

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 4, 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. [Note: Cook & Camp arrived at approx. 1:40 p.m.]

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 Dec. 4, 2000, reported having done so, found same correct.

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

**PUBLIC HEARING**

MAN. APP. OF THOMAS O. ROST FOR COLUMBUS LINCOLN HOTEL PROPERTIES, L.L.C. DBA HOLIDAY INN LINCOLN DOWNTOWN AT 141 N. 9TH ST. - Tim O'Neill, Harding, Schultz, & Downs, 800 Lincoln Square, 121 S. 13th St., took oath: You have a busy agenda, I'm here on behalf of the Holiday Inn from Downtown. If you have any questions about Mr. Rost that, on the application I'd be happy to entertain.

This matter was taken under advisement.

CHANGE OF ZONE 3289 - APP. OF RIDGE DEVELOPMENT, SOUTHVIEW, INC. & NORTH HILLS LIMITED PARTNERSHIP FOR A CHANGE FROM R-2 TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT FOLKWAYS DR. & 21ST ST. - Danay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: On behalf of the applicant, I think the Staff Report does a good job of explaining our change of zone request here, but I'd be happy to answer any questions if you have any.

This matter was taken under advisement.

AMENDING SEC. 10.22.080(E) OF THE LMC TO INCLUDE LANGUAGE WHICH REQUIRES THAT VEHICLES OPERATED UPON THE STS. OF THE CITY NOT BE OBSCURED TO THE EXTENT THAT THE ABILITY TO SEE INSIDE THE VEHICLE IS SUBSTANTIALLY IMPAIRED - Brent Wiseman, Embassy Specialty Films: I just wanted to, I have one question is this changing the law or just re-wording the law? Does this deal with window tint? Window film?

Dana Roper, City Attorney: Yes.

Cindy Johnson, Council Member: Dana, could you explain to them?

Jerry Shoecraft, Council Member: Basically, the problem we have is with the really dark window tint.

Mr. Wiseman: OK, but it's not going to affect the law that we have in place right now?

Mr. Roper: This is merely putting into the City ordinance what exists in the State Statutes & the purpose of it is when a car is stopped & an officer writes citations that all of those citations would go to the City Attorney or to the County Attorney as the case may be & this would allow for discharge to be issued as a City violation if merely repeats & is identical to what presently exists in the State Statute.

Mr. Shoecraft: Basically are we telling people that are in this business that we do not prefer the really dark window tints for safety reasons?

Mr. Roper: Correct. For the safety of the officer.

Mr. Shoecraft: But they don't have to if a customer requests that they don't have to adhere to that new law do they?

Mr. Roper: There's nothing in this that prohibits the seller from selling, but whoever is operating the vehicle has the responsibility.

Mr. Shoecraft: That there would be an additional charge brought upon them

Mr. Roper: Yes.

Mr. Wiseman: It wouldn't come back to the manufacturer or the person who is installing or anything like that?

Mr. Roper: No.

Jonathan Cook, Council Member: Oh, no just a clarification on something I'd asked Dana earlier, this only applies to vehicles operating along the street? If you're parked along the street & you decide to put a sign in your window that says, you know, vote for some candidate or, but you take it out when you're driving so it doesn't obstruct your operation

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of a vehicle that's legal?

Mr. Roper: This present ordinance, the ordinance before the Council contemplates operating on the streets so you're going to be moving. If you park & you have a sign that could be a violation of other City ordinances, would not violate this.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY MEADOW GOLD DAIRIES FOR THE CONSTRUCTION OF A BLOCK STRUCTURE WITH ROOF FOR AN EXISTING COMPACTOR AT THE NORTHEAST CORNER OF 7TH & L STS. - Bill Froehlich, Meadow Gold Dairies, 726 L St.: I'm just offering to answer any questions if there are any questions on this one.

Ms. Johnson: I have, I don't know if it's necessarily for him, but are you aware that Staff voted not, or denied this? Staff recommended denial because of a blocked structure with the roof & so that they're seeing a sight distance problem & I don't if anybody's here to speak on that on Staff's behalf. I didn't know if were aware of that.

Mr. Froehlich: I wasn't aware of that. The reason we want to do it is for eye appeal, keep the wind from blowing the trash out into the neighborhood. Enclose it to protect it from rain. It's sitting on a bare soil situation & we would put a drain under it going to the sanitary sewer. It would be a much better look to the area plus the smell & the litter.

Mr. Shoecraft: So, Staff we want to talk about why you denied it because we don't follow the direction of Staff at all always, not all the time, excuse me, all the time. We listen to them once in a while & so in light that they recommend denial do you want to visit with them or have someone get up & talk about it?

Ms. Johnson: I think Public Works, I believe, & they're not here, because I think we do need, here he comes right now.

Mr. Shoecraft: He just walked in so ...

Ms. Johnson: Roger we'll let you come up & put your things down & we need to ask you a question.

Mr. Shoecraft: Item ...

Ms. Johnson: eleven.

Mr. Shoecraft: eleven. It says public right-of-way by Meadow Gold Dairies for the construction of a block structure, Meadow Gold.

Roger Figard, Public Works Dept.: Was that the use of public right-of-way?

Mr. Shoecraft: Staff recommendation was for denial.

Mr. Figard: Yeah, we have a sight distance problem at that corner & building a structure makes it extremely difficult for anyone approaching the intersection to be able to see. And, then if you build the enclosure then you've got to have access in the driveway to get into & to unload it. That doesn't typically fit within our driveway standards that close to the corner. So, while the applicant certainly has the right to come in & ask you to use the right-of-way this way this is not a typical use of right-of-way. We think it creates more problems than it would solve in using the right-of-way that way.

Coleen Seng, Council Member: Has someone from Staff been working with Meadow Gold on this. There's been numerous discussions with Dennis Bartels & his Staff & I think, you know, from the very beginning we suggested we were not supportive that the right was there to come down & ask, but we were not going to support it because we were concerned about the sight distance & the safety.

Ms. Seng: Why I'm asking is because he seems surprised that there was a denial, but Public Works has been working with him?

Mr. Figard: Yes. I was under the impression we had said no all along. He had the right to come in & ask, but we were not going to recommend to the Council. Certainly, it's the Council's decision to make, but our recommendation was no. And, I thought we made that clear from the beginning.

Mr. Froehlich: Not to me. Not about (inaudible).

Mr. Cook: So there's a fence there now. Roger would this make the sight, sight distance situation any worse than we have today with the fence? Does this come out any further?

Mr. Figard: I think the circumstance you have is we have the sight distance problem that was brought to our attention & as we discussed with the applicant & need to eliminate it or remove it which was really our

desire. That didn't fit well with operations, I think, & they said, "well what are other options," & I think we said well you could ask for a use of public right-of-way but since that wouldn't be something we would support. So ...

Mr. Cook: So you might recommend that they remove their fence that's existing.

Mr. Figard: Yes. I think that's what brought the issue to the forefront was the sight distance problem & the encroachment in the right-of-way to start with which is inappropriate.

Mr. Froehlich: I'm the contact person with Meadow Gold on this project. I haven't any communication in this regards to with anybody. Can you tell me who, who's been in conference with the City on this?

Mr. Figard: I can't tell you who my Staff has visited with, but I, if I am in error & the Council, & there hasn't been some of those conversations I would certainly encourage the Council to give us a week to talk to the applicant about that. I was sure that those communications had been going on. If they've not we would want that to occur.

Ms. Johnson: With this sight distance has there been any accidents, near accidents, issues there that has caused concern?

Mr. Figard: That's a good question. I don't have an answer Cindy. I don't have an accident report. That's something else we can look at in the upcoming week.

Mr. Shoecraft: You want to wait a week?

Ms. Seng: Yeah, yeah.

Mr. Shoecraft: We may wait a week before we vote & then give you a little more opportunity to see if something works otherwise we'll vote next week on this.

Mr. Froehlich: So somebody will be in contact with me?

Mr. Shoecraft: Or you make contact with him, how's that?

Mr. Froehlich: OK. Who would I call?

Mr. Figard: Dennis Bartels.

Mr. Shoecraft: You guys can get that on sight (inaudible).

This matter was taken under advisement.

USE PERMIT 99B - APP. OF UNION BANK & TRUST TO ENLARGE A GROUND SIGN FROM 32 SQ. FT. TO 70 SQ. FT. ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 27TH ST. & PINE LAKE RD. - Mark Hunzeker, 530 S. 13th St., Suite B, representing Union Bank: This is an application to enlarge the existing ground sign from 32 sq. ft. to 70 sq. ft. at the Union Bank facility on S. 27th St. As you may have noticed from reviewing your file the bank has the right to place a wall sign on the north side of their building which would be approximately, well would be the same size as the one that presently exists on the south side of the building which is 250 sq. ft. & it's up at the very top of the building. I venture to say that if it were actually placed on the north side of the building in the similar location you would be able to read it at night from here. The bank has agreed to forego the right to place a wall sign of any kind on the north side of building of that which is already there which is just a discreet logo sign. I'm not even sure there is one on that side of the building now that I've said that. They've agreed to forego a wall sign on the north side of the building in exchange for an increase of this existing ground sign to accommodate a message center. The reason is that they have, they've discovered that they have had quite a change in the environment that they expected at 27th & Hwy. 2. Originally, you may recall that when the use permit for that portion of that area was approved there was discussion about this being the next one specific place & it has become Shopko & Walgreen's just to the south of what was & still is a very, very attractive Union Bank building. So, their neighborhood has changed somewhat since they built their building & they feel that they need to have some identification along 27th St. as you approach from the north in order for people to really know where they're going before they get there. So, we would like to be able to place this sign in the same location it's in today, make it a little bit larger so that people can see it as they arrive from the north & we would forego the large sign that could be placed upon the building as a trade-off to that. Yes, Jonathan.

