

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, APRIL 19, 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**

SVOBODA Having been appointed to read the minutes of the City Council proceedings of April 12, 2004, reported having done so, found same correct.

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

**MAYOR'S ANNUAL AWARD OF EXCELLENCE**

Mayor Coleen J. Seng came forward to present the Mayor's Annual Award of Excellence of 2003 to Thurman Hoskins Jr. of the Lincoln Lancaster County Health Department. Mr. Thurman was the February recipient in the category of Customer Relations. Mayor Coleen J. Seng also awarded Nancy Brienzo of the Mayor's Department of the Lincoln Area Agency on Aging as the Honorable Mention winner. Ms. Brienzo was the October recipient in the category of Productivity.

**PUBLIC HEARING**

APPLICATION OF NASH FINCH COMPANY DBA SUNMART #025 FOR A LIQUOR CATERING LICENSE AT 1340 WEST O STREET - Gary Ebeler, 1108 Starview Lane, took oath and came forward for approval. Further discussion followed.  
This matter was taken under advisement.

APPLICATION OF UPDOWNTOWNERS INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 450' BY 90' NORTH/SOUTH AND 450' BY 90' EAST/WEST IN 12TH STREET M/N-O ST., AND N ST. 11TH/12TH-13TH STREET, ON APRIL 30, 2004 FROM 11:00 A.M. TO 11:00 P.M., AND MAY 1, 2004 FROM 9:00 A.M. TO 11:00 P.M. - Deb Johnson, 1200 N Street, Suite 101, came forward for approval. Further discussion followed.  
Tad Frazier, Attorney, 233 S. 13<sup>th</sup> Street, Suite 1535, came forward representing the applicant asking for approval. Further discussion followed.  
This matter was taken under advisement.

APPLICATION OF GRANITE CITY FOOD & BREWERY FOR A CLASS C (ON-SALE & OFF-SALE BEER, WINE, SPIRITS) AND CLASS L (BREW PUB) LIQUOR LICENSE AT 6150 O STREET;  
MANAGER APPLICATION OF BARRY J. POINTER FOR GRANITE CITY FOOD & BREWERY AT 6150 O STREET - Barry Pointer, 4420 Birch Creek Drive, took oath and came forward for approval.  
This matter was taken under advisement.

CHANGE OF ZONE 04014 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.31.030 TO DELETE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS PERMITTED USES; BY AMENDING SECTION 27.31.040 TO ADD SAID USES AS PERMITTED CONDITIONAL USES AND TO PROVIDE CONDITIONS OF APPROVAL IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT; BY AMENDING SECTION 27.37.020 TO DELETE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS PERMITTED USES; BY AMENDING SECTION 27.37.025 TO ADD SAID USES AS PERMITTED CONDITIONAL USES AND TO PROVIDE CONDITIONS OF APPROVAL IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT - Kent Seacrest, Attorney, 1111 Lincoln Mall, Suite 350, came forward representing Ridge Development Co. and Southview Inc, asking for approval. Further discussion followed.

Ed Patterson, 2108 Q Street, came forward in opposition. Further discussion followed.

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

This matter was taken under advisement.

CHANGE OF ZONE 04016 - AMENDING SECTION 27.26.020 OF THE LINCOLN MUNICIPAL CODE TO ADD ADULT CARE CENTER AS A PERMITTED USE IN THE O-2 SUBURBAN OFFICE DISTRICT - Carlye Long, 3230 Plymouth Avenue, came forward as the Property Manager of Community Alternatives Nebraska asking for approval. Further discussion followed.

Roxana Copp, 128 N. 13<sup>th</sup> Street, came forward as the Executive Director of Community Alternatives Nebraska asking for approval. Further discussion followed.

Bill Misko, 2203 S. 214<sup>th</sup> Street, Eagle, Nebraska, came forward as their potential landlord in support of this Change of Zone. Further discussion followed.

Mike Morosin, 2055 S Street, came forward in opposition.

Ed Patterson, 2108 Q Street, came forward to express his opinion.

Ray Hill, Planning Department, came forward to answer questions of the Council. Further discussion followed.

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

Roxana Copp came forward for rebuttal.

