

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JULY 31, 2000 AT 6:30 P.M.**

The Meeting was called to order at 6:30 p.m. Present: Council Vice Chairperson Fortenberry; Council Members: Cook, Fortenberry, Johnson, McRoy, Seng; Paul Malzer, City Clerk; Absent: Camp, Shoecraft. The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of July 24, 2000, reported having done so, found same correct.

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

**PUBLIC HEARING**

APP. OF DENIS M. VONTZ DBA PIONEERS GOLF COURSE FOR A CLASS A LIQUOR LICENSE AT 3403 W. VAN DORN ST. (ITEM #1) - Denis M. Vontz, 7514 Brummond Dr., applicant, took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL FOR A CLASS C & LIQUOR CATERING LICENSE AT 5900 OLD CHENEY RD. (ITEM #2);

MAN. APP. OF SCOTT BOLES FOR RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL AT 5900 OLD CHENEY RD. (ITEM #3) - Jeff Fortenberry, Council Vice Chair: Paul, they were notified?

Clerk: Yes, they were notified. And I believe we do have enough time to extend it but maybe if we can leave the public hearing open until we get done with the rest maybe they may show up like last Monday we had a late applicant.

\*SEE ACTION AT END OF PUBLIC TESTIMONY ON THE SDL'S.

This matter was taken under advisement.

APP. OF P.L.P., LLC. DBA SUN VALLEY BAR & GRILL TO EXPAND THEIR PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING 55' BY 60' TO THE NORTH AT 300 W. "P" ST. (ITEM #4);

SPECIAL PERMIT 1776A - APP. OF SUN VALLEY BAR & GRILL TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON & OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 300 W. "P" ST. (ITEM #27) - Clerk: If the applicant is present, we'd like to have them come forward at this time. [No one came forward.] If not, we can also leave this open & we can extend this or continue the public hearing till next week.

\*SEE ACTION AT END OF PUBLIC TESTIMONY ON THE SDL'S.

This matter was taken under advisement.

APP. OF B & R STORES INC. DBA RUSS'S MARKET STORE #2 FOR A SPECIAL DESIGNATED LICENSE (SDL) TO COVER AN AREA MEASURING 40' BY 50' IN THE PARKING LOT AT 130 N. 66TH ST. ON AUG. 3, 2000 FROM 5:00 P.M. TO 10:00 P.M. - Craig Weidner, 5316 Patmore Rd., store director, came forward to answer questions.

This matter was taken under advisement.

APP. OF HRC INC. DBA CHEERLEADERS BAR FOR A SDL TO COVER AN AREA MEASURING 80' BY 50' TO THE NORTH AT 5560 S. 48TH ST. ON AUG. 5, 2000, FROM 10:00 A.M. TO 10:00 P.M. - Stan Hoffmeyer, 5601 Rokeby Rd., applicant, came forward to answer any questions.

Tom Casady, Lincoln Police Chief: I'm not testifying in opposition to this SDL. I do want to bring a couple of things to your attention. And I probably should've done this in my letter & I neglected to do so. I'm a little bit concerned about the parking down in the area of Cheerleaders. This little commercial area has, I think, 4 other tenants: The Still, Smokes & Jokes, Gas 'N Shop, & then a barbeque place. And I happen to notice last May, I believe, when they did a special event down there with a similar SDL, that there was quite a bit of parking congestion & it was difficult for people to get into & out of the lot. I think it'd be a very good thing if the applicant, in this case, & for any future applications for an SDL at Cheerleaders, worked with the other people who have businesses there to see what could be done to eliminate some of those parking & congestion problems because I think that's probably an issue for the other people that have businesses there.

Mr. Fortenberry: Chief Casady, do you have any suggestions at this time for this particular application?

Chief Casady: I think it'd be a really good thing if the applicant made contact with all of the other people in the complex there, talk with them personally & let them know what was going on & talk to them about any concerns they might have & see what he can do, if anything, to sort of mediate some of those concerns. And I know, just from my standpoint, I'm by there pretty frequently, there is quite a bit of congestion in there during busy times & I think that always comes with sharing a parking lot but being neighborly can go a long ways towards making those things a little better.

Mr. Fortenberry: Mister Hoffmeyer, would you like to come forward, please?

Mr. Hoffmeyer: I appreciate your concern, Tom. We have already spoken with the Veterans Administration Building, which is to the south of us which has next to Sonic, which they support the Friday night antique car shows there & they said that we could have the free parking to them. Also, the Concrete Plant to the south of us has give us a key to open up their parking lot so that we should be able to take care of a tremendous amount of parking if I would only hope that we need that.

Mr. Fortenberry: So, will you have signage directing people to those lots or personnel?

Mr. Hoffmeyer: Yes. We have additional parking with an arrow towards the Veterans Administration Building.

This matter was taken under advisement.

\*Mr. Fortenberry: Paul, do you recommend that we leave the hearing open for the applicants who have not shown or should we place those on Pending?

Clerk: On Items 2 & 3, I would recommend, let me see here...

Mr. Fortenberry: Hold those for one week?

Clerk: Uh, yes, we could hold those for one week, Items 2, 3 & 4. So, I'd entertain a motion to continue public hearing on Items 2, 3 & 4.

Cindy Johnson, Council Member: So moved.

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

AMENDING CHAPTER 12.20 OF THE LINCOLN MUNICIPAL CODE (LMC) RELATING TO TREES & SHRUBBERY BY ADDING A NEW SECTION NUMBERED 12.20.025 TO PROVIDE FOR THE PLANTING OF ST. TREES ON PRIVATE PROPERTY PURSUANT TO AN EASEMENT AGREEMENT IF THERE IS INSUFFICIENT LAND AVAILABLE FOR THE PLANTING & PROPER GROWTH OF THE ST. TREE OR TREES IN THE PUBLIC RIGHT-OF-WAY - Alison Stewart, 2127 Park Ave.: I have a question...I have three questions & I hope that questions are appropriate at this point. I'd like clarification on the wording of what "insufficient" & "proper" mean & also why the City will not be trimming the trees.

Steve Schwab, City Arborist, Parks & Rec.: To answer the concerns, "insufficient", that would typically be a space less than 8' in width after the widening of a street between the curb & sidewalk. We feel that any width smaller than that, first of all, places the tree too close to the curb side traffic lane. Secondly, it also would be too close to sidewalks where we could have the incidents of either lifting of sidewalks or so low over the sidewalks that they'd have to be maintained at a much more frequent pruning interval. As far as the maintenance of the tree, the easement, the primary purpose of the easement is to allow the City to plant, with City funds, on private property via an easement. After the tree has been established & in the ground for 1 yr. & out of its warranty period, in other words, when the trees are planted, they are under warranty for 1 yr. by the nursery who has planted them. Once they're fully established & well after that 1 yr. period, the temporary easement would cease &, therefore, any other responsibilities for the life of the tree would revert to the property owner. Does that answer the question?

Ms. Stewart: My question was why the City would not be maintaining the trees if they planted them.

Mr. Schwab: In essence, we cannot use the funds to maintain the trees on private property. It would revert back to private property. The easement is temporary, it's not permanent. It's a temporary 1 yr. easement for the planting & establishment of the tree. Once the easement terminates, that becomes the property & responsibility of the property owner.

Ms. Stewart: I understand the terminology. I just don't understand the logic why the City would plant trees & then not be responsible for trimming them & maintaining them.

Mr. Schwab: Because we cannot maintain trees on private property

with public funds.

Ms. Stewart: Is this a legal issue?

Mr. Schwab: Yes, it is.

Mr. Fortenberry: Perhaps you could give an example of where this might take place & it might help clarify any concerns you have. Is it a particular concern just regarding the lack of City maintenance of trees after this one year period.

Ms. Stewart: I'm thinking about this in my neighborhood & I live in an older neighborhood between South St. & Lake & I've been thinking about this & what the implications are. This means that if the tree on the property between my curb & sidewalk were to be...to get sick & needed to be removed, it's now on City property. I have a tree in my front yard, it means that that tree at the curb that the City has maintained & is City property would not be replaced, for example.

Mr. Schwab: It may not be replaced because the tree in your front yard may be of a size now that would not even allow for adequate space for the growth of the street tree. We don't always plant trees status quo where there is a space in front of a house. We look at other factors. We look at location of utilities, we look at location of existing trees whether they be street trees or yard trees. There are other factors that determine whether a tree would be replanted or not. If that tree were taken out, & like I said, if your yard tree is such a stature...of a stature or will be of such size eventually, that it would not even afford adequate room for the planting & growth of a street tree, then from a forestry standpoint that's a logical reason why not to plant the tree.

Mr. Fortenberry: Perhaps if the Parks Director could come forward & legal staff as well & help clarify maybe some of the intent as to why this is being brought forward & then some of the City's responsibilities regarding legal issues, I think that might be helpful.

Lynn Johnson, Parks & Rec. Director: The intent...where this would only be used is in situations where we're widening a street & we're by...or moving the curb line out I guess. And if it's a situation where we're reducing that width below what's viable, essentially 8', then there would be a request to the adjoining property owner to plant that tree on their property. And I think Dana can speak to this but it's essentially a gift of public funds issue that if the City were to get on & main...or were to maintain trees on private property then that's a gift of public funds to the adjoining property owner most likely.

Dana Roper, City Attorney: This has been an ongoing problem on how to deal with this. Essentially, the City cannot take tax dollars & use them for private gain outside of a redevelopment or some other situation like that & so it would be tax dollars for private gain just as if the City showed up & mowed somebody's lawn every week because they thought it'd be a nice thing to do. We don't have that ability here. We are getting an easement to plant the tree. We will take care of it during the warranty period. If the tree dies, we'll replace it. Beyond that time, the owner of the property, if they want to do this, this is not a mandatory thing, if they want to do it under the circumstances, they can take the tree, sign the easement, take care of the tree but they are the owners of the tree. And, consequently, as the owners of all the rest of the trees in their yard, they're responsible for trimming & maintaining them.

Mr. Fortenberry: They can refuse the tree?

Mr. Roper: Absolutely. They don't have to do this at all.

Ms. Johnson: Dana, what prompted this legislation? Is there a situation that occurred?

Mr. Roper: This has been, & I think perhaps Parks can help me here, this has been an ongoing request from Parks.

Ms. Johnson: It's not a specific situation?

Mr. Roper: No. This is just a concept of we...the Parks would like to plant more trees. They are prohibited because of the State Constitution & use of the tax dollars & this was a method that we came up with that would allow them at least a shot at planting one.

Coleen Seng, Council Member: Yeah, I was just going to say that for years people, property owners, have been asking that we do something like this & we've always been saying no, we can't do it. I don't know, Dana, how you finally figured out that we might be able to do it. It's if we don't do it, maintain it after a year, right, after the warranty?

Mr. Roper: Right. We are simply getting an easement to plant the tree & then the house owner owns the tree & is responsible for it.

Ms. Seng: (Inaudible) for some time trying to figure out the way to do this & there have been property owners that have requested this before but we couldn't say yes, we could do this.

