

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 22, 2004 AT 1:30 P.M.**

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

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

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of March 15, 2004, reported having done so, found same correct.

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

**PUBLIC HEARING**

MANAGER APPLICATION OF JAMES R. CHAPIN FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 2925 N.W. 12TH STREET - James R. Chapin, 2927 Vine Street, took oath and came forward for approval.

This matter was taken under advisement.

MANAGER APPLICATION OF MICHAEL R. PATTON FOR RISKY INC. DBA RISKY'S SPORTS BAR & GRILL AT 4680 LEIGHTON AVE - Michael R. Patton, 1500 N. 87<sup>th</sup> Street, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF MVB INC. DBA CAFFE ITALIA FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 2110 WINTHROP ROAD, SUITE 100A;

MANAGER APPLICATION OF MAURO BERGO FOR MVB, INC. DBA CAFFE ITALIA AT 2110 WINTHROP ROAD, SUITE 100A - Larry Albers, 1230 "O" Street, Suite 320, took oath and came forward on behalf of Caffe Italia for approval.

Mauro Bergo, 2901 South 56<sup>th</sup> Street, took oath and came forward for approval. Further Discussion followed.

This matter was taken under advisement.

APPLICATION OF DOUBLE EAGLE BEVERAGE LLC TO EXPAND THEIR LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING 57' BY 97' TO THE EAST AND TWO DOCK AREAS MEASURING 30' BY 30' TO THE EAST AND 40' BY 30 FEET TO THE SOUTH AT 5840 N. 70TH STREET - Anthony Gillick, 9220 Tuscan Court, took oath and came forward for approval.

This matter was taken under advisement.

APPLICATION OF FOLSOM CHILDREN'S ZOO & BOTANICAL GARDENS AT 1222 SOUTH 27TH STREET TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM MARCH 27, 2004 THROUGH JUNE 26, 2004 - Jeanelle Lust, 2811 Sedalia Drive, President of the Board of Directors at the Folsom Children's Zoo, came forward for approval.

This matter was taken under advisement.

AUTHORIZING THE UNIVERSITY OF NEBRASKA CENTER FOR GREAT PLAINS STUDIES TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF THEIR BUILDING AT 12TH AND Q STREETS TO PLACE A BRONZE SCULPTURE WITHIN A PLANTING BED IN THE PUBLIC RIGHT-OF-WAY - Reece Summers, 3836 Dudley Street, came forward for approval and showed a photograph of the bronze sculpture and gave a brief description of it. Further discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 1583A - APPLICATION OF RAYBOULD PARTNERS, LTD. TO AMEND SPECIAL PERMIT 1583 RUSS' MARKET TO ADD PARKING STALLS IN A RESIDENTIAL DISTRICT TO SERVE THE EXISTING GROCERY STORE ON PROPERTY GENERALLY LOCATED AT SOUTH 17TH AND GARFIELD STREETS - Paul Peter, 530 S. 13<sup>th</sup> Street, Suite A, came forward on behalf of the applicants for approval and he also showed some photos of their facility's existing parking lot. Further discussion followed.

Danny Walker, 437 E Street, came forward as neutral and expressed his opinion on this matter.

Pat Raybould, 9501 Eastview Road, President of B&R Stores, came forward for approval. Further discussion followed.

Glenn Cekal, 1420 C Street, came forward in support.

Scott Baird, 1932 South 24<sup>th</sup> Street, representing the Near South Neighborhood Association, came forward in opposition.

Kevin Sifer, 1800 Garfield, came forward in opposition.

Clint Nelson, 1810 Garfield, came forward in opposition.

Greg Czaplewki, Planning Department, came forward to answer questions of the Council. Further discussion followed.

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

This matter was taken under advisement.

SPECIAL PERMIT 04006 - APPLICATION OF OVERSTREET, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 1301 NORTH 27TH STREET - Pat O'Brien, 811 South 13<sup>th</sup> Street, came forward on behalf of the applicants for approval.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Danny Walker, 437 E Street, came forward and stated he recently attended the Mayor's Neighborhood Roundtable meeting which discussed crime and crime specific areas in the City of Lincoln. He then shared some information that he received off of the internet regarding the topic of crime in the City of Lincoln. Further discussion followed.

This matter was taken under advisement.

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

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF JAMES R. CHAPIN FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 2925 N.W. 12TH STREET - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-82641 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 James R. Chapin be named manager;

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

Introduced by Patte Newman

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

MANAGER APPLICATION OF MICHAEL R. PATTON FOR RISKY INC. DBA RISKY'S SPORTS BAR & GRILL AT 4680 LEIGHTON AVE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82642 WHEREAS, Risky Inc. dba "Risky's Sports Bar & Grill" located at 4680 Leighton Ave., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Michael R. Patton be named manager;

WHEREAS, Michael R. Patton appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Michael R.

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

Introduced by Glenn Friendt

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

APPLICATION OF MVB INC. DBA CAFFE ITALIA FOR A CLASS I (SPIRITS, WINE, BEER, ON-SALE) LIQUOR LICENSE AT 2110 WINTHROP ROAD, SUITE 100A - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82643 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 MVB Inc. dba Caffe Italia for a Class "I" liquor license at 2110 Winthrop Road, Suite 100A, Lincoln, Nebraska, for the license period ending April 30, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

MANAGER APPLICATION OF MAURO BERGO FOR MVB, INC. DBA CAFFE ITALIA AT 2110 WINTHROP ROAD, SUITE 100A - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82644 WHEREAS, MVB, Inc. dba Caffe Italia located at 2110 Winthrop Road, Suite 100A, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mauro Bergo be named manager; WHEREAS, Mauro Bergo 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 Mauro Berto be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

APPLICATION OF NORTH FORTY GOLF, INC. DBA NORTH FORTY GOLF FOR A CLASS C (SPIRITS, WINE, BEER, ON AND OFF SALE) LIQUOR LICENSE AT 8101 ADAMS STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82645 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 North Forty Golf, Inc. dba North Forty Golf for a Class "C" liquor license at 8101 Adams Street, Lincoln, Nebraska, for the license period ending October 31, 2004, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Glenn Friendt

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

MANAGER APPLICATION OF JEFFREY JOSEPH SCHREINER FOR NORTH FORTY GOLF, INC. DBA NORTH FORTY GOLF AT 8101 ADAMS STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82646 WHEREAS, North Forty Golf, Inc. dba North Forty Golf located at 8101 Adams Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeffrey Joseph Schreiner be named manager;

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

Introduced by Glenn Friendt

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

APPLICATION OF DOUBLE EAGLE BEVERAGE LLC TO EXPAND THEIR LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING 57' BY 97' TO THE EAST AND TWO DOCK AREAS MEASURING 30' BY 30' TO THE EAST AND 40' BY 30 FEET TO THE SOUTH AT 5840 N. 70TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-82647 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 Double Eagle Beverage LLC to expand its licensed premises by the addition of an area measuring 57 feet by 97 feet to the east and two dock areas measuring 30 feet by 30 feet to the east and 40 feet by 30 feet to the south of the presently licensed premises located at 5840 N. 70th 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 Glenn Friendt

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

#### ORDINANCES - 2ND READING

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

CHANGE OF ZONE 04006 - APPLICATION OF TOM JORNAT, L.L.C. FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT L STREET AND S.W. 25TH STREET - CLERK read an ordinance, introduced by Ken Svoboda, an ordinance amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

RESOLUTIONS

APPLICATION OF FOLSOM CHILDREN'S ZOO & BOTANICAL GARDENS AT 1222 SOUTH 27TH STREET TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM MARCH 27, 2004 THROUGH JUNE 26, 2004 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82648 WHEREAS, Folsom Children's Zoo & Botanical Gardens 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 Folsom Children's Zoo & Botanical Gardens to conduct a raffle in the City of Lincoln in accordance with the application filed by Jeanelle Lust. 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 Terry Werner

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

APPLICATION OF JOANNE MAXEY ELEMENTARY SCHOOL PTO AT 5200 SOUTH 75<sup>TH</sup> STREET TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM APRIL 1, 2004 THROUGH APRIL 17, 2004 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82649 WHEREAS, the JoAnne Maxey Elementary School PTO has made application for a permit to conduct a lottery 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 JoAnne Maxey Elementary School PTO to conduct a lottery in the City of Lincoln in accordance with the application filed by Patricia J. Bohart. 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 Terry Werner

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

AUTHORIZING THE UNIVERSITY OF NEBRASKA CENTER FOR GREAT PLAINS STUDIES TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY ALONG THE NORTH SIDE OF THEIR BUILDING AT 12TH AND Q STREETS TO PLACE A BRONZE SCULPTURE WITHIN A PLANTING BED IN THE PUBLIC RIGHT-OF-WAY - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82650 WHEREAS, the University of Nebraska's Center for Great Plains Studies has submitted an application pursuant to Chapter 14.56 of the Lincoln Municipal Code to use a portion of the public right-of-way on the north side of their building located at the southwest corner of 12th

and Q Streets for the placement of a life-size bronze sculpture depicting a female pioneer leaning next to a wagon wheel; and

WHEREAS, said application has been reviewed by the Public Works Department and the Urban Design Committee which have recommended approval of said application.

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

That the application of the University of Nebraska's Center for Great Plains Studies, hereinafter referred to as Permittee, for a permit to install a life-size bronze sculpture depicting a female pioneer leaning next to a wagon wheel upon a portion of the public right-of-way on the north side of their building at the southwest corner of 12th and Q Streets is approved pursuant to Chapter 14.56 of the Lincoln Municipal Code subject to the following conditions:

a. That such space shall only be used for the work of art specified on the permit in accordance with the requirements of Chapter 14.56.

b. That such use is temporary and that the user requires no right, title, or interest in the space permitted to be used.

c. That the space granted hereunder shall be vacated upon demand by the City Council and its use discontinued by the Permittee, with no recourse against the City for any loss or damage occasioned by any such requirement.

d. That if any such space not be vacated and such use not be discontinued by the time specified, the City may remove from such space any work left thereon at the risk and expense of the Permittee.

e. That the permit issued pursuant to this Section is a personal privilege and may not be transferred or alienated voluntarily or involuntarily.

f. No advertising shall be permitted on any work of art except to identify the work, the name of the artist, and donor of the work of art, and shall in all respects comply with the provisions of Titles 22 and 27 of this Code regulating signage.

g. The work of art shall be located only in the exact location described in the application.

h. The Permittee shall be responsible for any damage or repairs to public property caused by the installation or removal of any work of art.

i. All installations shall be under the supervision of the City Sidewalk Inspector and the City Sidewalk Inspector shall determine the method of placement of the work of art or any supporting, anchoring, or enclosing structure for the work of art requiring placement in the sidewalk or other right-of-way surface.

j. The Urban Development Department shall monitor the condition of the work of art. The Permittee shall be responsible for properly maintaining the work of art so as to preserve its quality and value.

k. The Permittee shall be responsible for any authorized removal or pruning of trees or shrubs and such work shall only be done by a licensed and insured arborist.

The Permittee shall sign and return the City's letter of acceptance to the City Clerk prior to placement of the works of art in the public right-of-way.

Introduced by Terry Werner

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE LINCOLN/LANCASTER COUNTY RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE FUNDING OF THE ANTELOPE VALLEY PROJECT, PHASE 1 "AMENDED DRAFT SINGLE PACKAGE" FROM ITS 2003-2004 BUDGET YEAR - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82651 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln / Lancaster County Railroad Transportation Safety District (District) desire to cooperate in the final design, right-of-way acquisition and construction activities for Phase-1 of the Antelope Valley Project (amended draft single package); and

WHEREAS, the District agrees to continue to participate in the project and has additional budgeted funds in its 2003-2004 budget for such participation; and

WHEREAS, the District will pay the City \$1,800,000.00 to be applied to said project; and the City will bill the District \$1,800,000.00 as expenditures are incurred by the City for such work.

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

That the Interlocal Agreement between the City and the District attached hereto as Exhibit "A" in connection with the Antelope Valley Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

Introduced by Terry Werner

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

SPECIAL PERMIT 1583A - APPLICATION OF RAYBOULD PARTNERS, LTD. TO AMEND SPECIAL PERMIT 1583 RUSS' MARKET TO ADD PARKING STALLS IN A RESIDENTIAL DISTRICT TO SERVE THE EXISTING GROCERY STORE ON PROPERTY GENERALLY LOCATED AT SOUTH 17TH AND GARFIELD STREETS - The ordinance, having **LOST**, was assigned the File #38-4462 & was placed on file in the Office of the City Clerk.

SPECIAL PERMIT 04006 - APPLICATION OF OVERSTREET, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 1301 NORTH 27TH STREET - The ordinance, having **LOST**, was assigned the File #38-4463 & was placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF MONDAY, APRIL 5, 2004, AT 1:30 PM FOR MANAGER APPLICATION OF GINGER RICHARDSON FOR 1515 MARKET STREET INC DBA AIRPORT INN LOCATED AT 3200 NW 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82652 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 5, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Manager Application of Ginger Richardson for 1515 Market Street Inc. dba Airport Inn located at 3200 NW 12<sup>th</sup> Street.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, APRIL 5, 2004, AT 1:30 PM FOR MANAGER APPLICATION OF SHERYL L. SPAULDING FOR CHIPOTLE MEXICAN GRILL OF COLORADO LLC DBA CHIPOTLE MEXICAN GRILL AT 232 N. 13<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82653 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 5, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Manager Application of Sheryl L. Spaulding for Chipotle Mexican Grill of Colorado LLC dba Chipotle Mexican Grill at 232 N. 13<sup>th</sup> Street.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, APRIL 5, 2004, AT 1:30 PM FOR APPLICATION OF BURNSY'S INC DBA CATERING ON THE BLVD FOR A CLASS I LIQUOR LICENSE AT 2602 PARK BLVD - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82654 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 5, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of Burnsy's Inc. dba Catering on the Blvd for a Class I Liquor License at 2602 Park Blvd.