This matter was taken under advisement.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT, URBAN DEVELOPMENT DEPARTMENT, AND PARKS & RECREATION DEPARTMENT AND DESIGNATING THE FUNDING SOURCE FOR STREET PROJECTS TO BE FUNDED FROM THE RECENT ISSUANCE OF HIGHWAY ALLOCATION BONDS IN FY 04/05 AND TRANSFERRING DOLLARS MADE AVAILABLE TO THOSE PROJECTS TO OTHER STREET PROJECTS WITHIN THE DEPARTMENT OF PUBLIC WORKS & UTILITIES -

Steve Hubka, Budget Officer with the Finance Department, came forward for approval. Further discussion followed.

Roger Figard, City Engineer with Public Works and Utilities, came forward to answer questions of the Council. Further discussion followed.

Lynn Johnson, Director of Parks & Recreation Department, came forward to answer questions of the Council. Further discussion followed.

Mike Morosin, 2055 S Street, came forward to express his opinions on this matter.

Ed Patterson, 2801 Q Street, came forward to express his opinions on this matter.

This matter was taken under advisement.

SPECIAL PERMIT 2047 - APPLICATION OF THE VFW POST #131 FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY LOCATED AT 5721 JOHANNA ROAD - Don Gillham, 1835 N. 67<sup>th</sup> Street, came forward as the Quarter Master of the VFW #131 asking for approval.

This matter was taken under advisement.

APPROVING A SUPPLEMENTAL JOINT FUNDING AGREEMENT TO CONTINUE THE EXISTING AQUIFER BANK FILTRATION RESEARCH PROJECT OF THE ASHLAND WELLFIELD TO EXTEND THE SAMPLING PERIOD FOR THE COLLECTION AND ANALYSIS OF ADDITIONAL MICROBIAL AND PHARMACEUTICAL SAMPLES FROM 18 MONTHS TO 24 MONTHS - Jerry Obrist, Chief Engineer of Water Works, came forward for approval.

This matter was taken under advisement.

AMENDING TITLE 12 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS BY ADDING A NEW CHAPTER 12.22, ENHANCED MEDIAN, ROUNDABOUT, AND CUL-DE-SAC CENTER ISLAND LANDSCAPING, TO PROVIDE CONDITIONS FOR THE PLACEMENT OF ENHANCED LANDSCAPING IN MEDIAN ROUNDABOUT AND CUL-DE-SAC CENTER ISLAND AREA BY AN ABUTTING PROPERTY OWNER - Lynn Johnson, Director of the Parks and Recreation Department, came forward for approval. Further discussion followed.

Patrick O'Brien, 2811 Sheridan Boulevard, came forward in opposition.

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

Lynn Johnson came forward to answer questions of the Council. Further discussion followed.

Glenn Cekal, 1420 C Street, came forward to express his opinion.  
Linda Wubbels, no address given, came forward in opposition.  
Bob VanValkenburg, 7921 Reno Road, came forward to express his opinion. Further discussion followed.  
Lynn Johnson came forward for rebuttal. Further discussion followed.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Larry Clinton Jr., 1301 N. Mockingbird Lane, came forward to discuss the topic of the sewer/septic system on North Mockingbird Lane. Further discussion followed.

Nicole Fleck-Tooze, Special Projects Administrator with Public Works & Utilities Department, came forward to answer questions of the Council. Further discussion followed.

Michaela Hansen, Administrator of Impact Fees of the Public Works and Utilities Department, came forward to answer questions of the Council. Further discussion followed.

Scott Holmes, Division Manager of Environmental Public Health of the Health Department, came forward to answer questions of the Council. Further discussion followed.

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

This matter was taken under advisement.

Bob VanValkenburg, 7921 Reno Road, came forward to express his concerns regarding the Lincoln Good Year Plant.

This matter was taken under advisement.

Ed Patterson, 2108 Q Street, came forward to express his concerns regarding the Malone Community Center.

This matter was taken under advisement.

Mike Morosin, 2055 S Street, came forward to express his concerns regarding the Malone Community Center.

This matter was taken under advisement.

Glenn Cekal, 1420 C Street, came forward to ask the Council if the City of Lincoln has any rules or regulations regarding raking of leaves.