Annette McRoy, Council Member: I have a question for Steve. Will

this address some of the...in your earlier remarks you said about the sidewalks buckling. I've noticed in some of the older neighborhoods, I've walked through where there are trees between the curb & the sidewalk, the sidewalk was uneven & I know we get a lot of sidewalk complaints which are due to the tree roots, in time, buckling the sidewalks & so I guess when will that alleviate it & two, will it be certain kinds of trees that we know the root system will not, in 10 or 15 yrs., spread out underneath the sidewalk area that hopefully we can cut down on maintenance?

Mr. Schwab: It's really getting down to the basics of trying to put the right tree in the right location. And I've seen a strong correlation in the City that if trees are closer than 4' to the sidewalks & are of the shade type trees, then we have lifted sidewalks eventually. And this would be one way of reducing that incidence also because we could take the tree & if there's insufficient room &, again, you know, 8' & we have to look at it too also from a traffic safety standpoint. We're trying to put those trees back at least 5' to 6' back of the curb for traffic safety reasons. Public Works wants that. But in an 8' wide parking, if we have it back that far, then it's less than 3' away from the sidewalk & we're going to have sidewalks lifted. Therefore, if we can put it behind the sidewalk in that type of scenario, keep it at least 5' away, put it in the front yard, it's a win-win situation. You have a tree. You don't have it really impacted any more by any further widenings of the street because it's on private property. It's probably away from a lot of overhead utilities. And the chances of that lifting the sidewalk have been diminished greatly by having it located there instead of in that typical area between the curb & sidewalk. This doesn't mean we're going to do this in all neighborhoods but I think those are kind of the parameters that I wanted to try to give to you tonight as what's sufficient & what's insufficient.

Ms. Stewart: Are there any minimum requirements in terms of space between...for planting a tree under these conditions through the City between the public sidewalk & then the front of the house? Aren't there?

Mr. Schwab: Oh, yeah, I mean we'll have to look at that. It'll have to be a common sense approach. I mean if that's...that house is only setback let's say 20' from where the sidewalk is, I'm not going to go in & recommend that a pin oak tree be planted 15' away from the house. I mean that's where we have to use a common sense approach of no, we don't use an oak, we use a medium sized tree or a smaller sized tree. And I mean that in relation to its maturity so that it doesn't overwhelm the house or maybe cause some buckling of the foundation.

Ms. Stewart: I do understand this correctly that it's an either/or situation. That if this ordinance is passed, then there will no longer be trees that are planted at the curbside...

Mr. Fortenberry: No, it depends on special circumstances. I think the intent here is obviously for the Parks Dept. to build in enough flexibility in its beautification programs where the normal procedures which would be between the sidewalk & curb just can't be accommodated then they would...

Ms. Stewart: No, let me reword. If it's less than 8'.

Mr. Schwab: If it's less than 8' & it happens to be a designated tree that would be of the shade tree type large variety, then yes. That's where the alternative could be located behind the sidewalk & if there's enough setback there, that may be the better location for it. But the property owner has the option here, just as they do right now, on the right-of-way of either accepting the tree or refusing it.

Ms. Stewart: Correct. And I'm in the position, as you well know, that some of my...there are trees in my neighborhood that are getting ill & will need to come down. The other side of the street, even though it's an old neighborhood, there are no trees on the other side of the street. If the tree at the sidewalk or at the curb on my property were to become sick & needed to come down, I'm addressing situations like this that there would probably be no tree that would be planted under the circumstances, if I understand this correctly, since there is less than 8'. Or is there an appropriate tree that could be planted there? A smaller one?

Mr. Schwab: Sure.

Ms. Stewart: Would the City do that?

Mr. Schwab: And this is where we can use the temporary easement in that situation.

Mr. Fortenberry: I think she's referring to the...where an existing tree is but it doesn't meet the minimum standard any longer...

Mr. Schwab: Well, yes, we could possibly do that. But here's where the trade-off is. People often want shade more than they want ornamental beauty. And I guess what I'm saying is, if it's narrowed down to the point where do you want a street of flowering crabs or would you rather

have a street of red oaks. I mean...but there is flexibility there. We could go either way. I guess this piece of legislation here gives us another viable alternative on where to put the tree in the proper location. And maybe one other example where we're going to use this if this does become an ordinance & is passed is like on N. 56th which has just recently been widened from Holdrege up to Adams. The curb there between the...the area between the curb & sidewalk now is less than 5'. And to even go back in there with a small ornamental tree would not be a wise decision because that'll grow right over into the traffic lane. And so, logically, it would be best to put it behind the sidewalk. But we're going to have to use the easement in order to that 'cause there's not sufficient right-of-way behind the sidewalk.

Mr. Fortenberry: I believe Councilmember Cook has a question he could ask of staff.

Jonathan Cook, Council Member: Well, I appreciate the questions that've been asked so far regarding insufficient & proper space because I have a great concern because there are many older neighborhoods in town that were not designed with perfection as far as spacing for trees. The sidewalks are too close to the curb for the planting of new shade trees based on the numbers you've just given us. But I'm not necessarily willing to give up on those areas for shade trees. I drive through my area & I find many, many streets that are lined with huge trees that have grown in spaces that are too small perhaps by today's standards & maybe they are doing some damage to the curb or the sidewalk but I'm not sure if given the choice, these people would say I'd rather have a really beautiful sidewalk over these beautiful trees. And I think that's a choice we have to think about or something we need to think about when making these choices about where to put trees because 50 yrs. from now, there may be people along there who will equally appreciate new large shade trees even if they're planted in less than ideal conditions.

Mr. Schwab: Under that situation, this is where this piece of legislation would allow us to plant it behind the sidewalk if there is sufficient room to do that. There's decisions to be made there. I'm just saying that if you leave that tree there & it grows to a mature stature, there's a time & point where they have to come in & replace the curbs & replace the sidewalks & that may be such an impact on the root system of that tree that it no longer is an issue of...it becomes an issue of whether that tree is stable in the ground after the roots have been cut. This is trying to get that maybe away from those type of factors.

Mr. Cook: I understand. And there's a balancing act there but I think it's too easy to find alternative locations perhaps with this rather than put the trees where I think they rightly belong which is between the sidewalk & the curb wherever possible. I don't think it's the same when it's in someone's yard. This is a tree that does the most public good closer to the street. I also understand the interest in keeping a tree further away from traffic, however, it is true that we have many arterial streets in town which have trees much closer than 6'. Many of these are very special streets to Lincoln. I mean 48th St. would not look like it does today if someone hadn't planted those trees too close to the curb but it is something that's really unique & I hate to see us lose that kind of thing just because we now say well, there's insufficient room. Sometimes we have to say we're willing to plant even if it's not ideal. So, I guess I worry about the interpretation of words like "insufficient" & "proper" in a case like this. There are some. I've received a few phone calls about it this week. A number of people are very concerned about this & the application of this because there's a concern that perhaps the City wants to avoid maintenance responsibilities as well. And I don't think that's the case but there's that concern as well that certainly if we make that choice to put it behind the sidewalk, we're out of the business there in a year & we don't have to look at it again.

Mr. Schwab: But the property owner also has the right to refuse the tree.

Mr. Cook: Well, true, but from the City's standpoint, it's a benefit because we don't have to come back & trim it. So, it says money in the tree trimming budget over the years if we get more & more trees behind the sidewalk.

Mr. Schwab: That would not be the intent of this.

Mr. Cook: Okay. Well, & I have to ask about the street widening versus simply finding a way to plant trees on streets where there's insufficient room because I've heard conflicting testimony here today & I've seen discussions on television news reports & in the press release I read that talk about street widening, street widening, street widening, & street widening & that this is to be applied in those circumstances perhaps ahead of the street widening.

Mr. Schwab: Perhaps.

Mr. Cook: And, it's one thing if there's a project that's been identified & we have plans for it & we know how much space we're going to be taking for the new road but I think it is a mistake to be planting new trees behind sidewalks where there is sufficient space otherwise in anticipation of a street widening that may not come or may come in a very different form than is being anticipated since the project isn't identified. One thing that's been talked about over the last few years, we hope it's a change in policy, is that if we do street widenings in older areas, we do them properly. We may even buy out homes. Planting a tree behind the sidewalk doesn't really matter very much if you have to take out whole homes but we don't know now what those projects will look like or how much space we'll need. And so I don't want to see it used in that circumstance & as I read it, I'm not sure it can be but that's what all the news reports were talking about. The place I see it as being valuable is a place like Vine St. where due to mistakes of the past, we have no space left there already.

Mr. Schwab: Right.

Mr. Cook: There really we need this ordinance 'cause there's not an inch of space to plant but all these other places that's been talked about, streets where they aren't widened but we might widen someday or these circumstances just in ordinary neighborhoods where there's just not quite enough space & we now want to maybe look at sticking them in peoples yards. I worry that that could go a direction that maybe I'm not comfortable with. So, I think maybe we need to talk about this a little bit more before I'd be comfortable with passing this in this form.

Ms. Stewart: Is it possible for me to get the complete wording of this amendment?

Mr. Fortenberry: Absolutely. Dana, could you forward a copy of the ordinance?

Ms. Stewart: Thank you.

Mr. Fortenberry: And, Paul, I see we have a motion to amend as well.

Clerk: Yes, we do. The reason for it is requested by the Law Dept. to clarify liability. So, if someone wishes to move that, we could vote on that tonight.

Ms. Seng: So moved.

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

This matter was taken under advisement.

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS BY CHANGING THE PAY RANGES FROM A-16 TO M-04 FOR THE CLASSIFICATIONS OF SANITARY ENGINEER, SUPT. OF SOLID WASTE OPERATIONS, SUPT. OF WATER POLLUTION CONTROL FACILITIES, SUPT. OF WASTEWATER COLLECTION, SUPT. OF WATER PRODUCTION & TREATMENT, & SUPT. OF WATER DISTRIBUTION - Georgia Glass, Personnel Director: These are supervisory positions within Water & Wastewater that were at a level of supervisory & budgetary responsibility that we felt that they should be moved to the "M" class & LCEA, the union that did represent them, agreed & this went before the Personnel Board & they also agreed to make this change.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "E", "X", & "M";

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "A" & "C";

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "B";

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "N" - Georgia Glass, Personnel Director: This is fairly routine. These are the pay ranges that were negotiated through union negotiations or previously agreed to for the unrepresented classes.

This matter was taken under advisement.

