

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, AUGUST 28, 2000 AT 1:30 P.M.**

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

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of Aug. 21, 2000, reported having done so, found same correct.

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

PUBLIC HEARING

APP. OF CORNHUSKER SQUARE LAND CO. DBA CORNHUSKER HOTEL FOR A SDL COVERING AN AREA AT THE GOVERNOR'S MANSION AT 1425 H ST. ON SEPT. 23, 2000 FROM 8:00 A.M. TO 1:00 A.M. - Richard Halvorsen, 6311 Inverness Rd.: Well, I guess I'll address this one 'cause it's the last one but I'm disappointed that none of these people saw fit to take time to show up for this hearing. I recommend you hold them all over for a week, to tell you the truth, I mean, this is not a...they may see it as a routine thing but it's not really that much of a routine deal to have a special designated license to serve alcohol. And, again, I'm surprised that none of these people felt fit to show up for this hearing. I know you probably won't but as I say, hold them all over for a week.

This matter was taken under advisement.

CHANGE OF ZONE 3273 - APP. OF SOUTH RIDGE VILLAGE L.L.C. & KRUEGER DEVELOPMENT INC. FOR A CHANGE FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL & FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED BETWEEN S. 28TH ST. & S. 29TH ST. ALONG PORTER RIDGE RD.

USE PERMIT 100A - APP. OF SOUTH RIDGE VILLAGE L.L.C. & R.C. KRUEGER DEVELOPMENT INC. TO AMEND THE BOUNDARIES OF SOUTH RIDGE VILLAGE TO ALIGN WITH THE O-3 OFFICE PARK DIST. BOUNDARY & TO ADJUST THE LOCATION OF THE REQUIRED LANDSCAPE SCREEN FROM THE OFFICE PARK PROPERTY TO THE RESIDENTIAL PROPERTY TO THE SOUTH, ON PROPERTY GENERALLY LOCATED NORTH OF PORTER RIDGE RD. BETWEEN S. 28TH & S. 29TH ST. & EAST OF S. 29TH ST. - Brian Carstens, 5815 S. 58th St., Suite D, representing applicants: These are just some changes of zone to take care of some slivers & some rear yards that've been created just by various platting over the last several years. This is just basically housekeeping. And, as Kruegers have moved forward with some O-3, we'd requested some landscape screening over on the east side be placed in rear yards & that was granted several years ago. And they're asking the same thing to happen on the south. We did receive unanimous approval at Planning Commission & here to answer any questions that you have.

This matter was taken under advisement.

APPROVING A LEASE AGRMT. BETWEEN THE CITY & AT&T TO LOCATE TELECOMMUNICATIONS FACILITIES ON PROPERTY AT FIRESTATION #5, 3640 TOUZALIN AVE. - Steve Sand, 8877 S. 137th Cir., Omaha, Nebraska, representing AT&T: The matter before the Council today is approval of a Lease Agrmt. between the City & AT&T Wireless Services. The lease is in regard to ground space at Firestation #1 located at 3640 Touzalin Ave. in Lincoln. We have worked extensively with City Staff & believe we have all the details worked out.

Coleen Seng, Council Member: I thought that was really a creative way to do this. It'll be in the flagpole right?

Mr. Sand: That's right. Thank you.

This matter was taken under advisement.

APPROVING AN AGRMT. BETWEEN BIG RED KENO & ROAD HOUSE BAR & GRILLE FOR THE OPERATION OF A KENO SATELLITE SITE AT 1501 CENTERPARK RD., #300 - John Hewitt, 955 W. "O" St., representing Big Red Keno: This is basically just an ownership change. We've been there under the Harvester & the Ironside & now the Rd. House. If you have any questions, I'll try to answer them.

This matter was taken under advisement.

SPECIAL PERMIT 1732A - APP. OF ED & YANA BERANEK TO AMEND THE PREVIOUSLY APPROVED

USE OF A LANDMARK FOR A BED & BREAKFAST TO ALLOW 3 GUEST ROOMS & 1 DWELLING UNIT AT THE F.M. HALL HOUSE LOCATED AT 11TH & D STS. - Ed Beranek, 1039 S. 11th St., applicant: We were granted a special permit three years ago to operate a bed & breakfast at that location & we have two suites in the main house currently that've been operating. We feel like it's been a very successful venture for us. It's allowed us to maintain the property in a historically appropriate manner & it's also allowed the public to see a very interesting, older structure in Lincoln which may not be available otherwise. We have been a good neighbor, we think, to the neighborhood. And, currently, we'd like to use the carriage house which is a separate little detached building behind the main house as a third overnight accommodation. It's been a regular apartment unit for probably the last 50 or 60 years. Probably originally as a servants/gardeners quarters of some kind & this would be a less intensive use just from a standpoint of not having a 30 day tenant that's there on a nightly basis but probably more on the basis of 6 to 10 nights a week or, excuse me, 6 to 10 nights a month on a more intermittent basis. So, we'd like to have your consideration for that.

This matter was taken under advisement.

SPECIAL PERMIT 1846 - APP. OF U.S. WEST WIRELESS L.L.C. TO CONSTRUCT A 78' WIRELESS TELECOMMUNICATIONS TOWER ON PROPERTY GENERALLY LOCATED AT 9TH & "W" STS. & WAIVING THE LANDSCAPING & FALL ZONE REQUIREMENTS - Jill Blazel, representing applicant, no address given: We would like to construct a 78' tower at 9th & "W", are requesting a landscaping waiver at this time as it is in the middle of a parking lot & the concrete would not allow for any vegetation.

Annette McRoy, Council Member: Have you been working with the North Bottoms Neighborhood Assoc.?

Ms. Blazel: We met with them. Steve Forbes actually, who use to do the zoning for us, met with them. Four people attended the meeting. One of them being the president, Cheryl Burbach, I believe is her name. Their two primary concerns was they didn't like Capital Contractors in their neighborhood. They didn't feel it was compatible & we might add to that. The other one was they felt that they were left out of the planning for the University. None of those issues really directly related to us so Mr. Forbes had just listened to their concerns.

