

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 8, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

SHOECRAFT Having been appointed to read the minutes of the City Council proceedings of May 1, 2000, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APP. OF NAMREH, INC. DBA D & D DISTRIBUTOR TO EXPAND THEIR PRESENTLY LICENSED PREMISES BY ADDING AN AREA 50' BY 137' IN THE NORTHEAST CORNER AT 5840 N. 70TH ST. - Matt Herman, President of D & D Distributor: Are there any questions of the Council? Business has been good.

This matter was taken under advisement.

MAN. APP. OF SHELLY LAWSON FOR WHITEHEAD OIL CO. DBA U-STOP CONVENIENCE SHOP AT 240 N. 17TH ST. - Shelly Lawson, no address given: I'm Shelly Lawson with Whitehead Oil if anybody has any questions.

This matter was taken under advisement.

APP. OF BIAGIO'S INC. DBA BIAGIO'S FOR A CLASS I LIQUOR LICENSE AT 500 SUN VALLEY BLVD.;

MAN. APP. OF BIAGIO AGUGLIA FOR BIAGIO'S INC. DBA BIAGIO'S AT 500 SUN VALLEY BLVD. - Biagio Aguglia, no address given: I am the owner of Biagio's restaurant.

Coleen Seng, Council Member: Any questions? See I've heard someone say it smells like garlic when they walk in your place.

Mr. Aguglia: And you'll smell like garlic when you walk out, too.

Ms. Seng: They were giving it a good recommendation.

Mr. Aguglia: Thank you.

This matter was taken under advisement.

APP. OF WINE MERCHANTS INC. FOR A SPECIAL DESIGNATED LICENSE (SDL) TO COVER AN AREA MEASURING 50' BY 125' IN A FENCED AREA BEHIND FRONTIER HARLEY DAVIDSON AT 2801 N. 27TH ST. ON THE 13TH DAY OF MAY, 2000 FROM 4:00 P.M. TO 11:00 P.M. - David Jurena, Wine Merchants, Inc.: I'd address any questions the Council might have. Alright. Have a good day.

This matter was taken under advisement.

APP. OF HRC, INC. DBA CHEERLEADERS BAR FOR A SDL TO COVER AN OUTSIDE AREA MEASURING 60' BY 75' AT 5560 S. 48TH ST. ON THE 21ST DAY OF MAY, 2000 FROM 12:00 P.M. TO 10:00 P.M.- John Caporale, General Manager of Cheerleaders: Any questions?

This matter was taken under advisement.

CHANGE OF ZONE 3241 - APP. OF PEARLE FINIGAN FOR A CHANGE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 84TH ST. & WAVERLY RD. - Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of Pearle Finigan the owner of the property that's the subject of this application. This property is located at the intersection of 84th and Waverly Road diagonally across the intersection from another subdivision Mr. Finigan did by the name of Finigan Estates. Finigan Estates is sold out and Mr. Finigan has had a tremendous amount of interest in additional lots in this area and there are no other rural subdivisions in this area. Waverly Road is paved making access to the property very attractive and very useful. There is very little else in the way of acreage type development in the northeast part of the County. We've been asked what the plans were for this property in as much as we did not submit a preliminary plat. There was also some interest by Planning Commissioners in a layout of the property which would cluster the lots and thereby preserve some open space. In response to that Mr. Finigan had ESP Engineering put together a proposed Community Unit Plan layout which I think I (inaudible). This layout would also give the property several large outlots together with easements

across the backside of the longer lots here. The sewage disposal systems would be located within the outlots here and here and the property would be served by individual wells for each of the lots. We've had Vince Dreeszen do a ground water report indicating that there is plenty of water, potable quality for this area. He did recommend treatment for the manganese and iron concentrations which tend to give the water a bit of a taste, but that's a problem which is fairly common and easily treated. There are wells in the section in which Finigan Estates is located which yield in the 500, 450 to 700 gallon per minute range are used for irrigation. Mr. Dreeszen's report indicates that the wells ought to be drilled deeply enough to account for seasonal draw down due to irrigation, but that he anticipated no problem and that there'd been no problems associated or reported getting water in this area previously. One question was asked by the Planning Commissioners relative to why we did not submit a preliminary plat along with this change of zone request. One of the reasons is that, you may recall, some of you may at least recall, recently having increased all the fees for such things. The following fee alone for a preliminary plat of this size is \$2,000. So, when you think of a small subdivision like this with potential for as many as only 46 lots that becomes a fairly onerous burden, particularly when you add to that the amount of engineering fees and so forth that go into doing a full preliminary plat application. This is an area where there is very little available land for these, for people who want to live on an acreage, on a paved road near Waverly and we really feel like this is a good use for the property and as you know there's very little of this type of land designated in the Comprehensive Plan and we would, we would definitely appreciate if you would zone this property Agricultural Residential to enable us to come back through with a Community Unit Plan as you see here. We think this is a good plan. It keeps the lots up on the ridge and preserves approximately 50 acres or so of open space out of a quarter section of land.

Bernie Glaser, 7330 Yosemite: I'm married to Marcia Babcock and I tell you that only because she gave me explicit authority to speak for her today and that doesn't happen very often so I wanted to make sure I got that on the record some place. I have no interest, ownership interest at all in this property except for I would like to build a house on it. I, my wife works in Ralston. She has to drive to Ralston every day and back. We now live at 7330 Yosemite which is northeast Lincoln. We like the north part of town because it gives us access to her job and her family as well lives in Omaha. I wanted to give you just a little bit of background on what, on our effort to find an acreage. We have been looking, she's had that job for two years and we've been looking for two years. There are absolutely no acreages between Waverly and Greenwood. There are two acreages that are in a flood plain in between Greenwood and Ashland. Of course, you get to, when you get on the other side of Ashland you have the 80 and \$100,000 lots in the golf course. We have gone so far as to, driven, er drive around and find empty lots in the County and look through the Treasurer's website, call those people up and ask them if they want to sell them. To give you an example of what our experience is we found one yesterday. It's a 150th and Holdrege, I think it's Plum Creek Rd., it's six acres. They want \$120,000 for it. I mean that's out of my price range and I think it's out of most middle-class, working people's price range as well. This is a piece of property, I think, that will allow people like me who want to live in Northeast Lincoln will have a connection to Omaha who want to stay in Lancaster County to build an affordable house in a nice location without, in an environment that would be pleasant, for instance, my child to live in and I ask you to approve it. I've tried to call some of you. I have talked to Coleen on the phone about this. Haven't been able to talk to others personally, but I would ask you, having, I did follow your advice I did read, I did go to the Planning Commission and read the file. I don't see anything there that scares me. I don't think there's anything there that would keep others from buying that and having a, and be satisfied with it. Are there any questions? Thank you.

Ms. Seng: I want to ask the Staff. Tell me what the letter, about the Retzlaff Farms, what is that suppose to tell me? It's in opposition and ... Is that really suppose to be part of this material?