AMENDING CHAPTER 2.76 OF THE LMC TO MAKE REALLOCATION TO A CLASSIFICATION WITH

A HIGHER PAY RANGE CONFORM WITH A PROMOTION AS TO RATE OF PAY FOLLOWING SUCH ACTION; TO DIFFERENTIATE BETWEEN INCREASES RECEIVED AT THE COMPLETION OF ORIGINAL PROBATION BY EMPLOYEES IN GIVEN PAY RANGES; TO DIFFERENTIATE BETWEEN A VOLUNTARY DEMOTION & THE EMPLOYEE'S RATE OF PAY AS THE RESULT OF SUCH ACTION; TO SIMPLIFY LANGUAGE & REFLECT NEGOTIATED CHANGES WITH RESPECT TO SICK LEAVE WITH PAY; TO ALLOW EMPLOYEES IN PAY RANGE "X" TO ACCRUE VACATION THE FIRST SIX MONTHS OF EMPLOYMENT; & TO DEFINE & EXPAND DEFINITION OF EARLY RETIREMENT - Georgia Glass, Personnel Director: Do you have questions about any of these or do any of these need explanation?

Mr. Fortenberry: I think we're in good shape.

This matter was taken under advisement.

APPROVING A LEASE OF PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. FROM THE STATE OF NEBRASKA FOR 60 YRS. TO CONSTRUCT A TELECOMMUNICATIONS TOWER FOR THE 911 CENTER - Julie Righter, 911 Center: Came to request you approve this lease & to stress how important it is that it be approved. We need this piece of property to locate our new tower. The tower is a 360' self-supporting tower with multiple antennas, microwaves & cellular telecommunication equipment that will be attached to it. The tower will have a galvanized finish & the lighting requirements are white strobes during the day & a flashing red at night located at the top & also midsection of this tower & that's per the FAA regulations. This tower replaces one that we're currently using at 6th & Charleston which was built in 1962 & it's well outlived it's life. This tower that we're proposing was designed primarily to support communication equipment for the City's 800 megahertz radio system. That system is utilized by all City agencies including but not limited to the Police Dept., the Fire Dept., Public Works, the Parks Dept. Other users on the City system are the Lancaster County Sheriff, University of Nebraska Police & Parking, the Airport Authority, & the Nebraska State Patrol. We've included in this tower design additional systems for the City Water Dept., Wastewater, Traffic Engineering, State Emergency Management, & also room for two private cellular providers. We plan for income from the lease of these cellular providers to be deposited into the City Radio Shops fund to offset costs of construction of this tower. We wanted to stress that it's imperative that this tower be located in close proximity to the Downtown Lincoln area while also remaining outside of the Capitol Environs Corridor & in an acceptable location outside of established airport flight patterns. Over the past few months, we've looked at numerous sites that were surveyed & the location at 14th & Military was determined to be the most appropriate to not degrade the radio coverage in the Downtown area. Downtown coverage is very, very important. Negotiations were conducted with the State Military Dept. & an agreement was reached to lease the property from the State of Nebraska for 60 yrs. for a lump sum payment of \$13,500 & that is the appraised value of the property. We've also received approval from the FAA & the Planning Dept. to locate the tower at this site.

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. - Steve Huggenberger, City Law Dept.: Paul, have you passed out the substitute...

Clerk: Uh, yes, they do have it. We can have a motion to put it before us, the substitute, if someone would.

Ms. Seng: So moved.

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

Mr. Huggenberger: I'm pleased to report to you tonight that we have reached an agreement with Time Warner on the approval of the transfer. And I'll just talk about the highlights of the substitute resolution that's before you. The franchisee will remain responsible for all the obligations of the franchise & the code. They have agreed that the transaction, the transfer, will not result or be the cause of any increase in the rates of the cable system in Lincoln. And they've also agreed to try to provide their customers multiple ISP's on their system within 3 yrs. These are some of the major items that we...that you had as goals in reviewing this transfer request. And I might also mention that Time Warner's representatives have indicated that approval of the transfer will have a positive impact on the renewal negotiations. So, we're looking forward to that as well. We recommend approval.

Mr. Fortenberry: What's the status of the FCC hearings on the issue here?

Mr. Huggenberger: The FCC hearings? I'm not sure what you're referring to? Are you talking about the renewal?

Mr. Fortenberry: Yes. Perhaps you'd like to come forward regarding

the merger.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Time Warner: Beth Scarborough is here as well. I think Steve explained the situation reasonably well. We're in agreement with the terms of the substitute resolution...file an acceptance of those terms within the 15 day period that's provided. With respect to your question, it's my understanding that the FCC has held a hearing but has not yet made a decision on the merger.

Mr. Fortenberry: Okay. What impact would that have on us?

Mr. Huggenberger: Nothing on the transfer.

Mr. Hunzeker: None really.

This matter was taken under advisement.

APPROVING AN EXCEPTION TO THE CITY OF LINCOLN GUIDELINES & REGULATIONS FOR DRIVEWAY DESIGN & LOCATION BY ALLOWING A DELETION OF ONE VEHICLE STORAGE PER ATM LANE LOCATED AT 1241 "N" ST. - Steve Clymer & Ed Vidlak of Clymer Vidlak Architects, 105 N. 8th, came forward.

Mr. Clymer: We are working with First Federal Lincoln Bank. We are working on the interior renovations on their downtown branch bank. We are also working on plans for exterior renovations & the new drive-up facility is an important part of their new plan. They currently do not have a drive-up facility & we are planning on two drive-up lanes & we are asking for an exception to the drive-up standards. Ed will explain the project.

Mr. Vidlak: I understand Mr. Baker from Public Works has given you a brief on the project. If you'd like, I would be happy to go through our thought process on that.

Mr. Fortenberry: A brief summary, I think, would be adequate.

Mr. Vidlak: Okay. We've been working with First Federal Lincoln as Mr. Clymer mentioned on exterior renovations as well as interior renovations. Interior renovations involving customer service & patron services including the bank lobby area. Part of the banks plan for improving customer & patron services is to offer a drive-up teller service which the bank had 30 yrs. ago & occupied that little space between First Federal Lincoln Bank at 12th & "N" & what used to be the First National Bank, now US Bank, to the south. That drive-up facility had been abandoned & the area turned into parking only, patron parking only. This is the...north is up on this drawing. First Federal Lincoln Bank occupies this space. This is their south wall. They also occupy this building which they are referring to as the professional center. This is the 1221...former CTU tower & the CTU Building on the west corner of that block. There's an alley that exists between all these buildings, between US Bank & the rest of these buildings to the north, that connects 13th St. & 12th St. This is their current parking lot area that the round shape you see in the parking lot is their abandoned, former drive-thru facility. Here's a couple of photographs. This is looking west, the alley, & this is the former drive-thru facility. And then this is looking east & toward 13th St., kind of an aerial shot of the existing conditions. In the design of the parking lot layout, the parking lot & the new drive-thru facility we were given basically two sets of parameters, existing conditions & the City's design guidelines for driveways & parking lots. Going through those parameters, we came up with this solution which was basically the only solution that would work given those circumstances. This shows two drive-thru lanes to the north & the rest of the space left over would be used for patron parking to the south up against US Bank. The second option we're calling Option B &, again, we worked very closely with Mr. Baker & Public Works in reviewing both of these options but the second option shows short-term parking against the First Federal Lincoln Bank, patron parking to the north & then drive-thru lanes to the south. The idea here was three-fold. Basically, keeping short-term parking up close to the lobby where patrons would not have to cross any more traffic than they would have to. Also, aligning the teller lanes so that there's a clean shot thru the alley to 12th St. avoiding any unnecessary circuitous routing. And then, thirdly, this solution allows us to orient the drive-thru canopy structure so that is visible & more clearly visible to an approaching vehicle off of 13th St. So, with that, we are asking for an exception to the driveway regulations of...the design guidelines require four vehicles stacked behind the one being serviced & option B we only have space for three.

Mr. Fortenberry: Well, we appreciate your creativity recognizing the limitations in this area. Are there any questions?

Mr. Cook: Your logic makes great sense here. Just have a question about the blocking of the sidewalk which could potentially take place & it could take place with either one of these scenarios certainly.

Could a sign be put up or something that says "Do Not Block Sidewalk"? We want to keep at least a certain amount of space. There may be times during the busiest times when there are people who are stuck in the street waiting to get in & I just don't want them to block the pedestrian traffic in those cases.

Mr. Vidlak: Well, I don't know if Steve, you'd like to address this, but I know First Federal Lincoln Bank, as part of this package, wants to improve signage, especially as part of the new drive-thru facility. So, certainly, we can do that as part of the design to include.

Mr. Fortenberry: I think that's a very fine suggestion. Thank you.

Ms. Seng: Didn't there use to be a fountain there?

Mr. Vidlak: Yes, there is a fountain...

Ms. Seng: I suppose the fountains going to go bye.

Mr. Vidlak: Yeah, unfortunately, in either scenario the fountain is being removed. It's located...

Ms. Seng: Yeah, it was right close to the sidewalk wasn't it?

Mr. Vidlak: Yeah.

Ms. Seng: Well, I'm sure sorry about that.

Mr. Vidlak: There's the fountain there. And as you can see it's right in the middle of where the proposed driveway entrance would be.

Ms. Seng: I just like to keep encouraging us to have fountains.

This matter was taken under advisement.

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT TO ARTICLE IX, SECTION 24 TO PERMIT IDLE FUNDS OF THE CITY TO BE INVESTED IN CERTIFICATES OF DEPOSIT, TIME DEPOSITS, & IN ANY SECURITIES IN WHICH THE STATE INVESTMENT OFFICER IS AUTHORIZED TO INVEST PURSUANT TO THE NEBRASKA CAPITAL EXPANSION ACT & THE NEBRASKA STATE FUNDS INVESTMENT ACT - Don Herz, Finance Director: We discussed this at a Pre-Council last week so I'll just kind of summarize. This Charter Revision will permit the City to invest its Idle Funds the same as the State of Nebraska. If the voters were to approve the Charter Revision, the City would be able to invest its funds using what is called the Prudent Person Rule. Currently, the legal list of investments authorized by the Charter is limited to U.S. Government or Government guaranteed type investments. By being able to invest in a broader range of safe investments, such as commercial paper & money market accounts, we would be able to earn more interest on our Idle Funds yet maintain the same low level of risk that we currently have. The Charter Revision Commission, which is a 15 person body, unanimously supported this revision & the Journal Star today lent its support in an editorial. So, I'm here to urge your vote for this resolution.

Keith Brown, Division Manager of Finance & Accounting for LES: As we spoke last week, we are very much in support of this because of the flexibility that it provide for our portfolio, especially in a period of heavy construction that we're going to experience in the next 5 yrs. Every penny that we can earn on this is going to help reduce construction costs & ultimately keep our rates low.

Ms. McRoy: Don, I would ask that you explain what "Idle Funds" are because I noticed in the editorial today, it talks about the City's Idle Funds were in the bank until we used them for a project, bonds & projects. And someone called me & said well, if you have so much Idle Funds laying around, then why are you looking for more money in the Budget & so just to clarify that.

Mr. Herz: Typically, you need to have a certain amount of funds to cover bills as they're coming due. And any rule of thumb is two to three months worth of cash. A good example is the General Fund which is a hundred million dollar of expenditures per year & we have about somewhere in the neighborhood of 15 to 20 million dollars in that fund. So, these are not long term...not long range but that would be no different than you having a balance in your checking account. You have to have certain amounts of money available to meet your bills as they come due.

