. Lippold be named manager;

WHEREAS, Dana E. Lippold 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 Dana E. Lippold be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

MANAGER APPLICATION OF LINDA L. HUBKA FOR WHITEHEAD OIL COMPANY DBA "U-STOP CONVENIENCE SHOP" AT 2925 N.W. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81558 WHEREAS, Whitehead Oil Company dba "U-Stop Convenience Shop" located at 2925 N.W. 12th Street, Lincoln, Nebraska has been approved

for a Retail Class "D" liquor license, and now requests that Linda L. Hubka be named manager;

WHEREAS, Linda L. Hubka 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 Linda L. Hubka be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

APPLICATION OF EMPYREAN BREWING CO. DBA "LAZLO'S" FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 385 FEET BY 155 FEET IN 14TH STREET FROM O TO P STREETS ON JULY 5, 2002 FROM 4:00 P.M. TO 1:00 A.M. AND ON JULY 6, 2002 FROM 11:00 A.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81559 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 Empyrean Brewing Co. dba "Lazlo's" for a Special Designated License to cover an area measuring approximately 385 feet by 155 feet in 14th Street from O to P Streets, Lincoln, Nebraska, on July, 5, 2002, between the hours of 4:00 p.m. and 1:00 a.m., and on July 6, 2002, between the hours of 11:00 a.m. to 1:00 a.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. The area requested for the permit shall be separated from the public by a fence or other means.
4. 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 Ken Svoboda

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

ORDINANCES - 2ND READING

CREATING WATER DISTRICT NO. 1188 FOR A 6" WATER MAIN IN MOCKINGBIRD LANE, 14TH STREET WEST APPROXIMATELY 2,300 FEET, AND NORTH APPROXIMATELY 590 FEET IN COLONEL DENSMORE PARK, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1188 for a 6" water main in Mockingbird Lane, 14th Street west Approx. 2,300 feet, and north approx. 590 feet in Colonel Densmore Park, and approving assessment of the cost thereof to the benefitted properties, the second time.

CREATING ALLEY PAVING DISTRICT NO. 362 IN THE NORTH/SOUTH ALLEY FROM 54TH STREET TO 56TH STREET, CLEVELAND TO ADAMS STREETS, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating an Alley Paving District No. 362 in the North/South alley from 54th Street to 56th Street, Cleveland to Adams Streets, and approving assessment of the cost thereof to the benefitted properties, the second time.

CREATING ORNAMENTAL LIGHTING DISTRICT NO. 286 IN THE LINCOLN COUNTRY CLUB AREA FROM APPROXIMATELY S. 27TH STREET ON THE EAST TO S. 20TH STREET ON THE WEST, VAN DORN ON THE NORTH TO HIGH STREET ON THE SOUTH, AND APPROVING ASSESSMENT OF THE COST THEREOF TO THE BENEFITTED PROPERTIES - CLERK read an ordinance, introduced by Ken Svoboda, creating Ornamental Lighting District No. 286 in the Lincoln Country Club area from approx. S. 27th Street on the east to S. 20th Street on the West, Van Dorn on the north

to High Street on the South, and approving assessment of the cost thereof to the benefitted properties, the second time.

VACATING A PORTION OF NORTH 67TH STREET BETWEEN THE NORTH LINE OF SEWARD AVENUE AND A POINT LOCATED 150.0 FEET NORTH THEREOF - CLERK read an ordinance, introduced by Ken Svoboda, vacating a portion of north 67th Street between the north line of Seward Avenue and a point located 150.0 feet north thereof, the second time.