Mr. Cook: Are you saying that if we were not to approve this there would be a plan to put a sign on the ...

Mr. Hunzeker: I'm not saying that at all. I'm just saying that they do have the right to do that. They are concerned about their, their visibility for traffic that is southbound on 27th St. Whether they would put one up that is of that size or whether they would put something else up that would give them some identification from the north, I don't know, but we are willing to forego that right in exchange for approval of this enlarged ground sign. It's really not a very large ground sign even.

It's 72 feet as opposed to many which are 100 sq. ft.

Mr. Cook: But it has this message center. Can you tell me what kind of messages will be here? Will they be scrolling & changing & ...?

Mr. Hunzeker: Well, they will probably be banking related. They will, I don't know that I can give you the exact message, but they may have time & temperature, they may have come in an open a savings account, I don't know.

Mr. Cook: But they may scroll.

Mr. Hunzeker: Will they scroll? I can't tell you.

Mr. Cook: They can legally scroll I guess.

Mr. Hunzeker: Probably. The, you know, I assume that it'll have a mechanism that is similar to others of similar style in town. The one that I have noticed recently that I drive by almost everyday is at 48th & A at the 7th Day Adventist Church. It's a very similar sized sign I might add.

Mr. Cook: You were asked at Planning Commission I know by Commissioner Steward if you would be willing to give up the electronic part of the sign. At that time you said no. Is that still your position that a larger sign without the electronic portion is not a choice you'd accept?

Mr. Hunzeker: I think part of the reason for the enlargement is for the electronic portion of it. We think it's appropriate. We think it's, it's something that is almost an expected part of a banking institution at this point in terms of their signage. Lots of areas where you have those ground signs that is an integral part of it & ...

Mr. Cook: How do you respond to Staff's conclusion that really this won't help visibility much because you don't see the sign until you're up close to it anyway?

Mr. Hunzeker: My response to that is, so then it won't be any problem.

Ms. Seng: You know I have been disappointed in design of one of these kind.

Mr. Hunzeker: I'm sorry.

Ms. Seng: You know that I've been disappointed in one of these kind of signs slow down, it didn't have the scrolling on or anything, but one that was a bright color that kind of surprised us when it went in.

Mr. Hunzeker: I think I have heard about it. I'm not sure that I could ...

Ms. Seng: But this one will be, I want to talk about the design of this.

Mr. Hunzeker: Are you talking about the really laser bright, red or orange color?

Ms. Seng: Yeah, that I don't like. Yeah.

Mr. Hunzeker: No, these are going to be the ordinary, low intensity

...

Ms. Seng: Better taste. Better taste.

Mr. Hunzeker: Yes, absolutely.

Ms. Seng: OK. So, this is brick down here.

Mr. Hunzeker: Yes. Stone or brick or something.

Ms. Seng: OK. And, this will be what?

Mr. Hunzeker: That's a back glitch plastic I believe closure.

Ms. Seng: And then this is what will be the electronic portion of it.

Mr. Hunzeker: A black background with just ordinary light bulbs not those laser beams that you're concerned about. Thank you.

Jeff Fortenberry, Council Member: Would Staff please come forward. Mike, explain the basis of your opposition. Now you had recommended in favor of the other type of or the expansion of the wall permit or the sign permitted on the wall on the south side, right?

Mike DeKalb, Planning Staff: It was allowed by right. It didn't have to come through you.

Mr. Fortenberry: We expanded this, the allowable square footage of that side?

Mr. DeKalb: I don't recall that & I didn't do it if it did happen, but I don't recall that as being part of the record on this particular side.

Mr. Cook: Yet you agreed to allow (inaudible).

Mr. DeKalb: Right, but it wasn't an amendment in size, right.

Mr. Fortenberry: You favored that?

Mr. DeKalb: I can answer that way.

Mr. Fortenberry: Well, just state your opposition.

Mr. DeKalb: Well, when the Staff report was written the request was straight out to essentially double the size of the ground site & of course as you we've had a pretty long track record especially in this

intersection trying to make a better quality, a step up in quality on all four corners. In use permits & so on we tried real hard to limit the number of signs & have lower, low key pleasant & aesthetic ground signs for entire centers. And that was the same approach in the package for this. So, when this came up & they asked for doubling the sign size Staff recommendation was to follow our intention of what we've been trying to do on the intersection & not to approve this. At Planning Commission they brought forth the alternative in lieu of permitted wall signs about the 250 sq. ft. which they're allowed by right today that they can go do. To give up that in exchange for the 70 sq. ft. ground sign Planning Commission said that's a major change. That's a big give up for the smaller ground sign. And, quite frankly if you're talking about visibility or impact to the neighbors to the north & they put on 250 sq. ft. ground sign 100 foot or so up in the air that can be illuminated would obviously, as you said, be quite visible both from the neighbors & from the folks in the road. So, on trade-off if you chose to do that they're giving up a lot to go to a 70 sq. ft. ground sign, but I think the caveat is that you certainly don't want to set a precedent per se that, yeah, you can just come in & give up a little wall sign on the little fast food restaurant & expect to double the size of your ground sign.

Mr. Fortenberry: But the 250 sq. ft. sign could go on the north side?

Mr. DeKalb: By right, there were no limitations so they're allowed what the district allows & it's 10% of 250 sq. ft. & I think the square footage is what would rule.

Mr. Cook: I want to ask a question of Mark Hunzeker. Is there any chance Union Bank would entertain a reduction in size of the sign on the top of the south side of the building in order to get this sign?

Mr. Hunzeker: I doubt that. That's already up & it's a pretty expensive sign. I doubt that they would be interested in taking it down & redoing it, but ...

Mr. Cook: Well, I guess that I do think it's a beautiful building, but that particular sign I think detracts from it. Maybe other people have other opinions, but certainly I would be interested in entertaining that possibility.

Mr. Hunzeker: I can call them & ask.

Mr. Cook: OK.

This matter was taken under advisement.

APPROVING THE WILLOWBROOK SHOPPING CENTER ANNEXATION & ZONING AGRMT. BETWEEN THE CITY & LIVINGSTON INVESTMENTS, INC. OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARD TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT S. 70TH ST. & HWY. 2 - Mark Hunzeker, 530 S. 13th St., Suite B, representing Livingston Investments: I'm here to answer questions about the annexation agreement. We have negotiated it with the Staff & City Attorney's Office & it's in a form that they've approved & Mary Jo is signing it as we speak.

Bob Olson, 8001 Dougan Dr.: This is deja vu from Monday night I apologize for taking anymore of your time. In light of what's happened since Monday I think the majority of us in the neighborhoods out there with the supposed compromise made by the Mayor with Mary Jo, I think that something needs to be heard from the night of the compromise was made without any consultation of any of the opposition. I don't know how you can do a compromise when you've got only the proponent going for this. I don't know what we do about that, but I just want to point out that we don't feel that it was properly handled. I don't know if it's the Mayor's duty or his position to be making these compromises like that without consulting everybody concerned. Anyway, this whole thing's a mystery to most of us about why it's going through so fast the way it is & deals done behind the doors is not very impressive. I know Jon you mentioned to me once about you wished the citizens would sit back & let the developers just do a good job & I think you & your developments have done an excellent job what you've done so, but I think they're not all cut from the same cloth & we're having a problem with this. I represent 2000 people & as many of us as did Monday night get up & speak in opposition to it there's a problem. The compromise did not deal with the subject of the Home Depot property & what's going to be on it. It dealt with the east half of Livingston property which she was undecided about what she was putting on that property anyway & all the Mayor did was help her decide what to put there. Part of the compromise was with the no commercial between 56th & 84th, of course is what all of us have been proposing all along. That would be nice to have that, but I think there's still a problem of what happens on the west end of the property. And, questions?

Jon Camp, Council Member: Bob, I appreciate your coming & I talked

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to several residents last week because I guess the thing that is the concern here is as you say the compromise came about without, I think compromise is the wrong word, wrong label for it in that it was, had several parties missing to at least be in the dialog which would have helped. What from Pine Lakes standpoint & your neighbors & where this is at, what thoughts do you have at this point as far as concessions that have been made by the Livingstons & the changes in participating if there'd been more of a negotiation. What elements would you have been looking for?

Mr. Olson: I think the same points that all of us have gotten up & addressed was to have the property on the west, the west side of the property be something more benign to the neighborhood like an office park. I know it's not going to be a corn field & residents probably isn't as profitable a thing for her to do as that, but we've all felt as we've said a thousand times that Home Depot or something like that isn't probably the thing that would look the best in that neighborhood & all of this was suppose to be up at 84th & Hwy. 2 anyway. She was undecided about what to put on the east part of the property east of the creek which I believe is going to be a proposed possibly a grocery store, a Kwik shop or something like that which she was undecided about that so nobody could really refute it. We didn't know what was going to be there. She owns the property on the north side of the highway which right along the west boundaries of Pine Lake area & of course all of us have been speculating that if she gets commercial on the south side she's going to say well I've got commercial on the south why can't I have it on the north & then end up putting in some stores or something else right outside or our property line next to our homes which we would be opposed to that. I guess in this compromise it was such that there would be no more commercial which we would assume there would be no more commercial on the north side of the highway along side of us as a result of that which, as I said, we would look favorably upon that. But, we haven't had any opinion on what she put on the east part of the property yet because it hasn't been confirmed as what she was trying to do. She at one time said she was going to put apartments on the north side of the highway right next to our property next to what's now the Stables. We tried to pin her down on that at a public meeting, the one that we did have, & she wouldn't commit to that at all. She, now I don't know what's, she said I don't know what's going to be there yet. That was a couple years ago we talked about that. So that was really a gray area yet. Really all the Mayor did was help her to decide what to put on the east end of the property & not address the subject we're concerned about right now which the only definite thing we know is that they're trying to put Home Depot in there. The neighborhoods all around are all opposed to that.