Mike DeKalb, Planning Dept.: Yes it is. There was testimony, this isn't the Retzlaff, there's lots of Retzlaff's and since this is the, you're thinking of the historic farm that's out in Steven's Creek.

Ms. Seng: OK, I'm thinking of the Steven's Creek farm.

Mr. DeKalb: This is a follow-up to the testimony that was a public hearing at the Planning Commission in opposition where they are concerned about ground water and some issues.

Ms. Seng: OK. Thank you. When I read that I thought that's the wrong area. I kept ...

Mr. DeKalb: I thought that for a minute to.

Jonathan Cook, Council Member: Have you seen the water reports, the latest information that they have and what's your opinion of that?

Mr. DeKalb: I'm not a ground water hydrologist. I tend to rely heavily on the report provided by the applicant especially by the ground, by their reports. This indicates that they're, this is a relative, unique area in the County where they're getting 20 gallons a minute. They've got some irrigation wells that are 5, 6, 700 gallons a minute which is quite good. Minimums are, we usually figure 5. If you look at the map aquifers in Lancaster County there's about four of them one of which is the Waverly aquifer and this appears to be on the western edge getting close to the break point of the Waverly aquifer. So, they have reasonable ability to get water.

Mr. Cook: And the information from the person who spoke in opposition regarding not being able to pump this amount, I don't know what to make, I guess.

Mr. DeKalb: I concur. We have testimony given at farm operations in the near vicinity especially the west are having troubles, I think indicated on occasion on dry years has gone dry. You have a ground water report that indicates that there's ground water toward that and would just view that to the east, further to the east it gets a little better yet, so ...

Jeff Fortenberry, Council Member: Would you review your entire set of reasons for recommending denial?

Mr. DeKalb: In the Staff report we got a iteration of findings. The primary finding is that it's not in conformance of the Comprehensive Plan and it's not shown in the bright yellow is an area for future acreage development in the City or Lancaster County. So, under that presumption then we go through a listing of other criteria that might have an impact one way or another that might lead you to conclude should or should not be approved for any unique circumstances. On infrastructure, there is no other infrastructure present in the rural water districts. None are in this location. Served by LES it'd be individual well and sewage disposal. Compatibility, I think Staff's finding was that it would be compatible with the existing Finigan Subdivision immediately to a corner across to the northeast, but other than that there have generally been conflicts between agricultural uses and acreage uses and that was a finding of Staff. Health and Safety, no known hazards in the area of the normal farming. Visual graphic, there was nothing of unusual circumstances. There is a tree'd waterway which the sketch that was put up said they were attempting, were going to work with. Accessibility, as far as local transportation connections and pedestrian linkages. Waverly Road is paved. North 84th St. is gravel. That's the north south road on the east edge of this particular parcel. Of course, there is no transfer pedestrian linkages. We've got Highway 77 two miles west, Highway 6 three miles, three and half miles to the south of the gravel road. Open space, the closest open space for use by the residence would be in Lincoln or Waverly. Fiscal impacts, we couldn't identify any particular major, fiscal impact to the City or the County. And then, beyond that the land patterns or the area which is one of the criteria we look at is if the area is pretty well split up into small parcels or acreage already, obviously, it's going that way and you can fit it in, but if the parcels area quite large are usually farm units to begin with and this tends to contribute to a future splitting. So, that's item 5 is a finding that the substantial parceling has not occurred and they're selling larger parcels of 40's, 80's and quarter sections. Finding number 6 is we have a Comprehensive Plan update of Stevens Creek update process going on underway at this point and time and that acreages will certainly be an issue that will have to be discussed with some resolution policy for that. And, finding number 7 is that based on the evidence we have at the moment that if you approve this change of zone on Waverly Road there would be no particular reason not to approve similar applications along Waverly Road and you could have a circumstance similar to what we have on West Denton Road (inaudible) which is down the road. (inaudible) listing the findings.

Mr. Fortenberry: Does the issue of clustering the development mitigate some of these concerns of (inaudible) obviously larger areas of open space preserve both for aesthetic, recreational, and environmental purposes? Is that, was that included as part of your analogy?

Mr. DeKalb: No, it wasn't because we had the proposal that came at the time the staff report was written was a straight lot block subdivision which is attached to your packet. Clustering certainly helps in some ways where a drainage is approved, open space is preserved, community sewer

systems, which I think was recommended or suggested here by Mr. Hunzeker, system net as well, but as far as ground water usage. The number of units packed on the road system to have this number of houses there hasn't changed. It's somewhat better. (inaudible) ask for a change of zone.

Mr. Cook: Could you speak to the issue of how many acreages are available today? You mentioned something about that to Planning Commission, could you just explain that briefly?

Mr. DeKalb: I certainly will and let me give that in two pieces because the testimony also, number one testimony did indicate that in to the northeast portion of the County specifically in this area there aren't a lot of acreage and I do concur with that. That's correct. The other side of the coin is, the question was asked at Planning Commission how many acreages do we have and how much accommodation do we have with acreages at this point and time. Currently, the Comprehensive Plan has 22 ½ square miles shown for acreage development. About half of that is in use. About 1,700 give or take some existing vacant acreage lots or smaller less than 20 acre lots in the County. We have several capabilities of providing for future acreage's. There's existing grandfather lots, split-off farmsteads. You can do clustering under the AG zoning so this particular parcel has AG, AG zoning, could do a cluster and create acreage lots as it sits as well as change of zones to AGR and in the acreage development. So, several options some of which could be put in place at this location, but obviously not to this density.

Mr. Cook: There's the question of the preliminary plat and I understand the applicant is concerned about spending money ahead of time perhaps on a project that isn't likely to be approved or there's some concern about it's likelihood of being approved, but normally wouldn't we like to see a preliminary plat in a case like this and that would give us a chance to evaluate the whole picture at once.

Mr. DeKalb: A street change of zone there's no linkage per se that you have to have a preliminary plat or community unit plan with a change of zone. And, of course we get the fair number of change of zones coming in. The tendency has been that if it's not in conformance to the plan or if there are issues and questions raised often times Planning Commission and Council or County Board like to see what they're going to get versus promises. So you get a package that comes through. So, you actually had an increasing number of preliminary plats and community unit plans come forward with the change of zone so that you get the lots. What you see is what you get and then, of course, at that time with the platting procedure we require the water quality report which has been provided with this application.

Mr. Cook: I know that was a concern that Russ Beyer talked about at Planning Commission he likes to see the preliminary plats come in along with changes of zones like this, so ...

Ms. Seng: Have you talked about the clustering with the applicant since this was brought up?

Mr. DeKalb: I talked to Lyle Loth a little bit about it and that's why they came forward with that drawing that he put on the overhead. That's the attempt, it's a clustering, I presume, under the AGR zoning. There is no application and I don't have a copy of that in our files. I think they've attempted to respond to a question that was raised at Planning Commission.

