

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JANUARY 27, 2003 AT 5:30 P.M.**

The Meeting was called to order at 5:35 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Teresa Meier, Deputy City Clerk.

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

CAMP Having been appointed to read the minutes of the City Council proceedings of January 13, 2003, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY VEE INC. DBA "HY VEE #2" AT 2343 N. 48TH STREET - Matthew T. Ludwig, 1110 Lamplighter Lane, took oath and came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF JEFFREY L. GRAFF FOR BRINKER RESTAURANT CORPORATION DBA "ROMANO'S MACARONI GRILL" AT 6800 S. 27TH STREET - Jeffrey L. Graff, 3040 O'Neil Place, took oath and came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF JEFF L. KEPHART FOR GATEWAY BOWL CORP. DBA "GATEWAY BOWL" AT 333 N. COTNER - Jeffrey L. Kephart, 403 E Street, took oath and came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF GARY D. EBELER FOR NASH FINCH CO. DBA "SUN MART #25" AT 1340 W. O STREET - Gary D. Ebeler, 1108 Starview Lane, took oath and came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF LAMP AND MCTAGGART, INC. DBA "FAT NAPPY'S" FOR A CLASS "I" LIQUOR LICENSE AT 5100 N. 48TH STREET;

MANAGER APPLICATION OF NATHAN A. LAMP FOR LAMP AND MCTAGGART, INC. DBA "FAT NAPPY'S" AT 5100 N. 48TH STREET - Mark McTaggart, 1543 Hilltop Road, and Nathan A. Lamp, 2911 Fletcher Avenue, Apt. 128, took oath and came forward to answer any questions.

Annette McRoy, Council Member, asked what type of establishment do you plan for this facility?

Mr. McTaggart stated it would be like a neighborhood bar. The crowd they're aiming for is after college on up.

Ms. McRoy asked if either had any experience.

Mr. Lamp stated that he did not, but that his partner did.

Mr. McTaggart stated he has not run one, but has worked in this type of establishment ever since college.

Ms. McRoy asked if they have made arrangements to take the course.

Mr. Lamp stated they have already completed the course.

This matter was taken under advisement.

APPLICATION OF THE DUGOUT, INC. DBA "THE DUGOUT SPORTS RESTAURANT" FOR A CLASS "C" LIQUOR LICENSE AT 311 N. 8TH STREET, SUITE 1;

MANAGER APPLICATION OF JEFFREY K. LEWIS FOR THE DUGOUT, INC. DBA "THE DUGOUT SPORTS RESTAURANT" AT 311 N. 8TH STREET, SUITE 1 - Jeffrey K. Lewis, 360 S.W. 27th Street, took oath and came forward to answer any questions.

Terry Werner, Council Member, asked if this establishment was going to be smoke free?

Mr. Lewis stated yes it was, but they would try to provide an area in the beer garden for smokers.

This matter was taken under advisement.

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 94 IN VARIOUS LOCATIONS WITHIN THE CITY INCLUDING THAT AREA BOUNDED ON THE NORTH BY FLETCHER AVENUE, ON THE

EAST BY 84TH STREET, ON THE SOUTH BY YANKEE HILL ROAD, AND ON THE WEST BY N.W. 27TH STREET, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Harry Kroos, Public Works Dept., came forward to answer any questions.

Harley Bair, 7145 S. Hampton Rd., stated he felt the sidewalks were an unnecessary expense & a hazard to pedestrians. He came forward in opposition.

Genevieve Buroza, on behalf of the Trustees of the Wells Fargo Bank at N. 27th Street, came forward in opposition.

Bill Denham, 3311 N. 71st Street, came forward in opposition. Discussion followed.

Craig Groat, 4935 Huntington Avenue, came forward in favor.

Glenn Friendt, Council Member, asked Mr. Kroos to come forward to provide a perspective on the waiver of these sidewalks 25 years ago and why they need them now. Discussion followed.

Scott Opfer, Public Works Dept., stated that sidewalks are an integral part of the transportation network of getting people to places safely. Further discussion followed.

Glen Cekal, 1420 C St., came forward in favor.

This matter was taken under advisement.

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, AND STREET CONSTRUCTION FUND - Annette McRoy, asked if they could save money by buying a used truck for moving the variable message board around.

Scott Opfer, Public Works Dept., stated that they are already using many old trucks, some that are not safe. This would be an opportunity to get another 4-wheel drive vehicle in their fleet as they only have one at this time.