Ms. McRoy: I just wanted that explained 'cause a couple people called me & like "Idle Funds" & that & I was like they're not "Idle".

Mr. Herz: They won't be there very long.

Mr. Fortenberry: The government has no savings account.

Ms. McRoy: Or interest bearing account.

Mr. Fortenberry: Don, I appreciate your testimony tonight &, obviously, you communicated well with the local newspaper given their coverage of this. It's a bit of a complicated issue but I think that Council will vote favorably in this given their initial response so that if we can continue to answer questions of the public so that it doesn't get lost in the myriad of complicated language so that it's very understandable when it comes to the ballot I think that would be very

helpful.

This matter was taken under advisement.

SPECIAL PERMIT 1840 - APP. OF ANGIE MUHLEISEN, ON BEHALF OF UNION BANK, FOR A PARKING LOT ON PROPERTY LOCATED AT 4717, 4723, & 4731 HILLSIDE ST. - Peter Katt, 1045 Lincoln Mall, Suite 200, representing Union Bank: I will be very brief unless you have a lot of questions. On the screen is a drawing of what is being proposed by Union Bank on the property directly behind their existing facility on Calvert & the 48th St. area. This would result in the development of a parking lot that's needed for the facility according to this design. Here's the existing bank building on this end, Calvert is this way, north is up. Hillside St. is the northern residential side. And if you notice the site plan, we have landscaping around the entire edge other than the western edge which is a privacy fence which is what was requested by the homeowner on that side of the property. They didn't want any landscaping, they wanted a fence & we accommodated that desire. The...I do not believe there's any opposition to this from the neighborhood. Union Bank met a long time with the neighbors to make sure they were comfortable with this plan. The Planning Commission recommended approval of the Special Permit five to two. And while there's a lot of information I can present to you if you're interested in it, I'd be happy to leave it at that for presentation & respond to any questions that you may have.

Ms. Seng: Has there been any thought by the Bank what to do with those houses? Can the houses be saved at all?

Mr. Katt: Um, we're open for suggestions.

Ms. Seng: They looked kind of good to me when I was out there but maybe they aren't structurally. I don't know.

Dan Muhleisen, Olsson Assocs., 1111 Lincoln Mall: They have looked into the option of possibly moving those homes. Unless there's some area, some location in the nearby vicinity that they can move them to, it really isn't feasible because they are two-story in nature & all the overhead power lines in the area would make it very difficult to move it a long distance. So, you know, they're open to those types of ideas but the problem is if there's any feasible option.

Ms. Seng: I wondered if they'd contacted anybody that is in the housing business.

Mr. Muhleisen: Well, we certainly will.

Mr. Fortenberry: What are the setbacks from the property lines to the edge of the parking lot?

Mr. Katt: Perhaps if we're going to ask specific questions on the site, let's get our bigger map up. Which setback line are you...

Mr. Fortenberry: Well, they're all different I see.

Mr. Muhleisen: On the north side, it's 25'. On the sideyards, it's just a 5'. From the edge of the parking lot it's 7.5' & then there's a 3.5' overhang (inaudible).

Mr. Fortenberry: The east side of the property abuts?

Mr. Katt: A north-south alley.

Mr. Fortenberry: Several businesses, right?

Mr. Katt: Uh, no, the east side is still residential along 48th St.

Mr. Muhleisen: There's a convenience store here & then these are a couple of residences.

Mr. Katt: And directly on the edge is a north-south alley.

Mr. Muhleisen: That's another issue that the neighbors had is that they wanted to make sure that we improve that alley.

Mr. Fortenberry: And that alley's going to be paved?

Mr. Katt: Yes.

Mr. Muhleisen: Paved & storm sewer.

Mr. Katt: It's an existing gravel alley that causes runoff & problems in the area & Union Bank has agreed as a part of this project to put in drainage collection, storm water collection as a part of the project & pave that alley & make an improvement.

Mr. Fortenberry: Access is only from the current parking lot, is that correct?

Mr. Katt: Correct. Well, actually, there's a east-west alley & the existing access & traffic flow in terms of people driving in & out of this facility will be exactly the same as currently occurs which is accessing the north-south unimproved alley, this alley, & coming through the bank facility.

Mr. Fortenberry: I assume is this going to be primarily utilized by employees for employee parking?

Mr. Muhleisen: Yeah. This parking is located on the rear of the facility so that's what they're trying to do is move some of the employee parking & some of their fleet cars back to this lot & then free up the

parking that's more (inaudible) front door for the customers.  
This matter was taken under advisement.

SPECIAL PERMIT 1841 - APP. OF L. W. HOFFMAN, ON BEHALF OF ANDERSON FORD, TO DISPLAY AUTOMOBILES FOR SALE IN THE FRONT YARD & REAR YARD, WITH A REQUEST TO WAIVE THE LANDSCAPE REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 29TH & CORNHUSKER HWY. - Bill Hoffman, 1340 Garber Ave.: This is not like the parking you just seen. This doesn't have any residences within probably 6 or 7 blocks. It's a high traffic area. The colored photographs that you have there shows you somewhat where it's at. And the single sheet shows you the facility itself which was a restaurant. It was a bar. A lot of things which didn't make it. And is now a car lot to sell new cars. If you look at the large sheet, it might be interesting. Fourteenth & Yolande, it's next door to my office. I got a salvage yard, a car yard, parking. They're parking on the sidewalk. They probably got 20 tickets already & they park in the alley, they park in my parking lot. 1500 Cornhusker Hwy. there are probably 200 cars there. They're parking right up to the sidewalk from Cornhusker & Yolande, same thing. 1420 Cornhusker Hwy. is just over the overpass of 14th, cars right up to the curb. 27th & Cornhusker, I think that right there & that arrowhead points to our facility in the back. 2925 Cornhusker shows cars all the way up & no screening & 2920 Cornhusker, same way. You see a car down there, it's also parked in the green area there. And W. "O"/Capitol Beach area boulevard is parking lot that just got approved about 2 yrs. ago & there's no screening there. It went through the rigormoro of parking in the front yard & before you had to take & allow the customers to park in the front yard & you parked behind them so you couldn't display your cars. So, everything you see there is pretty well true. Down at the bottom you see 29th & Cornhusker Hwy., where I'm making this application, a little dotted line there is where fiber optic line is at. Then over on the next one over shows the parking area there again. I'm satisfied with everything. A \$585 permit & 15 weeks later we hope to be able to park our cars. I do have one request. In my letter that I addressed to you, which is on the bottom there, & that is we'd like to request the City Council would consider an amendment to delete the building landscape because it is not a part of the request or (inaudible). I made an application for parking in the front & rear yards & waived the landscape screen. Parking in the building is between the cars & the building. So, what I would like to do is have that amended so on your resolution, where it says "display automobiles for sale in the front yard & rear yard & a waiver of landscape requirements on the property legally described above", I'd like to have you insert the words "between the parking areas & the street curbs & in the rear yard between the parking & the property line". The reason for this is so it don't get construed that we can't take out a tree or a plant or anything else around the building. We do have a contractor to maintain the landscape. It will be maintained. But it wasn't (inaudible) my application. I did take & follow all the rules & regulations. I give the biology(?) names, the regular names back & forth & we do have our occupancy certificate. So, we're ready to go. Any questions?

Ms. Seng: Have you given the City Attorney what you want written in?

Mr. Hoffman: No, I 've been working out of town. I leave town at 6 o'clock in the morning, return at 6:30 at night. So, I didn't have an opportunity & I just got a hold of this & I dropped down here this morning a little after 8 o'clock but I decided to wait til tonight. And I also put a P.O. on the letter there, anything you do is approved by me but I just a suggestion.

Ms. Seng: I hope that you'll write up what you want & give that to Dana so we'll have that for next week.

Mr. Hoffman: Okay.

Ms. Seng: And then I wanted to tell you that I normally would not be in favor of doing something like this but for this particular property, Mr. Schmieding has had so many different tenants on that property & if this one can make it, I'm all in favor of it.

Mr. Hoffman: Thank you very much.

Mr. Cook: Let me make sure I understand the request on the landscape screening. I'm looking at page 11 in the Staff Report & you're saying, basically, that the bushes & whatever that are directly adjoining the building you don't want included but anything along the outside edge of the parking lot...

Mr. Hoffman: The parking lot & the street curb which would act as a screen of whatever's there.

Mr. Cook: Whatever's there is...

Mr. Hoffman: There is some shrubbery there & landscaping. All the

other lots I've ever seen only has a blade of grass 5" high. That's the maximum screen you have in any of them I've ever seen for cars for sale.

Mr. Cook: So, it's not that you necessarily have particular plans about the landscaping...

Mr. Hoffman: If you want to approve it the way it is, that's fine but see there...it doesn't say one way the other.

Mr. Fortenberry: Planning, could you come forward please? Would you explain the full story as to why you're recommending denial & then what the Planning Commission did in terms of the delay?

Mr. Hill: Basically, we recommended denial because of the fact that we believe that that open space in the front yard even though you're allowed to park cars there by customers & clients, it's not (inaudible) by cars 24 hrs. a day & it's not used for the business the way that the cars for sale are located in that area that's suppose to be reserved for open space. It's a matter of cars used by customers aren't there 24 hrs. a day whereas cars are. The sale of the cars is a business & the business is if it's the building would not be allowed to be located in that same place.

Mr. Fortenberry: Now, the Planning Commission delayed this initially & then came back & was unanimously in support of it.

Mr. Hill: It was delayed because there was a flaw in the application & they did not ask for the waiver of the rear yard & so they...we had to go back, readvertise to have a proper public hearing to also allow parking in the rear yard.

Mr. Cook: I know Council member Seng was saying we could hold this over for a week to get the language right. Is it possible to have someone look at an amendment to the language before a vote today or is that too soon? Is it...

Mr. Hill: I'd have to let the guy that writes the amendment answer that.

Mr. Fortenberry: Could we have Legal Staff comment on that?

Mr. Roper: I'm not sure that we're ready to go tonight. We can take a shot at it.

Mr. Fortenberry: Okay, well, if you want to try that when we get to it & you're not ready, we'll just hold it for a week.

Mr. Hoffman: I'm sorry I didn't hear that. What?

Mr. Fortenberry: He's going to try to draft your amendments & we'll take a look at it as we get near voting...to the voting session on this particular item. If we don't make it, if they're not able to do it, we're going to have to hold it for a week.

Mr. Hoffman: Well, I'd rather let it go like it is rather than hold it over a week. We're desperate.

Mr. Fortenberry: Okay.

This matter was taken under advisement.

SPECIAL PERMIT 1852 - APP. OF VILLAGE MARKET TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 3211 S. 13TH ST. - Kent Radke, 6320 Campbell Dr.: I'm appearing this evening as attorney for Village Market. What I'd like to do at this time is introduce, to my left, Larry Bausch who's one of the co-owners of Village Market who'd like to speak in support of this application.