Mr. Camp: I think part of it, as I understand it, & I learned about the press conference about two or three hours before it occurred & so I wasn't consulted either, but as I do understand it, & we may need more clarification, but the Livingstons have agreed on the north side of the road not to do commercial so on the land they own there. And, I don't want to put words in anyone's mouths, but I think during this hearing we ought to confirm that so everyone's on the same wave length. I appreciate what you're saying. I know I see some faces out in the audience, too, while I don't want to encourage unnecessary public hearing on the other hand, but I think that in light of what's happened I would encourage those individuals to address this as they see fit. I do appreciate the input. I think that's part of our citizen based process.

Mr. Olson: Yeah, well thank you. I appreciate your interest in hearing us. It's just baffling to all of us how this thing is going through in spite of what all of us have said &, you know, we're talking a ratio of 2000 to 1 what's going on. I just am going to say we've heard rumors that there's some deal about this development block downtown as something about them supporting that or developing it as a result of them doing that, but they could do anything they wanted to out here & I don't, it's rumor, but, you know, that kind stuff is going on behind the scenes. That don't cut it folks.

Beverly Moser, 1811 Mindoro Dr.: Live on the northwest corner of 70th & Hwy. 2. I want to thank you for staying until after midnight the other night to listen to all of us because we are gravely concerned & we were really shocked to read in the paper that a compromise had been reached when no one in the five neighborhood association surrounding this proposed development had ever been contacted. And, the petitions that were presented to you, some of which were collected by my husband had 640 signatures of people living in the immediate area. You did receive other petitions, but we know they were secured, signature secured at all sorts

of events that had no connection with the corner of 70th & Hwy. 2. On Monday, I'm sorry, on Friday I called the Mayor's office three times, the Mayor was not in, there was no one who could speak to me, we were leaving for Chicago. I called twice more from the airport. I was never allowed to talk to anybody. They just said they weren't in or they weren't taking calls. Now, this doesn't seem like a very good idea after that appeared in the paper & someone wanted to find out how this so called compromise came about, because the meaning of compromise is the resolution of a problem with two involved components. And, nobody had had any contact with this situation. So, I do beg you to look at it carefully. The question that always comes back to me is, where did this pressing need for a Home development come from. None of us think this is needed or appropriate at all. And, we have lived for 36½ years where we live. We know a lot of the neighbors all around there. We're all in close contact. We have a style of life that we like & that's all I'm going to say except please don't let something go through that everybody that lives out there is opposed to. Nobody has said they want it. Thank you.

Robert Northrup, 7420 S. 70th St.: My wife & I have been there five years & we've been following this very closely. We understand that commercial is going to be here, but I'm here just to look at all of you, & I've watched this thing very closely & you've been highly involved in it as to how, what took place with the Mayor the compromise without the input of the adjoining neighbors. I'm a developer, also. I've tried to talk to the Livingstons & understand why they feel there are no compromises other than the one that's just been brought forward which isn't a compromise because the Home Depot is the entire thing being debated here. Everyone knows it's going to be commercial. Now you represent us & if we listen to the meeting the other night the people that came out in favor of this weren't from around the area. Not one of them was. Mark did a phenomenal job that's why he's been hired. I'd love to talk to Mark if he wasn't hired & see what his position would be with the same data to see if he really would be in favor of it. We'll never know that. But, I've had several special use permits come before you. I've gotten some of them, haven't gotten some of them. Had to reinvest my money elsewhere. Lost some money. I don't understand. It's just purely money speaking & why this small group can represent, can over represent all of these other people & how you can do it. I don't understand if you do it. It is just not fair to the citizens that you can vote in favor of such a small minority that is purely interested in the monetary rewards. The other issue my wife brought up at the meeting the other night was the safety issue. I don't know how many of you live out there, but if you've been by the fiasco at rush hour at 56th & Hwy. 2 you try to get out of the Pinnacle Bank, you try to get out of the Old Stackwoods that's the new Lazlo. You can't get out of there. It's an absolute fiasco & you're going to have to fix that one. And, you say we don't, we aren't going to have a traffic problem out there. Enough people have been hurt, killed, & injured in that area & then you're going to pop this thing in there & you're doing the same thing that Omaha did you're not listening to your citizens. You're going to strip mall that thing. You're going to make exceptions. I don't care what the Mayor says we'll have a new Mayor in a few years. We'll have a new Council in a few years & then somebody else will come up here & they'll petition & they'll get there way. I mean I know it. I've done it. You just keep petitioning until you get it. Mary Jo bought this property on a speculation. I bought several properties on speculation. Some of them I won. Some of them I lost. I don't understand. She's winning. She's getting her commercial development. She can get her square foot price. She obviously does not have a huge cash flow problem. I just, where do we stop. I mean where do the people of the city get listened to. This is one of the reasons my wife & I have moved outside of the City limits because we've gotten a little tired of the representation in the City & we're going to be gobbled up real soon & we'll be back down here fighting that. But, I don't understand how you can good conscience vote for this Home Depot. There's nothing supporting it other than a few people & their personal gains & that it isn't the City of Lincoln. That's not representation of the people & that's your job. Thank you.

Christine Kiewra, 6400 S. 66th St.: I'm president of Country Meadows Homeowners Assoc. & representative for the Southeast Coalition of Homeowners. Mister Camp had asked a ques., I wasn't prepared to speak today, but he asked a question about consideration for compromises or what we would be interested in. I want to be clear that the entire area considered that you've designated in the Comprehensive Plan this area as commercial, but I've heard Mr. Fortenberry & others say that that commercial designation could be an office complex & designated the entire

property as an office zoning, O-3 zoning would be a reasonable compromise given the developers wishes & our wishes. Given that we're concerned, if that today you vote on that & that doesn't happen I've talked with some of you individually & I'd like to, I guess, give Mr. Camp (inaudible) that the pad sites would generate. I think that the traffic issues & lighting, noise, all of the things that the pad sites will generate were for, reasons that are beyond us Home Depot needs to be at 70th & Hwy. 2 2 we're hearing so many people say. If that is true then addressing the pad sites along 70th Street & addressing the setbacks along Hwy. 2 & along 70th Street would be the least, I feel, that you could do to represent the neighbors in this area. And, to protect the corridor & the Capitol view vistas that are so important to, I know, at least some of us. I'll hand, do I hand this to you?

Deputy Clerk: Sure.

Mr. Camp: Christine, while you're here if you would & I'm not trying to reopen what the Mayor has, well, I think it's important we have the dialog & what's, I think, very frustrated to you & others who contacted me Friday & caught me off guard was not having the ability to even participate & I think that's not a good precedent to set & what have you. So, I think that's where people are upset. I don't blame them. Ms. Kiewra: One option that isn't in there & since you bring that up if, I would think it's an option that you could consider as delaying this until there could be conversation between the developer & the neighbors & the Mayor & the Council. I don't know how those things happen, but they won't happen unless you make them happen. The Livingstons have been hearing these arguments for years.

Mr. Camp: You mentioned two or three specific pad sites on 70th & so what would you propose in having just gotten this?

Ms. Kiewra: There's a pad site located, I believe it's number 7, located next to Home Depot. I think it's proximity to that building & it's the fact that it's far into the property makes it one that if you need to compromise that's one we could live with. The pad sites along 70th, the rest of them, need to be eliminated.

Mr. Camp: So that would be the other three?

Ms. Kiewra: Without having the numbers in front of me I think it's 1, 4, I'm sorry I can't come up with the numbers without looking at it there. If you want me to look at that a second I could show you.

Mr. Camp: Yeah, if you like & then I guess I was going to ask what the setback you're saying, oh go ahead.

Ms. Kiewra: The pad site specifically would be 1, 3, 5 & 6 that we'd request to be eliminated. And, the setbacks specifically would be, especially along Hwy. 2 to change the setbacks from 50' to 100'. That would allow for more of a buffer between the residences on the west side of 70th Street.

Mr. Camp: That was what you were saying the setback on 70th 50 to 100 is what you're saying?

Ms. Kiewra: Yes.

Mr. Camp: So your concerns are somewhat from that west side then?

Ms. Kiewra: Yes. Because there's no, what we wanted you to do is provide a zoning transition within this property & if that's not going to happen then we need at least the largest of setbacks that you could allow.

Mr. Camp: On the pad sites, & I don't want to re-design, I don't want to be micro-managing here, I've been accused of that too much lately,.

Ms. Kiewra: Well, this is the discussion that should have taken place & I appreciate your having ...

Mr. Shoecraft: Just so I know I'm doing this right, Dana am I doing, is this the right time to be doing this stuff? I'm just curious. I mean I'm not trying to stifle you or anything. I'm just asking the question is this the right time to be doing this. We had a public hearing on this issue last week, now we have an annexation, please tell me so I can run this meeting properly.

Mr. Roper: This is probably not relevant to the annexation, the kind of discussion that we're having now.

Mr. Shoecraft: That's the only reason why I'm bringing this up just so we're doing this the right way, OK? This is the annexation, not the public hearing of 70th & Hwy. 2 Home Depot issue that we had last week. So, I think we would talk about this when we get into executive session & get ready to vote on the items & any potential amendments that may be offered at that time. That's all I'm saying.

Ms. Kiewra: Could I interject why I would think it is appropriate why I think it is approp...why it relates to annexation?