Ms. Seng: Would you feel differently if that had happened that way in the beginning?

Mr. DeKalb: If they did the cluster under the Ag zoning we wouldn't have any problem with it. We'd recommend approval. Cluster under AGR zoning at the densities we're talking about still is not in conformance to the plan, but it certainly would help some of the impacts versus the straight lot blocks a subdivision would have maintaining open land and some habitat, waterway protection and so on.

Ms. Seng: If they were to do that then would they have to come back through the whole process?

Mr. DeKalb: If they submitted a preliminary plat then the community unit plan would come through in tandem.

Ms. Seng: Get something like this withdrawn and start again?

Mr. DeKalb: Well, I think the options for you, it could be withdrawn, it could be put on Pending, you could go ahead and vote on it. The option to do a Community Unit Plan as proposed, I think, in the drawings at least in watching it on the monitor would be conditioned on the AGR zoning. They could do a Community Unit Plan of the AG zoning, also which obviously figured density one per twenty plus a bonus.

Mr. Fortenberry: What is that bonus?

Mr. DeKalb: 20% for protection of farmland, environmental areas and so on.

Mr. Hunseker: Madam Chair, I think it might be helpful to just kind of run back through a couple of those items that Mike was talking about because there's, here we go, the business about conflicts between agricultural and residential users, the way this is drafted up we have provided for a situation which will do the best we can to provide buffers or at least along the areas where we will have abutting agricultural uses, we will have deep lots that, I believe, are in the range of 400' deep and these lots over here are the same way, and the open space abutting those lots would give us a minimization of any conflicts. Also, the well report indicates there are wells, the wells that are pumping 5 to 700 gallons a minute in the next section over are anywhere from 24 years old on, let's see there are two that were drilled in '76, one in '78, and one in 1980 and those wells are pumping 5 to 700 gallons per minute. So, we really don't think there's any issue as to the availability of water. Mike even acknowledged that we've got a relative shortage of acreage type lots in the northeast part of the County and, you know, we understand that there are other acreage out there, but acreage are just like lots within the City people have reasons for wanting to live in a portion of the City or a portion of the County. You heard from one of those people today. People who want to live near Waverly because they might work in Waverly, because they might work in Omaha, because they have other reasons that they want to live in that part of the County really don't have any choices available. Using this property under the existing zoning even under a Community Unit Plan only gets you something on the order of nine lots which really doesn't put any sort of significant debt in the shortage out there. And, you know, the point about the fact that this area has not been broken up into 10, 20, 30 acre parcels is one of the reasons that this type of development ought to be approved, because the demand for these kinds of uses does not go away simply because you don't provide the zoning for it. What happens is you'll end up with a bunch of people who will convince eventually, convince farmers to break off 20 acre sites, or to break off old farmstead sites and you will have proliferation of smaller parcels out there and frankly the use of 20 acre parcels is a bad use of the land. It is way more than most people can handle for an acreage on their own. They can't maintain it well, and it's too small for any farmer to have any interest in leasing out any part of it for crops. So, if you're interested at all in any sort of efficient use of the land and in so called preservation of agricultural land of this type of development clustering 40 or so lots on a quarter section of land is much better from the standpoint of utilizing your road system, utilizing farmland and just generally results in more desirable lots for people who don't need or want to maintain more than an acre or two. Now, we would commit to you that if this property is zoned we will come back with a Community Unit Plan. We will not come back with just a straight plat and if you want to put that on the record here so that in the event it comes back the other way you will know and you will remember that we have said to you we would come back with a Community Unit Plan. But, it really is an onerous burden for a person who wants to develop 46 lots to have to put down \$2,000 just as an application fee and probably spend four or five times that much on engineering fees to get it put together and all the time that goes with it. And, it takes quite a while. So, we would ask that you approve this rezoning and we will be back to you with the Community Unit Plan at which time you will have another full review of the availability of water and the efficacy of this sewer system and everything else that goes with it.

Ms. Seng: Just a minute I think we want to ask Planning one more question.

Mr. Fortenberry: Mike, I think there's some good points being made about your concern, part of the concern is protecting the agricultural base, but yet if there is a cluster type development if there's going to be a market demand for small acreage and the only way people pushed or only opportunity for people to buy which is that 20 acre development is that consistent with preservation of the agricultural base in the County? Would you respond to that dilemma?

Mr. DeKalb: It's been a dilemma for 20 years and a discussion for 20 years. I would pose to you that the 20 acre AG district is a tool that's meant to be taken in tandem with AGR zoning. It's one of the tools for implementing Comprehensive Plan as far as discouraging the intensity of development in areas. As far as being a waste of land I've seen many an opportunity where people cluster an AG zoning and don't waste any land or they do 20's and they do agreements with the farmers who remains one farm unit, but density as far as the number of dwelling units stays at 1 per 20 which is much less obviously than 1 per 3. I guess I would take exception to the two, to the, to you on the waste. I think it's a

measurement tool that's worked reasonably well and prior to that coming in place prior to 1979 is one acre minimum lot size throughout the City and the County in this type of area. Double A rule and public use with the district. And, what we had at that point and time was one acre lots, actually typically five acre lots split out along the County roads as a need be of the individual. Certainly that was not a waste of land per se when the other side of the coin it was a substantial waste relative to tax dollars, County infrastructure trying to keep up with it number one. And, it caused substantial conflict with farming operations number 2. It was the general perception that sprawl around Lincoln typically was a leap frog development, but was acreage development that popped out from Lincoln and just kind of messed everything up out there so this is one of the tools we use to try and direct growth not to prohibit it, but to direct it. That would be my answer.

Mr. Fortenberry: You've mentioned there are other applications coming in this immediate area or the possibility of it.

Mr. DeKalb: I may have misspoke is you thought that. The, oh, my comment was on the finding if you approve this based on the information you have today in front of you along Waverly Road that presumably the same of similar criteria would apply to the next quarter section down the road. Add that scenario happening on West Denton Road most of it is already planned for and shown as low density residential and of course it's marching down the road quite nicely. I offer to you the perception that quarter section by quarter section they should all be treated fairly and from Highway 77 to North 56th Street to Waverly Road we've got five, six, seven mile stretch (inaudible) half mile either side.

Mr. Cook: So, if that's the route we want to go perhaps we should be amending the Comp Plan and saying this is what we want in this area.

Mr. DeKalb: Normally, that comes first, yeah. Set a policy.

Mr. Cook: OK. Thank you.

Ms. Seng: And what is the time line then?

Mr. DeKalb: Actually we have, you have two or three time lines. You've got the Stevens Creek time line that's running through the fall or into this year you've got the Comprehensive ...

Ms. Seng: Update.

Mr. DeKalb: update occurring now that's tied to the transportation element. You've got a major Comp Plan update that'll occur in 2001. I guess the other option is if you felt this area was appropriate for acreage development then, you know, you could request a Comp Plan amendment along Waverly Road. They review that accordingly and process it through so ...