Larry Bausch, 3000 O'Reilly Dr.: I'm the president of LCV, Inc. dba Village Market. We have another store at 33rd & "A", Wagner's Food Pride. Been in the business most of my life & we would like this special permit to provide beer & wine as a result of customer requests. And, as you know the grocer business is changing & we need to keep up. So, we'd appreciate approval.

This matter was taken under advisement.

USE PERMIT 126A - APP. RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., & THE LARGE PARTNERSHIP, LTD., TO REDUCE THE SETBACK ON LOT 4 FROM 40' TO 30' & TO INCREASE THE HEIGHT ALLOWED ON LOT 4 FROM 35' TO 45' IN THE WILDERNESS WOODS OFFICE PARK ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH ST. & YANKEE HILL RD. - Gary Bredehoft, Olsson Assocs., 1111 Lincoln Mall: I'll just keep it brief & open it up to questions if you have any. Again, on behalf of Ridge Development, Southview, Inc. & Large Partnership, we're requesting, on Lot 4 only, a reduction in the setback from 40 to 30 to accommodate the building plans for this lot & to increase the height from 35 to 45. Again, I will just point out a couple things. The reason for the setback is we wanted to push it back a little bit which is bounded on both of those sides in the back by the golf course only. And that would also get a little more green space up front where all the parking is so it wouldn't just be a parking lot. They want a little more green space. And, also, the height request is just for that atrium as you have in your packet, that skylight atrium only, that center section over the entrance.

The rest of the building is about 30' high.  
This matter was taken under advisement.

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES (Item 32);

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE LINCOLN CITY EMPLOYEES ASSOC. (Item 33);

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE AMALGAMATED TRANSIT UNION (Item 34) - Clerk: On Item #33, we do not have a signed contract in regard to the LCEA Union Contract. So, at this time, Personnel is requesting, on Item 33, that we place this on Pending until we get a signed contract.

Ms. Seng: So moved.

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

Ms. McRoy: I thought we were close to getting this contract with...I'm sorry, Item 33, Resolution 204, I thought we were close to getting this one signed. Is there a reason that that contract isn't signed?

Ms. Glass: We are, Annette. We had a couple of little things to iron out & we just didn't get them in to sign the contract in time for tonight's public hearing.

Ms. McRoy: Are we still negotiating with them?

Ms. Glass: We're done negotiating. We just had to work out the language on a few items & get the contract, you know, re-written, if you will, & those items put in there. It's kind of a timing issue.

This matter was taken under advisement.

#### ORDINANCES - 3RD 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 third time.

SENG Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng; NAYS: None; ABSENT: Camp, Shoecraft.  
The ordinance, being numbered **17700**, is recorded in Ordinance Book 24, Page

APPROVING A LEASE OF PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. FROM THE STATE OF NEBRASKA FOR 60 YEARS TO CONSTRUCT A TELECOMMUNICATIONS TOWER FOR THE 911 CENTER - CLERK read an ordinance, introduced by Jon Camp, approving a lease of property generally located at 14th & Military Rd. from the State of Nebraska for 60 years to construct a telecommunications tower for the 911 Center, the second time.

SENG Moved to pass the ordinance as read.

Seconded by Cook & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng; NAYS: None; ABSENT: Camp, Shoecraft.  
The ordinance, being numbered **17701**, is recorded in Ordinance Book 24, Page

#### SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1776A - APP. OF SUN VALLEY BAR & GRILL TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON & OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 300 W. "P" ST. - PRIOR to reading:

JOHNSON Moved to continue Pub. Hearing & to delay Action on Bill 00R-198 for 1 week.

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

SPECIAL PERMIT 1840 - APP. OF ANGIE MUHLEISEN, ON BEHALF OF UNION BANK, FOR A PARKING LOT ON PROPERTY LOCATED AT 4717, 4723, & 4731 HILLSIDE ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption.

Seconded by Johnson. Carried over for 1 week to 8/7/00 due to lack of majority vote as follows: AYES: Fortenberry, Johnson; NAYS: Cook, McRoy, Seng; ABSENT: Camp, Shoecraft.

SPECIAL PERMIT 1841 - APP. OF L. W. HOFFMAN, ON BEHALF OF ANDERSON FORD, TO DISPLAY AUTOMOBILES FOR SALE IN THE FRONT YARD & REAR YARD, WITH A REQUEST TO WAIVE THE LANDSCAPE REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT 29TH & CORNHUSKER HWY. - PRIOR to reading:

JOHNSON Moved to amend Bill 00R-200 as follows: On page 3, add a Condition #10 as follows; "The foundation plantings around the building are not required by this special permit."

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption.

Seconded by Seng. Carried over for 1 week to 8/7/00 due to lack of majority vote as follows: AYES: Cook, Johnson, Seng; NAYS: Fortenberry, McRoy; ABSENT: Camp, Shoecraft.

SPECIAL PERMIT 1852 - APP. OF VILLAGE MARKET TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY GENERALLY LOCATED AT 3211 S. 13TH ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80303 WHEREAS, LCV, Inc. has submitted an application designated as Special Permit 1852 for authority to sell alcoholic beverages for consumption off the premises at Village Market in Indian Village Shopping Center at 3211 S. 13th St., legally described as:

Lots 1-5, Block 2, Lots 1-5, Block 3 except the south 5' of Lot 5, & the southeastern corner of Lot 5 for street right-of-way, vacated Gave St., & Lot 73 of I.T.'s in the NE1/4 of Section 2, T9N, R6E, Lincoln, Lancaster County, Nebraska; general location of the premises is: commencing at the northwest corner of said Lot 73; thence south on the west line of said Lot 73, a distance of 110.0'; thence east 90Q a distance of 25' 0" to the point of beginning; thence continuing east 90Q a distance of 80' 0"; thence south 90Q a distance of 100' 6"; thence west 90Q a distance of 80' 0"; thence north 90Q a distance of 100' 0" to the point of beginning, containing an area of 8.040 sq. ft., more or less; &

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off 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 LCV, Inc., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be & the same is hereby granted under the provisions of Section 27.63.685 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 off the premises at 3001 S. 13th St.

2. The requirement of §27.63.685(c) of the LMC that the licensed premises must be located no closer than 100' from a residential district, or residential use is hereby waived.

3. The requirement of §27.63.685(g) of the LMC that no access doors to the premises shall face any residential districts if such doors are within 150' of the residential district is hereby waived for the door on the west side of the building which is barricaded & not used.

4. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, location of parking & circulation elements, & similar matters.

5. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, his 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.

6. 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 Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, McRoy, Seng; NAYS: Johnson; ABSENT: Camp, Shoecraft.

USE PERMIT 126A - APP. RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., & THE LARGE PARTNERSHIP, LTD., TO REDUCE THE SETBACK ON LOT 4 FROM 40' TO 30' & TO INCREASE THE HEIGHT ALLOWED ON LOT 4 FROM 35' TO 45' IN THE WILDERNESS WOODS OFFICE PARK ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH ST. & YANKEE HILL RD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80304 WHEREAS, Ridge Development Company, Southview, Inc., & the Large Partnership, Ltd. have submitted an application in accordance with Section 27.27.080 of the LMC designated as Use Permit 126A for authority to amend the Wilderness Woods Office Park to reduce the required setback on Lot 4 from 40' to 30' & to increase the height allowed on Lot 4 from 35' to 45', on property generally located southeast of S. 14th St. & Yankee Hill Rd., & legally described to wit:

A portion of Outlots "D" & "I", Wilderness Ridge Add., all located in the NW1/4 of Section 25, T9N, R6E of the 6th, City of Lincoln, Lancaster County, Nebraska, & more particularly described as follows:

Commencing at the northeast corner of said NW1/4; thence on an assumed bearing of north 89° 39' 00" seconds west along the north line of said NW1/4, a distance of 793.37' to a point; thence south 00° 21' 00" seconds west, a distance of 301.71' to a northeast corner of said Outlot "I", said point being the true point of beginning; thence south 39° 11' 18" seconds east along a northeast line of said Outlot "I", a distance of 89.48' to a point; thence along a curve in a counterclockwise direction having a radius of 420.00', arc length of 19.48', delta angle of 02° 39' 27" seconds, a chord bearing of south 30° 14' 54" seconds east along a northeast line of said Outlot "I", & a chord length of 19.48' to a point; thence south 50° 48' 42" seconds west along a southeast line of said Outlot "I", & its extension, a distance of 181.97' to a point; thence south 39° 11' 18" seconds east, a distance of 100.00' to a point of intersection with a north line of said Outlot "I"; thence north 50° 48' 42" seconds east along a northwest line of said Outlot "I", & its extension, a distance of 117.32' to a point; thence north 45° 32' 27" seconds east along a northwest line of said Outlot "I", & its extension, a distance of 212.81' to a north corner of said Outlot "I"; thence south 59° 23' 50" seconds east along a north line of said Outlot "I", a distance of 199.95' to a point; thence along a curve in a counterclockwise direction having a radius of 280.00', arc length of 298.26', delta angle of 61° 01' 55" seconds, a chord bearing of south 20° 20' 07" seconds west along an east line of said Outlot "I", & a chord length of 284.36' to a point of tangency; thence south 10° 10' 50" seconds east along an east line of said Outlot "I", a distance of 209.93' to a point of curvature; thence along a curve in a counterclockwise direction having a radius of 1030.00', arc length of 290.31', delta angle of 16° 08' 57" seconds, a chord bearing of south 18° 05' 19" seconds east along an east line of said Outlot "I", & a chord length of 289.35' to a point of reverse curvature; thence along a curve in a counterclockwise direction having a radius of 95.00', arc length of 28.48', delta angle of 17° 10' 40" seconds, a chord bearing of south 17° 44' 27" seconds east along an east line of said Outlot "I", & a chord length of 28.38' to an east corner of said Outlot "I"; thence along a curve in a counterclockwise direction having a radius of 725.00', arc length of 764.79', delta angle of 60° 26' 25" seconds, a chord bearing of south 35° 15' 45" seconds west along a southeast line of said Outlot "I", & a chord length of 729.82' to a south corner of said Outlot "I"; thence north 78° 56' 21" seconds west along a south line of said Outlot "I", a distance of 232.90' to a point of deflection; thence north 56° 38' 53" seconds west along a southwest line of said Outlot "I", a distance of 92.17' to a point of deflection; thence north 26° 18' 36" seconds west along a west line of said Outlot "I", a distance of 739.84' to a point of deflection; thence north 50° 48' 42" seconds east along a north line of said Outlot "I", a distance of 717.12' to a point; thence north 39° 11' 18" seconds west, a distance of 100.00' to a point of intersection with a south line of said Outlot "I"; thence south 50° 48' 42" seconds

seconds west along a south line of said Outlot "I", a distance of 721.11' to a point of deflection; thence north 350 58 minutes 15 seconds west along a west line of said Outlot "I", a distance of 620.00' to a point of deflection; thence north 130 45 minutes 22 seconds west along a west line of said Outlot "I", a distance of 160.00' to a point of deflection; thence north 350 03 minutes 00 seconds east along a northwest line of said Outlot "I", a distance of 75.79' to a point of deflection; thence north 450 51 minutes 00 seconds east along a northwest line of said Outlot "I", a distance of 60.00' to a point of deflection; thence north 700 51 minutes 00 seconds east along a northwest line of said Outlot "I", a distance of 60.00' to a north corner of said Outlot "I"; thence south 800 09 minutes 00 seconds east along a north line of said Outlot "I", & its extension, a distance of 224.98' to a point of deflection; thence south 820 54 minutes 00 seconds east along a north line of said Outlot "I", a distance of 299.97' to a point of deflection; thence south 860 39 minutes 00 seconds east along a north line of said Outlot "I", a distance of 150.00' to a point of deflection; thence south 890 39 minutes 00 seconds east along a north line of said Outlot "I", a distance of 270.00' to the true point of beginning, said tract contains a calculated area of 30.42 acres, or 1,325,073.47 sq. ft., more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this office park to allow a reduction of setback & increase in height 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, morals, & general welfare.