This matter was taken under advisement.

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

### COUNCIL ACTION

#### LIQUOR RESOLUTIONS

APPLICATION OF NASH FINCH COMPANY DBA SUNMART #025 FOR A LIQUOR CATERING LICENSE AT 1340 WEST O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82713 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of Nash Finch Company dba Sunmart #025 for the issuance of a Catering Permit to the existing liquor license, located at 1340 West O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

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

Introduced by Glenn Friendt

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

APPLICATION OF UPDOWNTOWNERS INC. FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA MEASURING APPROXIMATELY 450' BY 90' NORTH/SOUTH AND 450' BY 90' EAST/WEST IN 12TH STREET M/N-O ST., AND N ST. 11TH/12TH-13TH STREET, ON APRIL 30, 2004 FROM 11:00 A.M. TO 11:00 P.M., AND MAY 1, 2004 FROM 9:00 A.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82714 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 Updowntowners Inc. for a Special Designated License to cover an area measuring approximately 450' by 90' north/south and 450' by 90' east/west in 12th Street M/N-O St., and N St. 11th/12th-13th St., Lincoln, Nebraska, and on April 30, 2004 from 11:00 a.m. to 11:00 p.m., May 1, 2004 from 9:00 a.m. to 11:00 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. 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 Glenn Friendt

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

APPLICATION OF GRANITE CITY FOOD & BREWERY FOR A CLASS C (ON-SALE & OFF-SALE BEER, WINE, SPIRITS) AND CLASS L (BREW PUB) LIQUOR LICENSE AT 6150 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82715 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 Granite City Food & Brewery for a Class "C" and "L" liquor license at 6150 O 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 BARRY J. POINTER FOR GRANITE CITY FOOD & BREWERY AT 6150 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-82716 WHEREAS, Granite City Food & Brewery located at 6150 O Street, Lincoln, Nebraska has been approved for a Retail Class "C" and "L" liquor license, and now requests that Barry J. Pointer be named manager; WHEREAS, Barry J. Pointer appears to be a fit and proper person to manage said business.

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

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 04014 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING SECTION 27.31.030 TO DELETE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS PERMITTED USES; BY AMENDING SECTION 27.31.040 TO ADD SAID USES AS PERMITTED CONDITIONAL USES AND TO PROVIDE CONDITIONS OF APPROVAL IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT; BY AMENDING SECTION 27.37.020 TO DELETE THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES AS PERMITTED USES; BY AMENDING SECTION 27.37.025 TO ADD SAID USES AS PERMITTED CONDITIONAL USES AND TO PROVIDE CONDITIONS OF APPROVAL IN THE B-5 PLANNED REGIONAL BUSINESS DISTRICT - CLERK read an ordinance, introduced by Patte Newman, amending Title 27 of the Lincoln Municipal Code to amend the conditions under which alcohol is allowed to be sold in the B-2 and B-5 zoning districts by amending Section 27.31.030 to delete the sale of alcoholic beverages for consumption on and off the premises as a permitted use in the B-2 Planned Neighborhood Business District; amending Section 27.31.040 to add said use as a permitted conditional use and to provide conditions of approval in the B-2 Regional Business District; amending Section 27.37.025 to add said use as a permitted conditional use and to provide conditions of approval in the B-5 Regional Business District; and repealing Sections 27.31.030, 27.31.040, 27.37.020 and 27.37.025 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 04016 - AMENDING SECTION 27.26.020 OF THE LINCOLN MUNICIPAL CODE TO ADD ADULT CARE CENTER AS A PERMITTED USE IN THE O-2 SUBURBAN OFFICE DISTRICT - CLERK read an ordinance, introduced by Patte Newman, amending Section 27.26.020 of the Lincoln Municipal Code to allow Adult Care Centers as a permitted use in the O-2 Suburban Office District; and repealing Section 27.26.020 of the Lincoln Municipal Code as hitherto existing, the second time.