Ms. McRoy: (Inaudible) I received a letter from the President of the Neighborhood Assoc. asking that since (inaudible) that they wanted to renew negotiations with you on this & to delay this, it looks like for 3 weeks, (inaudible) taken action on this resolution today until they had time to meet with you again because she cited they haven't been contacted in the neighborhood & Mr. Forbes was going to wait until they came to a resolution with the neighborhood before they brought it before the Council. And since the neighborhood feels like since Mr. Forbes is not working on it any more, they wanted a chance to meet with the new representative & voice their concerns.

Ms. Blazel: Okay. That really wasn't our understanding. Our understanding was that if they had any concerns...Mr. Forbes worked there until last Monday was his last day so there would have been time prior to that Mr. Forbes could've met with them before leaving. Most of their concerns prior to this point have not been based on anything in the ordinance. Jennifer Dam had written Alan Burbach a letter stating that if they had something specifically to the ordinance that we were not following that we would, you know, be able to negotiate more but they did not respond & didn't have any specific items that we weren't meeting according to the ordinance.

Ms. McRoy: I just wanted to bring that forward because I just got the letter as I sat down, it was just delivered up to the Council. (Inaudible) some of the concerns may not necessarily have to do with your business.

Ms. Blazel: We feel we've exhausted all of their efforts. We've looked at billboard applications, we've gone to the UNL Scoreboard, other locations within our search range. None of those were feasible either for RF reasons, they didn't meet our coverage objectives or the landowners were just unwilling to negotiate a lease. You know, we've done our due diligence & contacted the neighborhood association but unless there's a specific reason on the ordinance that this should not be approved then we would like a ruling on it today.

Ms. Seng: Believe we have a motion to amend, I believe that goes with this item. It's to just delete the words "provided that the landscaping is provided in a different location". Is that what you worked out?

Ms. Blazel: Jennifer Dam had asked that be removed because that's not legal for you guys to ask us to provide that in another location.

Ms. Seng: Okay.

Jeff Fortenberry, Council Member: We've recently gone through the debate about co-locating when feasible these cellular towers in the hopes of minimizing visual impact but also balancing that with the need that we all realize & want to promote in terms of promoting...allowing wireless in the community. We just approved the movement of the cellular tower to Military Rd. & hope that that might be a location in which various suppliers of wireless might look at renting.

Jennifer Dam, Planning Dept.: I can anticipate your question. We did ask that U.S. West, QWEST now, look at a variety of sites in this particular area. We asked that they look at the Sprint tower that's up on 14th & Saunders. We asked that they consider the possibility of the 911 tower that was moved to 14th & Military Rd. We asked that they do tests at the University & contact the University for possible placement on the scoreboard or in that general vicinity. And we also talked about possibilities at the baseball stadium. The baseball stadium, any potential for co-locating on the light poles, is quite a ways away because the poles won't be up for another year & U.S. West is, or Quest, is under a lot of pressure to have their system up & running within a certain period of time. They have their technical experts here that can address the reasons why the other facilities wouldn't work but my understanding is that on all of those it would've required two towers to receive the same amount of coverage that this proposed tower would receive or would provide. So, if they were able to co-locate on the 911 tower, they would also need another little tower in this general location to provide additional coverage as well.

Mr. Fortenberry: Do you have any opinion on the visual impact of this since this is one of the areas in which we're aggressively trying to address at that type of issue? We've done it with billboards. We've done it with the neighborhood regarding the impact of the baseball stadium. We've got the entryway corridor study underway. We've successfully, well somewhat successfully, negotiated with the billboards to take one down & to limit the other one.

Ms. Dam: There should be some photo simulations in your packet. This particular site under our wireless ordinance is what would be considered to be a preferred location site. It is industrially zoned. It is in the middle of a steel yard that has a lot of other visual stuff going on. The operations of the steel yard itself have a lot of beams & poles in the area. There are several other utility poles in the general area. And the proposed tower particularly with the cylindrical design of the antenna was deemed to be something that would not be extensively obtrusive in this particular area.

Mr. Fortenberry: It's about twice the height of a light pole?

Ms. Dam: It's probably about 30' taller, 20 to 30' taller than a light pole in that general area, yes.

Ms. Seng: Jennifer, is there any reason that we should be holding this over because North Bottoms has sent us this letter just today?

Ms. Dam: I haven't seen a copy of the letter from the North Bottoms. This was...let me check my packet, this was originally scheduled on the Planning Commission agenda on the 28th of June & the North Bottoms asked that it be held over at that time so that U.S. West could meet with the North Bottoms Neighborhood Assoc. & then we also asked that it would be continued to be held over while they looked & explored the different possibilities for co-locating on the scoreboard at the Stadium, evaluated the 911 tower, etc. The North Bottoms did send a couple E-mails to me asking under what criteria this could be turned down. I responded to them explaining our ordinance, the criteria in our ordinance that are outlined in my staff report & that if the Planning Commission or Council desired to recommend denial it would have to be on the specific points & made in writing. I hadn't heard back from them at all since then. I suppose it would be up to you whether or not to hold it over but it has been held over since June 28th & for a considerable period of time.

Jill (Inaudible), Counsel for QWest Communications, no address given: We would like to answer any questions we can at this time. We have our technical experts with us, also our real estate experts. For the reason that as you're aware Lincoln has a very extensive wireless ordinance, much so more than most localities which QWest on this location is, you know, complied with even more so than required by the ordinance.

And under the Federal Telecommunications Act of 1996, if this body is going to turn down this application or ordinance, we know that it has to be in writing & supported by substantial evidence & we'd like to give you a chance to talk with our experts, to talk with our technical people & get all of your questions answered at this point so we can get (inaudible).

This matter was taken under advisement.

WAIVING THE REQUIREMENT OF THE DESIGN STANDARDS FOR THE SURFACING OF A PARKING LOT LOCATED AT S. 1ST ST. & OLD CHENEY RD. - Tom Cajka, Ross Engineering, 650 J St., Suite 210, representing Lincoln City Church: We are requesting a waiver to the design standards for surfacing a parking lot. In place of hard surfacing it would be 6" to 8" of crushed rock & just here to answer any questions Council might have.

