

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 17, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Seng; Joan Ross, Deputy, City Clerk; Absent: Johnson, McRoy.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

JOHNSON Having been appointed to read the minutes of the City Council proceedings of July 10, 2000, reported having done so, found same correct.

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

PUBLIC HEARING

Chair Jerry Shoecraft recognized Brian Logan & Kurt Mather from Boy Scout Troop 756 who were working on their Badges for Communications & Citizenship in the Community.

APP. OF SESOSTRIS TEMPLE HOLDING CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE (SDL) TO COVER AN AREA MEASURING 40' BY 20' AT 1717 YOLANDE ON JULY 22, 2000 FROM 11:00 A.M. TO 3:00 P.M. - Sam Nelson, representing Sesostris Temple Holding Corp.: I'm here to answer any questions that you may have. It's following the Shrine Bowl Parade in Havelock. There'll be refreshments served at 1717 Yolande from 11 a.m. to 3 p.m.

Mr. Shoecraft: Is that a residence or a business?

Mr. Nelson: It's a business. It's a fraternal on Yolande St.

This matter was taken under advisement.

APPROVING OR DENYING A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - Deputy Clerk: There is a motion which would request public hearing & vote on July 31st.

Steve Huggenberger, Law Dept.: I was told this morning you may have some questions about this, about why the transfer or the delay is being requested.

Jeff Fortenberry, Council Member: Yes, simply that. If you could provide a more detailed answer. We had delayed it, I thought this was the day but I'm not opposed to that. I appreciate the necessity for delay if that helps in this regard.

Mr. Huggenberger: Well, I think this gives us another opportunity or more opportunities to try & come to solution with Time Warner so that we don't have to have a battle over this issue. Also, Time Warner has just hired new Counsel & they would like an opportunity to, I think, visit with more of the...the Mayor & Council with their new representative. So, they needed more time & I'm certainly welcome more time to try & figure out a solution.

Jonathan Cook, Council Member: Well, I'm definitely pleased that they were willing to delay a little while longer. Could we get a copy of the latest version of the substitute ordinance? I know you sent it by E-mail but can I get in this form to stick in my packet of information. I don't have it yet.

Mr. Huggenberger: I will go from here to your Council Office & have copies made for you.

Mr. Cook: Thank you.

Deputy Clerk: Would anyone want to make a motion at this time to delay that for public hearing & action to 7/31/00?

Coleen Seng, Council Member: So moved.

Mr. Camp: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Seng, Shoecraft; NAYS: None; ABSENT: Johnson, Seng.

This matter was taken under advisement.

COMP. PLAN AMEND. 94-54A - AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMP. PLAN TO REFLECT IMPROVEMENTS IN VINE ST. FROM 20TH TO 26TH STS. - Wynn Hjerstad, Urban Development: I would like to take just a few minutes to give you a little bit of background about this plan & tell you a little bit about the process that we went through to develop this plan & then introduced Scott Sullivan from Erickson Sullivan Architects to give