APPROVING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS AND CASH BETWEEN CAPITAL IMPROVEMENT PROJECTS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT, URBAN DEVELOPMENT DEPARTMENT, AND PARKS & RECREATION DEPARTMENT AND DESIGNATING THE FUNDING SOURCE FOR STREET PROJECTS TO BE FUNDED FROM THE RECENT ISSUANCE OF HIGHWAY ALLOCATION BONDS IN FY 04/05 AND TRANSFERRING DOLLARS MADE AVAILABLE TO THOSE PROJECTS TO OTHER STREET PROJECTS WITHIN THE DEPARTMENT OF PUBLIC WORKS & UTILITIES - CLERK read an ordinance, introduced Patte Newman, approving the transfer of unspent and unencumbered appropriations and cash (if any) between capital improvement projects and designation of funding sources for street projects due to the recent issuance of Highway Allocation Bonds within the Public Works and Utilities Department, Urban Development Department and Parks and Recreation Department, the second time.

RESOLUTIONS

APPOINTING RHEA G. GILL TO THE PARKS AND RECREATION ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 27, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82717 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rhea G. Gill to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2007 is hereby approved.

Introduced by Ken Svoboda

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

REAPPOINTING ROBERT RIPLEY, MIKE SEACREST, AND KAREN HAND TO THE PARKS AND RECREATION ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 27, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82718 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Robert Ripley, Mike Seacrest, and Karen Hand to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2007 is hereby approved.

Introduced by Ken Svoboda

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

APPOINTING DR. CATHERINE S. ALLEY TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2007 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:  
A-82719 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Catherine S. Alley to the Lincoln-Lancaster County Board of Health for a three-year term expiring April 15, 2007 is hereby approved.

Introduced by Ken Svoboda

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

SPECIAL PERMIT 2047 - APPLICATION OF THE VFW POST #131 FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY LOCATED AT 5721 JOHANNA ROAD - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82720 WHEREAS, VFW Post #131 has submitted an application designated as Special Permit No. 2047 for authority to sell alcoholic beverages for consumption on the premises generally located at 5721 Johanna Road, legally described as:

Lot 1, Block 1, Schweitzer Business Park Third 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 on 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 VFW Post #131, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 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 on the premises at 5721 Johanna Road only.
2. Before commencing the sale of alcohol for consumption on the premises all development and construction must conform to the approved plans.
3. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
4. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
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 Ken Svoboda

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

APPROVING A SUPPLEMENTAL JOINT FUNDING AGREEMENT TO CONTINUE THE EXISTING AQUIFER BANK FILTRATION RESEARCH PROJECT OF THE ASHLAND WELLFIELD TO EXTEND THE SAMPLING PERIOD FOR THE COLLECTION AND ANALYSIS OF ADDITIONAL MICROBIAL AND PHARMACEUTICAL SAMPLES FROM 18 MONTHS TO 24 MONTHS - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-82721 WHEREAS, Resolution No. A-81832 approved the joint funding for an aquifer bank filtration research project with United States Geological Survey to provide for the collection and analysis of microbial and pharmaceutical samples at the Ashland Wellfield; and

WHEREAS, a monthly collection of additional microbial and pharmaceutical samples is proposed from the Platte River and from a horizontal collector well monthly for an additional six months; and

WHEREAS, the objectives of collecting these additional microbial samples is to complete the data set to include two full years of data which allows for more reliable analysis of trends; and

WHEREAS, the parties desire to enter into a Supplemental Joint Funding Agreement for Water Resources Investigations for the continued sampling and funding of this project.

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

That the Department of the Interior Geological Survey Supplemental Joint Funding Agreement for Water Resources Investigations between the City of Lincoln and the Geological Survey, United States Department of the Interior, for continued microbial and pharmaceutical sampling and increased funding is hereby accepted and approved and the Mayor is authorized to enter into said Agreement on behalf of the City.

Introduced by Ken Svoboda

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

AUTHORIZING GLENN FRIENDT DBA DISH TO OCCUPY A PORTION OF THE PUBLIC RIGHT-OF-WAY AT 1100 O STREET FOR USE AS A SIDEWALK CAFÉ - PRIOR to reading:

SVOBODA Moved to withdraw Bill No. 04R-83.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4470 & was placed on file in the Office of the City Clerk.