Jonathan Cook, Council Member: The only concern I have is related to future changes to Old Cheney Rd. or Pioneers relating to intersections at Hwy. 77. I doubt that either one of those roads will have interchanges. They may have bridges. We don't know. I don't know if that'll be a problem for you or if that's been considered in any of this. I know it's not directly related to the parking lot but I'm just curious if that's been discussed at all as far as access issues.

Mr. Cajka: We haven't discussed that. It does stipulate in the regulations if dust or something becomes a problem in the future that something would have to take place to address that to keep the dust down. The traffic on the parking lot being a church, you know, Sunday...other than Sunday I would think it'd be very minimal use & this is pretty far...it's somewhat removed from Old Cheney as you can see on the site plan & the church does have a total of 23 acres so affecting any adjacent property owners there really isn't anything for quite some distance.

Mr. Cook: Just something you might want to keep an eye on 'cause it might affect the access for people who want to come to this church & it might be an issue in the future that hasn't been looked at.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUG. 1-15, 2000 - Ms. Seng: There's a man by the name of Scott Tisthammer & he was here before the meeting started because several of the Council members talked to him so I don't know where he might be. Maybe he's misjudged his time. He'd ask that we hold this one item. It's \$3,388.60 & asked that Public Works take another look at this. So, I would hope that we might be able to do that during the voting session.

This matter was taken under advisement.

APPROVING AN AGRMT. BETWEEN THE CITY, EMERGENCY MEDICAL SERVICES INC., ST. ELIZABETH COMMUNITY HEALTH CENTER & BRYAN-LGH MEDICAL CENTER TO PROVIDE MEDICAL OVERSIGHT FOR AMBULANCE SERVICE FOR A PERIOD OF 4 YRS. - Jennifer Brinkman, Mayor's Office, came forward & read a statement in support. A copy of this statement is on file with the legislation in the Office of the City Clerk.

Darrell Stock, President of EMS, Inc., 1115 "K" St., Suite 104: I would tell you that our Board had an opportunity to meet Friday afternoon & review what had basically been negotiated over the last couple months & I have the authority of the board to sign this document subject to what we think are going to be some clarification changes by the hospital. I've talked at least with the Bryan system & they have some clarifications that they'd like made to it which I don't think change it materially but they want some clarifications made. But otherwise they're, in principle, in favor of moving forward on this so as Jennifer mentioned to you we have taken the first steps towards implementing what was the overall arrangement with the administration on this. And my understanding they're going to be proceeding to get some new appointees lined up so that they can take the place of some of the current board members. Dana & I have talked about the amendment to our articles which change the method by which the members would be appointed & that was just a...it's not in front of you because we just didn't quite have it ready but otherwise, as far as I know, he & I are in agreement on what's going to be passed by the board as far as the amended articles that we'll be bringing to the Council for approval. So, at this point, it's just more or less getting some of the housekeeping things taken care of & we'll have...one other thing is you notice this contract starts Sept. 1 of 2001 & we'd like to go ahead & have this...have our current agreement amended so that it provides the same provisions for the next year & so we'll be bringing that forward at some point as an amendment to the current contract to basically make the terms identical between the current contract & then the one that the resolution

provides for. I'd answer any questions anybody has at this point.

Jon Camp, Council Member: I'd ask one of Dana. With that four year requirement pursuant to what Darrell says we go ahead & apply this currently, does that going on a five year basis 'cause any trouble for the City?

Dana Roper, City Attorney: We'll have to take a look at that. You've raised a point & we're going to have to take a look at how we word that.

Mr. Stock: Okay, great. Well, I tell you I appreciate working with Jennifer on this. She did a wonderful job. I just want to put in a plug for her on that. Thanks.

Natalie Olson, Executive Director of the Medical Society, 2966 "O" St.: I'm here this afternoon representing Dr. Dan Noble, who's in surgery, & Dr. Robert Rhodes, our President-elect who is also taking care of patients today so I'm going to speak for them. We're here today to second the approval of the contract that's soon to be signed. The changes that happened today we are aware of & concur with what is happening. The last few months have been interesting & sometimes difficult but we're pleased to give our approval. I, too, want to add my thanks especially to Darrell Stock, Pres. of the EMS Board, & their volunteer board who really for the past 6 yrs. have had to solve problems often that weren't of their own creation. And it has been an absolute wonderful opportunity to work with these people. I also would add my second to Darrell's comments about Jennifer Brinkman. She's been consistent throughout this & it has been if not sometimes difficult at least a good experience. I'd be happy to answer any questions you might have.

Mr. Fortenberry: Natalie, just a word of thanks for all your efforts in this regard. We've come a long ways I think from the initial discussion & it's nice to see that everyone's on the same page or appears to be so & I think it's very commendable or that's a reason to commend you & all the efforts that you've put in in that regard.

Ms. Olson: I appreciate that. We did this on behalf of anyone who will need pre-hospital emergency care so we did it on behalf of the patients here in Lincoln.

Mike Spadt, City Fire Chief: I rise in full, enthusiastic support of this resolution & urge your adoptment. We, too, understand the importance of independent medical oversight & will adhere to the letter of the law. I appreciate it & I'd answer any questions that you have.

Mr. Fortenberry: Thank you, Chief Spadt, for your hard work in bringing about Doug's strong resolution to all the previous issues.

Dave Engler, Vice President of the Lincoln Firefighters: On behalf of the 256 firefighters we represent, we, too, just wanted to let you know that we are very much in favor of this & look forward to working with EMS, Inc. & the medical community in the future. Thank you.

Ms. Seng: Well, now that we have everyone in agreement on a medical oversight, I think there's one more piece that I'd like to ask the administration to bring forward whenever it's appropriate timing. I think we need to have some type of an independent audit. That is the one piece that since our public hearing that night in June I have heard so much about & I felt uncomfortable at the time & I think it's appropriate that we ask that we have an independent audit set up & if the administration could figure out how to bring that forward at the time when some other ordinance or resolution is coming, I think that'd be appropriate.