you...show you some of the highlights of the plan. As I think you are all aware, the Malone Neighborhood is a City of Lincoln Focus Area. Development of what we're calling the Vine Street Revitalization Plan was the neighborhoods vision. And it was rated as their highest priority when they did their Focus Area Action Plan. The neighborhood really views Vine St. as a street that divides their neighborhood currently. It's, as we all know if you drive down Vine, & when I'm talking about Vine, I'm referring to between about 20th & 26th St., it's a cold, harsh, unsafe, unfriendly place to be. But yet the neighborhood really sees this as a gateway to both the University & to downtown. With all the development that's going up on N. 27th St., & I mean way north up almost to the Interstate, it really is a major entrance into the City & a major way to get to both the University & Downtown. So, the neighborhood saw this as their highest priority to try to do something to improve that part of Vine St. We, Urban Development, did a Request for Proposals & hired an architect & ended up hiring Scott Sullivan from Erickson Sullivan Architects to help us & help the neighborhood come up with a vision or take their ideas & turn it into a plan. So, we had a meeting with the property owners. And we started this a couple years ago. It's probably been close to 3 yrs. ago now. Had a meeting with all the property or invited all the property owners & tenants that live along Vine St. & even on streets adjacent to it & asked them for their ideas, what they would like to see on Vine St., just had them...asked them to throw out ideas. Some of the things that they came up with were ornamental lighting, colorful landscaping, wide sidewalks that would separate pedestrians from vehicular traffic, planted medians, & so forth. So, Scott went back & started putting all this together & realized that in order to do all the things that the neighborhood really wanted to do, especially something that would separate the pedestrians from the vehicle traffic, that we would have to widen Vine St. So, we went back to the neighborhood fully expecting that they would not like this idea but they did & they said the reason that they liked it was because this is a community revitalization project. It's something to improve the neighborhood. As a result of that, Vine St. has to be widened. So, it's a little bit different way of looking at things than we normally look at just a plain old street widening. There are things included or not included in this plan that the neighborhood did want to see. For example, they wanted a crosswalk at 22nd St., there is an alley behind Vine St., between Lynn & Vine, that the neighborhood wanted to make part of a courtyard-type setting. Those things aren't included right now because there wasn't a lot of...there wasn't consensus on some things. The crosswalk, for example, Public Works didn't think was warranted at that time. Doesn't mean it can't happen later but those are a couple of things that the neighborhood had wanted to see that aren't involved. We had tons of meetings on this with this plan. We met with UNL a couple of times because it does join up with UNL so that we could coordinate with their campus plan. We had several meetings with Public Works & Planning to make sure that we had addressed all their issues. And then, of course, we had neighborhood meetings as well to get their input & make sure that everything was included that they wanted to see. We also worked a lot with the Antelope Valley Study Team & through that whole process because Vine St. is right at the heart of the Antelope Valley Study & it was the neighborhoods desire, however, that this be kept separate from Antelope Valley. We still don't know if Antelope Valley will actually become a project. And they feel, we feel that this is an important enough improvement that we want it to go forward regardless of Antelope Valley. There's points to be made about this so that it's a concept plan. There's a lot of details that still need to be worked out. If you approve amending it to the Comp. Plan then we'll move forward with working out those details. The neighborhood would like to see a housing program, for example, along Vine St. that would help to improve the housing & that's something that we very definitely can do through Urban Development. Biggest issue yet to be resolved is maintenance. As we seem to keep running into over & over again, that it's a huge issue & we have not resolved it yet. But before we would move forward with this, we definitely...we know we definitely would have to resolve the maintenance issues. Before I introduce Scott, I guess the last thing I'd add is that this is a special plan. It's a community revitalization plan. It's not a traffic plan. We think that it's very important that it be designated a special corridor in the Comp. Plan. We don't want to see this a street widening. It's a community revitalization project that happens to need a street to be widened in order to make it happen. So, if it were only to be a street widening, if it didn't have all the other amenities to it, then we would not support it & we don't think it would benefit the neighborhood as this plan does. So, Scott, do you want to run through

some of the highlights?

Scott Sullivan, Erickson Sullivan Architects, 209 S. 9th St.: For the sake of time, I thought I would show you this is an excerpt from the packet that all of you received. This shows a typical street...typical section of the street along Vine St. that gives the highlights of this proposed scheme. You'll notice first, of course, that you see two lanes of traffic in either direction. In this particular section of block, you see a landscaped median that does not exist now, of course. At corners, that median would become a turn lane for either direction of traffic depending upon the intersection, of course. And then to either side of these two lanes of traffic, we have typically an 8' wide sidewalk & the dark line that you see is a retaining wall. Along Vine St. you may picture now, there's some concrete retaining walls because there is a grade change. The street is lower than a lot of the residential properties. And so at varying areas, we have a grade change. In this case, we have a single retaining wall that continues along Vine. On the north side in this section, you'll see two retaining walls & that's because the grade difference is approx. 3' or 4' on that side. It's a larger grade change. So, we're proposing to, with that grade change, is the interlocking retaining wall which would allow us then to have, on the north side, you'll see landscaping between those but we've terraced it so that in the case of someone needing to get off that sidewalk in an emergency situation, for example, there's not the issue of scaling a 4' wall that you have now in some sections along Vine. Along that retaining wall, we have a regular system of landscape beds & each...every other one of those beds has an ornamental light fixture in it. So, as you drive along Vine St., you'll have this pattern of ornamental lighting both sides, again, reinforcing that entrance into Lincoln/Downtown/University. Along the sidewalks, we're looking at probably just standard concrete. We may look at some tinted colored concrete at areas, again, to break up the monotony of the 6 or 7 block stretch along this vehicular area. And then we're also talking about perhaps introducing some additional street trees in some type of pattern, either side of Vine St. The median right now is intended to be low maintenance, native type plants to Nebraska. In addition, looking at some ornamental trees along their, again, to break up that vista, it's a long stretch, to create interest to the eye. As Wynn mentioned, in addition to that, we're also...this plan also talked about private redevelopments in some areas looking at porches & so on. The overall right-of-way right now is 66'. We're talking about changing that to 80' to get the dimensions that we need as part of this plan. And, presumably, that would be done from the center line of Vine so we'd be talking 7' either side of the existing right-of-way. Any questions?