Ms. Seng: OK. And if, and if the applicant wants to do the clustering then they need to get a hold of you and get the process going again, right?

Mr. DeKalb: Right. If the applicant chose to do clustering under either the AG or the AGR zoning they need to make an application for Community Unit Plan or Preliminary Plat.

Ms. Seng: Of all of those options what would be your preference?

Mr. DeKalb: Of all of those we talked about?

Ms. Seng; Wait till they update?

Mr. DeKalb: My suggestion would be that the individual could initiate something with an AG C.U.P. design to expand at a later date which doesn't need the change of zone and if they felt strongly about it that they participate in the major update to see if this an appropriate place in the County and within the City's jurisdiction for an acreage. Acreages are going to be a big question.

Mr. Fortenberry: I agree that they're going to be a big question, of course, that part of that resolution is going to be the clustering concept which we did off of (inaudible) which seemed to work very well.

Mr. DeKalb: On acreages they're becoming very popular. This Community Unit Plan technique in the City has been very popular for 39

years, but probably wasn't enough to last 5 or 6 maybe 10 years at the most has become quite popular in the counties. You see a lot of it now.

This matter was taken under advisement.

CHANGE OF ZONE 3250 - APP. OF THE PLANNING DIRECTOR TO AMEND CHAPTER 27.71 OF THE LINCOLN MUNICIPAL CODE (LMC) TO ADD A SECTION TO THE ZONING ORDINANCE TO MAKE POSSIBLE A USE PERMIT UPON A PREMISES WHICH DOES NOT MEET THE MINIMUM DISTRICT ACREAGE REQUIREMENT OF THE O-3 OFFICE PARK, B-2 PLANNED NEIGHBORHOOD BUSINESS, B-5 PLANNED REGIONAL BUSINESS OR I-3 EMPLOYMENT CENTER DISTRS. - Ray Hill, Planning Dept.: Just here to answer any questions that the Council may have.

Mr. Cook: The question about how these lots, we'll call them

substandard lots, substandard districts were created, was there ever a time that the requirements were different than they are today as far as lot size that a B-2 could have been created but never used and now it's a larger requirement or would every single one of these cases have occurred because there was a larger area zoned, say B-2 or O-3, and then it, a portion was lost due to rezoning of an adjacent. Would everyone of them be in that situation?

Mr. Hill: All of these districts were created with the 1979 update and those lot areas were there at that time. So, but the time all of the map was changed to show these districts, all those districts did conform. This came about at a later date when the land at 70th and Pioneers was all zoned B-2 and then the Council changed part of it back to R-5 leaving this little sliver or pocket that did not conform. So, it's really an opportunity for those people that are caught sort of in the middle that they didn't ask for the change, but something occurred that they were left, the change of zone occurred that left them with less than the minimum requirement.

Mr. Cook: I just know there's some other or think there's some other properties in town that are in a similar situation where they're too small at this point for the district, but ...

Mr. Hill: I don't believe there are, Jonathan. I may be wrong, but I don't think there are because ...

Mr. Cook: After the meeting maybe I'll mention it, but if any of those, they do exist they're due the same kind of circumstances.

Mr. Hill: Yes, they are (inaudible).

Mr. Fortenberry: Ray, I appreciate all your hard work that has been pressed upon you involuntarily I suspect, but I hope it's a creative way in which we can deal with some of these anomalies out there and it doesn't, it's hard to predict what unintended consequences are. I hope there just doesn't become a backdoor way for certain types of ...

Mr. Hill: Like say if, the way it's written it has to do with the preexisting situation where there was a change of zone that was granted that left them isolated, so ...

Mr. Fortenberry: I guess it's kind of hard to envision setting a project up for a change of zone and making sure that the business deal falls apart so that one areas left undersized so that later it could come back and use this requirement. I realize that's not happened and didn't in this case, but you just try to think through the ...

Mr. Hill: We would bring that to your attention if we say that a piece of ground was being left out that did not meet the minimum lot area in our Staff reports.

Ms. Seng: I want to ask you a question. Most of these clause because the City Council did something by committee when they shouldn't have?

Mr. Hill: I'm not going to say they shouldn't have.

Ms. Seng: Thank you.

Mr. Hill: It did, it was a set of circumstances where this individual was tied onto the B-2 zoning because we felt the circumstances it was best if he joined in with the bigger project. When that bigger project was split out he was sort of left out.

This matter was taken under advisement.

CHANGE OF ZONE 68HP - APP. OF THE LINCOLN WOMAN'S CLUB FOR A LANDMARK DESIGNATION FOR THE WOMEN'S CLUB CLUBHOUSE AT 407 S. 14TH ST. - Ed Zimmer, Planning Dept.: I have two pictures. The Preservation Commission recommends this to you unanimously. Planning Commission recommended it 7-0. The basis of the application is the provision of the preservation chapter that landmarks can be identified in one of several ways that Preservation Commission identified in this case. The history of the club being more historic than the particular building, although as the report also indicates the building is good example of a mid-1950's international style building. It's built by the Lincoln architects Schamburg and Freeman and has all the elements of a characteristic 50's international style building. But the club dates back to 1894 has been a philanthropic and civic betterment organization in Lincoln. Since that time some of it's projects include Memorial Drive from Old Pavilion to Sheridan Blvd. honoring both Lancaster County soldiers and nurses who died in World War I and early members of the club. The club has consistently donated to civic causes at the hospitals and schools of Lincoln. The building occurred 60 years into the history of the club in part because they very conservatively wanted to build it on their own funds not on credit they might be related to by marriage and they waited until they could do that and so the building even in it's mid-twentieth century character is part of the purpose and mission of the club. A few slides, this isn't my

normal projector, building in it's limestone and salmon colored brick, flat roof, the organization of windows an entrance hall are all very characteristic of international style features. The glass block that lights the stairs to the basement. We're just beginning to look at buildings of this era in Lincoln and there are other examples that probably have landmark quality as well such as historical society building. But, I think it is a very clear architectural piece of it's era. It's associated with a distinguished local institution and the recommendation to you is for approval of it as a landmark at the request of the club. I'll answer any questions you might have.

Annette McRoy, Council Member: On that one slide with the windows, those weren't the international style of windows?

Mr. Zimmer: The international style is the description of the overall organization of the building, very, very low, horizontal lines, the use of the materials we see of limestone and the light colored brick, the kind of geometric emphasis in the design. It's a style we begin to see in the 20's and 30's although not very often in Lincoln until after World War II.

Ms. McRoy: That still be the only building left like that using...? Is that rare?

Mr. Zimmer: It is, I think, in it's unchanged quality and the club also is in it's interior renovation of the building emphasizing those features. We don't landmark interiors very often, but I think it's a very good example of it. We see it in other buildings, building at Center Pointe currently occupied on South 13th that I think was a doctors office. In bigger examples, some of the campus buildings like the administration, Canfield Administration building, Security Mutual that now is becoming a journalism hall on Centennial Mall from P to Q. The telephone buildings are all examples of the style. For a small scale example that's virtually unaltered this one stands very well.