Mr. Werner commented that these are not new expenditures requested. This is shifting of money from one project to another that may have resulted because of savings or prioritizing.

Mr. Opfer stated it's unspent dollars in the C.I.P. that are being moved around.

This matter was taken under advisement.

SPECIAL PERMIT 1990 - APPLICATION OF ANDERMATT, L.L.C. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 214 CHILDREN ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-18) (1/13/03 - CON'T. P.H. & ACTION TO 1/27/03) (CONT. PUBLIC HEARING & DELAYED ACTION FOR TWO WEEKS TO 2/10/03, 7-0)

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-17) (1/13/03 - CON'T P.H. & ACTION TO 1/27/03) - Steve Clymer, Olsson Associates, came forward representing Julie Delp and asked for a two week delay to put this on the February 10th agenda.

Mr. Friendt asked why the request for delay?

Mr. Clymer stated that they are still working on the purchase agreement.

Chairperson Jonathan Cook asked if someone would like to make a motion on these items to continue public hearing & delay action to 2/10/03.

Ms. Seng: So moved.

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

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Tim O'Neill, 800 Lincoln Square, 121 S. 13th St., came forward representing the Vintage Heights Homeowners Association. He expressed their concern with the widening of Old Cheney to seven lanes. They feel it is excessive & exceeds the Ordinance. Some of the homeowners have easements that will be affected. Discussion followed.

Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing Guy Lammle, owner of HiMark Golf Course and a house on 84th & Old Cheney. The widening of Old Cheney will eliminate his trees and take a part of his backyard if the project is completed as planned. He stated

people in this area planned their homes around a four lane project & now 3 years later the City is wanting to take some of their landscaped property. Discussion followed.

Glen Cekal, 1420 C St., stated in reference to the above topic that there aren't too many situations that can't be corrected.

Danny Walker, 427 E St., read an article from the Omaha World Herald about wetlands.

Bill Crawford, no address given, thanked Councilman Werner for addressing the transportation issue for disabled people. He stated that it is improving. He also presented a letter in reference to unfair treatment of himself at Mataya's Baby Doll Club.

Glen Cekal, 1420 C St., asked the Mayor's office personnel for a copy of the Mayor's committee's & was refused. He was told he could go to the Library for this information. He, also, commented on his alley needing repairs.

Craig Groat, 4935 Huntington Avenue, stated he felt that a City Manager type of government is the best type of city government.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MATTHEW T. LUDWIG FOR HY VEE INC. DBA "HY VEE #2" AT 2343 N. 48TH STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81906 WHEREAS, Hy Vee Inc. dba "Hy Vee #2" located at 2343 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Matthew T. Ludwig be named manager;

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF TIMOTHY S. THORESON FOR DHABS L.L.C. DBA "ROCOCO THEATRE" AT 140 N. 13TH STREET - PRIOR to reading:

SVOBODA Moved to Withdraw.

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

The resolution, having been **WITHDRAWN**, was assigned File #38-4431, & placed on file in the Office of the City Clerk.

MANAGER APPLICATION OF JEFFREY L. GRAFF FOR BRINKER RESTAURANT CORPORATION DBA "ROMANO'S MACARONI GRILL" AT 6800 S. 27TH STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81907 WHEREAS, Brinker Restaurant Corporation dba "Romano's Macaroni Grill" located at 6800 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeffrey L. Graff be named manager;

WHEREAS, Jeffrey L. Graff 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 L.

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

Introduced by Jon Camp

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

MANAGER APPLICATION OF JEFF L. KEPHART FOR GATEWAY BOWL CORP. DBA "GATEWAY BOWL" AT 333 N. COTNER - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81908 WHEREAS, Gateway Bowl Corp. dba "Gateway Bowl" located at 333 N. Cotner Blvd., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeff L. Kephart be named manager; WHEREAS, Jeff L. Kephart 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 Jeff L. Kephart be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF GARY D. EBELER FOR NASH FINCH CO. DBA "SUN MART #25" AT 1340 W. O STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81909 WHEREAS, Nash Finch Co. dba "Sun Mart #25" located at 1340 W. O Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Gary D. Ebeler be named manager; WHEREAS, Gary D. Ebeler 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 Gary D. Ebeler be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APPLICATION OF LAMP AND MCTAGGART, INC. DBA "FAT NAPPY'S" FOR A CLASS "I" LIQUOR LICENSE AT 5100 N. 48TH STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81910 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 Lamp and McTaggart, Inc. dba "Fat Nappy's" for a Class "I" liquor license at 5100 N. 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF NATHAN A. LAMP FOR LAMP AND MCTAGGART, INC. DBA "FAT NAPPY'S" AT 5100 N. 48TH STREET - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81911 WHEREAS, Lamp and McTaggart, Inc. dba "Fat Nappy's" located at 5100 N. 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Nathan A. Lamp be named manager;