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DAS/STATE BUILDING DIVISION ON BEHALF OF NEBRASKA WORKFORCE DEVELOPMENT, DEPARTMENT OF LABOR, FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, approving a sublease agreement between the City of Lincoln and DAS/State Building Division on behalf of Nebraska Workforce Development, Department of Labor, 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 DYNAMIC EDUCATION SYSTEMS, INC. FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, approving a sublease agreement between the City of Lincoln and Dynamic Education Systems, Inc. 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 INDIAN CENTER, INC. FOR PROVIDING JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, approving a sublease agreement between the City of Lincoln and Indian Center, Inc. for providing job training and employment services under the Workforce Investment Act, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY, THE COUNTY, AND THE PUBLIC BUILDING COMMISSION FOR PARKING FACILITIES AND APPROVING THE ISSUANCE OF BONDS BY THE 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 SUCH PARKING FACILITIES - PRIOR to reading:

FRIENDT Moved to continue public hearing to 7/8/02 & to have action on 7/15/02.

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

CLERK Read an ordinance, introduced by Ken Svoboda, approving a lease agreement between the City, the County, and the Public Building Commission for parking facility and approving the issuance of bonds by the 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 such parking facilities, the second time.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE CAPITAL IMPROVEMENT PROGRAM FOR VARIOUS PARKS & RECREATIONS DEPT. PROJECTS - CLERK read an ordinance, introduced by Ken Svoboda, approving a transfer of appropriations within the Capital Improvement Program for various Parks and Recreations Dept. Projects, the second time.

RESOLUTIONS

APPOINTING A. KEVIN HORNE TO THE AIR POLLUTION CONTROL ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 1, 2003 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81560 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of A. Kevin Horne to the Air Pollution Control Advisory Board to fill an unexpired term expiring September 1, 2003 is hereby approved.

Introduced by Glenn Friendt

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

APPROVING A WATER TESTING AGREEMENT BETWEEN THE CITY OF LINCOLN AND THE UNIVERSITY OF NEBRASKA-LINCOLN FOR WATER AND WASTEWATER TESTING - CLERK

read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81561 A RESOLUTION authorizing a four-year contract between the City and the Board of Regents of the University of Nebraska-Lincoln for the provision of water and wastewater testing by the School of Biological Sciences.

RECITALS

I.

University of Nebraska-Lincoln has been providing water and wastewater testing services for the city of Lincoln Water System and Wastewater System on a contractual basis for several years.

II.

The City and the University are agreeable to entering into a contract for an additional four-year term for the continued provision of such water and wastewater testing for the City of Lincoln Water System and Wastewater System

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

That the "Water Testing Agreement" between the City of Lincoln and the Board of Regents of the University of Nebraska, a copy of which is attached hereto, marked as Attachment "A", and made a part hereof by reference under which the University's School of Biological Sciences will perform laboratory tests on water and wastewater samples supplied by the city of Lincoln Water System and Wastewater System upon the terms and conditions as specified in said Agreement is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return a fully executed copy of said Agreement to Jerry Obrist, Chief Engineer of the Lincoln Water System, for transmittal to the University of Nebraska.

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, JULY 8, 2002 AT 1:30 P.M. FOR ELAINE KODAD DBA KELLI'S PUB FOR AN ADDITION OF APPROX. 26' X 13' TO THE NORTH OF PREMISES OF ADJACENT BUILDING KNOWN AS 1318 N 66TH ST. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81562 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 8 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 Elaine Kodad dba "Kelli's Pub" for an addition to licensed premises consisting of an area approximately 26' x 13' to the north at adjacent building known as 1318 N.66th Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, JULY 8, 2002 AT 1:30 P.M. FOR SINGH CORP. DBA SHER-E-PUNJAB FOR A CLASS "I" LIQUOR LICENSE LOCATED AT 1601 Q STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81563 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 8, 2002, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street., Lincoln, NE, for the App. of Singh

Corporation dba "Sher-E-Punjab" for a Class "I" Liquor License located at 1601 Q Street.