This matter was taken under advisement.

AMENDING TITLE 2 OF THE LMC RELATING TO THE FIRE DEPT. TO DELETE REFERENCES TO THE BUREAU OF FIRE PREVENTION; RELATING TO THE DUTIES & RESPONSIBILITIES OF THE FIRE CHIEF TO DELETE THE RESPONSIBILITY TO INQUIRE INTO THE CAUSE OF ALL FIRES WHICH MAY OCCUR IN THE CITY, TO KEEP RECORDS THEREOF, & REPEALING THE SECTION REGARDING THE INVESTIGATION OF FIRES IN THE CITY - Jennifer Brinkman, Mayors Dept.: Good afternoon Councilwoman Seng and the other members of the Council. I'm Jennifer Brinkman from Mayor Wesely's office and I just wanted to chat briefly about what we consider to be kind of some housekeeping to do here regarding the Bureau of Fire Prevention. I've handed out two pieces of paper and when you look at the ordinance that was introduced basically we're deleting some sections from Chapter 2 of the Fire Dept regarding the Bureau of Fire Prevention, because we feel that those same sections are included currently within Chapter 19, the Building and Safety Dept. So, just a couple of points to bring to your attention; for 20 years now the Bureau of Fire Prevention has not been part of the Fire Dept. It has been included in Chapter 2, but it has reported to another part of city government. To my understanding 20 years they were reporting to the head of the Codes and Enforcement Division. They were then part of the Public Works Dept., part of the Urban Development Dept. and then 10 years ago when Building and Safety came about they were put into that department, and the reason for that is to create that kind of one stop center for all codes enforcement and permits. Our administration became a way of the duplication and the language last fall due to a grievance that was filed by one of the members of the Bureau of Fire Prevention and as part of the discussion within the ruling by the judge. The Union attorney brought up this language within Chapter 2. We thought it was a good idea to get rid of the duplication and clarify who those employees report to and that would be Mike Merwick within the Department of Building & Safety. Excuse me, I guess I make one final point, this does not affect the status of these employees within the Fire Union. They are still eligible for promotion and collective bargaining through the IAFF 644 so if there are any questions? Thanks.

Ms. Seng: After 20 years we're going to clean up is that what...?

Ms. Brinkman: That's what we're trying to do, yes.

This matter was taken under advisement.

APPROVING THE ANNUAL PLAN PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY & LANCASTER COUNTY TO PROVIDE FOR WEED CONTROL & WEED ABATEMENT WITHIN THE CITY - Russ Shultz, Weed Control Supt.: Just here to answer any questions you might have.

This matter was taken under advisement.

SPECIAL PERMIT 1825 - APP. OF KK&G, INC. TO DEVELOP PRAIRIE VIEW ESTATES COMMUNITY UNIT PLAN CONSISTING OF 16 SINGLE-FAMILY UNATTACHED DWELLING UNITS, 6 ATTACHED 2-FAMILY DWELLING UNITS, & 2 ATTACHED 3-FAMILY DWELLING UNITS WITH OPEN SPACE FOR A RECREATION FACILITY & PRIVATE ROADWAYS ON PROPERTY GENERALLY LOCATED AT S.W. 10TH ST. & W. "A" ST. (IN CONNECTION W/00R-139);

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF PRAIRIE VIEW ESTATE, INCLUDING A WAIVER OF THE SIDEWALK REQUIREMENT, ON PROPERTY GENERALLY LOCATED AT S.W. 10TH ST. & W. "A" ST. (IN CONNECTION W/00R-138) - Tom Cajka, Ross Engineering, 645 M St., Ste. 201: Here on behalf of the developer KK&G. And, I'm here to answer any questions you might have concerning the development.

Mr. Cook: What are the lot depth in those areas where changing the sidewalks to be right up against the curb in order to provide the appropriate space between the sidewalk and the front of the garage? Presumably that's being done because you can't set back the house as far as maybe you otherwise could. What are the lot depths there?

Mr. Cajka: Trying to see if I've got it on here. Appears to be ...

Mr. Cook: 80 here. It looks like we're looking at 80' or ...

Mr. Cajka: It appears to be about 75'. I don't have the, Lot 14 on the eastside of Southwest 10th Street looks like it's 75' deep. That was, the sidewalks were moved up against the street to allow the 22 foot separation between the sidewalk and the garage door that's needed.

Mr. Cook: In order to allow the car to park in the driveway without

...

Mr. Cajka: Backing out.

Mr. Cook: It doesn't excite me. I don't like the idea of having sidewalks right against the curb generally. I don't think that's quite as pleasant as far as the pedestrian travel, but it's a worse thing, I suppose, if you're walking along the sidewalk and you run into the back of someone's car. It's a trade-off here. I understand what you're asking for.

Mr. Cajka: And we feel that, you know, the traffic circulation will be minimal. There's not, you know, like if it was on a busy street where there is a lot of traffic going through so ...

Ms. McRoy: I was just going to ask about (inaudible) on Southwest 10th Street get resolved.

Mr. Cajka: With the neighbors? Yes we met with the neighbors twice and we resolved all their issues and at Planning Commission meeting the President of the Neighborhood Assn. was, voiced his approval in favor of the development.

Mr. McRoy: (inaudible)

Mr. Cook: The one other issue is the landscape screening like between Homestead Expressway what was determined, what did you decide to do on that?

Mr. Cajka: We have issued new landscape plans to Planning Dept. I believe should be all approved now. We've submitted a contingency plan in the event that the existing screen was to be removed, which I've been assured by the contractors that it will remain. And, I've spoken with the people doing the grading and they're going to do the grading that what's left will stay. But we did put in a contingency plan in the event that it was removed we would designate additional trees in that area.

Mr. Cook: I do want to thank you for working with the neighborhood people. I know when this originally went to Planning Commission not all the necessary contacts had been made and they held it up there for bad (inaudible) for the waivers from the sidewalks, but I understand that those meetings went very well and dispelled a lot of the misunderstandings people had about what the private streets meant and ...

Mr. Cajka: That's correct.

Mr. Cook: and so that helped a great deal and I appreciate that.

Ms. Seng: Now, we have a motion to amend don't we to change the street to ...

City Clerk: Yes for item 16. What it is doing is to correcting the street names. It's changing Grassland Street to Grassland Lane along the south side Grassland it should be Place east of southwest 10th.

Cindy Johnson, Council Member: You want to do it now or ...?

City Clerk: Yeah, if you wish we can do that.

Ms. Johnson: So moved.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St.:
Came forward, representing Bob Lybarger, to report that the water problem at 2224 Y Street has been taken care of. There's still a problem concerning the water shutoff which is 3/4 of inch above the sidewalk making it a hazard for pedestrians possibly tripping on it. The driveway needs to be replaced at this address, also.