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

Introduced by Jon Camp

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

APPLICATION OF THE DUGOUT, INC. DBA "THE DUGOUT SPORTS RESTAURANT" FOR A CLASS "C" LIQUOR LICENSE AT 311 N. 8TH STREET, SUITE 1 - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81912 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 The Dugout, Inc. dba "The Dugout Sports Restaurant" for a Class "C" liquor license at 311 N. 8th Street, Suite 1, Lincoln, Nebraska, for the license period ending October 31, 2003, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF JEFFREY K. LEWIS FOR THE DUGOUT, INC. DBA "THE DUGOUT SPORTS RESTAURANT" AT 311 N. 8TH STREET, SUITE 1 - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81913 WHEREAS, The Dugout, Inc. dba "The Dugout Sports Restaurant" located at 311 N. 8th Street, Suite 1, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jeffrey K. Lewis be named manager;

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

Introduced by Jon Camp

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

ORDINANCES - 2ND READING

CREATING SIDEWALK IMPROVEMENT DISTRICT NO. 94 IN VARIOUS LOCATIONS WITHIN THE CITY INCLUDING THAT AREA BOUNDED ON THE NORTH BY FLETCHER AVENUE, ON THE EAST BY 84TH STREET, ON THE SOUTH BY YANKEE HILL ROAD, AND ON THE WEST BY N.W. 27TH STREET, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - DEPUTY CLERK read an ordinance, introduced by Glenn Friendt, creating Sidewalk Improvement District No. 94, defining the limits thereof, providing for the construction of public sidewalks therein, providing for the payment of the cost thereof, designating the property to be benefitted and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

AUTHORIZING THE TRANSFER OF UNSPENT AND UNENCUMBERED APPROPRIATIONS WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT BETWEEN CERTAIN CAPITAL IMPROVEMENTS PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, AND STREET CONSTRUCTION FUND - DEPUTY CLERK read an ordinance,

introduced by Glenn Friendt, 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 Street Construction Fund, the second time.

AMENDING ORDINANCE 3060, PASSED JULY 29, 1929, WHICH AUTHORIZED THE USE OF RIGHT-OF-WAY TO THE UNIVERSITY OF NEBRASKA FOR A STEAM TUNNEL/CONDUIT IN 14TH STREET FROM R STREET TO K STREET TO ALLOW ADDITIONAL USE OF SPACE FOR TELECOMMUNICATIONS PURPOSES - DEPUTY CLERK read an ordinance, introduced by Glenn Friendt, amending Ordinance 3060, passed by the City Council on July 29, 1929, for additional authorization for University of Nebraska-Lincoln to utilize a former steam tunnel and conduit for placement of telecommunications fiber optic cable, the second time.

RESOLUTIONS

SPECIAL PERMIT 1990 - APPLICATION OF ANDERMATT, L.L.C. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR UP TO 214 CHILDREN ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-18) - PRIOR to reading:

SENG Moved to continue Public Hearing & have Action on 2/10/03.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING A WAIVER OF DESIGN STANDARDS REQUIRING THAT LOT LINES BE PERPENDICULAR TO STREETS ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF SOUTH 91ST STREET AND HERITAGE LAKES DRIVE. (IN CONNECTION W/03R-17 - PRIOR to reading:

SENG Moved to continue Public Hearing & have Action on 2/10/03.
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF DECEMBER 1 - 31, 2002. - (CLAIM OF JENNIFER COWELL, P. H. & ACTION HELD OVER FROM 1/13/03) - DEPUTY CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81914 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 January 2, 2003, 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

Jennifer Cowell \$1,190.72

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA AND THE CITY TO JOINTLY PLACE TELECOMMUNICATIONS ASSETS IN THE UNDERGROUND STEAM TUNNEL/CONDUIT LOCATED IN 14TH STREET FROM R STREET TO K STREET - PRIOR to reading:

SENG Moved to delay Action for one week to 02/03/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