Jerry Shoecraft, Council Chair: I think, Dana, the appropriate time would be when we bring those final ordinances forward & attach it to that, please. And then that'll be in a week or two & it'll be part of those final ordinances & we'll have that concern addressed. Thanks, Coleen.

Mr. Camp: I appreciate Coleen bringing that up. I guess I would just mention one question that I had along the process & that is when we do the financial audits & financial oversight of whoever does the ambulance service that it's important to establish the rules up front & I guess look at how we're allocating it. If the City does, in fact, carry this out, I would like independent financial guidance on whether the allocations of the expenses & so forth are appropriate just as a protection for the taxpayer. I don't know if something like that can be put into it but I'd like that subject to be kept on the table.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward regarding making sure press has proper schedule of City Council Meetings.

Kelly Fallon, 1617 F St., came forward regarding the need for a

crosswalk by the F St. Rec. Center; her son is the third child to have been hit.

These matters were taken under advisement.

ORDINANCES - 3RD READING

APPROVING A LEASE AGRMT. BETWEEN THE CITY & AT&T TO LOCATE TELECOMMUNICATIONS FACILITIES ON PROPERTY AT FIRESTATION #5, 3640 TOUZALIN - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, whereas the City of Lincoln desires to lease space of approx. 550 sq. ft. adjacent to Firestation #5 located at 3640 Touzalin Ave., Lincoln, Nebraska to AT&T Wireless PCS (hereinafter "AT&T") for use as a telecommunication tower & ground space, the third time.

SENG Moved to pass the ordinance as read.

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

The ordinance, being numbered **17722**, is recorded in Ordinance Book 24, Page

REPEALING ORD. 17122 FOR REPAVING DIST. 149 IN 68TH ST. FROM FREMONT ST. TO BENTON ST. - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, repealing Ord. 17122 which created Repaving Dist. 149, which repaving district included all that portion of Lots 5 through 8, Block 7 & Lots 1, 2, 12 & the east 32' of Lot 11, Block 8, Woods Brothers 2nd Add. to Havelock describing the benefitted property & providing for the payment of the cost thereof, the third time.

JOHNSON Moved to pass the ordinance as read.

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

The ordinance, being numbered **17723**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1732A - APP. OF ED & YANA BERANEK TO AMEND THE PREVIOUSLY APPROVED USE OF A LANDMARK FOR A BED & BREAKFAST TO ALLOW 3 GUEST ROOMS & 1 DWELLING UNIT AT THE F.M. HALL HOUSE LOCATED AT 11TH & D STS. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80370 WHEREAS, Ed & Yana Beranek has submitted an application designated as Special Permit 1732A for authority to amend the previously approved use of a landmark for a bed & breakfast to allow three guest rooms & one dwelling unit on property located at the Hall House, 11th & D St., & legally described to wit:

Lots 11 & 12, Block 190, Original Plat, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this bed & breakfast 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 Lincoln Municipal Code (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 Ed & Yana Beranek, hereinafter referred to as "Permittee", to amend the previously approved use of a landmark for a bed & breakfast to allow three guest rooms & one dwelling unit, on the property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.400 of the LMC upon condition that construction & operation of said bed & breakfast be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves the use of the Hall House property for three bed & breakfast guest suites & one dwelling unit.

2. Signs for the landmark must receive a Certificate of Appropriateness from the Historic Preservation Commission prior to installation.

3. The construction plans must conform to the approved plans.

4. Before occupying the bed & breakfast guest suites, all development & construction must be completed in conformance with the approved plans.

5. All privately-owned improvements must be permanently maintained by the Permittee.

6. The site plan which accompanied SP 1732, approved by the City

Council, remains the official approved permit, & shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, etc.

7. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, their successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. 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 Annette McROY

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

SPECIAL PERMIT 1846 - APP. OF U.S. WEST WIRELESS L.L.C. TO CONSTRUCT A 78' WIRELESS TELECOMMUNICATIONS TOWER ON PROPERTY GENERALLY LOCATED AT 9TH & "W" STS. & WAIVING THE LANDSCAPING & FALL ZONE REQUIREMENTS - PRIOR to reading:

MCROY Moved to continue Pub. Hearing & to delay Action on Bill 00R-232 for 2 weeks to 9/11/00.

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

USE PERMIT 100A - APP. OF SOUTH RIDGE VILLAGE L.L.C. & R.C. KRUEGER DEVELOPMENT INC. TO AMEND THE BOUNDARIES OF SOUTH RIDGE VILLAGE TO ALIGN WITH THE O-3 OFFICE PARK DIST. BOUNDARY & TO ADJUST THE LOCATION OF THE REQUIRED LANDSCAPE SCREEN FROM THE OFFICE PARK PROPERTY TO THE RESIDENTIAL PROPERTY TO THE SOUTH, ON PROPERTY GENERALLY LOCATED NORTH OF PORTER RIDGE RD. BETWEEN S. 28TH & S. 29TH ST. & EAST OF S. 29TH ST. (IN CONNECTION W/00-153) - PRIOR to reading:

SENG Moved to delay Action on Bill 00R-233 for 2 weeks to 9/11/00.

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

SPECIAL PERMIT 1830 - APP. OF RICHARD SPEIDELL TO DEVELOP MANDARIN COURT C.U.P. CONSISTING OF 3 DWELLING UNITS & WAIVERS OF THE REQUIRED SIDEWALKS, STREET LIGHTS, PAVING, DRAINAGE, STREET ELEVATIONS, & ALLOWING APPROVAL BY THE PLANNING DIRECTOR OF THE ADMINISTRATIVE FINAL PLAT, ON PROPERTY GENERALLY LOCATED AT 4811 MANDARIN CIR. - PRIOR to reading:

JOHNSON Moved to amend Bill 00R-223 in the following manner:

1. On page 3, line 5, after the word "Department." add a new sentence to read as follows: Said final plan shall show:
 - i. A public water system to serve the lots within Mandarin Court CUP revised to the satisfaction of the Department of Public Works & Utilities.
 - ii. A note stating that the Permittee agrees not to initiate any request for a special assessment district to construct street paving, ornamental lighting, or storm sewers within Mandarin Court CUP.
2. On page 3, after line 8, insert a new subparagraph d. to read as follows:
 - d. The Permittee shall, at Permittee's cost, through the authority of an executive order issued by the Mayor, construct a public water main & fire hydrants to serve the lots within Mandarin Court C.U.P.