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

That the App. of Ridge Development Company, Southview, Inc., & the Large Partnership, Ltd., hereinafter referred to as "Permittee", to amend the Wilderness Woods Office Park to reduce the required setback on Lot 4 from 40' to 30' & to increase the height allowed on Lot 4 from 35' to 45' on the property legally described above be & the same is hereby granted under the provisions of Section 27.27.080 of the LMC upon condition that construction & operation of said Wilderness Woods Office Park be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves 275,000 sq. ft. of office space with a 30 foot setback from the south & west property lines of Lot 4 & further approves the atrium area of the office building on Lot 4 to be constructed to a height of 45', as shown in the elevation amended to the appended site plan.

2. Before receiving building permits:

- a. The Permittee must submit a permanent reproducible final site plan as approved.
- b. Final plats within Wilderness Woods Office Park must be approved by the City.
- c. Before occupying this development all development & construction must conform to the approved plans.
- d. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, their successors & assigns.

3. 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.

4. 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 this use permit or take such other action as may be necessary to gain compliance.

5. The Permittee shall sign & return the City's letter of acceptance to the City Clerk within 30 days following approval of this use 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 this use permit & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

Seconded by Seng & carried by the following vote: AYES: Cook,

Fortenberry, Johnson, McRoy, Seng; NAYS: None; ABSENT: Camp, Shoecraft.

**PETITIONS & COMMUNICATIONS**

**THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.**

Special Permit 1271F - App. of Mark Hunzeker to amend the Trendwood C.U.P. to delete tennis courts, add 12 multi-family dwellings & new indoor exercise facilities at 84th & Van Dorn.

Special Permit 1732A - App. of Ed & Yana Beranek to amend the Special Permit 1732, which permits the landmark F. M. Hall House to be operated as 2 bed & breakfast suites & 2 dwelling units, to allow the landmark to be operated as 3 B&B suites & 1 dwelling unit at 1039 S. 11th St.

Special Permit 1825A - App. of Rod Hornby for a C.U.P. for 34 dwelling units at SW 9th & W. "A" Sts.

Change of Zone 3268 - App. of Garner Industries for a change from I-2 to I-2 P.U.D. on property at N. 98th St. & Cornhusker Hwy.'

Change of Zone 3274 - App. of George & Jan Brockley for a change from R-2 to R-5 on property at 46th & Pioneers Blvd.

INFORMAL REQUEST OF NOEL ENGINEERING FOR AN ALLEY PAVING DIST. IN THE AREA BOUNDED BY 47TH & 48TH STS. BETWEEN PRESCOTT & LOWELL AVENUES - CLERK presented said petition which was referred to the Law Dept.

INFORMAL REQUEST OF CORNHUSKER BANK FOR A REPAVING DIST. IN SAUNDERS AVE. FROM 11TH TO 12TH STS. - 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 17, 2000 - DEPUTY 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 Jonathan Cook, who moved its adoption:

A-80313 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 07/21/00)

Introduced by Jonathan Cook

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **April, May, & June, 2000:** PNG Telecomms.; **June, 2000:** Lightyear Comms. fka Unidial Comms., USA Paging, ATS Mobile Telephone, Big Planet, Operator Comms., Nextel West Corp., Long Dis-tance of Michigan, Association Administrators, I-Link Comms., Sprint Comm. Co., Network International, Sprint Spectrum, Teligent Services, LDM Systems, NOSVA Ltd. Partnership, Single Billing Services, Tri-M Comms., Nextlink Long Distance Services, NOS Comms., Comdata Tele-comms. Services, Incomnet Comms. Corp., GTC Telecom, Glyphics Comms., Global Telephone Corp., Nebraska Technology & Telecomms., RSL Com USA, Equality, Globalcom, Affinity Network, GST Net, Working Assets, Business Telecom, Aliant Cellular, Aliant Comms., AT&T Comms. of the Midwest, Airtime SMR, Shaffer Comms., Network Billing, McLeodUSA Telecomms., NETtel Corp., Telco Development - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

REPORT FROM CITY TREASURER OF FRANCHISE FEES DUE FOR THE QUARTER ENDING JUNE 30, 2000 FROM TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. **(41-2518A)**

ACCEPTING THE REPORT OF NEW & PENDING TORT CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 1 THRU JULY 15, 2000 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80298 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 17, 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>	
Dave Boatman	NAS*	Ed Kunert	\$900.00
Mark Hendley	\$2,500.00	John D. Mullins	70.00
Greg Eichelberger	50.00		
Courtney Eurek	45.00		

\* No Amount Specified.

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 Jonathan Cook

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

#### OTHER RESOLUTIONS

APP. OF DENIS M. VONTZ DBA PIONEERS GOLF COURSE FOR A CLASS A LIQUOR LICENSE AT 3403 W. VAN DORN ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80293 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 Denis M. Vontz dba Pioneers Golf Course for a Class "A" liquor license at 3403 W. Van Dorn St., 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 & 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 Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng; NAYS: None; ABSENT: Camp, Shoecraft.

APP. OF RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL FOR A CLASS C & LIQUOR CATERING LICENSE AT 5900 OLD CHENEY RD. - PRIOR to reading:

JOHNSON Moved to continue Pub. Hearing & to delay Action on this application for 1 week to 8/7/00.

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

MAN. APP. OF SCOTT BOLES FOR RAINMAKER RESTAURANT CORP. DBA LAZLO'S BREWERY & GRILL AT 5900 OLD CHENEY RD. - PRIOR to reading:

JOHNSON Moved to continue Pub. Hearing & to delay Action on this application for 1 week to 8/7/00.

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

APP. OF P.L.P., LLC. DBA SUN VALLEY BAR & GRILL TO EXPAND THEIR PRESENTLY LICENSED PREMISES BY THE ADDITION OF AN AREA MEASURING 55' BY 60' TO THE NORTH AT 300 W. P ST. - PRIOR to reading:

JOHNSON Moved to continue Pub. Hearing & to delay Action on this application for 1 week to 8/7/00.

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

APP. OF B & R STORES INC. DBA RUSS'S MARKET STORE #2 FOR A SDL TO COVER AN AREA MEASURING 40' BY 50' IN THE PARKING LOT AT 130 N. 66TH ST. ON AUG. 3, 2000 FROM 5:00 P.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80294 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 B & R Stores Inc. dba Russ's Market Store #2 for a SDL to cover an area measuring 40' by 50' in the parking lot at 130 N. 66th St., Lincoln, Nebraska, on the 3rd day of Aug., 2000, between the hours of 5:00 p.m. & 10:00 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 Cindy Johnson

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

APP. OF HRC INC. DBA CHEERLEADERS BAR FOR A SDL TO COVER AN AREA MEASURING 80' BY 50' TO THE NORTH AT 5560 S. 48TH ST. ON AUG. 5, 2000, FROM 10:00 A.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80295 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 HRC Inc. dba Cheerleaders Bar for a SDL to cover an area measuring 80' by 50' at 5560 S. 48th St., Lincoln, Nebraska, on the 5th day of Aug., 2000, between the hours of 10:00 a.m. & 10:00 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 Cindy Johnson

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

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 accept a Substitute Resolution.

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

CLERK Read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80296 WHEREAS, the City of Lincoln ("Franchising Authority") has granted a franchise to Time Warner Entertainment-Advance\Newhouse Partnership ("Franchisee") to provide cable television service; &

WHEREAS, Time Warner, Inc. (TWI) & America Online, Inc. ("AOL") have entered into an Agreement & Plan of Merger (the "Merger Agreement") dated as of Jan. 10, 2000; &

WHEREAS, the Merger Agreement will result in a stock-for-stock merger (the "Transaction") in which TWI & AOL will merge with subsidiaries of a newly formed holding company; &

WHEREAS, as a result of the Transaction both TWI & AOL will become wholly owned subsidiaries of the new company, AOL Time Warner, Inc.; &

WHEREAS, TWI has made an application to the Franchising Authority for a transfer; &

WHEREAS, the City has stated its interest in consumers having a choice of multiple Internet Service Providers ("ISPs") on the Franchisee's cable television system.

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

1. The Franchising Authority authorizes & consents to any change in control of the Franchisee resulting from the Transaction under the conditions set forth herein.

2. The Franchisee shall remain responsible for all obligations under the Franchise & the LMC, including payment of Franchising Authority's costs consistent with Sections 5.16.140 & 5.16.250 of the LMC. Franchisee shall reimburse the Franchising Authority for all out-of-pocket expenses incurred by the Franchising Authority for its review of the Transaction within 15 days of the demand for those costs.

3. The Franchisee & Transferee shall agree that the Transaction will not result in or be the cause, directly or indirectly, of any increase in any of the rates of the Lincoln cable system.

4. The Franchisee & Transferee have a goal of providing its customers a choice of multiple ISPs on the cable system within three years. The Transferee shall report periodically, at the request of the City, on its progress towards accomplishing that goal & affording its customers a choice of ISPs on the cable television system.

5. Approval by the City of the transfer is not an indication that Franchisee is in compliance with the franchise or the LMC. The City may pursue any unresolved compliance matters that may arise with respect to the franchise renewal process.

6. The Franchisee & Transferee shall, within 15 days from the adoption of this resolution, file a written acceptance, in a form acceptable to the City, of all terms & conditions of this resolution with the City Clerk.

Introduced by Cindy Johnson

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

APPOINTING THE FOLLOWING TO THE CABLE ADVISORY BOARD: WILLIAM MORRIS & DEB SCHERER FOR 3-YR. TERMS TO EXPIRE JULY 1, 2003, PAT TAFT FOR A TERM EXPIRING JULY 1, 2002, & BRYAN RICKERTSEN TO FULFILL AN UNEXPIRED TERM THROUGH JULY 1, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80297 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of the following persons to the Cable Advisory Board for terms expiring as set out below, is hereby approved.

<u>Name:</u>	<u>Term Expires:</u>
Byran C. Rickertsen	July 1, 2003
William J. Morris	July 1, 2003
Deborah A. Scherer	July 1, 2003
Patricia E. Taft	July 1, 2002

Introduced by Jonathan Cook

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

APPOINTING BRIAN KITTEN, RANDY MUTCHIE, MATT SMITH, & EDITH ZUMWALT TO THE FOOD ADVISORY COMMITTEE FOR TERMS EXPIRING MAY 1, 2002, MAY 1, 2004, MAY 1, 2001, & MAY 1, 2004, RESPECTIVELY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80299 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of the following persons to the Food Advisory Committee for terms to expire as set out below, is hereby approved.

<u>Name:</u>	<u>Term Expires:</u>
Brian Kitten	May 1, 2002
Randy Mutchie	May 1, 2004
Matt Smith	May 1, 2001
Edith Zumwalt	May 1, 2004

Introduced by Jonathan Cook

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

APPROVING AN EXCEPTION TO THE CITY OF LINCOLN GUIDELINES & REGULATIONS FOR DRIVEWAY DESIGN & LOCATION BY ALLOWING A DELETION OF ONE VEHICLE STORAGE PER ATM LANE LOCATED AT 1241 "N" ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80300 WHEREAS, Article IV Section D of the Guidelines & Regulations for Driveway Design & Location, adopted by the City Council through passage of Reso. A-66828 on May 5, 1980, as amended by Resolutions A-67473, A-69045, & A-77545 requires financial institution personal tellers to provide vehicle stacking for four vehicles plus the vehicle being served by the teller; &

WHEREAS, First Federal Lincoln Bank has requested an exception to said guidelines to reduce the vehicle stacking requirement to two vehicles plus the vehicle being served at its facility located south of the existing First Federal Lincoln Bank Building at 13th & N Sts.; &

WHEREAS, said Guidelines & Regulations for Driveway Design & Location authorize the City Council to grant a specific exception from the strict application of the guidelines & regulations that would result in an unusual hardship in the use of a specific parcel of property, provided said exception is granted upon such conditions as may be appropriate to ensure conformance with the goals & purposes of said Guidelines & Regulations.

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

That the Council does hereby grant First Federal Lincoln Bank an

exception from the strict application of the provisions of Article IV Section D of the Guidelines & Regulations for Driveway Design & Location so as to reduce the vehicle stacking requirement from 4 vehicles to 2 vehicles plus the vehicle being served to permit the construction of two personal tellers at its facility located south of the existing First Federal Lincoln Bank located at 13th & N Sts., Lincoln, Lancaster County, Nebraska.

Introduced by Jonathan Cook

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

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY SPRINT COMMUNICATIONS CO. FOR THE INSTALLATION OF FIBER OPTIC CABLE IN CHARLESTON ST. FROM N. 6TH ST. TO SUN VALLEY BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80301 WHEREAS, Sprint Communications Co. LP has submitted an application for a permit to use the public right-of-way for the installation & operation of a fiber optic cable in Charleston St. from N. 6th St. to Sun Valley Blvd. to relocate the existing line that currently runs through the area of the new Lincoln Ballpark; &

WHEREAS, said applicant has submitted a letter of application with a site plan which are attached hereto, marked as Exhibit "A" & Exhibit "B" respectively, & made a part of this resolution by reference, to use the public right-of-way as detailed in Exhibit B; &

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.53 of the LMC pertaining to such use.

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

That the aforesaid App. of Sprint Communications Company LP, hereinafter referred to as "Permittee," to use the public right-of-way in Charleston St. from N. 6th St. to Sun Valley Blvd., as detailed in Exhibit "B", be granted for the limited purposes of installing fiber optic cable as a privilege only by virtue of & subject to strict compliance with the site plans, the letter of application & the following terms & conditions, to wit:

1. That the permission herein granted is subject to all the terms & conditions of Chapter 14.53 of the LMC including those provisions relating to the posting of a continuing bond in the amount of \$5,000 & the filing of a certificate of insurance evidencing a commercial or comprehensive general liability policy, or an acceptable substitute policy form, with a minimum combined single limit of \$500,000 aggregate for any one occurrence & naming the City as additional insured.

2. The work shall be constructed in accordance with plans & specifications approved by the Department of Public Works & Utilities. The facilities, where they are underground, shall be laid to a minimum depth of 3½' from the top of the cable to the surface of the ground. All land surfaces & all pavement shall be restored to their original condition after the work is completed on each segment of the project. "As built" drawings shall be furnished to the City by the Permittee to show the precise locations, depths, & nature of all materials installed in accordance with the permit. The City shall have the right at any time when, in its judgment, it becomes necessary or advisable to require a change of location of said facilities as a matter of safety, or on account of change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground, or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost & expense of the Permittee in a good & workmanlike manner.

3. The Permittee shall pay to the City an annual rental for the use & occupancy of the space beneath said public street occupied by such use which rental is currently \$1.50 per lineal foot of space occupied underneath the public street, alley, sidewalk, or other public ground.

All payments shall be made to the City Treasurer & shall be due & payable on the 1st day of Oct. of each year; provided, however, the amount of the initial payment shall be prorated from the date of approval of this permit to the 1st day of Oct., 2000 & payment shall be due & payable on Oct. 1st thereafter.

Any such rent shall become delinquent on the 1st day of December of each year & such delinquent rent shall bear interest at the rate of 1% per month until paid & if such rent is not paid for six months or more after such delinquent date, a penalty of 5% shall be added thereto in addition to said interest.

4. The use of the public way herein granted & the terms & conditions of this resolution shall be binding & obligatory upon the above-named Permittee, its successors & assigns.

5. Any additions, changes, modifications, amendments of the uses permitted herein shall require a new permit or other authorization.

6. That within 30 days from the adoption of this resolution, & before commencing any construction under the provisions hereof, the above-named Permittee shall file an unqualified written acceptance of all the terms & conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof & all privileges & authorities hereunder granted shall thereupon ipso facto terminate.

The Permittee shall, within thirty days after written demand, reimburse the City for all direct & indirect costs & expenses, as provided in Section 14.53.070, in connection with the issuance & review of this permit.

Introduced by Jonathan Cook

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

DIRECTING SUBMITTAL TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED CHARTER AMENDMENT TO ARTICLE IX, SECTION 24 TO PERMIT IDLE FUNDS OF THE CITY TO BE INVESTED IN CERTIFICATES OF DEPOSIT, TIME DEPOSITS, & IN ANY SECURITIES IN WHICH THE STATE INVESTMENT OFFICER IS AUTHORIZED TO INVEST PURSUANT TO THE NEBRASKA CAPITAL EXPANSION ACT & THE NEBRASKA STATE FUNDS INVESTMENT ACT - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80302 WHEREAS, under the provisions of Article XI, Section 4, of the Constitution of the State of Nebraska, a proposed Charter amendment may be submitted to a vote of the qualified electors at an election proposed by the City Council of the City of Lincoln, Nebraska:

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

1. That at the general election to be held on Tuesday, the seventh day of Nov., 2000, there shall be submitted to a vote of the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the following proposed amendment to the Charter of the City of Lincoln:

CHARTER AMENDMENT

Amend Article IX Section 24 of the Charter to permit idle funds of the city to be invested in "certificates of deposit, in time deposits, & in any securities in which the state investment officer is authorized to invest pursuant to the Nebraska Capital Expansion Act & the Nebraska State Funds Investment Act."

**Sec. 24. Idle Funds, Investment.** ~~The city council shall have the power & authority to invest & reinvest all idle funds, including but not limited to current tax receipts, for such period of time as such funds are not immediately needed, in evidence of indebtedness of the United States government, agencies thereof, the City of Lincoln, Nebraska, & the School District in the City of Lincoln in the County of Lancaster in the State of Nebraska.~~ Whenever the city has accumulated a surplus in any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds & the money in such sinking fund exceeds the amount necessary to pay the principal & interest of any such bonds which become due during the current year, the city council may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, & in any securities in which the state investment officer is authorized to invest pursuant to the Nebraska Capital Expansion Act & the Nebraska State Funds Investment Act & as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made.

Said amendment shall be submitted to the qualified electors as a Charter amendment of Article IX, Section 24 on the ballot & shall be printed on said ballot in the following form:

"CHARTER AMENDMENT -- AMEND ARTICLE IX, SECTION 24 OF THE CHARTER TO PERMIT IDLE FUNDS OF THE CITY TO BE INVESTED IN CERTIFICATES OF DEPOSIT, IN TIME DEPOSITS, & IN ANY SECURITIES IN WHICH THE STATE INVESTMENT OFFICER IS AUTHORIZED TO INVEST PURSUANT TO THE NEBRASKA CAPITAL EXPANSION ACT & THE NEBRASKA STATE FUNDS INVESTMENT ACT & AS PROVIDED IN THE AUTHORIZED INVESTMENT GUIDELINES OF THE NEBRASKA INVESTMENT COUNCIL IN EFFECT ON THE DATE THE INVESTMENT IS MADE.

SHALL ARTICLE IX, SECTION 24 OF THE CHARTER OF THE CITY OF LINCOLN BE AMENDED TO PERMIT IDLE FUNDS OF THE CITY TO BE INVESTED

IN CERTIFICATES OF DEPOSIT, IN TIME DEPOSITS, & IN ANY SECURITIES IN WHICH THE STATE INVESTMENT OFFICER IS AUTHORIZED TO INVEST PURSUANT TO THE NEBRASKA CAPITAL EXPANSION ACT & THE NEBRASKA STATE FUNDS INVESTMENT ACT & AS PROVIDED IN THE AUTHORIZED INVESTMENT GUIDELINES OF THE NEBRASKA INVESTMENT COUNCIL IN EFFECT ON THE DATE THE INVESTMENT IS MADE?

VOTE FOR or AGAINST

G I vote FOR the proposed amendment.

G I vote AGAINST the proposed amendment."

2. That the City Clerk of the City of Lincoln is hereby directed to publish with his official certification, three times, & a week apart, the full text of the proposed amendments to be voted upon, as required by law, all as required by the Constitution of the State of Nebraska.

3. That the Mayor be & hereby is directed to proclaim & give notice that at the general election to be held in the City of Lincoln, Nebraska, on Tuesday, the seventh day of Nov., 2000, there will be submitted to the qualified electors of the City of Lincoln, Nebraska, for adoption or rejection, the proposition set forth in Section 1 hereof, & the City Clerk is directed to publish the said proclamation as provided by law.

4. That the City Clerk of the City of Lincoln is further directed to notify the Election Commissioner of Lancaster County of the submission of this proposition, & to procure the necessary ballots & make all other necessary arrangements for the same.

Introduced by Jonathan Cook

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

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80305 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached labor agreement between the City of Lincoln & the National Association of Government Employees, to be effective Aug. 17, 2000, is hereby approved, & the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE LINCOLN CITY EMPLOYEES ASSOC. - PRIOR to reading:

SENG Moved to place Bill 00R-204 on Pending.

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

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE AMALGAMATED TRANSIT UNION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80306 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached labor agreement between the City of Lincoln & the Amalgamated Transit Union, to be effective Aug. 17, 2000, is hereby approved, & the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook

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

REAPPOINTING COLEEN SENG TO THE PUBLIC BUILDING COMMISSION FOR A 4-YR. TERM EXPIRING AUG. 1, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80307 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Coleen Seng to the Public Building Commission for a 4-yr. term expiring Aug. 1, 2004 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING COLEEN SENG, JON CAMP, & JONATHAN COOK TO THE RAILROAD TRANSPORTATION SAFETY DIST. FOR TERMS EXPIRING AUG. 31, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80308 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Coleen Seng, Jon Camp, & Jonathan Cook to the Railroad Transportation Safety District for terms expiring Aug. 31, 2001 is hereby approved.

Introduced by Jonathan Cook

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

SETTING HEARING DATE OF MON., AUG. 14, 2000 AT 1:30 P.M. ON THE APP. OF LCV, INC. DBA VILLAGE MARKET FOR RETAIL CLASS B & CLASS K LIQUOR LICENSES AT 3211 S. 13TH ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80309 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Aug. 14, 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 App. of LCV, Inc. dba Village Market for a Retail Class "B" & Class "K" Liquor License at 3211 S. 13th St.

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

Introduced by Jonathan Cook

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

SETTING HEARING DATE OF MON., AUG. 14, 2000 AT 1:30 P.M. ON THE MAN. APP. OF STEPHANIE D. REZAC FOR MOOSE LODGE #175 AT 4901 N. 56TH ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80310 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Aug. 14, 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 Man. App. of Stephanie D. Rezac for Moose Lodge #175 at 4901 N. 56th St.

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

Introduced by Jonathan Cook

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

SETTING HEARING DATE OF MON., AUG. 14, 2000 AT 1:30 P.M. ON THE MAN. APP. OF KENNETH W. VAUGHAN FOR SYDRAN FOOD SERVICES III, LP DBA CHILI'S SOUTHWEST GRILL AT 6730 S. 27TH ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80311 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Aug. 14, 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 Man. App. of Kenneth W. Vaughan for Sydran Food Services III, L.P. dba Chili's Southwest Grill at 6730 S. 27th St.

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

Introduced by Jonathan Cook

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

SETTING HEARING DATE OF MON., AUG. 14, 2000 AT 1:30 P.M. ON THE MAN. APP. OF CRYSTAL J. BUSS FOR LONE STAR STEAKHOUSE & SALOON AT 200 N. 70TH ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80312 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Aug. 14, 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 Man. App. of Crystal J. Buss for Lone Star Steakhouse & Saloon at 200 N. 70th St.

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

Introduced by Jonathan Cook

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

#### ORDINANCES - 1ST & 2ND READING

AMENDING SECS. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 OF THE LMC TO INCREASE THE FEES FOR SWIMMING POOLS, SPA FACILITIES, MAINTAINING OR USING WATER WELLS WITHIN THE CITY LIMITS, & CONSTRUCTING & ALTERNATING INDIVIDUAL SEWAGE SYSTEMS, & AMENDING SEC. 8.44.060 TO PROVIDE FOR BI-ANNUAL PERMITS

FOR WATER WELLS WITHIN THE CITY - CLERK read an ordinance, introduced by Jonathan Cook, amending Secs. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 of the LMC to increase the fees for swimming pools, spa facilities, maintaining or using water wells within the city limits, & constructing & alternating individual sewage systems, respectively; amending Sec. 8.44.060 of the LMC to provide for bi-annual, rather than annual permits for water wells within the City; & repealing Secs. 8.38.090, 8.40.070, 8.44.060, 8.44.070, & 24.38.070 of the LMC as hitherto existing, the first time.

AMENDING CHAPTER 12.20 OF THE LMC RELATING TO TREES & SHRUBBERY BY ADDING A NEW SECTION NUMBERED 12.20.025 TO PROVIDE FOR THE PLANTING OF STREET TREES ON PRIVATE PROPERTY PURSUANT TO AN EASEMENT AGREEMENT IF THERE IS INSUFFICIENT LAND AVAILABLE FOR THE PLANTING & PROPER GROWTH OF THE STREET TREE OR TREES IN THE PUBLIC RIGHT-OF-WAY - PRIOR to reading:

SENG Moved to amend Bill 00-130 in the following manner:

On page 1, line 14, after the word "assume" insert the following phrase: "ownership of the tree".

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

CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 12.20 of the LMC relating to trees & shrubbery by adding a new section numbered 12.20.025 to provide for the planting of street trees on private property pursuant to an easement agreement if there is insufficient land available for the planting & proper growth of the street tree or trees in the public right-of-way, the second time.

VACATING A PORTION OF 7TH ST. FROM THE NORTH LINE OF "T" ST. TO THE NORTH LINE OF "U" ST. - CLERK read an ordinance, introduced by Jon Camp, vacating a portion of 7th St. from the north line of "T" St. to the north line of "U" St., the second time.

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS BY CHANGING THE PAY RANGES FROM A-16 TO M-04 FOR THE CLASSIFICATIONS OF SANITARY ENGINEER, SUPT. OF SOLID WASTE OPERATIONS, SUPT. OF WATER POLLUTION CONTROL FACILITIES, SUPT. OF WASTEWATER COLLECTION, SUPT. OF WATER PRODUCTION & TREATMENT, & SUPT. OF WATER DISTRIBUTION - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for certain employee groups by changing the pay ranges from A-16 to M-04 for the classifications of Sanitary Engineer, Supt. of Solid Waste Operations, Supt. of Water Pollution Control Facilities, Supt. of Wastewater Collection, Supt. of Water Production & Treatment, & Supt. of Water Distribution, the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "E", "X", & "M" - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedule for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, monthly, biweekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "E", "X", & "M", the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "A" & "C" - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, bi-weekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "A" & "C", the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "B" - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, bi-weekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "B", the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, BI-WEEKLY, & HOURLY PAY RANGE

EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "N" - CLERK read an ordinance, introduced by Jon Camp, amending the pay schedules for certain employee groups by adjusting the hourly pay range schedule & schedules of annual, bi-weekly, & hourly pay range equivalents for employees of the City whose classifications are assigned to pay ranges prefixed by "N", the second time.

AMENDING CHAPTER 2.76 OF THE LMC TO MAKE REALLOCATION TO A CLASSIFICATION WITH A HIGHER PAY RANGE CONFORM WITH A PROMOTION AS TO RATE OF PAY FOLLOWING SUCH ACTION; TO DIFFERENTIATE BETWEEN INCREASES RECEIVED AT THE COMPLETION OF ORIGINAL PROBATION BY EMPLOYEES IN GIVEN PAY RANGES; TO DIFFERENTIATE BETWEEN A VOLUNTARY DEMOTION & THE EMPLOYEE'S RATE OF PAY AS THE RESULT OF SUCH ACTION; TO SIMPLIFY LANGUAGE & REFLECT NEGOTIATED CHANGES WITH RESPECT TO SICK LEAVE WITH PAY; TO ALLOW EMPLOYEES IN PAY RANGE "X" TO ACCRUE VACATION THE FIRST SIX MONTHS OF EMPLOYMENT; & TO DEFINE & EXPAND DEFINITION OF EARLY RETIREMENT - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 2.76 of the LMC to make reallocation to a classification with a higher pay range conform with a promotion as to rate of pay following such action; to differentiate between increases received at the completion of original probation by employees in given pay ranges; to differentiate between a voluntary demotion & the employee's rate of pay as the result of such action; to simplify language & reflect negotiated changes with respect to sick leave with pay; to allow employees in range "X" to accrue vacation the second six months of employment; & to define & expand definition of early retirement, the second time.

DEDICATING THE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - CLERK read an ordinance, introduced by Jon Camp, dedicating the N. 33rd St. right-of-way generally located north of Superior St. the second time.

ACCEPTING THE OFFER OF NORTH 33RD, L.L.C. TO DEDICATE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - CLERK read an ordinance, introduced by Jon Camp, accepting the offer of North 33rd, L.L.C. to dedicate N. 33rd St. right-of-way generally located north of Superior St., the second time.

ACCEPTING THE OFFER OF LANCASTER COUNTY SCHOOL DISTRICT 001 AKA LINCOLN PUBLIC SCHOOLS TO DEDICATE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - CLERK read an ordinance, introduced by Jon Camp, accepting the offer of Lancaster County School District 001 aka Lincoln Public Schools to dedicate N. 33rd St. right-of-way generally located north of Superior St., the second time.

ACCEPTING THE OFFER OF DENNIS R. SCHWORER TO DEDICATE N. 33RD ST. RIGHT-OF-WAY GENERALLY LOCATED NORTH OF SUPERIOR ST. - CLERK read an ordinance, introduced by Jon Camp, accepting the offer of Dennis R. Schworer to dedicate N. 33rd St. right-of-way generally located north of Superior St., the second time.

APPROVING A LEASE OF PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. FROM THE STATE OF NEBRASKA FOR 60 YEARS TO CONSTRUCT A TELECOMMUNICATIONS TOWER FOR THE 911 CENTER - CLERK read an ordinance, introduced by Jon Camp, approving a lease of property generally located at 14th & Military Rd. from the State of Nebraska for 60 years to construct a telecommunications tower for the 911 Center, the second time. (**See further Council Action under "ORDINANCES - 3RD READING".**)

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

SPECIAL PERMIT 1843 - APP. OF LORA BELLE M. HANSON FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, APPROVING A WAIVER OF THE DESIGN STANDARDS REQUIRING A MINIMUM SEPARATION DISTANCE OF 100' FROM A RESIDENTIAL DISTRICT OR RESIDENTIAL USE, & APPROVING A WAIVER OF THE DESIGN STANDARDS PROHIBITING DOORS FROM FACING RESIDENTIAL DISTRICTS WITHIN 150', AT 2620 STOCKWELL ST. (7/3/00 - PLACED ON PENDING.):

COOK Moved to remove Bill 00R-178 from Pending for Pub. Hearing on 8/14/00.

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

APPROVING THE DOWNTOWN LINCOLN ASSOC. BUDGET FOR FY 2000-2001 MANAGEMENT & MAINTENANCE DISTRICTS. (7/24/00 - DELAYED PUB. HEARING TO 8/7/00) -

SENG Moved to remove Bill 00R-197 from Pending for Pub. Hearing on 8/7/00.

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

SENG Moved to extend the Pending List for 1 week.

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

**UPCOMING RESOLUTIONS**

SENG Moved to approve the resolutions to have Public Hearing on Aug. 7, 2000.

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

**ADJOURNMENT**

**8:20 P.M.**

SENG Moved to adjourn the City Council Meeting of July 31, 2000.

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

So ordered.

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Paul Malzer, City Clerk

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Teresa J. Meier-Brock, Office Assistant III