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

Introduced by Glenn Friendt

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

SETTING HEARING DATE OF MONDAY, JULY 8, 2002 AT 1:30 P.M. FOR MAN. APP. OF RUSSELL K. PLUMMER FOR KMART CORP. DBA KMART LOCATED AT 3300 N. 27TH ST. - CLERK read the following resolution, introduced by Glenn Friendt, who

moved its adoption:

A-81564 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 8, 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 Man. App. of Russell K. Plummer located at 3300 N. 27th Street.

Introduced by Glenn Friendt

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ASHLEY HEIGHTS 1ST ADDITION, INCLUDING EXCEPTIONS TO THE DESIGN STANDARDS TO PERMIT A 19.5' MAN-HOLE DEPTH, OFF-SITE STORM WATER DETENTION, AND N.W. 48TH STREET TO BE BUILT WITHOUT CURB AND GUTTER, ON PROPERTY GENERALLY LOCATED SOUTH OF WEST ADAMS STREET AND EAST OF N.W. 48TH STREET.(IN CONNECTION W/02-79, 02-80) (6/17/02 - ACTION DELAYED 1 WEEK TO 6/24/02) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81566 WHEREAS, **M & S Construction** has submitted the preliminary plat of **ASHLEY HEIGHTS 1ST ADDITION** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated May 2, 2002, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **ASHLEY HEIGHTS 1ST ADDITION**, located south of West Adams Street and east of N.W. 48th Street as submitted by **M & S Construction** is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. Sanitary Sewer Design Standards restricting sanitary sewer man-hole depth are waived to allow a 19.5 foot man-hole depth.
2. The requirement of § 26.23.105 of the Lincoln Municipal Code for on-site storm water detention is waived.
3. The requirement of § 26.27.020 of the Lincoln Municipal Code that streets within the subdivision be paved with curb and gutters is hereby waived in N.W. 48th Street.

Introduced by Ken Svoboda

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16 - 31, 2002. (6/17/02 - ACTION ON CLAIM OF HEIDI BURKLUND DELAYED 1 WEEK TO 6/24/02) - PRIOR to reading:

MCROY Moved to approve the Heidi Burklund claim.

CLERK Read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81567 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 June 3, 2002, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of,

are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED

ALLOWED

Heidi J. Burklund \$ 1,441.80

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 Glenn Friendt

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

ONLY" - APPLICATION OF DENIS M. VONTZ DBA "PIONEERS GOLF COURSE" FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR THE ENTIRE GOLF COURSE INCLUDING DRIVING RANGE & BOTH PARKING LOTS AT 3403 W. VAN DORN STREET ON JUNE 29, 2002, FROM 7:00 A.M. TO 8:00 P.M. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption for approval:

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

The resolution, having **LOST**, was assigned File #38-4404A, & was placed on file in the Office of the City Clerk.

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY A PORTION OF NIGHTHAWK DRIVE WEST OF THE WEST LINE OF NW 6TH ST. SUBMITTED BY JAMES P. ABEL, NEBCO INC. - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY A PORTION OF THE UN-NAMED STREET LOCATED SOUTH OF PERKINS BOULEVARD FROM SOUTH 17TH ST. TO HARRISON AVE. SUBMITTED BY LYNN JOHNSON, PARKS & RECREATION DEPT. - CLERK presented said petition which was referred to the Law Dept.

INFORMAL PETITION FOR ALLEY PAVING ON THE EAST SIDE OF BUILDING AT 5440 CLEVELAND AVE. SUBMITTED BY JOANN M. MILLER, SHERYL A. MAY, TONY JACKSON, LINDA BRALANDER, PAUL YOESSEL, JAMI TASLER, JEFF RARDIN - CLERK presented said petition which was referred to the Public Works Dept.

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone 3366 - App. of Directors of Planning, Public Works & Parks & Recreation Dept. to amend Title 27 of the LMC by adding new sections 27.82.010 thru 27.82.130.

Change of Zone 3368 - App. of Pioneer Woods LLC for a change from R-3 to O-3 for office/commercial use at South 70th & Pioneers Blvd.