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

DEPUTY CLERK Read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80379 WHEREAS, Richard Speidell has submitted an application designated as Special Permit 1830 for authority to develop Mandarin Court C.U.P. consisting of three dwelling units on property located at 4811 Mandarin Cir., & legally described to wit:

Lot 4, Outlot "A", & a part of the former right-of-way of Capitol Parkway adjacent to said lots as platted in Pioneer Heights Subdivision located in the NE1/4 of Sec. 10, T9N, R7E of the 6th P.M., Lancaster County, Nebraska, & more particularly described as follows:

Beginning at the southwest corner of said Pioneer Heights

Subdivision; thence in an easterly direction, along the south line of said Pioneer Heights Subdivision, on an assumed bearing of north 90 00 minutes 00 seconds east, for a distance of 412.94' to the most southerly corner of said Lot 4; thence north 08 54 minutes 01 seconds east, along the easterly line of said Lot 4, for a distance of 265.12' to the northeast corner of said Lot 4; thence along a curve to the right having a radius of 234.64' & an arc length of 120.37', being subtended by a chord of north 65 42 minutes 20 seconds west, for a distance of 119.05' to the most northerly corner of said Lot 4; thence south 39 35 minutes 33 seconds west, along the northwesterly line of said Lot 4, for a distance of 254.55' to a point on the centerline of the former right-of-way of Capitol Parkway; thence north 50 05 minutes 47 seconds west, along the centerline of the former right-of-way of Capitol Parkway, for a distance of 239.80' to a point on the west line of said Pioneer Heights Subdivision; thence south 00 09 minutes 25 seconds east, along the west line of said Pioneer Heights Subdivision, for a distance of 268.58' to the point of beginning; said property contains 2.19 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan 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 Richard Speidell, hereinafter referred to as "Permittee", to develop Mandarin Court C.U.P. consisting of three dwelling units, on the property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.320 & Chapter 27.65 of the LMC upon condition that construction & operation of said community unit plan be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves three dwelling units.
2. The requirement of §26.27.020 of the LMC that sidewalks be installed is hereby waived along the street within Mandarin Ct.
3. The requirement of §26.27.010 of the LMC that streets within the subdivision be paved with curb & gutters is hereby waived in Mandarin Ct.
4. The requirement of §26.27.070 of the LMC that a street lighting system be installed is hereby waived in Mandarin Ct.
5. The requirement of §26.31.015 of the LMC is hereby modified to allow the Planning Director to approve the administrative final plat in accordance with the approved community unit plan.
6. Before receiving building permits:
 - a. The Permittee must submit a revised & reproducible final plan & five copies to the Planning Department. Said final plan shall show:
 - i. A public water system to serve the lots within Mandarin Court CUP revised to the satisfaction of the Department of Public Works & Utilities.
 - ii. A note stating that the Permittee agrees not to initiate any request for a special assessment district to construct street paving, ornamental lighting, or storm sewers within Mandarin Court CUP.
 - b. The construction plans must conform to the approved plans.
 - c. A final plat of Mandarin Court must be approved by the City or the Director of Planning.
 - d. The Permittee shall, at Permittee's cost, through the authority of an executive order issued by the Mayor, construct a public water main & fire hydrants to serve the lots within Mandarin Court C.U.P.
7. Before occupying the new dwelling units all development & construction must be completed in conformance with the approved plans.
8. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
9. 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.

10. 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.

11. The Permittee shall sign & return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY IN THE SOUTH 33' OF THE PINE LAKE RD. R-O-W ALONG THE SECTION LINE NORTH OF LOT 40 OF THE I.T.'S IN THE NE1/4 OF SEC. 23, T9N, R6E OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, SUBMITTED BY LINCOLN PUBLIC SCHOOLS - DEPUTY CLERK presented said petition which was referred to the Law Dept.

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF LINCOLN HOSPITAL ASSOC. TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FOR THE PERIODS OF 9/1/00 THRU 11/20/00, 11/15/00 THRU 12/25/00, & 1/15/01 THRU 5/20/01 - DEPUTY CLERK requested a motion.

MCROY So moved.

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

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF BLESSED SACRAMENT CHURCH TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FOR THE PERIOD OF 9/5/00 THRU 10/22/00 - DEPUTY CLERK requested a motion.

MCROY So moved.

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

INFORMAL REQUEST FOR A PAVING DIST. IN NW 10TH ST. FROM W. DAWES AVE. TO W. BELMONT AVE. SUBMITTED BY KEN WARD - DEPUTY CLERK presented said request which was referred to the Public Works Dept.

THE FOLLOWING APPLICATIONS WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone 3272 - App. of Hartland Homes, Inc. for a change from AG to R-3 on property at S. 84th St. & Old Cheney Rd.

Change of Zone 3275 - App. of Nebraska Association of County Officials for a text change to LMC Sec. 27.24.040(j) & 27.63.340.

Change of Zone 3276 - App. of Planning Director for a text change to LMC Sec. 27.33.

Change of Zone 3277 - App. of UNL Institute of Agriculture & Natural Resources for a change from R-2 Residential to O-2 Suburban Office on property located at 3115 N. 70th St.

Change of Zone 3278 - App. of Hendricks Investments LLC to change the building line from 50' to 40' on property at Folsom & South Sts.

Change of Zone 3280 - App. of Planning Director for a text amendment to Title 27 of the LMC to add Secs. 27.03.036, 27.03.038, 27.03.564, 27.03.566 & 27.63.730; & to amend Secs. 27.43.040, 27.45.030, 27.47.030, 27.49.040 & 27.51.050, to define & allow sexually oriented live entertainment establishments as a permitted special use in the H-3 Hwy. Commercial, H-4 General Commercial, I-1 Industrial, I-2 Industrial Park & I-3 Employment Center Zoning Dists.