Ms. Seng: Asked if this person requested to have this driveway put back in.

Mr. Morosin: Stated Mr. Lybarger assumed the driveway would be put back in. Some people want to lease that property if the driveway is replaced.

Mr. Cook: Asked if the water shutoff problem is something Public Works would normally fix or is it a common thing?

Roger Figard, Public Works: Replied that they will fix a problem like this when it's reported. He also stated that he addressed in a letter to the Council about the driveway situation and doesn't suggest any changes to what he said in the letter.

Mr. Morosin: Stated that the driveway situation will be addressed in litigation.

This matter was taken under advisement.

PRELIMINARY PLAT AND SPECIAL PERMITS

SPECIAL PERMIT 1825 - APP. OF KK&G, INC. TO DEVELOP PRAIRIE VIEW ESTATES COMMUNITY UNIT PLAN CONSISTING OF 16 SINGLE-FAMILY UNATTACHED DWELLING UNITS, 6 ATTACHED 2-FAMILY DWELLING UNITS, & 2 ATTACHED 3-FAMILY DWELLING UNITS WITH OPEN SPACE FOR A RECREATION FACILITY & PRIVATE ROADWAYS ON PROPERTY GENERALLY LOCATED AT S.W. 10TH ST. & W. "A" ST. (IN CONNECTION W/00R-139) - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80173 WHEREAS, KK&G, Inc. has submitted an application designated as Special Permit No. 1825 for authority to develop Prairie View Estates Community Unit Plan on property located at S.W. 10th Street and West "A" Street, and legally described to wit:

Lots 149, 151, and 230 Irregular Tracts, located in the Northwest Quarter of Section 34, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan 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 KK&G, Inc., hereinafter referred to as "Permittee", to develop Prairie View Estates Community Unit Plan consisting of 16 single-family dwelling units, six attached two-family dwelling units, and two attached three-family dwelling units, with open space for a recreational facility and private roadways on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 34 dwelling units.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies of the approved plans.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within this community unit plan must be approved by the City.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
5. 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.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its 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.

7. 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.

8. This approval voids and rescinds Special Permit No. 847, Village Heights Community Unit Plan.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF PRAIRIE VIEW ESTATE, INCLUDING A WAIVER OF THE SIDEWALK REQUIREMENT, ON PROPERTY GENERALLY LOCATED AT S.W. 10TH ST. & W. "A" ST. (IN CONNECTION W/00R-138) - PRIOR to reading:

JOHNSON Moved to amend Bill No. 00R-139 in the following manner:

On page 1, line 20 after the first word, Grassland, strike the word Streets and insert in lieu thereof the word Lane and after the second word, Grassland, strike the word Street and insert in lieu thereof the word Place to read as follows:

Grassland ~~Streets~~ Lane and along the south side of
Grassland ~~Street~~ Place east of S.W. 10th Street.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80174 WHEREAS, KK&G, Inc. has submitted the preliminary plat of PRAIRIE VIEW ESTATES for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated April 10, 2000, which is attached hereto as Exhibit "A".

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

That the preliminary plat of PRAIRIE VIEW ESTATES, located at S.W. 10th Street and West "A" Street as submitted by KK&G, Inc. is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

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

1. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of the streets within Prairie View Estates is hereby waived along the east side of S.W. 11th Street between W. Washington and Grassland ~~Streets~~ Lane and along the south side of Grassland ~~Street~~ Place east of S.W. 10th Street.

2. The requirement of Design Standards that sidewalks be located four feet from a private roadway is hereby waived to allow sidewalks located on the east side of S.W. 10th Street south of Grassland Place and the east side of S.W. 11th Street south of Grassland Lane to be constructed adjacent to the roadway.

Introduced by Jerry Shoecraft

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

APP. OF PEOPLE'S CITY MISSION FOUNDATION OF 110 "Q" ST. TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN - CLERK requested a motion to set hearing date for Mon., May 15, 2000 at 1:30 p.m.

CAMP So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

TWO PETITIONS TO VACATE PUBLIC WAY "X" ST. FROM N. 8TH ST. TO N. 9TH ST.

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SUBMITTED BY CAPITAL CONTRACTORS & HENRY & SANDRA SCHMIDT - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY IN THE EAST HALF OF THE NORTH-SOUTH ALLEY THAT ABUTS LOTS 5 & 6, C.J. HULL'S SUBDIVISION OF A PART OF BLOCK 186, ORIG. PLAT OF LINCOLN SUBMITTED BY STEPHEN NIMIC - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY IN THE WEST HALF OF THE NORTH-SOUTH ALLEY THAT LIES WEST OF LOTS 5 & 6, C.J. HULL'S SUBDIVISION OF A PART OF BLOCK 186, ORIG. PLAT OF LINCOLN, & ALL OF THE VACATED ALLEY THAT ABUTS LOTS 1 THROUGH 4 ON THE WEST, C.J. HULL'S SUBDIVISION OF A PART OF BLOCK 186, ORIG. PLAT OF LINCOLN SUBMITTED BY JOSEPH SCHAEFER & THOMAS WILNERD - CLERK presented said petition which was referred to the Law Dept.

FOUR PETITIONS TO VACATE PUBLIC WAY IN N. 40TH ST. BEGINNING AT JOHN DEITRICH BIKE PATH PROCEEDING NORTH & TERMINATING AT THE DEAD END SUBMITTED BY CONTINUUM ENTERPRISES, TODD RIVERS-TRUSTEE-DARRYL E. RIVERS MARITAL TRUST, CAROL KENDLE, & GUS HITZ JR. - CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APRIL 24, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I OF MON., MAY 22, 2000, AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80178 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 04/28/00)

Introduced by Jerry Shoecraft

Seconded by Johnson on & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **JAN. & FEB., 2000:** ASSOCIATION ADMINISTRATORS; **JAN. - MARCH, 2000:** ONESTAR LONG DISTANCE, AFFINITY CORP., & PNG TELECOMMS.; **MARCH, 2000:** IBM GLOBAL SERVICES, LCI INTERNAT'L TELECOM, ALIANT COMMS. DBA ALLTEL, WORKING ASSETS FUNDING SERVICE, MCI TELECOMMS., BROADWING TELECOMMS., GTE COMMS., SPRINT SPECTRUM, INTELICALL OPERATOR SERVICES, & TRANS NATIONAL COMMS., COAST INT'L., QWEST COMM., EXCEL, BUSINESS TELECOM., PHOENIX NETWORK; & **APRIL, 2000:** GLOBAL CROSSING TELECOMMS. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