Mr. Camp: Yes, Scott, do you have any projections of what acquisition might run on getting that additional 7' of right-of-way on either side?

Mr. Sullivan: We did work with Urban Development on square foot basis to come up with some very preliminary cost estimates. In the packet you received, we have a preliminary cost estimate break down & right-of-way acquisition we have at \$208,000. And that was based upon square foot costs for that land. There's a formula that Urban Development had that we used to come up with that cost estimate.

Mr. Fortenberry: Along 27th St., the Business Improvement Dist. is being utilized to help fund ongoing maintenance & I recognize this is primarily residential, if not all residential...

Ms. Hjermstad: All residential.

Mr. Fortenberry: So, there'd be no opportunity, I assume, for that mechanism. Are there other, though, creative ideas that you would...could potentially foresee for the ongoing funding of this? For the initial funding as well as ongoing maintenance?

Ms. Hjermstad: We're working on it.

Mr. Fortenberry: Good answer.

Ms. Hjermstad: No, nothing that comes to mind but we are looking at other cities to see what other cities do. And some cities do charge residences something similar to a business improvement district. I think that's something that's very possible in other parts of the city & other parts of Lincoln but we're dealing with a low & moderate income neighborhood here & I'm not sure that that's financially feasible for folks that live along there.

Mr. Fortenberry: Well, I think you're very correct in targeting this area. It's a highly utilized area & with the improvements coming on 27th, it certainly improves that corner there but as you go in, you're right, we've got a real opportunity there to dress up some things that have been ignored & are in need. We did get the pothole problem fixed right there, not the pothole, the manhole cover. So, that was a start.

But, at the same time, I really like what you're envisioning and, you know, the difficult part, obviously, is next in finding funding mechanisms but it always starts with a good plan like this. I assume the neighborhood is excited by it.

Mr. Cook: About the ornamental street lights, will theirs still be the standard street light poles? The tall ones? In addition to the ornamental ones?

Mr. Sullivan: Right. For safety reasons, we still need to have the LES standard traffic poles.

Mr. Cook: Where will those poles go?

Mr. Sullivan: They will be...that's something that's been discussed since this plan has been initiated & you'll notice on these drawings that those poles are still out near the curb. There's been some discussion that we might be able to pull those back against the retaining wall to give us optimum sidewalk width there. And the spacing of it can be altered to avoid, for instance, the planting bed little islets that we're proposing. So, there's some flexibility in doing that.

Ms. Hjermsstad: And our budget does include burying the power lines.

Mr. Shoecraft: Wynn, do we have copies of that?

Ms. Hjermsstad: Um, when I sent them to Planning Commission they told me to send enough so that they would send them to you also. You didn't get them?

Mr. Sullivan: We apologize. We were working under the assumption that you all had seen this & we were just summarizing.

Mr. Shoecraft: Could you get us that? Thank you.

Mr. Cook: I saw this material a year or two ago.

Ms. Seng: I did, too, about two years ago.

Ms. Hjermsstad: As part of Antelope Valley.

Mr. Cook: Yes. I liked it then, so...I still do but I think maybe the Planning Commissioners liked the drawing so much they kept them.