Special Permit 1857 - App. of Pearle Finigan for a C.U.P. on property at N. 84th St. & Waverly Rd.

Special Permit 1861 - App. of QWest Wireless LLC to allow wireless transmission from a new communicator pole; request for a waiver of landscaping, waiver of the fall zone & request to amend the site plan to the B-5 Zoning Dist. on property at N. 27th & Kensington Drive.

Special Permit 1862 - App. of QWest Wireless LLC to allow wireless transmission from a new communicator pole; request for a waiver of landscaping, waiver of the fall zone & request to amend the site plan to the B-5 Zoning Dist.

on property at S. 56th & Hwy. 2.
Special Permit 1864 - App. of ADM Milling Co. to construct a 45' addition (4th & 5th story) to an existing building at 540 South St.
Special Permit 1866 - App. of QWest Wireless LLC to allow wireless transmission from a new communicator pole; request for a waiver of landscaping, & waiver of the fall zone on property at 48th & Leighton.
Special Permit 1867 - App. of McMaster Enterprise Inc. to widen parking area, with future building planned; removal of present building for safety & architectural design of neighborhood on property at 1230 "H" St.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON AUG. 14, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

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

A-80378 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 08/18/00)

Introduced by Annette McRoy

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF JULY, 2000 FROM: D & D COMMS., LIGHTYEAR COMMS. (FKA UNIDIAL), GLOBAL TELEPHONE, COM-DATA TELECOMMS., NOSVA LTD., SINGLE BILLING SERVICES, RSL COM USA, GLYPHICS COMMS., INCOMNET COMMS., NEXTLINK LONG DISTANCE, AFFINITY NETWORK, TOUCH AMERICA, GTC TELECOM, TELIGENT SERVICES, TRI-M COMMS., NOS COMMS., LDM SYSTEMS, ASSOCIATION ADMINISTRATORS, LONG DISTANCE OF MICHIGAN, I-LINK COMMS., BIG PLANET, EQUALITY, GST NET, GLOBALCOM, NEXTEL, NEXTEL WEST, NETTEL CORP, NETWORK INTERNAT'L, & NETWORK BILLING SYSTEMS - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUG. 1-15, 2000 - PRIOR to reading:

SENG Moved to amend Bill 00R-236 by removing the claim of Scott Tisthammer for further consideration on 9/11/00.

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

DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80372 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 August 16, 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>
David E. Hawkins	\$ 60,717.03	Melissa Meyer \$1,435.16
R.E. (Bob) Grant	90.00	
Scott Tisthammer	3,388.60	
Michael S. Ira	45.00	
Matthew A. Williams	2,000.00	
Gary L. Abraham	400,000.00+	
Farm Bureau Insurance Co. (Steve & Vicki Ozenbaugh, Insureds)	2,400.65	
Vera Stivers	2,000.00	

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Annette McRoy

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

OTHER RESOLUTIONS

APP. OF RT OMAHA FRANCHISE LLC DBA RUBY TUESDAY FOR A RETAIL CLASS I LIQUOR LICENSE AT 5508 S. 56TH ST.;

MAN. APP. OF DOUGLAS BRYON DAIZE FOR RT OMAHA FRANCHISE LLC DBA RUBY TUESDAY FOR A RETAIL CLASS I LIQUOR LICENSE AT 5508 S. 56TH ST.;

APP. OF HOLIDAY INN DOWNTOWN FOR A SPECIAL DESIGNATED LICENSE (SDL) TO COVER AN AREA MEASURING 145' BY 300' AT AMERITAS INVESTMENT CORP., 5900 "O" ST., ON SEPT. 30, 2000 FROM 8:00 A.M. TO 5:00 P.M.;

APP. OF IRIE INC. DBA DOC'S PLACE FOR A SDL TO COVER AN AREA MEASURING 96' BY 24' AT 201 N. 8TH ST. ON SEPT. 23, 2000 FROM 8:00 A.M. TO 1:00 A.M.;

APP. OF IRIE INC. DBA DOC'S PLACE FOR A SDL TO COVER AN AREA MEASURING 96' BY 24' AT 201 N. 8TH ST. ON SEPT. 30, 2000 FROM 8:00 A.M. TO 1:00 A.M.;

APP. OF CORNHUSKER SQUARE LAND CO. DBA CORNHUSKER HOTEL FOR A SDL COVERING AN AREA AT THE GOVERNOR'S MANSION AT 1425 H ST. ON SEPT. 23, 2000 FROM 8:00 A.M. TO 1:00 A.M. - PRIOR to reading:

SENG Moved to continue Pub. Hearing & to delay Action on these applications for 2 weeks to 9/11/00.

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

APPOINTING NORMAN LANGEMACH TO THE LINCOLN CITY LIBRARY BOARD FOR A 7-YR. TERM EXPIRING AUG. 31, 2007 - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80366 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Norman Langemach to the Lincoln City Library Board for a seven-year term expiring August 31, 2007 is hereby approved.

Introduced by Annette McRoy

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

APPROVING AN AGRMT. BETWEEN BIG RED KENO & ROAD HOUSE BAR & GRILLE FOR THE OPERATION OF A KENO SATELLITE SITE AT 1501 CENTERPARK RD., #300 - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80367 WHEREAS, the City of Lincoln & the County of Lancaster, Nebraska have entered into an Interlocal Agrmt. for the purposes of providing for joint City-County keno lottery; &

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; &

WHEREAS, Section 5 of the Interlocal Agrmt. & Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; &

WHEREAS, all requirements under the Interlocal Agrmt. & the Keno contract governing the establishment & location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Rd. House Bar & Grille, 1501 Center Park Rd., #300, Lincoln, NE 68512.