APPROVING AN ANNEXATION AGREEMENT BETWEEN DOROTHY C. MATSON AND GUY M. MATSON, NORTH FORTY GOLF, INC., AND THE CITY OF LINCOLN OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF

APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT N. 84TH AND ADAMS STREETS. (IN CONNECTION W/03-13, 03R-12) (1/13/03 - DELAY ACTION TO 1/27/03)- DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81917 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled North Fortth Conditional Annexation Agreement, which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Dorothy C. Matson and Guy M. Matson, as co-trustees of the Dorothy C. Matson Revocable Trust, and North Forty Golf, Inc., outlining certain conditions and understandings between the City and said Owners relating to the annexation of approximately 50 acres of property generally located at North 84th Street and Adams Street is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return two fully executed copies of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owners.

Introduced by Annette McRoy

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

WAIVING DESIGN STANDARDS REQUIRING STREET PAVING, WATER MAINS, SANITARY SEWER, STORM SEWER AND SIDEWALKS WITHIN THE NORTH FORTY GOLF ADDITION ADMINISTRATIVE FINAL PLAT IN PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 84TH STREET AND ADAMS STREET. (IN CONNECTION W/03R-11, 03-13)- DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81918 WHEREAS, the Administrative Final Plat of North Forty Golf Addition has been submitted for approval by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Administrative Final Plat is the requirement that the subdivider install street paving, water mains, sanitary sewer, storm sewer, and sidewalks along Adams Street adjacent to said Administrative Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

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

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

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

That the requirements of the Administrative Final Plat of North Forty Golf Addition relating to the installation of street paving, water mains, sanitary sewer, storm sewer, and sidewalks, are hereby waived until such time as this area further develops, provided the owners enter into an annexation agreement with the City of Lincoln that includes provisions for future installation of said improvements.

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY ALL OF THE EAST-WEST ALLEY RUNNING BETWEEN BLOCK 22, WRINGTON ADDITION AND LOT 31 I.T. IN THE S.W. 1/4 OF 35-10-6 SUBMITTED BY DENNIS VAN HORN - DEPUTY CLERK presented said petition which was referred to the Law Dept.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

CHANGE OF ZONE 3390 - APP. OF HUBERT H. HALL FROM AG TO R-3 AT N.W.

48TH STREET & WEST HOLDREGE STREET.

SPECIAL PERMIT 1995 - APP. OF HUBERT H. HALL TO CREATE A SINGLE FAMILY DEVELOPMENT WITH MULTI-FAMILY DWELLINGS AT N.W. 48TH STREET & WEST HOLDREGE STREET.

SPECIAL PERMIT 1998 - APP. OF TENNIS CENTER, L.L.C. TO CONSTRUCT A RECREATIONAL FACILITY AT SOUTHEAST CORNER OF THE INTERSECTION OF 84TH AND SOUTH STREET.

INFORMAL PETITION FOR ALLEY PAVING WEST OFF SOUTH 16TH STREET BETWEEN 2015 SOUTH 16TH AND 2025 SOUTH 16TH UP TO THE INTERSECTING NORTH-SOUTH ALLEY BETWEEN 15TH & 16TH STREETS SUBMITTED BY HOUSES OF HOPE OF NEBRASKA, INC. - DEPUTY CLERK presented said petition which was referred to the Public Works Dept.

PETITION TO VACATE PUBLIC WAY ALL OF THE EAST-WEST ALLEY RUNNING BETWEEN BLOCK 22, WRINGTON ADDITION AND LOT 31 I.T. IN THE S.W. 1/4 OF 35-10-6 SUBMITTED BY MIDWEST PUMP & EQUIPMENT CO., INC. - DEPUTY CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED BY COUNCIL ON JANUARY 13, 2003 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR JANUARY 13 THROUGH JANUARY 17, 2003 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81915 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 Coleen Seng

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

INVESTMENT OF FUNDS FOR JANUARY 6, 2003 THROUGH JANUARY 10, 2003 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81916 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 Coleen Seng

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

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

ORDINANCES - 1ST READING

VACATING THE NORTH-SOUTH ALLEY FROM THE NORTH LINE OF L STREET TO THE VACATED EAST-WEST ALLEY IN BLOCK 84, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND L STREETS - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, vacating the north-south alley from the north line of L Street to the vacated east-west alley in Block 84, Original Plat of Lincoln, generally located at 8th and L Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

DECLARING APPROXIMATELY 3,225 SQUARE FEET OF THE HAYMARKET PARKING GARAGE PROPERTY LOCATED AT 9TH AND Q STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 3,225 square feet of City-owned property generally

located at 9th and R Streets as surplus and authorizing the sale thereof to B & J Partnership, the first time.