OTHER RESOLUTIONS

APP. OF NAMREH, INC. DBA D & D DISTRIBUTOR TO EXPAND THEIR PRESENTLY LICENSED PREMISES BY ADDING AN AREA 50' BY 137' IN THE NORTHEAST CORNER AT 5840 N. 70TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80163 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 Namreh, Inc. dba "D & D Distributor" to expand its licensed premises by the addition of an area measuring 50 feet by 137 feet in the northeast corner 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 Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF CUTCH, INC. DBA BUM STEER FOR A LIQUOR CATERING LICENSE AT 6440 "O" ST.
- CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80164 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 Cutch, Inc. dba "Bum Steer" for the issuance of a Catering Permit to the existing liquor license, located at 6440 "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 Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF SHELLY LAWSON FOR WHITEHEAD OIL CO. DBA U-STOP CONVENIENCE SHOP AT 240 N. 17TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80165 WHEREAS, Whitehead Oil Co. dba "U-Stop Convenience Shop" located at 240 S. 17th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Shelly Lawson be named manager;

WHEREAS, Shelly Lawson 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 Shelly Lawson 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 Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF BIAGIO'S INC. DBA BIAGIO'S FOR A CLASS I LIQUOR LICENSE AT 500 SUN VALLEY BLVD. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80166 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 Biagio's Inc. dba "Biagio's" for a Class "I" liquor license at 500 Sun Valley Blvd., Lincoln, Nebraska, for the license period ending April 30, 2001, 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 Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF BIAGIO AGUGLIA FOR BIAGIO'S INC. DBA BIAGIO'S AT 500 SUN VALLEY BLVD. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80167 WHEREAS, Biagio's Inc. dba "Biagio's" located at 500 Sun Valley Blvd., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Biagio Aguglia be named manager;

WHEREAS, Biagio Aguglia 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 Biagio Aguglia 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 Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF WINE MERCHANTS INC. FOR A SPECIAL DESIGNATED LICENSE (SDL) TO COVER AN AREA MEASURING 50' BY 125' IN A FENCED AREA BEHIND FRONTIER HARLEY DAVIDSON AT 2801 N. 27TH ST. ON THE 13TH DAY OF MAY, 2000 FROM 4:00 P.M. TO 11:00 P.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80168 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 Wine Merchants Inc. for a Special Designated License to cover an area measuring 50 feet by 125 feet in an area behind Frontier Harley Davidson at 2801 N. 27th Street, Lincoln, Nebraska, on the 13th day of May, 2000, between the hours of 4:00 p.m. and 11:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF HRC, INC. DBA CHEERLEADERS BAR FOR A SDL TO COVER AN OUTSIDE AREA MEASURING 60' BY 75' AT 5560 S. 48TH ST. ON THE 21ST DAY OF MAY, 2000 FROM 12:00 P.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80169 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 HRC, Inc. d/b/a "Cheerleaders" for a Special Designated License to cover an outside area measuring 75 feet by 50 feet to the north at 5560 South 48th Street, Lincoln, Nebraska, on the 17th day of July, 1999, between the hours of 6:00 a.m. and 10:00 p.m., or the alternative rain date of August 7, 1999, between the hours of 6:00 a.m. and 10:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING SUSAN RODENBURG TO THE PARKS & RECREATION ADVISORY BOARD FOR A 3-YR. TERM EXPIRING APRIL 27, 2003 - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80170 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Susan Rodenburg to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2003 is hereby approved.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING JOSEPH K. BALLARD TO THE PARKS & RECREATION ADVISORY BOARD FOR A 3-YR. TERM EXPIRING APRIL 27, 2003 - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80171 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Joseph K. Ballard to the Parks and Recreation Advisory Board for a three-year term expiring April 27, 2003 is hereby approved.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE ANNUAL PLAN PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY & LANCASTER COUNTY TO PROVIDE FOR WEED CONTROL & WEED ABATEMENT WITHIN THE CITY - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80172 WHEREAS, the City of Lincoln and Lancaster County have entered into an Interlocal Agreement to provide for noxious weed control and weed abatement within the City of Lincoln, which Agreement was approved by City Council Resolution No. A-77437 on June 17, 1996; and

WHEREAS, pursuant to said Interlocal Agreement the Lancaster County Noxious Weed Control Authority is required to annually submit a plan for the combined weed control program to the County Board, the City Council, and the Mayor; and

WHEREAS, the Lancaster County Noxious Weed Control Superintendent has submitted a plan for 2000, a copy of which is attached hereto, marked Attachment "A", and made a part hereof by reference.

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

That the combined weed control plan for calendar year 2000 attached hereto, marked as Attachment "A" is hereby approved and the Mayor is authorized to execute said plan on behalf of the City.

The City Clerk is directed to return one executed copy of the Combined Weed Control Plan for the year 2000 to Earleen Ladd in the Records Division of the County Clerk's Office for retention in their files.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING CURT CRANDALL, JEANNE ERNST, PAULA EUREK, TRACY GORDON, MARCIE HAGERTY, SUE HINRICHS, JODI JOHNSON, DAN NAVRATIL, LORI PALENSKY, HOLLIS ALEXANDER-RAMSEY, BILL ROSS, JENNIFER DAM-SHEUCHUK, LAURIE SUTTER, DEANNA TURNER, & JUDY ZABEL TO THE CHILD CARE ADVISORY COMMITTEE FOR 2-YR. TERMS EXPIRING APRIL 30, 2002 - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80175 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of the following persons to the Child Care Advisory Committee for two-year terms expiring April 30, 2002, is hereby approved.

Curt Crandall	Jeanne Ernst
Paula Eurek	Tracy Gordon
Marcie Hagerty	Sue Hinrichs
Jodi Johnson	Dan Navratil
Lori Palensky	Hollis Alexander-Ramsey
Bill Ross	Jennifer Dam-Sheuchuk
Laurie Sutter	Deanna Turner
Judy Zabel	

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MAY 22, 2000 AT 1:30 P.M. ON THE REQUEST OF O'FOURTEEN, INC. DBA "WOODY'S PUB" FOR AN ADDITION OF THEIR LICENSED PREMISE AT 101 N. 14TH STREET - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80176 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 22, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of O'Fourteen, Inc. dba "Woody's Pub" for an addition of their licensed premise at 101 N. 14th St.

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

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., MAY 22, 2000 AT 1:30 P.M. ON THE REQUEST OF INDIAN FOOD ASSOCIATES OF NEBRASKA, INC. DBA "THE OVEN" FOR AN ADDITION OF THEIR LICENSE PREMISE AT 201 N. 8TH STREET - CLERK read the following resolution, introduced by Jerry Shoecraft, who moved its adoption:

A-80177 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 22, 2000, at 1:30 p.m. or as

soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Indian Food Association of Nebraska, Inc. dba "The Oven" for an addition of their licensed premise at 201 N. 8th St.

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

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST READING

APPROVING A CONTRACT BETWEEN THE CITY, LINCOLN HAYMARKET DEVELOPMENT CORP., DOWNTOWN LINCOLN ASSOC., & THE UNIVERSITY OF NEBRASKA-LINCOLN TO OPERATE & REGULATE A MID-WEEK PUBLIC MARKET IN THE MARKETPLACE AREA AT 12TH ST. FROM Q TO R ST. & R ST. FROM 12TH TO 13TH STS. - CLERK read an ordinance, introduced by Jerry Shoecraft, accepting and approving the contract between the City of Lincoln, Nebraska, Lincoln Haymarket Development Corporation, and Downtown Lincoln Association for establishment and regulation of a mid-week public market in the marketplace area from June 6, 2000 through July 25, 2000, and authorizing the Mayor to sign such Contract on behalf of the City, the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" BY CHANGING THE TITLE OF "CITY AUDITOR" TO "CITY CONTROLLER" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Section 5 of Ordinance No. 17539 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by changing the class title "City Auditor" to City Controller", the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY DELETING THE TITLES OF "ENGINEERING TECHNICIAN III" & "ENGINEERING TECHNICIAN IV" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Section 1 of Ordinance No. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classifications of "Engineering Technician III" and "Engineering Technician IV", the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATIONS OF "RADIO SYSTEM LEAD TECHNICIAN" & UTILITY PLANT MECHANIC II" & BY DELETING THE CLASSIFICATIONS OF "ENGINEERING TECHNICIAN I," "UTILITY WORKER," "ASSISTANT WASTEWATER TREATMENT PLANT OPERATOR," & "WASTEWATER TREATMENT PLANT OPERATOR I" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Section 5 of Ordinance No. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Radio System Lead Technician" and "Utility Plant Mechanic II", and by deleting the job classifications of "Engineering Technician I," "Utility Worker," "Assistant Wastewater Treatment Plant Operator", and "Wastewater Treatment Plant Operator I", the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTERS "A" & "C" BY CHANGING THE TITLES FROM "ENGINEERING TECHNICIAN II" TO "ENGINEERING TECHNICIAN," FROM "CIVIL ENGINEER I" TO "CIVIL ENGINEER," FROM "COMMUNICATIONS SYSTEMS MAINTENANCE SUPERVISOR" TO "RADIO SYSTEM SUPERVISOR," FROM "WASTEWATER TREATMENT PLANT OPERATOR II" TO "WASTEWATER TREATMENT PLANT OPERATOR," TO CHANGE THE CLASS CODE OF "UTILITIES SERVICE SUPERVISOR FROM CLASS CODE "5335" TO "1142" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Section 1 of Ordinance No. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by changing the class title of "Civil Engineer I" to "Civil Engineer" and by changing the class code for the job classification "Utilities Service Supervisor" from 5335 to 1142; and by amending Section 3 of Ordinance No. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by changing the class title of "Engineering Technician II" to "Engineering Technician", changing "Communications Systems Maintenance Supervisor" to "Radio System Supervisor", and changing "Wastewater

Treatment Plant Operator II" to "Wastewater Treatment Plant Operator", the first time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CHANGING THE CLASS TITLE FROM "UTILITY PLANT MECHANIC" TO "UTILITY PLANT MECHANIC I" - CLERK read an ordinance, introduced by Jerry Shoecraft, amending Section 5 of Ordinance No. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by changing the job classification title of "Utility Plant Mechanic" to "Utility Plant Mechanic I", the first time.

AUTHORIZING THE ISSUANCE OF \$3,500,000 CITY OF LINCOLN, NEBRASKA MUNICIPAL INFRASTRUCTURE REDEVELOPMENT FUND BONDS, SERIES 2000 - CLERK read an ordinance, introduced by Jerry Shoecraft, authorizing and providing for the issuance, sale, and delivery of up to but not to exceed \$3,500,000 City of Lincoln, Nebraska, Municipal Infrastructure Redevelopment Fund Bonds, Series 2000, the first time.

CHANGE OF ZONE 3241 - APP. OF PEARLE FINIGAN FOR A CHANGE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 84TH ST. & WAVERLY RD. - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

CHANGE OF ZONE 3250 - APP. OF THE PLANNING DIRECTOR TO AMEND CHAPTER 27.71 OF THE LMC TO ADD A SECTION TO THE ZONING ORDINANCE TO MAKE POSSIBLE A USE PERMIT UPON A PREMISES WHICH DOES NOT MEET THE MINIMUM DISTRICT ACREAGE REQUIREMENT OF THE O-3 OFFICE PARK, B-2 PLANNED NEIGHBORHOOD BUSINESS, B-5 PLANNED REGIONAL BUSINESS OR I-3 EMPLOYMENT CENTER DIST. - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.71 of the LMC, Additional Height & Area Regulations, by adding a new section numbered 27.71.260 to allow a use permit upon a premises which does not meet the minimum total acreage requirement for approval of a use permit in the O-3, B-2, B-5, or I-3 Zoning Dist. & providing conditions for approval of such use permit, the second time.

CHANGE OF ZONE 68HP - APP. OF THE LINCOLN WOMAN'S CLUB FOR A LANDMARK DESIGNATION FOR THE WOMEN'S CLUB CLUBHOUSE AT 407 S. 14TH ST. - CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Dist. Map attached to & made a part of Title 27 of the LMC by designating the building at 407 S. 14th St., Lincoln, Nebraska as a Landmark, the second time.

AMENDING TITLE 2 OF THE LMC RELATING TO THE FIRE DEPT. TO DELETE REFERENCES TO THE BUREAU OF FIRE PREVENTION; RELATING TO THE DUTIES & RESPONSIBILITIES OF THE FIRE CHIEF TO DELETE THE RESPONSIBILITY TO INQUIRE INTO THE CAUSE OF ALL FIRES WHICH MAY OCCUR IN THE CITY, TO KEEP RECORDS THEREOF, & REPEALING THE SECTION REGARDING THE INVESTIGATION OF FIRES IN THE CITY - CLERK read an ordinance, introduced by Annette McRoy, amending Title 2 of the LMC by amending Sec. 2.02.060 relating to the Fire Dept. to delete references to the Bureau of Fire Prevention; amending Sec. 2.20.010 relating to the duties & responsibilities of the Fire Chief to delete the responsibility to inquire into the cause of all fires which may occur in the city & to keep records thereof; & repealing Sec. 2.20.160, relating to the investigation of fires in the city, in its entirety; & repealing Secs. 2.02.060 & 2.20.010 of the LMC as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

REQUEST BY URBAN DEVELOPMENT TO RECONSIDER ORD. NO. 17661 CREATING PAVING DIST. 2617 IN 73RD ST. FROM CUMING TO THURSTON STS. TO INCLUDE CDBG ASSISTANCE - CLERK requested a motion to reconsider Ordinance 17661 to include CDBG assistance.

CAMP So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on May 15,
2000.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

2:46 P.M.

CAMP Moved to adjourn the City Council Meeting of May 8, 2000.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Paul A. Malzer, Jr., City Clerk

Judy Roscoe, Office Assistant III