The City Clerk is directed to return an executed copy of this Resolution to the Rd. House Bar & Grille, & a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Annette McRoy

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

APPOINTING ANNETTE MCROY TO THE JOINT BUDGET COMMITTEE FOR A 2-YR. TERM EXPIRING ON AUG. 31, 2002 - DEPUTY CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80368 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Annette McRoy to the Joint Budget Committee for a two-year term expiring August 31, 2002 is hereby approved.

Introduced by Annette McRoy

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

APPROVING THE STARTRAN RATE SCHEDULE TO ELIMINATE THE STARTRAN TAXI COUPON PROGRAM - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80359 WHEREAS, pursuant to Sec. 2.38.100 of the LMC, the StarTran Advisory Board has made recommendations regarding the elimination of the Taxi

Coupon Program in the StarTran fare structure; &

WHEREAS, the City Council, pursuant to said Code section, must review all recommendations & take final action thereon.

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

That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts & adopts the following as the StarTran fare structure to eliminate the Taxi Coupon Program:

HandiVan & Brokerage Services (cash)	\$ 1.70/ride
Adult Ticket Book (HandiVan & Brokerage Services)	\$34.00/book
Friends/Companions who accompany ADA eligible persons on HandiVan or Brokerage Services	Same fare as paid by ADA eligible person
Passport (Unlimited rides per month (HandiVan & Brokerage Services)	\$50.00/month
Adult Cash	\$.85/ride
Student (elementary, middle & high school)	\$.50/ride
Child (4 & under)	Free
Star Shuttle/Downtown Zone	\$.25/ride
Go-For-Less & Senior saver	\$.40/ride
Adult Ticket Book (regular service)	\$17.00/book
Student Ticket Book (20 ride)	\$10.00/card
Elderly Handicapped Punch Pass (Regular service 20-ride)	\$ 7.00/card
Passport (Unlimited rides/month Regular Service)	\$25.00/month
Transfers	Free
Taxi program coupons requested (max annual requests limited to \$120.00 value)	75% paid by Applicant
Ride 'N Shop reimbursements	\$.40
Holiday Light Tour	\$ 2.00/ride paid in advance
Big Red Express - Adult	\$ 2.00/ride
Big Red Express - 12 & under	\$ 1.00/ride

BE IT FURTHER RESOLVED that the fare structure set forth above shall become effective September 1, 2000, & upon that date Resolution A-79807 relating to fares shall be superseded.

Introduced by Annette McRoy

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

WAIVING THE REQUIREMENT OF THE DESIGN STANDARDS FOR THE SURFACING OF A PARKING LOT LOCATED AT S. 1ST ST. & OLD CHENEY RD. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80371 WHEREAS, Lincoln City Church has requested a waiver of the surfacing requirements for a parking lot in excess of required parking located on property generally located at south 1st St. & Old Cheney Rd. & legally described as:

A portion of Lot 42 of I.T.'s located in the N½ of the SE1/4 of Sec. 10, T9N, R6E of the 6th P.M., Lincoln, Lancaster County, Nebraska & more particularly described by metes & bounds as follows:

Beginning at the east quarter corner or the northeast corner of Lot 42 or the southeast corner of Lot 39 Irregular Tracts of Sec. 10, T9N, R6E of the 6th Principal Meridian, Lancaster County, Nebraska, being a 5/8" rebar & aluminum cap; thence south 00 12 minutes 52 seconds east (an assumed bearing) on the east line of the SE1/4 & Lot 42 I.T. of said Sec. 10, a distance of 1,325.91' to a ½" rebar, being the east sixteenth corner of the SE1/4 of said Sec. 10; thence north 89 05 minutes 31 seconds west, & on the south line of the North Half of the SE1/4 of said Sec. 10, a distance of 619.45' to a 5/8" rebar, being a point on the west line of Lot 42 I.T. of said Sec. 10 or the east right-of-way line of U.S. Hwy. 77; thence north 23 11 minutes 45 seconds west, & on the west line of Lot 42 I.T. of said Sec. 10 or the east right-of-way line of said U.S. Hwy. 77, a distance of 1,449.30' to a 5/8" rebar, being a point on the north line of the SE1/4 or the northwest corner of Lot 42 or the southwest corner of Lot 39 Irregular Tracts of said Sec. 10; thence south 89 13 minutes 26 seconds east, & on the north line of the SE1/4 & of Lot 42 or the south line of Lot 39 Irregular Tracts of said Sec. 10, a

distance of 1,185.37' to the point of beginning & containing a calculated area of 1,195,473.33 sq. ft. or 27.444 acres more or less,

WHEREAS, the City Council finds that:

a) The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit religious institution & is in excess of the parking required by the Zoning Code;

b) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, & safe circulation; &

c) The location of the parking lot is sufficient distance from surrounding uses that it will not adversely affect the surrounding uses, & the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the requirement for the paving of the parking lot for Lincoln City Church located at 5201 S. 1st St. on property legally described above is hereby waived pursuant to §27.67.100(c) of the LMC under the following conditions:

1) The driveway approach be surfaced in compliance with Driveway Design Standards.

2) If it is later found that dust or noise, created by the use of the parking lot exceeds the maximum levels set forth in Title 8 of the LMC, then such waiver may, after notice & hearing by the City Council, be revoked.

3) This resolution's terms, conditions, & requirements bind & obligate the permittee, its successors & assigns.

Introduced by Annette McRoy

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

APPOINTING RICH WIESE TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A 3-YR. TERM EXPIRING AUG. 17, 2003 - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80373 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Rich Wiese to the Community Forestry Advisory Board for a 3-yr. term expiring August 17, 2003 is hereby approved.

Introduced by Annette McRoy

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

APPROVING AN AGRMT. BETWEEN THE CITY, EMERGENCY MEDICAL SERVICES INC., ST. ELIZABETH COMMUNITY HEALTH CENTER & BRYAN-LGH MEDICAL CENTER TO PROVIDE MEDICAL OVERSIGHT FOR AMBULANCE SERVICE FOR A PERIOD OF 4 YRS. - PRIOR TO reading:

JOHNSON Moved to continue Pub. Hearing & to delay Action on Bill 00R-238 for 2 weeks to 9/1/00.