DECLARING APPROXIMATELY 18,150 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 6TH AND PEACH STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 18,150 square feet of City-owned property generally located at South 6th & Peach Streets as surplus and authorizing the sale thereof, the first time.

DECLARING APPROXIMATELY 9,456 SQUARE FEET OF PROPERTY GENERALLY LOCATED AT SOUTH 40TH AND RANDOLPH STREETS AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 9,456 square feet of City-owned property generally located at South 40th and Randolph Streets as surplus and authorizing the sale thereof, the first time.

DECLARING APPROXIMATELY 6.84 ACRES OF PROPERTY GENERALLY LOCATED AT 6400 WEST BENNET ROAD AS SURPLUS PROPERTY AND AUTHORIZING THE SALE THEREOF - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, declaring approximately 6.84 acres of City-owned property generally located at 6400 West Bennet Road as surplus and authorizing the sale thereof, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 39.9 ACRES OF PROPERTY GENERALLY LOCATED AT NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-22, 03R-25, 03R-26, 03R-27) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1, Ordinance No. 18032, passed July 6, 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. 18032 passed July 6, 2002, as hitherto existing, the first time.

CHANGE OF ZONE 3373 - APPLICATION OF PINE LAKE DEVELOPMENT, L.L.C. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO R-3 RESIDENTIAL AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 84TH STREET AND HIGHWAY 2. (IN CONNECTION W/03-21, 03R-25, 03R-26, 03R-27) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

ORDINANCES - 3RD READING

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" TO CREATE THE JOB CLASSIFICATION OF "PUBLIC HEALTH EMERGENCY RESPONSE COORDINATOR," "ENVIRONMENTAL HEALTH EDUCATOR," "ENVIRONMENTAL HEALTH EDUCATOR II," "SENIOR ENVIRONMENTAL HEALTH EDUCATOR," "ENVIRONMENTAL HEALTH ENGINEER I," "ENVIRONMENTAL HEALTH ENGINEER II," "SENIOR ENVIRONMENTAL HEALTH ENGINEER," "WIC SUPERVISOR," "COMMUNITY HEALTH SERVICES, ASSISTANT MANGER," AND "SENIOR UTILITY ENGINEERING SPECIALIST"; AND AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TOT HE PAY RANGE WHICH IS PREFIXED BY THE LETTER "C" TO CREATE THE JOB CLASSIFICATIONS OF "ENVIRONMENTAL HEALTH EDUCATOR I," AND "ANIMAL CONTROL FIELD SUPERVISOR" - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending pay schedules of employees whose classifications are assigned to the pay range prefixed by the letter "A" to create the job classification of "Public Health Emergency Response Coordinator," "Environmental Health Educator," "Environmental Health Educator II," "Senior Environmental Health Educator," "Environmental Health Engineer I," "Environmental Health Engineer II," "Senior Environmental Health Engineer," "WIC Supervisor," "Community Health Services, Assistant Manager," and "Senior Utility Engineering Specialist"; and amending pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" to create the job classifications of "Environmental Health Educator I," and "Animal Control Field Supervisor", the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18116, is recorded in Ordinance Book 25, Page

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A", "C", AND "M" TO CHANGE TITLES AND PAY RANGES OF VARIOUS JOB CLASSIFICATIONS WITHIN THE HEALTH DEPARTMENT - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, amending pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A", "C", and "M" to change titles and pay ranges of various job classifications within the Health department, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18117, is recorded in Ordinance Book 25, Page

AMENDING PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY DELETING THE JOB CLASSIFICATIONS OF "GRADUATE NURSE I," "RECREATION SUPERVISOR I," "RECREATION SUPERVISOR II," AND "RECREATION SUPERVISOR III" - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, amending pay schedules for certain employee groups by deleting the job classifications of "Graduate Nurse I," "Recreation Supervisor I," "Recreation Supervisor II," and "Recreation Supervisor III", the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18118, is recorded in Ordinance Book 25, Page

AMENDING PAY SCHEDULES OF A CERTAIN EMPLOYEE GROUP TO CHANGE THE TITLE CLASSIFICATION OF "PUBLIC SERVICE OFFICER - OPERATIONS" TO "PUBLIC SERVICE OFFICER" - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, amending pay schedules of a certain employee group to change the title classification of "Public Service Officer - Operations" to "Public Service Officer", the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18119, is recorded in Ordinance Book 25, Page