Mr. Shoecraft: Dana is that correct of not? Just so, cause I can't I mean I've got to be fair here in regards to what is before us on the

agenda, what we had last week & that we take up these issues in executive session so, otherwise I'm going to be doing something & then we're going to have another issue & I'll be opening up a can of worms & I'm not going to do that. So tell me what I'm ...

Mr. Roper: Well, what we have advertised & what is on the agenda is the approval or denial of a document called Conditional Annexation & Zoning Agreement. And, this simply sets out the sanitary sewers, the future cost responsibilities, the, & how it can be amended. The other items that we're discussing are only peripherally & probably not at all related to this particular document.

Mr. Shoecraft: So, with that in mind to Council Members & to you Ma'am I think we'd better stick to the subject matter that has been advertised. Then at executive session if someone wants to offer an amendment they can do it at that time. I say it respectfully.

Ms. Kiewra: At the end I believe that the Item 13 says annexation & zoning & I think that this relates, these traffic issues relate to annexation because it relates to street improvement issues which are part of annexation agreements.

Mr. Shoecraft: I'm asking advice from my City Attorney, is this appropriate yes or no?

Ms. Kiewra: I have one more thing to say, but ...

Mr. Shoecraft: Well, because I have to ask the question now because otherwise it's going to open up a whole new deal here. So ... Finish your last statement then we'll close on this.

Ms. Kiewra: I would just say the street improvements necessary, necessitated by the pad sites alone are something you should consider. For instance, there's no stacking lanes on, to turning right off of Hwy. 2 onto 70th Street. That's something that hasn't been addressed in the annexation issue as something the developer will pay for. I'd urge you to postpone this until we can get all this sorted out.

Mr. Shoecraft: Glen are you going to talk about annexation?

Glen Cekal, 1420 C St.: No.

Mr. Shoecraft: What are you going to talk about?

Mr. Cekal: Just a quick comment.

Mr. Shoecraft: No, what is your comment going to be related to?

Mr. Cekal: To this area.

Mr. Shoecraft: You're going to talk about the annexation, because if you're not then ...

Mr. Cekal: Yes.

Mr. Shoecraft: OK . Go ahead.

Mr. Cekal: Sitting here listening to these people talk it reminds of a very simple principal of where there's a will there's a way & I see a lot of weak wills in front of me. I've been watching a lot of weak wills for many years. I don't think it's made that much different whether you're Republican, Democrat, or an Independent. The strong will usually represented by lawyers & the public be damned who you are supposed to be representing. If, I hope that hurts. It should if it does you have hope, if it doesn't we're in for trouble. If this is not a done deal yet unless you want to make it a done deal. I have absolutely no interest in that area out there whatsoever except the fact that I'm a citizen of the City of Lincoln & I'm so disgusted with our putrid appearance of the some of the entrances to the City such as N. 27th & some of the traffic problems such as down at Old Cheney & 77 & here we're screwing this thing up again. You have 99% of the people who live out there say we don't want it, they're not being unreasonable. There is more than one place to put Home Depot. There is a law of substitution. We should use it here. It this was the only place that Home Depot could go, & I'm not against the Livingstons, I don't know them, I'm not against anybody. I'm for the City of Lincoln. And, I get sick & tired of the people that have the biggest mouth pieces winning. So, I don't think, again, Cindy, that these are problems. I think that these are opportunities. We have all done & made mistakes in our life & we will in the future. But, do we need to try to do the best we can today? If we do, tomorrow has a pretty good chance of coming out. So, I think these people, they can't help that they have more income than the average person in the City of Lincoln. Should they be abused because of that? In this case I've said enough. Thank you for letting me speak. When you get so you don't care & you do it because you can get by with it, we're seeing this sort of thing going on now in the election of presidents. And, frankly when I look at the Republic & Democratic party I see a bunch of crap going on on both sides I do not like. I say lets make Lincoln Nebraska, my vision is we're living in a garbage can world, let's take our part, clean it up, shine it up, scrub it up, make it smell good. And, this last point, to me I'm talking & Mayor Wesely I hope you're listening, I am talking about quality of life. It

has to do with everything. These people have unsettled minds. They have dreams & visions. I suppose they've done a lot of things wrong & a lot of things right just like the rest of us, but why should they, they care about where they live & how they live. And, it so happens that I think basically how they care happens to be good for the City of Lincoln & we're not listening to them.

Victoria Northrup, 7420 S. 70th St.: I think my comments will address the annexation issue, I hope. If this property of land is annexed into the City my major concern is the traffic out there. Seventieth Street has just recently been improved & I made the assumption just because I live out there & use that street a lot that when you turn to go south off of Hwy. 2 there would be a right turn lane added. There was not along Hwy. 2. When you're at 27th, 40th, 48th, 56th there's a right hand turn lane to go south. When I need to turn right there right now I will slow down so that I can turn out of the proper lane & a semi will come up right on my tail like it's going to hit me. If I move over into the pull off lane they'll zip by me & just about take my mirrors off. The new lighting improvements have been placed so that it's not easy to put that turn lane in. Planning is falling down here. I don't know who's problem this is, but the traffic problem in that area is already a problem. Now, we're talking about annexing it, making it a commercial property which will have, whatever commercial property is there whether it's Home Depot or whatever there's still going to be this problem. I just don't think that there's been enough attention paid to public safety & the traffic issue in that area & the cart seems to be before the horse. So, I would really strongly suggest that we not annex it into the City, that the improvements be done ahead of time & that it be, be changed, if it's, if it's definitely going to be in the Comprehensive Plan to be a commercial location then let's put the things in place that make that work because they're not there now & I don't know what, I don't know what the City & the Planning Dept. thinks they're doing. You know, it's just common sense. It just doesn't make sense to be doing what you're doing right now.

Mr. Camp: Jerry, could we have Roger Figard talk about that deceleration lane, the turn lane or somebody from ...Roger, do you have an answer on that?

Roger Figard, Public Works: The annexation agreement does spell out different pieces & parts that the applicant would need to do through the executive order process or through private construction. As I'm sitting here looking right now I'm not sure there is a separate east bound to south bound right turn lane. I think as we model the area with the proposed land use in there generally the improvements along South 70th & currently at Hwy. 2 generally handle the proposed future traffic that could come out of that site as it's zoned. The exceptions are the need for traffic signals, right turn & left turn lanes into the site itself. The annexation agreement spells out those improvements that would be built would have to be done as the developer would put in any improvements on the site. It also speaks to any necessary paving or additional improvements that might need to be done on Pine Lake Road in the future as well. Unfortunately, that's the thing that many of us don't realize is our planning does take into the account the proposed traffic in the future with the land use that's proposed out there when those things get built there's just going to be a lot of traffic. And, it will be busy & at times we're going to have to slow down. If there's a particular need yet for something right turn lane at 70th & Hwy. 2 I could check into that but it's not currently in the agreement.

Mr. Camp: Well, I think Ms. Northrup brings up a good point that totally set aside this current annexation situation with the traffic flow on Hwy. 2 we would want to facilitate that & that a right turn lane makes sense regardless of what happens just as that part of town grows.

Mr. Figard: That is true the other thing that I remind folks is we did bring forward a long range transportation plan. In some instances we made recommendations for improvements that were not approved & not brought forward. What is really says is that we expected that stretch of Hwy. 2 to be pretty busy with four lanes probably in the neighborhood of 30,000 cars a day by the time the land use that's currently in the plan would get developed. There would be an opportunity for some turn lanes, a right turn lane, but there isn't an opportunity for us to back up & say we need to redesign that corridor. We did that & the community spoke & said we don't want six lanes on Hwy. 2 & that's embodied in our long range plan.

Mr. Camp: Right turn lane isn't six lanes it's just (inaudible) people off so you can continue the main flow of traffic. It just seems like ...

Mr. Figard: That is true. We could look, but I can revisit that,

but the right turn lanes & the left turn lanes into the site itself off of 70th are embodied in the annexation agreement if you chose to approve it.

Mr. Camp: Just for future references we move along Hwy. 2 in any fashion in a major corridor like that we, it just makes sense, you know, & Jonathan you're our in-house traffic expert, you're on the panel on the Council that it seems like that's not, you know, going six lanes, but go to the right turn lanes so that we can help pull that traffic off.

Mr. Cook: You know I would agree with that in fact I am surprised that was missed & I read the annexation agreement & I didn't think about that particular right turn lane. Obviously, you require right turn lanes into shopping centers all over town into even small ones along major arterials if you can. In this case we have not only the traffic feeding this commercial center, but also any development south. It just surprises me that that hasn't been a priority & I guess, I hope, that we accelerate discussion of that & then in fact ...

Mr. Figard: I'll look at the numbers. I'm not sure that the right turning movement would warrant a right turn lane. It might be a good idea, but the design standards, perhaps, don't suggest that we need it. I certainly understand the frustration of people that need to slow down & make a turn & perhaps we should have, but it just pure justification of traffic I'm not sure that the warrant was there, but I will check that to make sure.

Ken Kiewra, 6400 S. 66th Street, Country Meadows: I spoke with Mayor Don Wesely on March 7, 2000. It was a meeting attended by four or five people. At that meeting he admitted to an agreement, to a promise he had made with the Livingstons about bringing the Home Depot to the proposed site at 70th & Hwy. 2. He also admitted that it was a mistake. He said at the time that he had not yet done his homework & he had had no consultation with neighbors. He said, "I made a mistake, I gave my word, my hands are tied." I & others have since asked him to fix that mistake. Now comes this compromise. I believe it's hardly a compromise. How can the Mayor strike a compromise after speaking only with developers & not with concerned neighbors. What's being compromised? Not much. In place of a shopping center that does not yet have a tenant we now have the prospect of a hotel or office buildings. Home Depot on the pad sites still remain. I believe what's being compromised are of the best interests of hundreds maybe thousands. I believe what's being compromised are the best interests, maybe thousands of neighbors who believed that their neighborhoods would remain neighborhoods. I think what's being compromised are the rights of all of Lincoln citizens who now must deal with the spoiling of a beautiful, beautiful entry way & with the stifling traffic & all the dangers that it brings as we heard in great detail on Monday night at the last meeting. And, I believe all this is being compromised to serve one developer & honor one mistake & promise. I really, really urge you to give this your full consideration & to take your time & not make the final mistake on this, it's too costly. Thank you.