#### PETITIONS & COMMUNICATIONS - NONE

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON APRIL 12, 2004 - 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 MARCH 31, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR MONTH OF MARCH, 2004 - 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 MARCH, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

FOURTH QUARTER FINANCIAL REPORT OF LINCOLN ELECTRIC SYSTEM FOR THE PERIOD OF OCTOBER 1, 2003 THROUGH DECEMBER 1, 2003 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

AUTHORIZING THE CONSTRUCTION OF A 12-INCH WATER MAIN (WATER DISTRICT 1192) TO SERVE SOUTH FOLSOM, FROM WEST SOUTH STREET SOUTH APPROXIMATELY 1,250 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1192, 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.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3403 W. VAN DORN STREET - CLERK read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the charter of the City of Lincoln,

Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC, dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associated amendments, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES AT 4375 S. 33RD COURT - CLERK read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the Charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associated amendments, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND U.S. CELLULAR TO LOCATE TELECOMMUNICATIONS FACILITIES IN THE CITY PARK PROPERTY LOCATED AT 3761 NORMAL BLVD - CLERK read an ordinance, introduced by Ken Svoboda, pursuant to Article VII Section 3 of the Charter of the City of Lincoln, Nebraska, the Mayor is hereby authorized to enter into an agreement between the City of Lincoln, Nebraska, as Licensor, and Florida RSA #8, LLC, dba U.S. Cellular, as Licensee, for a period not to exceed five years, with the various renewal options of up to another 20 years, upon the terms and conditions as provided in the attached Agreement, which is hereby accepted and approved and the Mayor is authorized to execute the same and the associated Memorandum of License document on behalf of the City and any associate amendments, the first time.

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

APPROVING A CONTRACT BETWEEN THE CITY AND THE DOWNTOWN LINCOLN ASSOCIATION TO OPERATE AND REGULATE A MID-WEEK PUBLIC MARKET IM THE AREA LOCATED AT 12<sup>TH</sup> STREET FROM Q TO R STREET FROM 12<sup>TH</sup> TO 13<sup>TH</sup> STREETS FROM JUNE 1, 2004 THROUGH JUNE 29, 2004 - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving the Contract between the City of Lincoln, Nebraska and Downtown Lincoln Association for establishment and regulation of a Tuesday public market in the Marketplace area, 12<sup>th</sup> Street from Q to R Streets and R Street from 12<sup>th</sup> to 13<sup>th</sup> Streets, from June 1, 2004 through June 29, 2004, and authorizing the Mayor to sign such Contract on behalf of the City, the third time.

FRIENDT 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 #18344, is recorded in Ordinance Book #25.

AMENDING TITLE 12 OF THE LINCOLN MUNICIPAL CODE RELATING TO PARKS BY ADDING A NEW CHAPTER 12.22, ENHANCED MEDIAN, ROUNDABOUT, AND CUL-DE-SAC CENTER ISLAND LANDSCAPING, TO PROVIDE CONDITIONS FOR THE PLACEMENT OF ENHANCED LANDSCAPING IN MEDIAN ROUNDABOUT AND CUL-DE-SAC CENTER ISLAND AREA BY AN ABUTTING PROPERTY OWNER - PRIOR to reading:

COOK Moved to accept the Substitute Ordinance.  
Seconded by Newman & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 12 of the Lincoln Municipal Code relating to Parks by adding a new Chapter 12.22, Enhanced Median, Roundabout, and Cul-de-sac Center Island Landscaping, to provide conditions for private placement of enhanced landscaping in median, roundabout, and cul-de-sac center island areas, the third time.

COOK Moved to pass the Substitute Ordinance.  
Seconded by Svoboda & LOST by the following vote: AYES: None.  
NAYS: Camp, Cook, Friendt, McRoy, Newman, Svoboda, Werner.

The ordinance, having LOST, was assigned the File #38-4471 & was placed on file in the Office of the City Clerk.



MISCELLANEOUS BUSINESS

PENDING -

SVOBODA Moved to extend the Pending List to April 26, 2004.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

SVOBODA Moved to approve the resolutions to have Public Hearing on  
April 26, 2004.  
Seconded by Cook & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 4:45 P.M.

SVOBODA Moved to adjourn the City Council meeting of April 19, 2004.  
Seconded by Cook & 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