Barbara Morley, 2108 Q St.: I came to speak in favor of this Vine St. project. I was one of the main authors of the Focus Plan & was the President of the Neighborhood Assoc. when much of this was done. Wynn has said so much there's not much else to say. As she said, the history of this is that many people wanted to fix up the backs of these properties & make a courtyard & I think it's important to recognize why which is that Vine St. is so awful they just wanted to turn their back on it. We recognize that it's difficult, if not impossible, to put public funds in the back of properties when the fronts look so poor. So, that really didn't turn out to be very feasible. Although, certainly, the homeowners or property owners could do that themselves. It's very critical to understand that the worst part of the Malone Neighborhood & on into Clinton is north of Vine. On the south side Vine, we've had a lot of rehab. both public & private money & it's going quite well. The north part of Vine is still quite high at risk. And this particular project could, I think, help a lot in that regard. As Wynn said, it's also a major street into our neighborhood. We recognize reality which is traffic's not going to go back to the way it was when those houses were built. It's going to increase. And so the best that we can do is to try to make that as attractive as possible. This project is also very consistent with other goals that we have. One of them is allowing people to cross the street which, right now, crossing Vine is something only for the most experienced sprinter. We have elderly people who live in Malone Manor who can't get to the bus stop. We have children who would like to come from north of Vine to come in Trago Park & it's not so much that traffic is so fast that, although some of it is, it's just that there's too much of it. And so this project will help. It'll give people a halfway point. There are also a lot of accidents there. You can't make a left-turn off Vine without staring in your rear view mirror to make sure you're not getting rear ended. And this will help. And then the last thing I want to say is it's very consistent with the Malone Neighborhood Assoc. view of how the neighborhood should go which is that it will provide east-west pedestrian & bicycle pathway to & from downtown & the University & it has always been our preference not to rope us off, close us off, put a road in between us & other things but to open that up & have pedestrian & bike traffic in the east-west direction.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc.: It's one of the projects that many of us in the neighborhood from a lot of neighbors have wanted for a very long time. Many of us have worked hard along with the City & other portions of the government to have this come about & I think this shows when the neighborhood can get behind & when the citizens can get behind what a beautiful project can become of it. Like I say, there's a lot of the little details left to work on that we'll be working on. But I think once Vine St., it may set kind of a

precedent on what we're doing with some of these big arterials to take a look at that & I think when we do go down & work on them &, as you say, Jonathan, you know, to bury the lines, we're going to take a look at that at everything coming through the neighborhood & if there's a chance to bury them, I think it'll be a great view. So, & I want to invite everybody down, you know, to help out in the neighborhood & to take a look at some of the changes 'cause we're trying to change that image.

Ed Patterson, 2108 "Q" St., presented a statement in support of this project. A copy of this statement is on file with the Legislation in the Office of the City Clerk.

Tim Francis, 2511 "T" St.: Speaking on behalf of the Hawley Area Assoc. & we're in agreement with the Malone Neighborhood Assoc. in supporting this amendment. If we were to have a contest in Lincoln for the ugliest arterial going through a residential neighborhood, Vine St. would be a hands down winner. And so this is a nice opportunity to compliment other efforts being made in the core of the City to mitigate some poor planning that'd been implemented a long time ago. So, we think it's a good plan. It's well thought out & if it can be moved ahead in the next few years, it'd be very beneficial for the neighborhood & Antelope Valley & N. 27th & the adjacent neighborhoods.

Mr. Shoecraft: Wynn, could you, on a side note, just give me a quick update on Trago, the bathrooms.

Ms. Hjermstad: This week they'll be done.

Mr. Shoecraft: This week they'll be done. Okay. I have a meeting there tomorrow. Okay, thank you.

Mr. Cook: One last question about this project. Given our vote on "O" St. last week, I'm assuming all of the lanes will be 11' wide on this project, is that correct?

Ms. Hjermstad: Oh, I'm sure as closely as we worked with Public Works on this, yes.

This matter was taken under advisement.

SPECIAL PERMIT 1844 - APP. OF TAMY, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE EXPANDED PREMISES AT 105 S. 25TH ST. - Kim Elder, owner: I don't know how many of you are familiar with the Tam O'Shanter. It's been around for quite a long time. Basically what we're doing is we're not building onto the building. It's a part of the building that's been there. We're just putting it to better use rather than just a deteriorated area of the building. It's not been used for probably the last 15 to 20 yrs. I'm here to answer any questions.

This matter was taken under advisement.