Mr. Shoecraft: You can't speak again, sir.

Mr. Northrup: I know I've been here once, I've just got a quick question. It's, I think you're right in sorting this out, I may have been off on a tangent that I spoke about, but what zoning is it they're asking for? Was it B-2, I think?

Ray Hill, Planning Dept.: It's my understanding that it's B-2 on the west side & O-3 on the east side.

Mr. Northrup: OK. Well, (inaudible) for the latest information.

Mr. Shoecraft: Sir, I can't let you speak again.

Mr. Northrup: I'm just saying that the subject would be annexation's a fore gone conclusion. I think they told us what we were after so thank you.

Mr. Shoecraft: Are you going to talk about the annexation, Mark?

Mr. Hunzeker: I am here to answer any questions you have about the annexation agreement & any that you have about any of the other material that was discussed.

Mr. Cook: Regarding the improvement along Pine Lake Road despite the change from B-2 to O-3 on the eastern portion of this parcel. All of that agreement stays in place about development before 2006 & if you do that you'd have to contribute more to Pine Lake Road.

Mr. Hunzeker: There will be no development of the area east which is now supposed to be zone O-3 until 2006 or until those, if anything is proposed to be developed prior to 2006 the developer will be responsible for the improvement of Pine Lake Road from Hwy. 2 past the south entrance to the area. Yes.

Mr. Camp: Mark, a couple things on the safety issue that was brought up, what would you see with your experience in the future, I can't

say that that right turn lane using one specific example is fully tributal to this project, but ... I mean I want to be fair in the ...

Mr. Hunzeker: Well, that's the point, I mean, & then that's why it's not in the annexation agreement, it's not one of the improvements that is caused by this project. We have, we had HWS do a traffic study. They did two or three different drafts of it. They use, as you know when they do a traffic study, all the assumptions as base land use & future land use & background traffic growth are based on assumptions that are dictated by the Public Works Dept. All of the improvements, every single improvement identified by our traffic study is being caused by this project which by the way, based on what we're apparently going to have under the proposed compromise, will be less impact than it would have been under our traffic study scenario. All those improvements are identified as being required to be constructed or paid for by this developer. The issue of a turn lane east bound to south bound on Hwy. 2 on 70th Street was not identified as an improvement caused by this development. Now, will there be additional improvements in the general vicinity that will be necessary over the next 25 years? Yeah, but that's part of the reason you have traffic studies is to identify before 25 years from now. What are the impacts that this particular development are going to have? And, those are identified in the traffic study. They are incorporated into this annexation agreement & this developer will be paying for those.

Mr. Camp: I have two other quick questions, one I just have to make a plug for the south beltway & this is an ideal time to just remind people we have to keep working toward them because that would alleviate so much of the traffic on Hwy. 2. The second thing one of the elements that I think are very beneficial to this proposal is the & the annexation is solving some of our future sanitary sewer needs. And, if you would, is that part, I guess I'm just drawing a blank here, does that part go in relatively soon so that we can support other areas or what's the time table on that?

Mr. Hunzeker: Sanitary sewer improvements that are identified in this annexation agreement are a central piece of any further development in the Beal Slough. We will be bringing this sanitary sewer up from it's present location all the way to Pine Lake Road as a 27" trunk. We will be extending it east in Pine Lake Road as a 15" trunk & all the way through the Livingston's site, I believe, as a 15 or 12 I can recall exactly, but it will be sufficient in size to accommodate development way south of Pine Lake Rd. & west of 70th Street. And, it will be sufficient in size to incorporate Pine Lake & to bring in the area, there's approximately 60 acres of vacant land north of Pine Lake. 30 acres of land owned by the Livingstons west of Pine Lake which by the way they've agreed to develop in accordance with the Planning Staff's recommendation of, I think, it's transitional residential on the north side. It will incorporate the area south of Pine Lake & north of Hwy. 2 & west of 84th Street. It will incorporate areas approximately 100+ acres south of Hwy. 2, west of 84th St. & it will also accommodate approximately 16 acres of the Andermatt property which they have not, apparently, decided to re-grade the entire way to drain all the way into the Antelope Creek Basin. But, I think we have a substantial interest as a City in getting that trunk sewer extended & this will advance that & save the City a lot of money.

This matter was taken under advisement.

APPROVING THE ASHLEY HEIGHTS CONDITIONAL ANNEXATION AND ZONING AGRMT. BETWEEN THE CITY AND M & S CONSTRUCTION AND ALLAN D. & BETH A. SCHULTZ OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARD TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT N.W. 48TH STREET AND WEST ADAMS STREET - Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of M & S Construction to answer any questions you have about the annexation agreement for Ashley Heights. It's my understanding that you may be placing all this on Pending for a period of time. Thank you.

This matter was taken under advisement.

PROPOSED USE OF GRANT MONEY FROM LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM - LINCOLN POLICE DEPT. -Tom Casady, Chief of Police: Thank you for posting another public hearing on the use of a local law enforcement block grant. Just to remind everyone & the benefit of the general public that might be watching, the City of Lincoln is a recipient of a local Law Enforcement Block Grant for Federal Fiscal Year 2000. This is a program that's been in existence for four Federal Fiscal years & under the local Law Enforcement Block Grant Program cities receive a grant that's based on their rate of FBI Index Offenses. Lincoln's grant for the, for Federal Fiscal Year 2000 is \$282,902.00 & one of the terms of the use of the grant is that the agency hold a public hearing & also seek advice from an

advisory board. We have done that with our advisory board & this is serving as the public hearing on the proposed use of the Local Law Enforcement Block Grant. Again this year our primary public use is to fund the Lincoln Police Departments Mobile Data Project. That project is well underway now. We have approximately 90 computers in Lincoln Police Department cruisers & Lancaster County Sheriff's Office cruisers. Local Law Enforcement Block Grants have funded most of the cost of this project for both agencies. However, in the Federal Fiscal Year 2000 we're proposing to use approximately 1/3 of the Block Grant for an entirely different project & that project is an Adult Drug Court for Lancaster County. I'd like to tell you just a little bit about Drug Court. Treatment Courts are becoming quite prevalent in the United States. Lots of agencies & counties & municipalities are establishing Drug Courts. This is a trend that began 10 years ago, first in Florida & California & has spread nationwide. We have two operating Drug Courts here in Nebraska now in Sarpy County & Douglas County. And, we have at least two other groups that are planning Drug Courts in Nebraska aside from Lancaster County. Those are in Cheyenne County & also in a group of counties in Central Nebraska, Hall, Adams, & Buffalo County. Drug Courts are meant to divert a large number of drug cases from the traditional sentencing of incarceration to a different mode of sentencing which offenders are sentenced to a term of imprisonment, but are allowed to serve some substantial portion of that in various kinds of drug treatment programs. They've proven to be singularly affective in reducing the rate of recidivism among drug offenders & there is a national movement, I would say afoot, to fund & establish more Drug Courts that's largely supported by law enforcement because of their effectiveness. As you know I have briefed you several times in the past few years about the growth & the drug problem here in Lincoln & the huge number of drug cases that we're encountering, we think that Drug Courts are a good way to attack the problem at it's root & that is the demand for drugs being caused by people who have serious addictions to control substances. We think that this is worthy use of the Local Law Enforcement Block Grants. It is perhaps interesting to note that this support is coming from a Police Chief who a few years ago would have been in the lock them up & throw away the key mode. And, I'm happy to tell you that my peers around the country are understanding the efficacy of treatment as a way of taking chronic drug abusers & addicts in many cases reversing their trend, changing their lives not only to the benefit of reducing the crime that they may commit, but also at a much, much lower cost than the equivalent amount of time spent in prison or jail. We have a local group that has worked very hard, a Drug Court Planning Group. This group has received & has been using a planning grant from the Department of Justice. That group has been chaired until recently by District Court Judge John Colburn who's done the lion's share of the work on that. We have two District Court Judge's now, Judge Flowers & Judge Colburn who have worked with us on this project. One judge at the separate Juvenile Court of Lancaster County Judge Tony Thoreson. The Lancaster County Sheriff Terry Wagner & I are members of the Drug Court Planning Team. We have representatives of several local treatment agencies & organizations involved in the Planning Team as well. Our County Attorney Gary Lacey has really been the mover & the shaker behind establishing a Drug Court here in Lancaster County. And, we intend to do that in the very near future helped along by funding from the Local Law Enforcement Block Grants. That's our proposed use. I'd certainly be happy to answer any questions.

Glen Cekal, 1420 C St.: (inaudible) out of this book & go on & get a judge for the Building & Safety Dept. This is a proven vehicle. The average judge is not equipped to handle the kind of problems that come up through the Building & Safety Department. This is nothing new, it's old as the hills, but I think for political reasons it just hasn't happened. I don't know if we can't get a judge to it or what the problem is, but for you people on the City Council that claim to have an interest in human beings I think that there are a lot of people out there, especially tenants that are renting. They need help of one kind or another. Some of them need a kick in the rear & some of them need a pat on the back, some of them need a little counseling & there's a few landlords that could benefit by the fact that they're not running a cattle ranch & I think we can get the proper mix on this, the proper vision, the proper vehicle. So, again this idea of Chief Casady is fantastic. Thank you.