Change of Zone 3369 - App. of Olsson Assoc. for Ridge Development Co. & Southview Inc. for a change from AG to R-4 at 27th & Yankee Hill Road.

Change of Zone HP 73 - App. of Delta Eta Sigma Nu for a local landmark designation at 625 N. 16th St.

Use Permit 144 - App. of Pioneer Woods LLC for office/commercial use at South 70th & Pioneers Blvd.

Special Permit 1978 - App. of Olsson Assoc. for Ridge Development Co. & Southview Inc. to form a multi-family C.U.P at 27th St. & Yankee Hill Road.

Special Permit 1808B - App. of Stephen Clymer of Olsson Assoc. to revise new urbanism area by an increase of 20 units/lots at Hwy 34 & NW 1st St.

PETITION TO VACATE PUBLIC WAY AT SW 1ST STREET FROM THE SOUTH LINE OF WEST J STREET TO THE SOUTH LINE OF LOT "F" BENEDICTS SUBDIVISION SUBMITTED BY MERLYN D. BICE - CLERK presented said petition which was referred to the Law Dept.

APP OF ST. JOHN'S CATHOLIC CHURCH, 7601 VINE STREET, TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN. (NEED MOTION TO SET HEARING DATE OF JULY 1, 2002 AT 1:30 P.M.) - CLERK requested a motion to set a hearing date of July 1, 2002 at 1:30 p.m..

SENG So moved.

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED AT THE COUNCIL MEETING OF JUNE 17, 2002. RESOLUTION NUMBER A-81520 HAS BEEN VETOED. - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR JUNE 10 THROUGH JUNE 14, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:
A-81565 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 June 10 - June 14, 2002)

Introduced by Glenn Friendt

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

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATION OCC. TAX FOR THE MONTH OF APRIL, 2002: CELLULAR ONE; MAY, 2002: D & D COMM., OPERATOR COMM., NEXTEL PARTNERS, TOUCH AMERICA, ONSTAR CORP., WORKING ASSETS, GLOBAL CROSSING, QUEST, ACN COMM., BROADWING, AT&T, TELCO DEV. GROUP, PRIMUS, TRACFONE WIRELESS, RSL COM USA, INC., COMDATA, GLYPHICS, TRI-M, NOSVA, GTC, EXCEL, GLOBALCOM, ATT WIRELESS PCS, LIGHTYEAR, TELIGENT, USA PAGING, NOS, AFFINITY NETWORK, WESTERN UNION COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MAY, 2002 FROM AQUILA - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS MAY 31, 2002 -CLERK presented said report which was placed on file in the Office of the City Clerk.