SPECIAL PERMIT 1851 - APP. OF TABITHA, INC. TO OPERATE AN EARLY CHILDHOOD CARE FACILITY FOR A MAXIMUM OF 63 CHILDREN & 9 EMPLOYEES, WITH A WAIVER OF THE REQUIREMENT THAT ACCESS BE TO A COLLECTOR STREET, ON PROPERTY GENERALLY LOCATED AT 48TH & "J" ST. - John Bergmeyer, Harding Schultz & Downs Law, 121 S. 13th St., representing applicant: We are seeking approval of a special permit to allow development of a early childhood care facility at 48th & "J" Sts. The facility will serve a maximum of 63 children. There will be no more than 9 employees on any shift. And as part, the City Planning Commission did approve the application. We are here because we are seeking waiver of a design standard to allow access to the facility from "J" St. which is not a collector street. And I believe our architects have provided revised design plans & site plans to the Planning Dept. which have complied with all of the requirements & specifications that were in the Planning Staff report. And just would be happy to answer any questions that you may have.

Ms. Seng: Planning? Now, talk a little bit, the objection originally has been that you have to enter off of a collector & they wanted to come in another way, is that right?

Ray Hill, Planning Dept.: Yes. They are a corner lot but the corner of "J" St. is not a collector street. And the zoning ordinance allows for the Council to waive that requirement that the access be to a major street or to a collector street if it's on a corner lot. Of course, the City would not want an access...direct access to 48th St. And this...as we said in the report, "J" St. in this particular block sort of functions as a collector street because of the traffic generated from the Tabitha Health Care Facility on the south side of "J" St. So, we had recommended approval to the waiver.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward & inquired if everybody had gotten their copy of the Environmental Impact Statement; urged the Council to take a look at the supporting document that goes along with it 'cause there'll be some important decisions coming up to be on this; thinks it's a chance to make the right decisions.

This matter was taken under advisement.

ORDINANCES - 3RD READING

AMENDING SECS. 2.18.020 & 2.18.030 OF THE LMC (LMC) TO INCREASE THE ALLOWED LIMIT FOR PURCHASE OF SUPPLIES & EQUIPMENT BY DEPARTMENTS WITHOUT UTILIZING THE PURCHASING DIV. & THE PROCESS PROVIDED THEREFOR FROM \$500 TO \$1,500 - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 2.18 of the LMC by amending Secs. 2.18.020 & 2.18.030 of the LMC to increase the allowed limit for purchase of supplies & equipment by departments without utilizing the Purchasing Div. & the process provided therefore from \$500 to \$1,500; & repealing Secs. 2.18.020 & 2.18.030 of the LMC as hitherto existing, the third time.

SENG Moved to pass the ordinance as read.

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

The ordinance, being numbered **17697**, is recorded in Ordinance Book 24, Page

APPROVING A LEASE OF SPACE FOR THE CITY OF LINCOLN AT 620 N. 48TH ST. FOR A TERM OF SEPT. 1, 2000 THROUGH AUG. 31, 2005 - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving a Lease Agreement between The 3 Amigos Properties, L.L.C. & the City of Lincoln for a lease of space at 620 N. 48th St., Lincoln, Lancaster county, Nebraska for a term of Sept. 1, 2000 through Aug. 31, 2005 for use by the Lincoln Police Dept., the third time.

FORTENBERRY Moved to pass the ordinance as read.

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

The ordinance, being numbered **17698**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS

SPECIAL PERMIT 1844 - APP. OF TAMY, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE EXPANDED PREMISES AT 105 S. 25TH ST. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80273 WHEREAS, Tamy, Inc. has submitted an application designated as Special Permit 1844 for expansion of the licensed premises for the sale of alcoholic beverages for consumption on the premises generally located at Tam O'Shanter, 105 S. 25th St., legally described as:

Lot 1, Block 3, J.O. Young's East Lincoln Add., located in the NE1/4 of Sec. 25, T10N, R6E, Lincoln, Lancaster County, Nebraska; general location of the premises is as follows:

Commencing at the northwest corner of said Lot 1 which is the point of beginning; thence east on the north line of said Lot 1, a distance of 20' 0"; thence south on a line which is 20' 0" east of & parallel to the west lot line of said Lot 1, a distance of 116' 0" seconds; thence east on a line which is 116' 0" south of & parallel to the north lot line of said Lot 1, a distance of 22' 7"; thence south on a line which is 42' 7" east & parallel to the west lot line of said Lot 1, a distance of 22' 0"; thence west on a line which is 138' 0" south & parallel to the north lot line of said Lot 1, a distance of 38' 0"; thence north on a line which is 4' 0" east of & parallel to the west lot line of said Lot 1, a distance of 9' 0"; thence west on a line which is 13' 0" seconds north of & parallel to the south lot line of said Lot 1, a distance of 4' 0"; thence north on the west lot line of said Lot 1, a distance of 129' 0" to the point of beginning, containing an area of 3225 sq. ft. more or less; &