Annette McRoy, Council Member: I'm sorry I have to comment. Glen, we already have a judge handling the Building & Safety cases as they come up that's on a docket. And, so Building & Safety has tried that idea before. It's currently there & the Duplex Licensing Task Force is looking at making litigation when we do go to court a little bit stronger. So, I

mean this is a wonderful idea what Chief Casady 's talking about, but as far as the Building & Safety we're doing it right now. It's been quite successful I'm here to inform you.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., came forward to express his disapproval of the re-bidding of ambulance vehicle contract. [A copy of his comments is on file with the City Clerk in File #53B.]

Glen Cekal, 1420 C St., came forward to express his frustration over the ambulance provider issue & the re-bidding or modular units for housing Firefighter Paramedic gear.

This matter was taken under advisement.

#### ORDINANCES - 3RD READING

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 37 ACRES OF PROPERTY GENERALLY LOCATED S. OF HWY. 2 BETWEEN S. 70TH ST. & PINE LAKE RD. (IN CONNECTION W/00-215, 00R-320) - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending Section 10 of Ord. 8730, passed May 17, 1965, as last amended by Section 1 of Ord. 17577, passed November 15, 1999, prescribing & defining the corporate limits of the City of Lincoln, Nebraska; & repealing Section 10 of Ord. 8730 passed May 17, 1965, as last amended by Section 1 of Ord. 17577, passed November 15, 1999, as hitherto existing, the third time.

SENG Moved to pass 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 **#17769**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3282 - APP. OF LIVINGSTON INVESTMENT, INC. FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH & HWY. 2. (IN CONNECTION W/00-214, 00R-320) - PRIOR to reading:

COOK Moved to amend Bill 00-215 as shown in the Attached Motion To Amend #1.

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

DEPUTY CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

SENG Moved to pass the ordinance as amended.

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

The ordinance, being numbered **#17770**, is recorded in Ordinance Book 24, Page

CREATING WATER DIST. 1181 IN GLADSTONE ST. FROM 35TH TO 36TH STS. & IN 36TH ST. FROM GLADSTONE TO HARTLEY STS. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Water District No. 1181, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SENG Moved to pass 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 **#17771**, is recorded in Ordinance Book 24, Page

CREATING PAVING DIST. 2619 IN GLADSTONE ST. FROM 35TH TO 36TH STS. & IN 36TH ST. FROM GLADSTONE TO HARTLEY STS. - DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Paving District No. 2619, defining the limits thereof, establishing the width of the grading to be done, providing for the curbing, guttering, & relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements & additional right-of-way, if necessary, & repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SENG Moved to pass ordinance as read.

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

Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered #17772, is recorded in Ordinance Book 24, Page

CREATING PAVING DIST. 2620 IN N.W. 10TH ST. FROM W. DAWES TO W. BELMONT STS. -  
PRIOR to reading:

COOK Moved to amend Bill 00-194 by deleting the period in line 1, page 2,  
after the word "thereof" & inserting in lieu thereof a semi-colon & adding  
the following language:

provided, however, that such special assessments shall be paid out  
of the CDBG Special Assessment Paving Program funds for property  
owners earning at or below 50% of the City's median income.

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

FORTENBERRY Moved to delay action on Bill 00-194 for 1 week to 12/11/00.

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

DEPUTY CLERK read an ordinance, introduced by Coleen Seng, creating Paving  
Dist. 2620, defining the limits thereof, establishing the width of the  
roadway to be paved & the width of the grading to be done, providing for  
the curbing, guttering, & relaying of sidewalks, providing for the payment  
of the cost thereof, designating the property to be benefitted, providing  
for the acquisition of easements & additional right-of-way, if necessary,  
& repealing all ordinances or parts of ordinances in conflict herewith,  
the third time.

CREATING ALLEY PAVING DIST. 359 IN THE EAST/WEST ALLEY BETWEEN 47TH & 48TH STS.  
FROM LOWELL AVE. TO PRESCOTT AVE. - DEPUTY CLERK read an ordinance,  
introduced by Coleen Seng, creating Alley Paving Dist. 359, defining the  
limits thereof, establishing the width of the roadway to be paved & the  
width of the grading to be done, providing for the curbing, guttering, &  
relaying of sidewalks, providing for the payment of the cost thereof,  
designating the property to be benefitted, providing for the acquisition  
of easements & additional right-of-way, if necessary, & repealing all  
ordinances or parts or ordinances in conflict herewith, the third time.

SENG Moved to pass ordinance as read.

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

The ordinance, being numbered #17773, is recorded in Ordinance Book 24, Page

APPROVING AN AGRMT. BETWEEN THE CITY & WESTERN WIRELESS FOR THE CONSTRUCTION &  
OPERATION OF A PCS ANTENNA FOR A COMMUNICATIONS FACILITY ON THE 911 TOWER  
ON PROPERTY GENERALLY LOCATED AT 14TH & MILITARY RD. - DEPUTY CLERK read  
an ordinance, introduced by Coleen Seng, the City of Lincoln, desires to  
lease space on its 911 tower, generally located at 14th & Military Rd., to  
WWC License LLC, a Delaware limited liability company (hereinafter "WWC")  
for telecommunication uses on the tower & associated ground space, the  
third time.

SENG Moved to pass 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 #17774, is recorded in Ordinance Book 24, Page

VACATING W. NANCE ST. FROM N.W. 10TH ST. WEST TO THE CORNHUSKER HWY./I-80 RIGHT-  
OF-WAY - PRIOR to reading:

SENG Moved to delay action on Bill #00-211 for one week to 12/11/00.

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

CLERK Read an ordinance, introduced by Coleen Seng, vacating W. Nance  
St. from N.W. 10th St., west to the Cornhusker Hwy./I-80 right-of-way, &  
retaining title thereto in the City of Lincoln, Lancaster County,  
Nebraska, the third time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 135.7 ACRES  
OF PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN  
CONNECTION W/00-213, 00R-317, 00R-318, 00R-319) - PRIOR to reading:

SENG Moved to delay action on Bill #00-212 for two weeks to 12/18/00.

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

CLERK Read an ordinance, introduced by Coleen Seng, amending Section  
2 of Ord. 8730 passed May 17, 1965, as last amended by Section 1 of Ord.  
17566 passed November 1, 1999, prescribing & defining the corporate limits  
of the City of Lincoln & repealing said Section 2 of Ord. 8730 passed May  
17, 1965, as last amended by Section 1 of Ord. 17566 passed November 1,

1999, as hitherto existing, the third time.

CHANGE OF ZONE 3248 - APP. OF M&S CONSTRUCTION & THE LINCOLN CHAMBER OF COMMERCE FOR A CHANGE FROM I-2 INDUSTRIAL TO H-4 GENERAL COMMERCIAL, B-2 PLANNED NEIGHBORHOOD, & R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00R-317, 00R-318, 00R-319) - PRIOR to reading:

SENG Moved to delay action on Bill 00-213 for two week to 12/18/00.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

#### SPECIAL PERMITS, PRELIMINARY PLATS & USE PERMITS

USE PERMIT 99B - APP. OF UNION BANK & TRUST TO ENLARGE A GROUND SIGN FROM 32 SQ. FT. TO 70 SQ. FT., ON PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF S. 27TH ST. & PINE LAKE RD. - PRIOR to reading:

COOK Moved to delay Action on Bill 00R-324 for 1 week to 12/11/00.  
Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1833 - APP. OF M&S CONSTRUCTION & THE LINCOLN CHAMBER OF COMMERCE TO DEVELOP ASHLEY HEIGHTS C.U.P. CONSISTING OF 289 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-319, 00R-326) - PRIOR to reading:

SENG Moved to delay action on Bill 00R-318 for 2 weeks to 12/18/00.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING & APPROVING THE PRE. PLAT OF ASHLEY HEIGHTS FOR FOUR OUTLOTS & TWO COMMERCIAL LOTS, WITH WAIVERS TO BLOCK LENGTH, PEDESTRIAN EASEMENT, ROADWAY PLATFORM APPROACHES, & THE SUBMITTAL OF A USE PERMIT AT THE TIME OF PRELIMINARY PLAT, ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-318, 00R-326) - PRIOR to reading:

SENG Moved to delay action on Bill 00R-319 for 2 weeks to 12/18/00.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 132 - APP. OF LIVINGSTON INVESTMENT, INC. TO DEVELOP 267,812 SQ. FT. OF SPACE TO INCLUDE RETAIL, OFFICE BUILDINGS, BANKS & FINANCIAL COMPANIES, RESTAURANTS, DRY CLEANERS, ON & OFF SALE OF ALCOHOLIC BEVERAGES, & A WAIVER OF THE SIGN REGULATIONS TO PERMIT A SIGN AT THE SOUTH ENTRANCE TO THE SITE, ON PROPERTY GENERALLY LOCATED SOUTHEAST OF 70TH ST. & HWY. 2. (IN CONNECTION W/00-214, 00-215, 00R-325) - PRIOR to reading:

SENG Moved to amend Bill 00R-320 in the following manner:  
1. On page 1, in line 3, delete the number "267,812" & insert in lieu thereof the number 186,909.  
2. On page 1, in lines 5 & 6, delete the words "with a waiver of the sign regulation to allow a sign at the south entrance to the site from Pine Lake Road."  
3. On page 1, delete lines 8, 9, & 10, & insert the following in lieu thereof:

That portion of Lot 75 I.T. in the Southwest Quarter of Section 15, Township 9 North, Range 7 East, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of said Section 15, & extending thence north 00 degrees 17 minutes 14 seconds west, on the west line of said Section 15, 133.35 feet; thence north 89 degrees 42 minutes 46 seconds east, 61.64 feet to the point of beginning; thence north 00 degrees 39 minutes 06 seconds east, 699.60 feet; thence north 00 degrees 23 minutes 57 seconds west, 58.84 feet; thence north 44 degrees 35 minutes 45 seconds east, 21.21 feet; thence north 89 degrees 35 minutes 45 seconds east, 35.00 feet; thence

north 00 degrees 24 minutes 14 seconds west, 80.00 feet; thence south 89 degrees 35 minutes 45 seconds west, 35.00 feet; thence north 45 degrees 24 minutes 09 seconds west, 21.21 feet; thence north 00 degrees 24 minutes 14 seconds west, 444.19 feet; thence north 00 degrees 00 minutes 48 seconds west, 73.89 feet; thence north 08 degrees 01 minutes 14 seconds east, 141.47 feet; thence north 46 degrees 47 minutes 10 seconds east, 63.95 feet, to the southwesterly line of Nebraska Hwy. 2; thence south 54 degrees 28 minutes 24 seconds east, on said southwesterly line, 1344.65 feet; thence south 35 degrees 31 minutes 36 seconds west, 326.56 feet; thence south 66 degrees 12 minutes 14 seconds west, 65.12 feet; thence south 47 degrees 09 minutes 41 seconds west, 107.70 feet; thence south 88 degrees 15 minutes 10 seconds west, 105.95 feet; thence south 47 degrees 09 minutes 41 seconds west, 53.85 feet; thence south 05 degrees 19 minutes 41 seconds west, 128.35 feet; thence south 15 degrees 59 minutes 35 seconds west, 71.40 feet; thence south 87 degrees 44 minutes 27 seconds west, 52.81 feet; thence south 89 degrees 46 minutes 10 seconds west, 106.98 feet; thence south 57 degrees 06 minutes 11 seconds west, 102.18 feet; thence south 80 degrees 49 minutes 21 seconds west, 102.18 feet; thence south 64 degrees 23 minutes 20 seconds west, 100.32 feet; thence south 62 degrees 41 minutes 08 seconds west, 100.60 feet; thence south 72 degrees 46 minutes 32 seconds west, 81.57 feet; thence north 89 degrees 20 minutes 55 seconds west, 54.82 feet to the point of beginning, containing 24.27 acres;

4. On page 1, line 20, delete the number "267,812" & insert in lieu thereof the number 186,909.

5. On page 2, line 4, delete the number "267,812" & insert in lieu thereof the number 186,909.

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

SENG

Moved to amend Bill 00R-320 in the following manner:

1. On page 2, in line 6, after the period insert two additional sentences to read as follows:

No service station or convenience store shall be allowed.

The hours of operation of the shopping center shall only be allowed between the hours of 5:00 a.m. to 12:00 midnight.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80576

WHEREAS, Livingston Investment, Inc. has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit 132 for authority to develop ~~267,812~~ 186,909 sq. ft. of floor area including retail, office buildings, banks & financial companies, restaurants, dry cleaners & on-and off sale of alcoholic beverages, with a waiver of the sign regulation to allow a sign at the south entrance to the site from Pine Lake Road, on property generally located southeast of 70th St. & Hwy. 2, & legally described to wit:

~~Lot 75 I.T., in the Southwest Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska~~

That portion of Lot 75 I.T. in the Southwest Quarter of Section 15, Township 9 North, Range 7 East, Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of said Section 15, & extending thence north 00 degrees 17 minutes 14 seconds west, on the west line of said Section 15, 133.35 feet; thence north 89 degrees 42 minutes 46 seconds east, 61.64 feet to the point of beginning; thence north 00 degrees 39 minutes 06 seconds east,

699.60 feet; thence north 00 degrees 23 minutes 57 seconds west, 58.84 feet; thence north 44 degrees 35 minutes 45 seconds east, 21.21 feet; thence north 89 degrees 35 minutes 45 seconds east, 35.00 feet; thence north 00 degrees 24 minutes 14 seconds west, 80.00 feet; thence south 89 degrees 35 minutes 45 seconds west, 35.00 feet; thence north 45 degrees 24 minutes 09 seconds west, 21.21 feet; thence north 00 degrees 24 minutes 14 seconds west, 444.19 feet; thence north 00 degrees 00 minutes 48 seconds west, 73.89 feet; thence north 08 degrees 01 minutes 14 seconds east, 141.47 feet; thence north 46 degrees 47 minutes 10 seconds east, 63.95 feet, to the southwesterly line of Nebraska Hwy. 2; thence south 54 degrees 28 minutes 24 seconds east, on said southwesterly line, 1344.65 feet; thence south 35 degrees 31 minutes 36 seconds west, 326.56 feet; thence south 66 degrees 12 minutes 14 seconds west, 65.12 feet; thence south 47 degrees 09 minutes 41 seconds west, 107.70 feet; thence south 88 degrees 15 minutes 10 seconds west, 105.95 feet; thence south 47 degrees 09 minutes 41 seconds west, 53.85 feet; thence south 05 degrees 19 minutes 41 seconds west, 128.35 feet; thence south 15 degrees 59 minutes 35 seconds west, 71.40 feet; thence south 87 degrees 44 minutes 27 seconds west, 52.81 feet; thence south 89 degrees 46 minutes 10 seconds west, 106.98 feet; thence south 57 degrees 06 minutes 11 seconds west, 102.18 feet; thence south 80 degrees 49 minutes 21 seconds west, 102.18 feet; thence south 64 degrees 23 minutes 20 seconds west, 100.32 feet; thence south 62 degrees 41 minutes 08 seconds west, 100.60 feet; thence south 72 degrees 46 minutes 32 seconds west, 81.57 feet; thence north 89 degrees 20 minutes 55 seconds west, 54.82 feet to the point of beginning, containing 24.27 acres;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development 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 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 application of Livingston Investment, Inc., hereinafter referred to as "Permittee", to develop a shopping center consisting of ~~267,812~~ 186,909 sq. ft. of floor area on the property legally described above be & the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction & operation of said shopping center be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves:
  - a. A shopping center with ~~267,812~~ 186,909 sq. ft. of floor area. No facility or business shall be allowed with on-sale alcohol as its primary source of business or service. No service station or convenience store shall be allowed. The hours of operation of the shopping center shall only be allowed between the hours of 5:00 a.m. to 12:00 midnight.
  - b. A 100' building setback & a 75' paving setback along Hwy. 2.
  - c. A 50' paving setback along 70th St. & Pine Lake Road except the entrance drives.
2. Before receiving building permits:
  - a. The Permittee must submit a revised & reproducible final plan with five copies to the Planning Department.
  - b. The construction plans must conform to the approved plans.
3. Before occupying the buildings all development & construction must be completed in conformance with the approved plans, & in accordance with the "Willowbrook Shopping Center" renderings submitted at Planning Commission on October 4, 2000, a copy of which are attached hereto marked as Attachment "A" & incorporated herein by this reference.
4. All privately-owned improvements must be permanently

maintained by the owner or an appropriately established owners association approved by the City Attorney.

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

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

7. The Permittee shall sign & return the City's letter of acceptance to the City Clerk within 30 days following approval of 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 Jon Camp

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

#### PETITIONS & COMMUNICATIONS

##### THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone 3252 - App. of Ridge Development Co. for a change from B-2 to I-1 (Parcel 1) & I-1 to B-2 (Parcel 3) at 27th & Folkways.

Change of Zone 3294 - App. of HiMark Development, Inc. for a change from R-3 to AG (Parcel C) & also from AG to R-3 (Parcel A, B, D, & E) at HiMark Estates 3rd & 4th Adds.

Change of Zone 3295 - App. of Valentino's, Inc. for a change from R-6 to B-1 at 3457 Holdrege St.

Use Permit 103B - App. of Olsson Associates to develop commercial, retail, financial & restaurant at 27th & Folkways.

Special Permit 1869 - App. of Ross Engineering for a C.U.P. for 25 dwelling units for elderly housing as outlined in Sec. 27.63.210 & 27.63.320 of the LMC at 61st & South St.

Special Permit 1883 - App. of Gerry & Dianne Krieser to develop a CUP in the AG Zoning Dist. on property located at N. 134th & Adams St.

SETTING HEARING DATE OF MON., DEC.18, 2000 AT 1:30 P.M. OR SOON THEREAFTER, FOR THE ASSESSMENT OF COST OF WEED REMOVAL INCURRED FOR THE PERIOD OF JAN. 1, 2000 THROUGH DEC. 31, 2000 - DEPUTY CLERK requested a motion.

JOHNSON So moved.

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

#### REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON NOV. 20, 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 Jonathan Cook, who moved its adoption:

A-80574 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 11/27/00)

Introduced by Jonathan Cook

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

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED OCT. 31, 2000 - DEPUTY CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80575 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended October 31, 2000, \$300,845.71 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of

each fund & allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jonathan Cook

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

REPORT FROM CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS OCT. 31, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT OF CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF OCT., 2000: Coast Int'l., Sprint Spectrum, Aliant Cellular Dba Alltel, Airtime SMR, Lincoln Celtelco, ATS Mobile Telephone, Sprint Communication Co., AT&T Comms. of the Midwest, & Telco Development Group - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDERING ORNAMENTAL LIGHTING DIST. 283 CONSTRUCTED IN WOODS AVE. FROM S. 33RD ST. EAST TO S. 38TH ST. - DEPUTY CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80571 WHEREAS petitions signed by the owners of the record title representing a majority of the feet frontage of the property directly abutting upon the streets in Ornamental Lighting District No. 283, being Woods Avenue from S. 33rd St. East to S. 38th St., have been filed with the City Clerk, petitioning for the construction of said ornamental lighting.