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

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, APRIL 5, 2004, AT 1:30 PM FOR APPLICATION OF DB ASSOCIATES INC. DBA THE STEAKHOUSE FOR A CLASS C LIQUOR LICENSE AT 3441 ADAMS STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-82655 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, April 5, 2004, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10<sup>th</sup> Street, Lincoln, NE, for the Application of DB Associates Inc. dba The Steakhouse for a Class C Liquor License at 3441 Adams Street.

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

Introduced by Terry Werner

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

#### PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPARTMENT:

Change of Zone 04016 - Application of Community Alternatives Nebraska to amend Section 27.26.020 of the Lincoln Municipal Code, to allow adult care centers as permitted use in the O-2 Suburban Office District.

Change of Zone 04018 - Application of Director of Public Works and Utilities and the Lower Platte South NRD, for text amendments to Title 27 of the Lincoln Municipal Code.

Special Permit 04012 - Application of U.S. Cellular Wireless Communications, for a wireless facility, with request to waive the fall zone, on property generally located at S. 148<sup>th</sup> Street and Highway 2.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY COUNCIL ON MARCH 15, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR THE WEEK OF MARCH 3 THRU MARCH 12, 2004 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82656 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Terry Werner

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

REPORT FROM CITY TREASURER TELECOMMUNICATION OCCUPATION TAX FOR THE MONTH OF JANUARY, 2004: LIBERTY WIRELESS; FEBRUARY, 2004: NEXTEL PARTNERS, ATS MOBILE TELEPHONE COMPANY INC - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

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

CREATING SEWER DISTRICT NO.1179 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE NORTH, SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Terry Werner, creating Sewer District No. 1179, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING WATER DISTRICT NO. 1191 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Terry Werner, creating a Water District No. 1191, designating the real estate to be benefitted, providing for assessment of the costs of the improvement constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING PAVING DISTRICT NO. 2627 IN LAZY ACRES SUBDIVISION, MOCKINGBIRD LANE NORTH, SOUTH, EAST, AND WEST, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Terry Werner, creating Paving District No. 2627, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CHANGE OF ZONE 3421 - APPLICATION OF THE DINERSTEIN COMPANIES FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED WEST OF NORTH 1ST STREET AND SOUTH OF CHARLESTON STREET - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ANNEXATION NO. 03004 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 13.3 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read an ordinance, introduced by Terry Werner, annexing and including the below described land as part of the City of Lincoln, Nebraska and amending the Corporate Limits Map attached to and made a part of Ordinance No. 18208, to reflect the extension of the corporate limits boundary of the City of Lincoln, Nebraska established and shown thereon, the first time.

CHANGE OF ZONE NO. 3387 - APPLICATION OF CASEYCO FOR A CHANGE OF ZONE FROM AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF ASHBROOK DRIVE AND HIGHWAY 2 - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and made a part of Title 7 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

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

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

AMENDING SECTION 14.40.030 OF THE LINCOLN MUNICIPAL CODE PERTAINING TO BLOCK PARTY PERMITS TO INDICATE ISSUANCE BY THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AND REQUIRING A DAMAGE DEPOSIT FROM THE APPLICANT - CLERK read an ordinance, introduced by Patte Newman, amending Section 14.40.030 of the Lincoln Municipal Code to provide that block party permits be issued by the Department of Public Works and Utilities and to add a provision requiring a damage deposit for loss of or damage to barricades; and repealing Section 14.40.030 of the Lincoln Municipal Code as hitherto existing, the third time.

SVOBODA Moved to continue 3<sup>rd</sup> reading with Public Hearing and action on Bill #04-47 for 1 week on 3/29/04.

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

AUTHORIZING A TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND AND LANDFILL REVENUE FUND - CLERK read an ordinance, introduced by Patte Newman, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Sewer Construction Fund, Water Construction Fund, and Landfill Revenue Fund within the Public Works & Utilities Department, the third time.

NEWMAN Moved to pass the ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18327**, is recorded in Ordinance Book #25.

**MISCELLANEOUS BUSINESS**

**PENDING -**

SVOBODA Moved to extend the Pending List to March 29, 2004.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

SVOBODA Moved to approve the resolutions to have Public Hearing on March 29, 2004.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

**ADJOURNMENT 3:15 P.M.**

SVOBODA Moved to adjourn the City Council meeting of March 22, 2004.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.  
So ordered.

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Joan E. Ross, CMC, City Clerk

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Jamie Neddenriep, Senior Office Assistant