WHEREAS, the real property adjacent to the area included within the site plan for this expansion of the permit to sell alcoholic beverages on the premises will not be adversely affected; &

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

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

That the App. of Tamy, Inc., hereinafter referred to as "Permittee", to expand the premises to sell alcoholic beverages for consumption on the premises on property legally described above be & the same is hereby granted under the provisions of Sec. 27.63.680 of the LMC upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only.

2. The revised site plan shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.

3. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, their successors, & 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.

4. The Permittee shall sign & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

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

SPECIAL PERMIT 1851 - APP. OF TABITHA, INC. TO OPERATE AN EARLY CHILDHOOD CARE FACILITY FOR A MAXIMUM OF 63 CHILDREN & 9 EMPLOYEES, WITH A WAIVER OF THE REQUIREMENT THAT ACCESS BE TO A COLLECTOR STREET, ON PROPERTY GENERALLY LOCATED AT 48TH & J ST. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80274 WHEREAS, Tabitha, Inc. & Tabitha Housing Corp. have submitted an application designated as Special Permit 1851 for authority to construct an early childhood care facility on property located at 4720 J St., 4740-42 J St., & 533 S. 48th St., & legally described to wit:

Lots 117, 118, & the south 45' of Lot 115, Witherbee Gardens Add., located in the NW1/4 of Sec. 29, T10N, R7E of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this early childhood care facility will not be adversely affected; &

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

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

That the App. of Tabitha, Inc. & Tabitha Housing Corp., hereinafter collectively referred to as "Permittee", to construct an early childhood care facility on the property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.070 of the LMC upon condition that construction & operation of said early childhood care facility be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves an early childhood care facility for a maximum of 63 children & 9 employees.

2. The requirement of Sec. 1 of the Design Standards for Early Childhood Care Facilities that a facility with 31 or more children take access to the facility from an arterial or collector street is hereby waived to allow vehicular access to the facility from a local street.

3. Before receiving building permits the construction plans must conform to the approve plans.

4. Before occupying the early childhood care facility all development & construction must be completed in conformance with all applicable state & local early childhood care & building requirements & the approved plans.

5. The site plan approved by this permit shall be the basis for

all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.

6. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors, & 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 & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

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

RECONSIDERATION MADE 7/10/00 - 00R-182 - RE: SPECIAL PERMIT 1165A - TO SHOW CAUSE WHY SAID SPECIAL PERMIT SHOULD NOT BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE SPECIAL PERMIT (1301 "H"):

CAMP Moved to place Bill 00R-182 on Pending.

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY FOR W. "C" ST. FROM SW 1ST ST. TO RAILROAD TRACKS SUBMITTED BY LINCOLN LAND REALTY CO. - DEPUTY 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 JULY 3, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80278 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 07/07/00)

Introduced by Coleen Seng

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **MAY, 2000:** ALIANT CELLULAR; **JUNE, 2000:** ONE CALL COMMUNICATIONS - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 30, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JUNE 16-30, 2000 - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80275 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 July 3, 2000, of various new & 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:

<u>DENIED</u>		<u>ALLOWED</u>	
Cynthia Geiser	\$ 4,252.00	Phillip Mendoza II	\$681.10
Joyce A. Dixon	250,000.00+	Lisa & Jeff Adams	310.00

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 Coleen Seng

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

OTHER RESOLUTIONS

APP. OF SESOSTRIS TEMPLE HOLDING CORP. FOR A SDL TO COVER AN AREA MEASURING 40' BY 20' AT 1717 YOLANDE ON JULY 22, 2000 FROM 11:00 A.M. TO 3:00 P.M. - DEPUTY CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80271 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, & the pertinent City ordinances, the City Council recommends that the App. of Sesostris Temple Holding Corp. for a Special Designated License to cover an area measuring 40' by 20' at 1717 Yolande, Lincoln, Nebraska, on the 22nd day of July, 2000, between the hours of 11:00 a.m. & 3:00 p.m., be approved with the condition that the premise complies in every respect with all City & State regulations & with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

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

Introduced by Jeff Fortenberry

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

APPROVING OR DENYING A REQUESTED TRANSFER OF THE CABLE TELEVISION FRANCHISE FROM A SUBSIDIARY OF TIME WARNER INC. TO AOL TIME WARNER INC. - PRIOR to reading:

SENG Moved to delay Pub. Hearing & Action for 2 weeks to 7/31/00.