THEREFORE BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that said petitions be & hereby are determined to be sufficient & that said district be & is hereby ordered constructed.

BE IT FURTHER RESOLVED that the Department of Public Works & Public Utilities be & is hereby authorized & directed to prepare detailed plans & specifications for said ornamental lighting in accordance with this resolution.

BE IT FURTHER RESOLVED that, in the event that the actual bid price exceeds 25 percent over the preliminary cost estimate for the improvements, then such bid shall not be awarded until the Council has approved such bid by resolution.

Introduced by Jonathan Cook

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

ORDERING CONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS THROUGHOUT THE CITY GENERALLY BOUNDED BY S.W. 27TH & W. "O" ON THE WEST, 27TH & WHITEHEAD DR. ON THE N., 80TH & LEIGHTON ON THE EAST, & 40TH & EAGLE RIDGE RD. ON THE SOUTH - PRIOR to reading:

SENG Moved to delay action on Bill 00R-296 for 1 week to 12/11/00.

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

#### OTHER RESOLUTIONS

MAN. APP. OF JUDY K. GROSS FOR NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE #103 AT 600 W. A ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80567 WHEREAS, Nebraska Retail Ventures L.L.C. dba "Ampride #103" located at 600 W. A St., Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, & now requests that Judy K. Gross be named manager;

WHEREAS, Judy K. Gross appears to be a fit & proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that Judy K. Gross be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

APP. OF WILDERNESS RIDGE L.L.C. DBA WILDERNESS RIDGE GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 1800 BOX CANYON CIR.;

MAN. APP. OF JAMES B. WHITE FOR WILDERNESS RIDGE, L.L.C. DBA WILDERNESS RIDGE GOLF COURSE AT 1800 BOX CANYON CIR. - PRIOR to reading:

SENG Moved to continue Pub. Hearing & to delay Action on these applications for 2 weeks to 12/18/00.

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

APP. OF CHACE ENTERPRISES, INC. DBA SILVER SPOKE SALOON FOR A LIQUOR CATERING LICENSE AT 1033 M ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80568 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 ordinance, the City Council recommends that the application of Chace Enterprises, Inc. dba Silver Spoke Saloon for the issuance of a Catering Permit to the existing liquor license, located at 1033 M St., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city & state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

APP. OF J.J. KAT, INC. DBA BREWSKY'S FOOD & SPIRITS FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN AREA MEASURING APPROX. 20' BY 30' TO THE NORTHWEST ON PROPERTY LOCATED AT 2840 S. 70TH ST. - PRIOR to reading:

SENG Moved to continue Pub. Hearing & to delay Action on this application for 1 week to 12/11/00.

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

MAN. APP. OF THOMAS O. ROST FOR COLUMBUS LINCOLN HOTEL PROPERTIES, L.L.C. DBA HOLIDAY INN LINCOLN DOWNTOWN AT 141 N. 9TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80569 WHEREAS, Columbus Lincoln Hotel Properties, L.L.C. dba Holiday Inn Lincoln Downtown located at 141 N. 9th St., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, & now requests that Thomas O. Rost be named manager;

WHEREAS, Thomas O. Rost appears to be a fit & proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that Thomas O. Rost be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

APPROVING THE RESTATED ARTICLES OF INCORPORATION OF EMERGENCY MEDICAL SERVICES, INC. AS ADOPTED BY THE BOARD OF DIRECTORS OF EMS - DEPUTY CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80570 WHEREAS, the Board of Directors of the Emergency Medical Services, Inc. has proposed a restatement of said Articles of Incorporation to amend the manner of appointing directors, adding a conflict of interest provision, & to make other minor clarifications, corrections, & updates; &

WHEREAS, the Articles of Incorporation of Emergency Medical Services, Inc. provides that no amendment to the Articles of Incorporation shall be effective without having been first submitted to & having received the approval of the City Council of the City of Lincoln, Nebraska.

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

That the "Restated Articles of Incorporation for Emergency Medical Services, Inc.," a copy of which is attached hereto marked as Attachment

"A" & made a part hereof by reference, are hereby approved.

The City Clerk is directed to return a certified copy of this resolution to Mike Miriovsky, Executive Director of Emergency Medical Services, Inc. at 4600 Valley Road, Suite 321, Lincoln, NE 68510, & a photocopy of said resolution to the City Law Department.

Introduced by Jonathan Cook

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

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY MEADOW GOLD DAIRIES FOR THE CONSTRUCTION OF A BLOCK STRUCTURE WITH ROOF FOR AN EXISTING COMPACTOR AT THE NORTHEAST CORNER OF 7TH & L STS. - PRIOR to reading:

COOK Moved to delay action on Bill 00R-323 for 1 week to 12/11/00.

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

APPROVING THE WILLOWBROOK SHOPPING CENTER ANNEXATION & ZONING AGRMT. BETWEEN THE CITY & LIVINGSTON INVESTMENTS, INC. OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARD TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT S. 70TH ST. & HIGHWAY 2. (IN CONNECTION W/00-215, 00-216 , 00R-320) - PRIOR to reading:

JOHNSON Moved to in the following manner:

1. Substitute the Willowbrook Shopping Center Conditional Annexation & Zoning Agreement attached hereto marked as Attachment "A" for the Willowbrook Shopping Center Conditional Annexation & Zoning Agreement which is attached to Bill No. 00R-325 marked as Attachment "A".

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

DEPUTY CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80572 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Willowbrook Shopping Center Conditional Annexation & Zoning Agreement ("Annexation Agreement"), which is attached hereto, marked as Attachment "A" & made a part hereof by reference, between the City of Lincoln & the Livingston Investments, Inc. (Owner) outlining certain conditions & understandings between the City & said Owners relating to the annexation of land generally located at S. 70th St. & Hwy. 2 is approved.

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

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

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jonathan Cook

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

APPROVING THE ASHLEY HEIGHTS CONDITIONAL ANNEXATION & ZONING AGRMT. BETWEEN THE CITY & M&S CONSTRUCTION & ALLAN D. & BETH A. SCHULTZ OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARD TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-317, 00R-318, 00R-319) - PRIOR to reading:

SENG Moved to delay Action on Bill 00R-326 for 2 weeks to 12/18/00.

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

APP. OF NEBRASKA FERTILIZER & AG-CHEMICAL INSTITUTE TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM DECEMBER 15, 2000 THROUGH JANUARY 27, 2001 - DEPUTY CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80573 WHEREAS, Nebraska Fertilizer & Ag-Chemical Institute has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; &

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section

9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Nebraska Fertilizer & Ag-Chemical Institute to conduct a raffle in the City of Lincoln in accordance with the application filed by Nebraska Fertilizer & Ag-Chemical Institute. 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 raffles 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 Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, & if unpaid at that time, shall thereafter be delinquent.

Introduced by Jonathan Cook

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

PROPOSED USE OF GRANT MONEY FROM LOCAL LAW ENFORCEMENT BLOCK GRANTS PROGRAM - LINCOLN POLICE DEPT. - HEARING HELD; NO ACTION NEEDED BY COUNCIL.

COMP. PLAN AMENDMENT 94-52 - AMENDING THE 1994 LINCOLN LANCASTER COUNTY COMP. PLAN TO CHANGE FIGURE 16, LINCOLN'S LAND USE PLAN, FROM INDUSTRIAL TO COMMERCIAL & FROM INDUSTRIAL TO RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N.W. 48TH ST. & W. ADAMS ST. (IN CONNECTION W/00-212, 00-213, 00R-318, 00R-319) - PRIOR to reading:

SENG Moved to delay action on Bill 00R-317 for 2 weeks to 12/18/00.

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 3289 - APP. OF RIDGE DEVELOPMENT, SOUTHVIEW, INC., & NORTH HILLS LIMITED PARTNERSHIP FOR A CHANGE FROM R-2 TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT FOLKWAYS DR. & 21ST ST. - CLERK read an ordinance, introduced by Jon Camp, 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.

AMENDING SEC. 10.22.080(E) OF THE LMC TO INCLUDE LANGUAGE WHICH REQUIRES THAT VEHICLES OPERATED UPON THE STREETS OF THE CITY NOT BE OBSCURED TO THE EXTENT THAT THE ABILITY TO SEE INSIDE THE VEHICLE IS SUBSTANTIALLY IMPAIRED - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 10.22.080 of the LMC relating to the requirements for vehicles operated upon streets to make that section consistent with state statute; & repealing Sec. 10.22.080 of the LMC as hitherto existing, the second time.

#### MISCELLANEOUS BUSINESS

HEARING DATE OF DEC. 11, 2000 AT 1:30 P.M. FOR SMG FOOD & BEVERAGE LLC DBA SMG PERSHING MUNICIPAL AUDITORIUM FOR A RETAIL CLASS C LIQUOR LICENSE WITH CATERING AT 226 CENTENNIAL MALL SOUTH;

HEARING DATE OF DEC. 11, 2000 AT 1:30 P.M. FOR THE MAN. APP. OF DOUGLAS J. KUHNEL FOR SMG FOOD & BEVERAGE LLC DBA SMG PERSHING MUNICIPAL AUDITORIUM AT 226 CENTENNIAL MALL SOUTH:

COOK Moved to change these hearing dates to Dec. 18, 2000 at 1:30 p.m.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### PENDING LIST -

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

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UPCOMING RESOLUTIONS -

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

ADJOURNMENT

4:20 P.M.

JOHNSON Moved to adjourn the City Council Meeting of Dec. 4, 2000.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; Cook.

So ordered.

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Joan E. Ross, Deputy City Clerk

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Teresa J. Meier-Brock, Office Assistant III