ORDINANCES - 1ST READING

REPEALING ORDINANCE 16807 WHICH CREATED ALLEY PAVING DISTRICT #351 IN THE NORTH/SOUTH ALLEY, 28TH TO 29TH ST., N ST. NORTH TO THE NORTH PROPERTY LINE OF LOT 7 AND LOT 10, BLOCK 6, EAST LINCOLN, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 16807 which created Alley Paving District No. 351, which alley paving district included the north/south alley, 28th to 29th Streets, N Street north to the north line of Lot 7 and Lot 10, Block 6, East Lincoln Addition, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 16808 WHICH CREATED ALLEY PAVING DISTRICT #352 IN THE EAST/WEST ALLEY BETWEEN HAVELOCK AVE. AND PLATTE AVE., 64TH ST. TO 65TH ST., FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 16808 which created Alley Paving District No. 352, which alley paving district included the east/west alley between Havelock Ave. and Platte Ave., 64th Street to 65th Street, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 17060 WHICH CREATED ALLEY PAVING DISTRICT #353 IN THE EAST/WEST ALLEY BETWEEN HOLDREGE STREET AND STARR STREET, 34TH EAST APPROXIMATELY 250 FEET, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 17060 which created Alley Paving District No. 353, which alley paving district included the east/west alley between Holdrege Street and Starr Street, 34th Street east approximately 250 feet, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 17183 WHICH CREATED ALLEY PAVING DISTRICT #354 IN THE EAST/WEST ALLEY BETWEEN HOLDREGE ST. AND STARR ST., 32ND TO 33RD STREETS, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 17183 which created Alley Paving District No. 354, which alley paving district included the east/west alley between Holdrege Street and Starr Street, 32nd Street to 33rd Street, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 17312 WHICH CREATED PAVING DISTRICT #2614 IN W. S STREET, N. CODDINGTON TO N.W. 20TH ST., WHICH WAS CONSTRUCTED UNDER EXECUTIVE ORDER 53178 - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 17312 which created Paving District No. 2614, which paving district included West S Street, North Coddington to N.W. 20th Street, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 17772 WHICH CREATED PAVING DISTRICT #2619 IN GLADSTONE ST., 35TH TO 36TH STS. AND 36TH ST. FROM GLADSTONE TO HARTLEY STREET, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 17772 which created Paving District No. 2619, which paving district included Gladstone Street, 35th to 36th Streets and 36th Street, Gladstone to Hartley Street, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 17133 WHICH CREATED PAVING DISTRICT #2607 IN W. CHESAPEAKE CIR. FROM N.W. 57TH ST., WEST APPROXIMATELY 162 FEET, FOR LACK OF A MAJORITY

PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 17133 which created Paving District No. 2607, which paving district included West Chesapeake Circle from N.W. 57th Street, west approximately 162 feet, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 17925 WHICH CREATED RE-PAVING DISTRICT #152 IN SAUNDERS AVE., SPRINGFIELD DR. TO 12TH ST., FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 17925 which created Re-paving District No. 152, which re-paving district included Saunders Avenue, Springfield Drive to 12th Street, describing the benefitted property and providing for the payment of the cost thereof, the first time.

REPEALING ORDINANCE 16753 WHICH CREATED ORNAMENTAL LIGHTING DISTRICT #281 IN GREEN PRAIRIE HEIGHTS, GREEN PRAIRIE 3RD ADDITION, FOR LACK OF A MAJORITY PETITION - CLERK read an ordinance, introduced by Glenn Friendt, repealing Ordinance No. 16753 which created Ornamental Lighting District No. 281, which ornamental lighting district included Green Prairie Heights and Green Prairie heights 3rd Addition, describing the benefitted property and providing for the payment of the cost thereof, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 78.153 ACRES OF PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-101, 02-102, 02R-140, 02R-141, 02R-142, 02R-143) - CLERK read an ordinance, introduced by Glenn Friendt, amending Section 10 of Ordinance No. 17963, passed February 25, 2002, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 10 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17963, passed February 25, 2002, as hitherto existing, the first time.

CHANGE OF ZONE 3338 - APPLICATION OF THOMPSON CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-102, 02R-140, 02R-141, 02R-142, 02R-143) - CLERK read an ordinance, introduced by Glenn Friendt, 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.

CHANGE OF ZONE 3339 - APPLICATION OF THOMPSON CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED EAST OF S. 56TH STREET AND UNION HILL ROAD. (IN CONNECTION W/02-100, 02-101, 02R-140, 02R-141, 02R-142, 02R-143) - CLERK read an ordinance, introduced by Glenn Friendt, 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

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 third time.

SENG Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
The ordinance, being numbered **#18013**, is recorded in Ordinance Book 25, Page

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 third time.

SENG Moved to pass the ordinance as read.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
The ordinance, being numbered #18014, is recorded in Ordinance Book 25, Page

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 third time.

SENG Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
The ordinance, being numbered #18015 is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

SVOBODA Moved to extend the Pending List to July 1, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on July 1, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.

ADJOURNMENT

8:51 P.M.

SVOBODA Moved to adjourn the City Council meeting of June 24, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Cook, Werner.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III