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

COMP. PLAN AMEND. 94-54A - AMENDING THE 1994 LINCOLN-LANCASTER COUNTY COMP. PLAN TO REFLECT IMPROVEMENTS IN VINE ST. FROM 20TH TO 26TH STS. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80272 WHEREAS, the Planning Director has made application to amend the Lincoln City-Lancaster County Comprehensive Plan (1994) by revising Figure 31 (Improvements for Future Road Network 1-20 Year Program) & Figure 32 (Improvements for Future Road Network Phase I, 1-10 Year Program) to designate Vine St. from 20th St. to 26th St. with a design profile of "C" (four through lanes, painted left turn lane, 80 foot row); & by revising Table 10 (Transportation Projects - Year 2015) to add Vine St. from 20th St. to 26th St. with a length of 0.35 miles, Improvement Type C, for streetscape improvements; &

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That Chapter IV (Transportation) of the Lincoln City-Lancaster County Comprehensive Plan (1994) be & the same is hereby amended as follows:

1. Amend Figure 31 (Improvements for Future Road Network 1-20 Year Program) & Figure 32 (Improvements for Future Road Network Phase I, 1-10 Year Program) to designate Vine St. from 20th St. to 26th St. with a design profile of "C" (four through lanes, painted left turn land, 80 foot row); &
2. Amend Table 10 (Transportation Projects - Year 2015) to add Vine St. from 20th St. to 26th St. with a length of 0.35 miles, Improvement Type C, for streetscape improvements, as a

Phase I Project.

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendment be, & they hereby are amended to conform with such specific amendment.

Introduced by Coleen Seng

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

SETTING HEARING DATE OF MON., JULY 31, 2000 AT 6:30 P.M. ON THE APP. OF DENIS M. VONTZ DBA PIONEERS GOLF COURSE FOR A RETAIL CLASS A LIQUOR LICENSE AT 3403 W. VAN DORN ST. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80276 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 31, 2000 at 6:30 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 App. of Denis M. Vontz dba Pioneers Golf Course for a Retail Class "A" Liquor License at 3403 W. Van Dorn.

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

Introduced by Coleen Seng

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

SETTING HEARING DATE OF MON., JULY 31, 2000 AT 6:30 P.M. ON THE APP. OF RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL FOR A RETAIL CLASS C LIQUOR LICENSE & LIQUOR CATERING LICENSE AT 5900 OLD CHENEY RD. - DEPUTY CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80277 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 31, 2000 at 6:30 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 App. of Rainmaker Restaurant Corp. dba Lazlo's Brewery & Grill for a Retail Class C Liquor License & Liquor Catering License at 5900 Old Cheney Rd.

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

Introduced by Coleen Seng

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

ORDINANCES - 1ST & 2ND READING

RENAMING APPLECREEK RD. AS "VICTORY LN." GENERALLY LOCATED WEST OFF OF SUN VALLEY BLVD., NORTH OF W. "P" ST. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, changing the name of Applecreek Rd. to Victory Ln. located west off of Sun Valley Blvd., north of W. "P" St., as recommended by the Street Name Committee, the first time.

AMENDING CHAPTER 27.58 OF THE LMC TO CHANGE THE TITLE & REFERENCES TO "AIRPORT ENVIRONS NOISE DIST.", & AMEND THE REFERENCE FROM COMPREHENSIVE PLAN FIGURE 21 TO READ "AIRPORT ENVIRONS NOISE DIST. MAP" - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 27.58 of the LMC to change the title & references to "Airport Environs Noise Dist." & amend the reference from Comprehensive Plan Figure 21 to read "Airport Environs Noise Dist. Map", the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.

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

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on July 24, 2000.

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

ADJOURNMENT

2:20 P.M.

COOK Moved to adjourn the City Council Meeting of July 17, 2000.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Seng, Shoecraft; NAYS: None; ABSENT: Johnson, McRoy.

So ordered.

Joan Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III

REGULAR MEETING
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