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

APP. OF ST. JOSEPH'S CHURCH/SCHOOL OF LINCOLN TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80374 WHEREAS, St. Joseph's Church & School has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the LMC; &

WHEREAS, said application complies with all of the requirements of Sec. 9.32.030 of the LMC.

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

That, after public hearing duly had as required by Sec. 9.32.050 of the LMC, the City Council does hereby grant a permit to St. Joseph's Church & School to conduct a lottery in the City of Lincoln in accordance with the application filed by Msgr. Myron J. Pleskac. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application & only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions & requirements of Chapter 9.32 of the LMC.

BE IT FURTHER RESOLVED that pursuant to Sec. 9.32.080 of the LMC, a

tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, & if unpaid at that time, shall thereafter be delinquent.

Introduced by Annette McRoy

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

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF SAND CORP. DBA WATERING HOLE FOR A LIQUOR CATERING LICENSE AT 1321 "O" ST. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80375 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Sept. 11, 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 Sand Corp. dba Watering Hole for a Liquor Catering License at 1321 "O" St.

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

Introduced by Annette McRoy

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

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF TAMY, INC. DBA TAM O'SHANTER FOR AN ADDITION TO THE LICENSED PREMISE AT 105 S. 25TH ST. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80376 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Sept. 11, 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 Tamy Inc dba Tam O'Shanter for an addition to the licensed premise at 105 S. 25th St.

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

Introduced by Annette McRoy

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

SETTING HEARING DATE OF MON., SEPT. 11, 2000 AT 1:30 P.M. ON THE APP. OF LAMBERT INVESTMENTS LLC DBA INN AT LINCOLN FOR A RETAIL CLASS I LIQUOR LICENSE AT 5250 CORNHUSKER HWY. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80377 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Sept. 11, 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 Lambert Investments LLC dba Inn at Lincoln for a Retail Class I Liquor License at 5250 Cornhusker Hwy.

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

Introduced by Annette McRoy

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

ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3268 - APP. OF GARNER INDUSTRIES FOR A CHANGE FROM I-2 INDUSTRIAL PARK TO I-2 INDUSTRIAL PARK PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT N. 98TH ST. & CORNHUSKER HWY. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, changing the boundaries of the districts established & shown on said City of Lincoln Zoning Dist. Maps as provided in Sec. 27.05.020 of the LMC & approving the designation of the area hereinafter described as a planned unit development, the first time.

CHANGE OF ZONE 3206 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO B-1 LOCAL BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 70TH ST. & PINE LAKE RD. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Zoning Dist.

Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

CHANGE OF ZONE 3207 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 84TH ST. & OLD CHENEY RD. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the City of Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

APPROVING AN EXTENSION OF THE CABLE TELEVISION FRANCHISE BETWEEN THE CITY & AOL/TIME WARNER, INC. FOR 60 DAYS BEYOND THE FRANCHISE EXPIRATION OF SEPT. 15, 2000 - PRIOR to reading:

CAMP Moved for Bill 00-162 to have 2nd & 3rd Reading/Action on 9/11/00. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK read an ordinance, introduced by Annette McRoy, approving an extension of the Cable Television Franchise with AOL Time Warner, Inc. for 60 days beyond the franchise expiration of Sept. 15, 2000, the first time.

CHANGE OF ZONE 3273 - APP. OF SOUTH RIDGE VILLAGE L.L.C. & KRUEGER DEVELOPMENT INC. FOR A CHANGE FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL & FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED BETWEEN S. 28TH ST. & S. 29TH ST. ALONG PORTER RIDGE ROAD - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

VACATING THE NORTH-SOUTH ALLEY NORTH OF "N" ST. BETWEEN 13TH & 14TH STS. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, vacating north-south alley north of "N" St. between 13th & 14th Sts., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

AMENDING SEC. 2.62.200 OF THE LMC RELATING TO POLICE & FIRE PENSION PLAN "A" TO PROVIDE MEMBERS OF POLICE & FIRE PENSION PLANS "B" & "C" THE OPPORTUNITY TO PARTICIPATE IN POLICE & FIRE PENSION PLAN "A" - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Chapter 2.62 of the LMC relating to the Police & Fire Pension Plan - Plan "A" by amending Sec. 2.62.200 to provide members of Police & Fire Pension plans "B" & "C" the opportunity to elect to participate in Police & Fire Pension Plan A subsequent to the implementation of the deferred retirement option plan; & repealing Sec. 2.62.200 of the LMC as hitherto existing, the second time.

APPROVING A LEASE AGRMT. BETWEEN THE CITY & AT&T TO LOCATE TELECOMMUNICATIONS FACILITIES ON PROPERTY AT FIRESTATION #5, 3640 TOUZALIN AVE.- PRIOR to reading:

SENG Moved to suspend the Council Rules for Bill 00-161 to have 3rd Reading/Action on this date.

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

DEPUTY CLERK Read an ordinance, introduced by Coleen Seng, whereas the City of Lincoln desires to lease space of approx. 550 sq. ft. adjacent to Firestation No. 5 located at 3640 Touzalin Ave., Lincoln, Nebraska to AT&T Wireless PCS (hereinafter "AT&T") for use as a telecommunication tower & ground space, the second time. (*See further Council Action under "ORDINANCES - 3RD READING".*)

MISCELLANEOUS BUSINESS

PENDING LIST -

CHANGE OF ZONE 3141 - APP. OF RANDY ROHLMEIER FOR A CHANGE FROM R-2 RESIDENTIAL TO I-1 INDUSTRIAL, ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF N. 33RD ST. & LEIGHTON AVE.:

COOK Moved to remove Bill 98-153 from Pending & to withdraw it.

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

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4343 & was placed on file in the Office of the City Clerk.

**REGULAR MEETING
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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.:

JOHNSON Moved to remove Bill 00R-200 from Pending for action on 9/11/00.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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

UPCOMING RESOLUTIONS

SENG Moved to approve the resolutions to have Public Hearing on Sept. 11, 2000.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

2:59 P.M.

CAMP Moved to adjourn the City Council Meeting of Aug. 28, 2000.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III