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "X" TO DELETE THE CLASSIFICATIONS OF "EXCLUDED OFFICE ASSISTANT I," "II," "III," "IV," AND "V" - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, amending the pay schedules of employees whose classification are Assigned to the Pay Range Which Is Prefixed by the Letter "X" to Delete the Classifications of "Excluded Office Assistant I," "II," "III," "IV," and "V", the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18120, is recorded in Ordinance Book 25, Page

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "N" TO DELETE THE CLASSIFICATIONS OF "OFFICE ASSISTANT I," "II," "III," "IV," AND "V" AND "PUBLIC SERVICE OFFICER - ADMINISTRATION" - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, amending the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" to delete the classifications of "Office Assistant I" "II", "III", "IV", and "V" and "Public Service Officer - Administration", the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #18121, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "X." - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, Adopting pay schedules and schedules of pay ranges for employees whose classifications are assigned to pay ranges prefixed by the letter "X", the

third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18122, is recorded in Ordinance Book 25, Page

ADOPTING PAY SCHEDULES AND SCHEDULES OF PAY RANGES FOR EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY THE LETTER "N" - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, adopting pay schedules and schedules of pay ranges for employees whose classifications are assigned to pay ranges prefixed by the letter "N", the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18123, is recorded in Ordinance Book 25, Page

VACATING THE EAST-WEST ALLEY ADJACENT TO LOTS 1 THROUGH 5 AND PART OF LOT 6, AND THE NORTH-SOUTH ALLEY ADJACENT TO LOTS 11 THROUGH 13 AND LOTS 24 THROUGH 26, ALL IN HALTERS SUBDIVISION, LYING WEST OF NORTH 14TH STREET BETWEEN AURORA STREET AND EMERSON STREET - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, vacating the east-west alley adjacent to Lots 1 through 5 and part of Lot 6, and the north-south alley adjacent to Lots 11 through 13 and Lots 24 through 26, all in Halters Subdivision, lying west of North 14th Street between Aurora Street and Emerson Street, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18124, is recorded in Ordinance Book 25, Page

RENAMING N. 82ND STREET LOCATED WITHIN NORTHERN LIGHTS 10TH ADDITION, NORTH OF ELIZABETH DRIVE, TO N. 81ST STREET - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, renaming N. 82nd Street located within Northern Lights 10th Addition, north of Elizabeth Drive, to N. 81st Street, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18125, is recorded in Ordinance Book 25, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 50 ACRES OF PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF NORTH 84TH STREET AND ADAMS STREET - DEPUTY CLERK read the following ordinance, introduced by Annette McRoy, amending the corporate limits of the City by annexing approximately 50 acres of property generally located at the southwest corner of North 84th Street and Adams Street, the third time.

MCROY Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18126, is recorded in Ordinance Book 25, Page

MISCELLANEOUS BUSINESS

PENDING -

APPROVING THE TERMINATION OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY WHICH CREATED THE CHILDCARE ADVISORY COMMITTEE.(12/16/02 - PLACED ON PENDING, NO DATE CERTAIN) (REQUEST TO REMOVE FROM PENDING FOR ACTION) - DEPUTY CLERK requested to remove Bill No. 02R-305 from Pending to have Public Hearing & Action on 2/10/03.

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

CAMP Moved to extend the Pending List to February 3, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

PRE-EXISTING USE PERMIT NO. 3AA - APPLICATION OF WESTFIELD SHOPPINGTOWN (FORMERLY GATEWAY) TO REPLACE, REMOVE, AND MOVE VARIOUS WALL SIGNS, INTERIOR DIRECTIONAL SIGNS AND PERIMETER SIGNS AT WESTFIELD SHOPPINGTOWN - GATEWAY, 6100 O STREET. (1/13/03 - AMENDMENT, LOST 3-4; COOK, FRIENDT, SENG, WERNER DISSENTING; ADOPTED, 7-0; A-81901):

FRIENDT Moved to reconsider Bill No. 03R-16 for action on 2/03/03.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda; NAYS: Cook, Werner.

CAMP Moved to approve the resolutions to have Public Hearing on February 3, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

7:40 P.M.

CAMP Moved to adjourn the City Council meeting of January 27, 2003.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Teresa Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant