

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 18, 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, Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

FORTENBERRY Having been appointed to read the minutes of the City Council proceedings of Dec. 11, 2000, reported having done so, found same correct.

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

PUBLIC HEARING

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. - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing applicants, took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF SMG FOOD & BEVERAGE L.L.C. DBA PERSHING MUNICIPAL AUDITORIUM FOR A CLASS C & CATERING LIQUOR LICENSE AT 226 CENTENNIAL MALL SOUTH;

MAN. APP. OF DOUG KUHNEL FOR SMG FOOD & BEVERAGE L.L.C. DBA PERSHING MUNICIPAL AUDITORIUM AT 226 CENTENNIAL MALL SOUTH - Chuck Palace, representing applicant, Patti Ditman, Corporate Paralegal for SMG, & Doug Kuhnel, manager applicant, all took oath & came forward to answer any questions.

This matter was taken under advisement.

VACATING A PORTION OF DAIRY DR. FROM THE WEST LINE OF S. 14TH ST. TO A POINT APPROX. 1,328' WEST, GENERALLY LOCATED OFF S. 14TH ST. SOUTH OF CENTERPARK RD. - Ray Hill, Planning Dept.: You should have received a memo from me asking that that be placed on Pending. We may be able to resolve this situation by the vacation of the plat rather than the vacation of the street.

Jerry Shoecraft, Council Member: How much...how long you want it on there? Just indefinitely?

Mr. Hill: Yes.

Mr. Shoecraft: Okay.

Coleen Seng, Council Member: So moved.

Jonathan Cook, Council Member: Second.

Clerk: You want to do that during this session or during the voting?

Mr. Shoecraft: It doesn't make a difference. I don't think there's anybody here in regards to the issue. If not, we can take care of it right now.

Clerk: Okay, that's what we'll do then.

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

This matter was taken under advisement.

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DIST. (IN CONNECTION W/00R-279);

SPECIAL PERMIT 1851A - APP. OF TABITHA, INC. & TABITHA HOUSING CORP., TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY & ADULT CARE CENTER FOR A MAXIMUM OF 42 CHILDREN & 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, & WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH & "J" STS. (IN CONNECTION W/00-181) - John Bergmeier, representing applicant, 121 S. 13th St., 800 Lincoln Square: Tabitha's requesting a text amendment to amend current zoning ordinances to allow adult daycare facilities as special permitted uses in R-1 thru R-5 Zoning Districts. Currently, the adult daycare facilities are allowed only in B-1, B-3, B-4, I-1, & I-2 Zoning Districts. Development of an adult care facility currently is not allowed as a special permitted use or otherwise in any residential zoning district in the City. In July, the Council approved

Special Permit 1851 which allows Tabitha to develop an early childhood care facility at the corners of 48th & "J" Sts. serving a maximum of 62 children. And construction of that facility has been in progress since July. From the beginning, Tabitha has wanted to use this facility as a joint facility serving both as an early childhood care facility serving a maximum of 42 children & also as an adult daycare facility serving a maximum of 20 adults. In short, Tabitha wants to use this as a joint child & adult daycare facility. These adult care centers that we're talking about, they are not domiciliary care facilities or group homes. They are not health care facilities & they are not elderly or retirement housing. These are adult daycare facilities. And, as many of you I'm sure are aware, the need for adult daycare has increased & is growing in Lincoln & across the country. As the baby boomer generation continues to age, many working families will be faced with the challenge of not only caring for young children but also for aging adults who need care & supervision. The State has recognized the increased demand & need for adult daycare facilities. Last year they approved several grants to develop adult daycare facilities &, in fact, Tabitha has received a \$100,000 grant to develop this adult daycare facility & that's the reason why we're here asking for this change, the amendment of the text, & also for this special use permit. The question now is why allow these adult daycare facilities as special permitted uses in residential zoning districts. As indicated in the Planning Staff report, the Planning Dept. believes the proposed text amendment which would allow adult care facilities or centers as special permitted uses in R-1 thru R-5 Zoning Dists. is in harmony with the City's Comp. Plan both with respect to future urban residential needs & public safety & health services. The Comp. Plan takes into consideration that as the character & composition of the community changes, the residential needs of the community will also change. Thus, as a large sector of our community ages & develops special needs, the laws governing development of our residential neighborhoods must also change to accommodate those needs. Both the City Planning & the Law Department's have indicated that our current zoning ordinances do not adequately address or provide for the ever increasing need & demand for adult daycare services & facilities in our community. Although childhood daycare facilities, health care facilities, elderly & retirement housing & housing & related facilities for the physically handicapped are allowed as special uses in residential zoning districts similar treatment is not accorded adult daycare facilities even though a need for those facilities does exist. I felt Commissioner Steward provided a very insightful comments at the Planning Commission Meeting in September when he said & I quote, "I believe there is a movement in our society for paying more attention to the full needs for care of elderly citizens. If they cannot be in a neighborhood, where would you like them to be? Every person in this room has been either the receiver of care & sooner or later will be the giver of care. We do not have enough variety & enough pleasant settings for the care of our senior citizens. I will do anything possible to expand the options. Frankly, I believe we carry the residential protection too far by eliminating some of the potential mixed use options which increase the quality of life of people in residential areas." Although we recognize & support the need to protect the character of our neighborhoods, we believe the proposed text amendment will be beneficial to the community as a whole. Briefly, I want to mention the application for the special permit. There've been no changes whatsoever in the design of the facility that was approved by you in July as part of our application for Special Permit 1851. We're simply requesting that the special permit be amended to allow us to use the facility jointly as an early childhood care facility & also as an adult care center. Naturally, our application for the special permit cannot be granted unless the text change is approved because of the fact that adult care centers are not now allowed in residential areas. Your approval of the application for the amended special permit is also required because as was the case in July, access to this facility is from "J" St. which is a local street as opposed to a collector or an arterial street & so we are requesting a waiver of the design standard as we did in July to allow access to the facility from "J" St. which is not a collector or an arterial street. Both the application for the change of zone & also the application for the amended Special Permit were approved by the Planning Commission in September. However, because of several concerns that were raised at the Commission's meeting, we did attend the Mayor's Neighborhood Roundtable Meeting in November & we also attended meetings with the S. 48th St. Owners Assoc. & the 40th & "A" Owners Assoc. to discuss these proposals. I believe you should've received a letter from the President of the 40th & "A" Owners Assoc. supporting these. I would, however, like to address a few of the

concerns that were raised during our meetings with the neighborhood groups. First, with respect to the change of zone, concerns were raised regarding whether it was wise to amend ordinances that will affect all property owners in the R-1 thru R-5 Zoning Dists. for the benefit of one applicant, namely Tabitha in this instance, & that was certainly a valid concern & from Tabitha's standpoint, we are specifically concerned only with R-2 & R-4 Zoning Dists. because the property in question is zoned part R-2 & part R-4. However, in our discussions with the City Law & Planning Departments it was clear that it would not make a lot of sense for us to go forward on a piecemeal basis & amend the zoning text for just R-2 & R-4. Rather those involved felt that it would be best for us to include other residential zoning districts in the application so that separate proceedings would not be required in the future to make the code uniform & cohesive as to this matter. Undoubtedly, you're aware that as a practical matter, changes in the zoning ordinances are often initiated by a single applicant to accomplish it's specific objectives while the applicant works with the City to ensure that the changes will be beneficial to the community as a whole. Significantly the process which is in place requires public hearings of both the Planning Commission & also before the City Council before any changes to the zoning text can be made....

Mr. Shoecraft: You have one more minute.

Mr. Bergmeier: Could I request three additional minutes? I should be able to get through this pretty quick.

Mr. Shoecraft: You're suppose to do that at the beginning before you start talking.

Mr. Bergmeier: Oh, I'm sorry.

Mr. Shoecraft: So, you've had probably about 7 already. Can you wrap it up in about a minute & a half?

Mr. Bergmeier: Yup, I can do that. Here both the City Planning Dept. & also the Planning Commission did approve this proposal, both these proposals, as being beneficial to the community as a whole. And because of that fact, we were willing to go forward with the application to involve R-1 thru R-5 instead of just R-2 & R-4. And we feel that its important for you to understand that if this is approved, people who want to develop adult care facilities in the future will have to get a special permit before they can develop the facility. That has the inherent protection granted by the Planning Commission to make sure that local neighborhoods & the character of those neighborhoods will be protected. There's also some question of as to why we didn't just seek a special zoning designation of B-1 for this particular property which would allow us without changing the zoning ordinances to go forward & develop this facility. The answer in working with the Planning Dept. was it may not be a problem to create a new special B-1 zoning area there as long as the property continued to be used for this joint adult & child daycare facility but if, for some reason, that use would stop in the future, the concern would then be well, that property can now be used for any purpose allowed under the B-1 regulations & those types of uses may be more detrimental to the surrounding neighborhoods & we did not want to go that route. With that, my time's up & I'd like to answer any questions you have & I also want to let you know that there are representatives from Tabitha here to address any questions you may have on the joint operation of this facility.

Mr. Cook: I just want to thank you for meeting with the neighborhood groups & coming to the roundtable because any time there's a change of the zoning text, or a facility change in the neighborhood, it's always nice to get that kind of feedback.

Mr. Bergmeier: You bet. And we appreciate your help as well in getting that all coordinated for us. Thanks.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc.: As a representative of the older neighborhoods, we are in favor of putting these adult care facilities, you know, properly spaced. Is there a spacing requirement going to be required in this text change 'cause we're changing the text a little bit. Group homes, some of the others have a space requirement so I think what should be done somebody bring forward a motion or an amendment that some spacing requirement be put in there.

Mr. Cook: There isn't in this particular if the Council approves my amendment to this it would cut back on some of the possible locations that these centers could go in not because they're necessarily negatives but because I don't think we've done a proper thought out analysis here of the impacts & exactly what kind of restrictions need to be placed on these kind of facilities including, as you said, spacing requirements because we

have a number of things that are already permitted by special permit, you know, the whole issue of domiciliaries & health care facilities & a number of others & sometimes those have been fine, sometimes there've been problems. And I just...I know this is a big part of a bigger issue & I want to make sure those issues are addressed so I think we do want to come back & revisit this & maybe broaden the language at some future time but at least, at this point, with the Council's approval, we might put some additional restrictions on this particular designation right now to deal with what's before us & then come back & address your concerns that you're talking about.

Mr. Morosin: Well, that's the thing is I went around & spoke to a number of people. We recognized the need for these in neighborhoods. Some neighborhoods have in some way or another but we're creating or we're changing a text change & I think proper spacing so that we put these throughout the community would be a much better, more equal fair share type of thing & I think that's what I see is the only thing. We support that. There's a need for this. All of us may have somebody in the family that may have a need for that so I think, you know, that was one of the things I saw was let's take a look & make sure there's a spacing requirement. Thank you.

Mr. Cook: Is it appropriate now to make motions regarding this or do we want to wait till the voting session to & when we go past this item make it 3rd Reading 'cause it's not on 3rd Reading today?

Mr. Shoecraft: I don't think we anticipated putting it on 3rd Reading. Was there a request?

Mr. Cook: Well, there is a request by the applicant that if everything is alright today after the public hearing, that we go ahead with 3rd Reading. I think we wanted to not specifically make it 3rd Reading last week because we were unsure as to what would come out in public hearing, if anything.

Mr. Shoecraft: Why don't you attach your amendment now & it'll be much smoother when we get to voting session (inaudible) through it.

Mr. Cook: Alright. I would move to amend 00-181, that's the amendment that was passed out at noon, with one change to that that was a mistake...does this have the new version? Page 2...well, this has it, okay. There was a mistake in one number about how many adults were needed before they have a conversion plan in Item B. 3. that was suppose to be 6 not 21. So, I would move the amendment to 00-181.

Ms. Seng: Second.

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

Mr. Cook: I would move that we waive the rules on both 00-181 & 00R-279 to have 3rd Reading at the time of the vote.

Mr. Shoecraft: I think the second one's already is a resolution so it's already...

Mr. Cook: Resolution? Never mind. Just 00-181, to make it 3rd Reading.

Ms. Seng: Second.

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

This matter was taken under advisement.

APPROVING THE SUBSTITUTION OF CORPORATE GOLF MARKETING, INC., DBA BUNKERS, LOCATED AT 8901 AUGUSTA DR., AS THE MAIN KENO LOCATION FOR LINCOLN KENO, INC. Charlie Humble, Erickson & Sederstrom, 301 S. 13th St., Suite 400, representing Lincoln Keno, Inc.: Actually John Hassett wanted to be here but due to the travel problems was unable to come. The substitution from Mulligans to Bunkers was caused by a lease problem in Mulligans lease. That's the only reason. We think Bunkers will be an outstanding location. We have submitted the necessary documentation to staff & Bunkers will comply with all of the requirements of the contract awarded us by the City Council. So, with that, I would answer any questions you might have.

This matter was taken under advisement.

APPROVING AN AGRMT. BETWEEN BIG RED KENO & M.L. DIERS CORP. DBA MATT'S BAR & GRILL FOR THE OPERATION OF A KENO SATELLITE SITE AT 100 N. 8TH ST.;

APPROVING AN AGRMT. BETWEEN BIG RED KENO & LA SOCIETY DES HOLMES DBA AMERICAN LEGION POST #3 FOR THE OPERATION OF A KENO SATELLITE SITE AT 5630 P ST. - John Hewitt, Big Red Keno, 955 W. "O" St., came forward to answer any questions.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNIVERSITY OF NEBRASKA JOURNALISM COLLEGE FOR THE INSTALLATION OF TELECOMMUNICATIONS CONDUIT IN 14TH ST. & IN CENTENNIAL MALL TO CONNECT NEW UNL JOURNALISM COLLEGE TO THE UNL MAIN CAMPUS - Alan Wade(?), no address given, Project Manager of Architecture & Engineering Services for UNL, came forward to answer any questions.

This matter was taken under advisement.

APPROVING A LICENSE AGRMT. BETWEEN THE CITY & SPRINT SPECTRUM L.P. FOR THE PLACEMENT & OPERATION OF A TELECOMMUNICATION TOWER TO BE LOCATED GENERALLY AT STAR CITY SHORES - John Hertzler, 268 N. 115th St., Omaha, NE, representing Sprint PCS: Sprint, of course, today is requesting your approval of a license agreement for the location of a wireless communication facility at Star City Shores on 27th & Hwy. 2. I would like to give you just a very, very brief history of the site. We have been working on this location for about a year & a half which is a long time for a single wireless site. I think this is a real indication of the amount of time & effort that has gone into getting to this point not only by Sprint but by City officials, Planning Dept., Parks Dept. & Law Dept. This site has really gone under a lot of close scrutiny, a lot of review & re-review to get to this point & I think that's an indication that it really is an excellent site & something that everybody's confident to move forward with. Several issues were raised & addressed. Location, we will not be interfering in any way with activities at the park. Design, we'll be using a hugging type array rather than the traditional triangle array. The wall at the compound will match existing buildings. We will also be meeting the ordinance requirements for co-location of two additional co-locators here. This site was reviewed by the Urban Design Committee. We incorporated their comments. Numerous engineering comments were also raised & addressed. Perhaps most importantly, the Parks Dept. & Planning Dept. were very adamant about involving the community. We notified all 5 surrounding neighborhood associations, called a meeting, essentially there was no interest shown in the site which was a clear indication to both of those departments that we could move forward with confidence from there towards the point we've gotten to today. Also, the lease, of course, went through numerous negotiations & revisions. Sprint's attorney who negotiated the lease is present to answer any questions you may have in that specific regard. Otherwise, I would be happy to answer any questions regarding the site itself.

Jeff Fortenberry, Council Member: Lynn, is this on top of the slide?

Lynn Johnson, Parks & Rec.: It's actually south & west of the slide just a little bit on the south side of the roadway. I just want to let you know that the Parks & Rec. Advisory Board has reviewed this proposal & they have recommended approval of it. As John said, we did conduct neighborhood meetings & the neighborhoods had the opportunity to review it. And we've also had the opportunity to review this & have spent a great deal of time making sure that this would fit on that site & that it wouldn't significantly affect the aesthetics of the area or the function of the pool & we feel pretty comfortable with the facility.

Jon Camp, Council Member: Lynn, I have one question for you. This is just somewhat extraneous that with what you learned in this last year & a half on Star City Shores, does this give you an idea of future ways that we can work with the private sector in locating facilities like this so that it discreetly fits in with the public areas?

Mr. Johnson: It does, Jon. We appreciate that. One of the things that the Parks & Rec. Advisory Board did early this fall was kind of discuss the whole issue of communication towers & they've adopted policies for both their procedure for reviewing these as well as suggestions as to how to incorporate these facilities on publicly owned park sites. And, yeah, I'm sure it was a little painful at times working through this one but I think we do have a good procedure so that we can probably work through these in a more expeditious manner in the future.

This matter was taken under advisement.

ASSESSING THE COSTS INCURRED BY THE CITY SINCE JAN. 1 THRU DEC. 31, 2000, FOR CUTTING WEEDS AGAINST VARIOUS BENEFITTED PROPERTIES - Ed Schwartzkopf,

3901 S. 27th St., Unit 8: If I had interpreted this card correctly when I received it, this wouldn't have happened. I'm going to pass this card around & you'll see these 82 yr. old eyes indicated that that was a zero on the phone number & that's the reason I could not get a hold of them & I've got that in a square & then I've got circled the other eights but...& while you're doing that if Russell Shultz is in the audience, I'd like to meet him. I'd be happy to donate some money to you to get better equipment in putting out these cards so people can read them. Do you agree, is that easily misinterpreted? The square one. That's the phone number. I interpret that as an "0". My eyes are 82 yrs. old so I can't blame anybody for that.

Mr. Shoecraft: Are you saying this is a result of the card, you not being able to take care of the situation?

Mr. Schwartzkopf: Well, I wasn't able to get a hold of Russ' office to talk to him. And what happened is my tractor broke down. And I was going to bring a couple of the neighbors along but they're elderly but I've mowed all the lawns down there with my tractor, mowed the alley, the only one that does it & you might ask well, what are doing down in that neighborhood? Well, a few years ago, I bought two houses down there & these lots. And as we went down there, we would see children always playing in the street & also we're always so fortunate to have drug dealers in those two houses. So, my wife suggested that we tear them down & donate the land to the parks which we did. And kept working with the neighborhood. No problems. I was going to bring a couple of neighbors along to testify yes, I do mow & I mow everything that's in sight but they're elderly & if you'd like to call them I'll give you their phone numbers, Estefan Guerera & the phone numbers 435-7431 & then Lico Delgado & he doesn't have a phone that's public 505 S.W. 1st. And I've got evidence that the tractor was broken down & I paid the tractor 10/11, \$109.00.

Mr. Shoecraft: What are you asking from us today, Mr. Schwartzkopf?

Mr. Schwartzkopf: What I'm asking is that I not be assessed \$172.00 for those lots. They're 25' lots. And there's about 9 of them & I have a building that is 40' x 30' & a concrete apron on the alley side so that takes out quite a few square feet. So, I'm saying that that is completely unbelievable to be assessed & you don't have that information. I really thought I could pass all this stuff around to you very easily. Balance due \$172.50. Why you could get a couple of goats & they'd have that cleaned up in three days. I'm saying I just...I'd make a contribution but I just do not feel comfortable paying \$172.50 to people that go in there & cut down trees & everything in the way.

Coleen Seng, Council Member: Is this the...our's is all by the legal description. Is it the Boyer & Davis Sub. Block? Is that what's yours?

Mr. Schwartzkopf: Yes. Yeah, those lots. As I indicated, they're 25' lots, they're not very large. And I've got a building that sets on the lots plus the alley apron. So, I don't know what they're doing in there chopping around.

Mr. Camp: Mister Chair, what discretion do we have in a matter like this?

Mr. Shoecraft: Well, we need to visit with Russ. Russ, could you come up? You want to give us a little bit of info. on this one please?

Russ Schultz, Noxious Weeds Office: I guess I'll go over the sequence of events on the two parcels. There are several lots. It started out with a complaint on 8/24, inspection was made on 8/25 & found weeds around the edges of the lot & around the building. Legal notice was sent 8/29, receipt of notice was signed by Mrs. Schwartzkopf, second inspection 9/11, third inspection 9/26. Both times, the completing was not completed. Fourth inspection a picture was taken at that time, 9/28, the card that Mr. Schwartzkopf passed around was enforcement warning card. And on 10/2, we authorized to cut the properties & the contractor did the work on 10/10, which was 41 days after the receipt of the notice. And then we got the contractor's bill for the cutting on the 17th, made a final inspection on 10/20 & sent invoice to the owner for \$172.50 for the one property & \$127.50 for the other property. Here's two pictures that were taken of the properties & then this is the...this plat shows in the lighter green color, the location of Mr. Schwartzkopf's lots & shows the date 8/29 that the notice was sent & 10/10 when the final work was done. Eleven neighboring properties also received notices about the same time or either on the 29th or the 30th. And all those properties were completed either by the 15th or the 19th or Oct. 2nd. So, of the 13 properties receiving notifications about the same time. Eleven of those properties were completed. And we're talking 41 days & the legal notice says 5 days. So, I think we were quite patient. And I guess if the phone number was

not getting an answer there, we have a voice mail & so could call 24 hrs. a day & we'd work with landowners if we don't really want to force cut on them so if we'd have gotten a contact & if he was going to get it cut, we would've allowed him to do that. But based upon not receiving any kind of message, we went ahead after 41 days.

Mr. Camp: In a case like this where Mr. Schwartzkopf has the card & there's subject to interpretation there whether it's a pregnant dimple or a hanging dimple swinging but would there be maybe a compromise. I think, Mr. Schwartzkopf, you indicated you'd be willing to contribute something, that there be a compromise here that we could do to handle this quickly.

Mr. Schwartzkopf: I'll buy a new thing to make out your cards.

Mr. Schultz: Well, that's probably just needed a new...some more ink on that. But, actually, our card is not a requirement under the ordinance. It's a matter of giving a little more information to the landowner. Prior to the time that I took over, new cards weren't even sent. The notification...[break in tape]...I really...I questioned whether, you know, I agree that it's not very clear but we are in the phone book & there is a phone number on the invoice that we sent out also.

Mr. Schwartzkopf: Russ, the telephone works both directions doesn't it?

Mr. Schultz: Yes, it does. But when I have 2,000 situations to deal with I don't have time to make phone calls to 2,000 people & be on a timely basis. You know I'm sorry this happened but I guess you received due notification, receipted for it, & I guess I wish that we'd have made contact or would've talked.

Mr. Schwartzkopf: I wish I didn't have to come here to meet.

Mr. Schultz: Yeah, right, I agree.

Mr. Camp: Were there two assessments here so it's a total of \$300 or is it just \$172 or what...how much is the amount in dispute?

Mr. Schultz: This lot here is \$172.50 & this lot here is \$127.00.

Mr. Schwartzkopf: Well, it's smaller than a half of a City block if you want to really get the picture.

Mr. Shultz: What added up there is \$65 Administrative Fee on each of the parcels.

Annette McRoy, Council Member: Russ, on the second page of the handout you gave us, the rest of these properties belong to 11 different individual owners, right?

Mr. Schultz: All those properties surrounding it have two dates on them where the adjacent properties that received notification. The top date was the date the notification was sent & the bottom date was when we made an inspection & found the work done.

Ms. McRoy: But they're not owned by Mr. Schwartzkopf?

Mr. Schultz: No, no, no. There are several owners.

Mr. Schwartzkopf: But they didn't have their tractor broken down.

Clerk: I would like to state for the record that several of the property owners that did receive notice did pay & so those were so noted on this report & those people, of course, will not be assessed as they have made their payments.

Mr. Cook: What discretion do we have in setting the amount?

Dana Roper, City Attorney: The ordinance does not set out specifically how you should make these decisions. I think your sitting as a board of equalization or a board of adjustment as you do on other special assessments & I think you have some discretion to deal with this. I think you just need to make sure you're not arbitrary & that you are consistent in whatever criteria that you're applying. For example, if you wanted to have one \$65 fee for this, you probably could do that.

Ms. Seng: Russ, I want to ask something. Is this the first time that Ed Schwartzkopf has been delinquent? Do you have others of his?

Mr. Schultz: I don't...he's had properties that we've dealt with in the past. I do not remember that we've ever had to force control on him. I couldn't say a hundred percent sure but I do not remember having to force cut on his property previously.

Ms. Seng: It's not like some that just let it go every year.

Mr. Schultz: No, no, no.

Mr. Camp: Russ, would you be willing to compromise on half?

Mr. Schultz: Well, the thing is is that I think the important thing is that landowners take care of their property. In this case, I don't think with Mr. Schwartzkopf that whether it's in half or nothing or...I think he's going to take care of his properties. I guess it's just a matter the message you might send to others how you handle this one. I guess that would be my only concern is how you deal with this one, make sure it doesn't influence others thinking that well, I don't have to do it, I can get off. But, you know, I certainly don't feel that we need to come down hard on Mr. Schwartzkopf in order to get him to be...take care of his property. He normally does. But I also think it's precedent setting is what you need to look at.

Mr. Schwartzkopf: The thing I wanted to say is I have other properties like 203 "B" & I have all the property from Garfield to South St. on 1st St. & so on so this is a new experience coming up here. But I've always taken care of things & taken care of the neighbors too & no problem. And I would be happy to donate money to Russ to get some new equipment.

This matter was taken under advisement.

APPROVING REASONABLE SERVICE FEES TO BE CHARGED FOR PROVISION BY THE CITY OF LINCOLN OUT-OF-HOSPITAL EMERGENCY MEDICAL CARE - Clerk: I want to note for the record that we did receive a communication from EMS wherein they stated they had no objection to the rate schedule as submitted.

This matter was taken under advisement.

ORDINANCES - 3RD READING

APPROVING AN AGRMT. BETWEEN THE CITY & THE STATE OF NEBRASKA (DEPT. OF LABOR) FOR THE LEASE OF SPACE TO PROVIDE CORE SERVICES FOR JOB SEEKERS & EMPLOYERS AT THE ONE STOP CENTER AT 1010 N ST. - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving a Sub Lease Agreement between the State of Nebraska & the City of Lincoln for a lease of space at 1010 N St., Lincoln, Lancaster County, Nebraska for a term of August 1, 2000 through July 31, 2001 for use by the Urban Development Department at the One Stop Center for job seekers & employers, the third time.

FORTENBERRY Moved to pass the ordinance as read.

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

The ordinance, being numbered **17778**, is recorded in Ordinance Book 24, Page

VACATING A PORTION OF DAIRY DR. FROM THE WEST LINE OF S. 14TH ST. TO A POINT APPROX. 1,328' WEST, GENERALLY LOCATED OFF S. 14TH ST. SOUTH OF CENTERPARK RD. - CLERK read an ordinance, introduced by Jeff Fortenberry, vacating a portion of Dairy Dr. from the west line of S. 14th St. to a point approximately 1,328' west, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time. (**See further Council Action under "ORDINANCES - 1ST & 2ND READING".**)

CHANGE OF ZONE 3291 - APP. OF ST. ELIZABETH REGIONAL MEDICAL CENTER FOR A CHANGE FROM B-2 PLANNED NEIGHBORHOOD DIST. TO O-3 OFFICE PARK DIST. ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & SOUTH RIDGE RD. - CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established & shown thereon, the third time.

FORTENBERRY Moved to pass the ordinance as read.

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

The ordinance, being numbered **17779**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DIST. (IN CONNECTION W/00R-279) - CLERK read an ordinance, introduced by Cindy Johnson, amending Title 27 of the LMC by amending Sections ~~27.11.040~~, 27.13.040, 27.15.040, & 27.17.040, & ~~27.19.040~~ to allow adult care centers to be approved as permitted special uses in the ~~R-1~~, R-2, R-3, & R-4, & ~~R-5~~ zoning districts, respectively, & adding a new section numbered 27.63.740

to provide conditions for such approval; & repealing Sections ~~27.11.040~~, 27.13.040, 27.15.040, & 27.17.040, & ~~27.19.040~~ as hitherto existing, the third time. (See further Council Action under "ORDINANCES - 1ST & 2ND READING".)

JOHNSON Moved to pass the ordinance as amended.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **17780**, is recorded in Ordinance Book 24, Page

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, 00R-326) - PRIOR to reading:

SENG Moved to refer Bill 00-212 back to Planning Commission.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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, 00R-326)

SENG Moved to refer Bill 00-213 back to Planning Commission.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMITS & PRELIMINARY PLATS

SPECIAL PERMIT 1851A - APP. OF TABITHA, INC. & TABITHA HOUSING CORP., TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY & ADULT CARE CENTER FOR A MAXIMUM OF 42 CHILDREN & 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, & WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH & J STS. (IN CONNECTION W/00-181) - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80600 WHEREAS, Tabitha, Inc. & Tabitha Housing Corporation has submitted an application designated as Special Permit No. 1851A for authority to operate a combined early childhood care facility & adult care center for a maximum of 42 children & 20 adults with a maximum of nine employees on property generally located at 48th & J Sts., & legally described to wit:

Lots 117, 118 & the south 45' of Lot 115, Witherbee Gardens Add., located in the Northwest Quarter of Section 29, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this combined early childhood care facility & adult care center 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 Tabitha, Inc. & Tabitha Housing Corporation, hereinafter referred to as "Permittee", to operate a combined early childhood care facility & adult care center for a maximum of 42 children & 20 adults with a maximum of nine employees, on the property legally described above, be & the same is hereby granted under the provisions of Section 27.63.070 of the Lincoln Municipal Code upon condition that construction & operation of said care facilities be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves:
 - a. An early childhood care facility for a maximum of 42 children, an adult care center for a maximum of 20 adults, & nine employees.
 - b. A waiver to the design standards to allow vehicular access to the site from a local street rather than from an arterial street.
2. Before receiving building permits the construction plans must conform to the approved plans.
3. Before occupying the early childhood care facility/adult care center all development & construction must be completed in conformance

with all applicable state & local requirements & building requirements & the approved plans.

4. All privately-owned improvements shall be permanently maintained by the Permittee.

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, their successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

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

8. This resolution voids & supersedes Resolution No. A-80274 which approved Special Permit 1851 & all previously approved site plans.

Introduced by Cindy Johnson

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

ACCEPTING & APPROVING THE PRE. PLAT OF PINE LAKE HEIGHTS SOUTH 3RD ADD. FOR 120 SINGLE FAMILY LOTS & TWO OUTLOTS, WITH A WAIVER TO THE APPROACH PLATFORM OF 3% SLOPE, & TO THE CURB & GUTTER IN S. 27TH ST., ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & O'HANLAN DR. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80608 WHEREAS, **Ridge Development Company & Southview, Inc.** have submitted the preliminary plat of **Pine Lake Heights South 3rd Add.** for acceptance & approval; &

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat & made recommendations as contained in the letter dated October 24, 2000, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **Pine Lake Heights South 3rd Add.**, located at approximately S. 27th St. & O'Hanlon Dr. as submitted by **Ridge Development Company & Southview, Inc.** is hereby accepted & approved, subject to the terms & conditions set forth in Exhibit "A", which is attached hereto & made a part of this resolution as though fully set forth verbatim.

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

1. The requirement of § 26.27.020 of the Lincoln Municipal Code that streets within the subdivision be paved with curb & gutters is hereby waived in S. 27th St. adjacent to this subdivision.

2. The requirement of the Design Standards that design platforms not exceed a 2% slope is waived for those locations as shown on the preliminary plat which fail to meet said standard.

3. The requirement of Section 26.23.130 that block lengths be under 1,320' is waived for proposed Block 3.

Introduced by Cindy Johnson

Seconded by Seng & 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 refer Bill 00R-318 back to Planning Commission.

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 refer Bill 00R-319 back to Planning Commission.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

UNL MICROBIOLOGIST REPORT OF WATER TESTED FOR THE MONTH OF NOV., 2000 - CLERK
presented said report which was placed on file in the Office of the City
Clerk. (35-01)

PETITION TO VACATE PUBLIC WAY IN THE EAST-WEST ALLY BETWEEN 18TH & 19TH STS. IN
BLOCK 29, KINNEY'S "O" STREET ADD. SUBMITTED BY A.V., LLC - CLERK
presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON DEC. 4,
2000 - CLERK presented said report which was placed on file in the Office
of the CLERK.

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

A-80621 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
12/08/00)

Introduced by Cindy Johnson

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **Final Return -
June, 2000:** Trans National Comms.; **Oct., 2000:** MCI Telecomms.; **Nov., 2000:**
One Call Comms. & Operator Comms. - CLERK presented said report which was
placed on file in the Office of the City Clerk. (20)

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

A-80607 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit
"A", dated December 1, 2000, of various new & pending tort claims filed
against the City of Lincoln with the Office of the City Attorney or the
Office of the City Clerk, as well as claims which have been disposed of,
are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue
1997). The dispositions of claims by the Office of the City Attorney, as
shown by the attached report, are hereby approved:

<u>DENIED</u>	<u>ALLOWED</u>
David & Doreen Miller on behalf of their minor child, Dustin Miller \$50,000.00	Saline State Insurance Co. (Tom Nerud, Insured) \$3,178.98 Michael & Rhonda Eley 3,600.00
Mary & Kevin Dieckhoff 215.00	Knolls Country Club 148.14

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

Introduced by Cindy Johnson

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

ASSESSING THE COSTS INCURRED BY THE CITY SINCE JAN. 1 THRU DEC. 31, 2000, FOR CUTTING WEEDS AGAINST VARIOUS BENEFITTED PROPERTIES - PRIOR to reading:

JOHNSON Moved to amend Bill 00R-344 by deleting the assessments for the following properties:

- 1) Boyer & Davis Sub Block 1, Lots 35, 37, 38 & 39 & N1/2 Vacated Alley Adj (aka N8' S12.5' Lot 36) for \$127.50
- 2) Boyer & Davis Sub Block 1 Lots 40 thru 46 for \$172.50

Seconded by Camp.

CAMP Moved to amend Johnson's Motion to Amend instead of deleting the assessments to assess them one-half of the cost.

Motion died due to lack of second.

SENG Moved to amend Johnson's Motion to Amend instead of deleting the assessments altogether to eliminate the Administration Fee of \$65 on each.

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

CLERK Read the following resolution, introduced by Cindy Johnson, who moved its adoption as amended:

A-80613 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, & removing weeds & other worthless vegetation as shown on the attached list for January 1, 2000 through December 31, 2000 be & the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Cindy Johnson

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

OTHER RESOLUTIONS

APP. OF WILDERNESS RIDGE L.L.C. DBA WILDERNESS RIDGE GOLF COURSE FOR A CLASS C LIQUOR LICENSE AT 1800 BOX CANYON CIR. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80596 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that the application of Wilderness Ridge L.L.C. dba Wilderness Ridge Golf Course for a Class C liquor license at 1800 Box Canyon Cir., Lincoln, Nebraska, for the license period ending October 31, 2001, be approved with the condition that the premise complies in every respect with all city & state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APP. OF JAMES B. WHITE FOR WILDERNESS RIDGE, L.L.C. DBA WILDERNESS RIDGE GOLF COURSE AT 1800 BOX CANYON CIR. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80597 WHEREAS, Wilderness Ridge L.L.C. dba "Wilderness Ridge Golf Course" located at 1800 Box Canyon Cir., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, & now requests that James B. White be named manager;

WHEREAS, James B. White 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 James B. White 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.

APP. OF SMG FOOD & BEVERAGE L.L.C. DBA PERSHING MUNICIPAL AUDITORIUM FOR A CLASS C & CATERING LIQUOR LICENSE AT 226 CENTENNIAL MALL SOUTH - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80598 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, & the pertinent City ordinances, the City Council recommends that the application of SMG Food & Beverage L.L.C. dba Pershing Municipal Auditorium for a Class C & liquor catering license at 226 Centennial Mall South, Lincoln, Nebraska, for the license period ending October 31, 2001, be approved with the condition that the premise complies in every respect with all city & state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APP. OF DOUG KUHNEL FOR SMG FOOD & BEVERAGE L.L.C. DBA PERSHING MUNICIPAL AUDITORIUM AT 226 CENTENNIAL MALL SOUTH - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80599 WHEREAS, SMG Food & Beverage L.L.C. dba Pershing Municipal Auditorium located at 226 Centennial Mall South, Lincoln, Nebraska has been approved for a Retail Class "C" & liquor catering license, & now requests that Doug Kuhnel be named manager;

WHEREAS, Doug Kuhnel 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 Doug Kuhnel 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.

APPOINTING ELAINE SPIRE TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR A 3-YR. TERM EXPIRING DEC. 31, 2003 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80601 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Elaine Spire to the Lincoln Commission on Human Rights for a three-year term expiring December 31, 2003 is hereby approved.

Introduced by Cindy Johnson

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

REAPPOINTING CELINE ROBERTSON & LEROY STOKES TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR 3-YR. TERMS EXPIRING DEC. 31, 2003 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80602 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Celine Robertson & Leroy Stokes to the Lincoln Commission on Human Rights for a three-year terms expiring December 31, 2003 is hereby approved.

Introduced by Cindy Johnson

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

REAPPOINTING JAMES LAMPHERE TO THE GOVERNMENT ACCESS & INFORMATION COMMITTEE FOR A 2-YR. TERM EXPIRING JAN. 1, 2003 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80603 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of James Lamphere to the Government Access & Information Committee for a two-year term expiring January 1, 2003 is hereby approved.

Introduced by Cindy Johnson

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

APPROVING THE SUBSTITUTION OF CORPORATE GOLF MARKETING, INC., DBA BUNKERS,

LOCATED AT 8901 AUGUSTA DR., AS THE MAIN KENO LOCATION FOR LINCOLN KENO, INC. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80604 WHEREAS, the City of Lincoln entered into a non-exclusive contract with Lincoln Keno, Inc. to be a second operator of a keno-type lottery within the City of Lincoln & the County of Lancaster dated October 16, 2000; &

WHEREAS, the parties' agreement provided that the Operator's main location would be at Mulligan's Golf Grill & Pub, 5500 Old Cheney Rd., #1, Lincoln, Nebraska; &

WHEREAS, the Operator, Lincoln Keno, Inc., has requested that Corporate Golf Marketing, Inc. d/b/a Bunkers at 8901 Augusta Dr., Lincoln, Nebraska be substituted as the main game location in place of Mulligan's Golf Grill & Pub; &

WHEREAS, the provisions of the parties' contract require that the main keno game location of the Operator is subject to approval by the City Council.

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

The City Council hereby approves the substitution of Corporate Golf Marketing, Inc. d/b/a Bunkers at 8901 Augusta Dr., Lincoln, Nebraska 68520 as the main keno facility location of Lincoln Keno Inc. in place of Mulligan's Golf Grill & Pub in accordance with Section 2(a) of the parties' Keno Operating Contract.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this resolution to Lincoln Keno, Inc. c/o Charles D. Humble, Attorney at Law, Suite 400, 301 S. 13th St., Lincoln, NE 68508; one copy to the City's Finance Director; one copy to Lincoln Keno, Inc. c/o John Hassett, General Manager, 5015 Underwood Ave., Omaha, NE 68132; & one copy to Steve Schatz, Charitable Gaming Division, Nebraska Dept. of Revenue, P.O. Box 94818, Lincoln, NE 68509-4818.

Introduced by Cindy Johnson

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

APPROVING AN AGRMT. BETWEEN BIG RED KENO & M.L. DIERS CORP. DBA MATT'S BAR & GRILL FOR THE OPERATION OF A KENO SATELLITE SITE AT 100 N. 8TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80605 WHEREAS, the City of Lincoln & the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; &

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of M. L. Diers Corp. dba "Matt's Bar & Grill", 100 N. 8th St., Lincoln, NE 68508.

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

Introduced by Cindy Johnson

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

APPROVING AN AGRMT. BETWEEN BIG RED KENO & LA SOCIETY DES HOLMES DBA AMERICAN LEGION POST #3 FOR THE OPERATION OF A KENO SATELLITE SITE AT 5630 P ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80606 WHEREAS, the City of Lincoln & the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; &

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of La SOCIETY Des HOLMES dba "American Legion Post #3", 5630 P St., Lincoln, NE 68505.

The City Clerk is directed to return an executed copy of this Resolution to the American Legion Post #3", & a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Cindy Johnson

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

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY UNIVERSITY OF NEBRASKA JOURNALISM COLLEGE FOR THE INSTALLATION OF TELECOMMUNICATIONS CONDUIT IN 14TH ST. & IN CENTENNIAL MALL TO CONNECT NEW UNL JOURNALISM COLLEGE TO THE UNL MAIN CAMPUS - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80609 WHEREAS, the University of Nebraska-Lincoln has submitted an application for a permit to use the public right-of-way in 14th St. & in Centennial Mall for the purpose of installing telecommunications conduit to connect the new UNL Journalism College to the UNL main campus; &

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

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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

That the aforesaid application of the University of Nebraska-Lincoln, hereinafter referred to as Permittee, to use the public right-of-way in 14th St. & in Centennial Mall as shown on Exhibit "B", for the purpose of installing telecommunication conduit be granted as a privilege only by virtue of & subject to strict compliance with the site plan, the letter of application, & the following terms & conditions, to wit:

1. That the permission herein granted is granted as a privilege only, & is subject to all the terms & conditions of Chapter 14.54 of the Lincoln Municipal Code except that the provisions relating to the posting of a continuing bond in the amount of \$5,000 & the filing of a certificate of insurance are waived since Permittee is a governmental entity.

2. That said use shall conform to the application, the site plan filed therewith, & with all applicable City ordinances & regulations.

3. The Permittee, its successors or assigns shall save & keep the City free & harmless from any & all loss or damages or claims for damages arising from or out of the use of the public way requested herein.

4. That all work done under the authority of this resolution shall be subject to the inspection & approval of the Director of Public Works of the City of Lincoln.

5. The terms & conditions of this resolution shall be binding & obligatory upon the above-named Permittee, its successors & assigns.

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

Introduced by Cindy Johnson

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

APPROVING A LICENSE AGRMT. BETWEEN THE CITY & SPRINT SPECTRUM L.P. FOR THE PLACEMENT & OPERATION OF A TELECOMMUNICATION TOWER TO BE LOCATED GENERALLY AT STAR CITY SHORES - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80610 WHEREAS, The City of Lincoln, is willing to allow the location of a telecommunication tower, generally located at Star City Shores, to Sprint Spectrum L.P., a Delaware Limited Partnership (hereinafter "SSLP") for telecommunication uses & associated ground space; &

WHEREAS, the City of Lincoln, as Licensor, & SSLP, Licensee, are agreeable to entering into a License Agreement for a term of no less than 10 years with possible renewal options of another 15 years.

WHEREAS, the tower will be capable of co-locating at least two other providers & the ownership of the tower & facilities will be transferred to the City.

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

That the attached License Agreement between the City of Lincoln & SSLP, is hereby approved. The Mayor is hereby authorized to enter into a License between the City of Lincoln, & SSLP for a period not to exceed ten years, with the various renewal options of up to another 15 years, upon the terms & conditions as provided in the attached Agreement, for placement & operation of a telecommunication tower, which is hereby accepted & approved & the Mayor is authorized to execute the same on behalf of the City. The City Clerk is directed to transmit one fully executed copy of said Agreement to Sprint PCS, 9801 W. Higgins, Suite 220, Rosemont, IL 60018, Attention: Site Development Director.

Introduced by Cindy Johnson

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

APPROVING A CONTRACT BETWEEN THE CITY & CREIGHTON, BRADLEY & GUZZETTA FOR THE PROVISION OF CONSULTING & LEGAL SERVICES RELATED TO THE CABLE TELEVISION FRANCHISE WITH TIME WARNER & AUTHORIZING THE NECESSARY TRANSFER OF APPROPRIATIONS FROM CONTINGENCY FUND (18001.5989) TO LEGAL SERVICES (18002.5642) - PRIOR to reading:

CAMP Moved to place Bill 00R-342 on Pending until 1/8/01.

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

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

A-80611 WHEREAS, the City has previously entered into a contract with River Oaks Communications Corporation to provide consulting services to assist the City in negotiating a cable television franchise with Time Warner; & WHEREAS, River Oaks Communications Corporation has subcontracted with the firm of Creighton, Bradley & Guzzetta for legal assistance in the negotiating of that franchise effort; &

WHEREAS, the City & Time Warner have been unable to reach a complete agreement on the details of that new franchise; &

WHEREAS, the framework of the federal law provides for a process for settling such disputes when the parties have been unable to negotiate a settlement; &

WHEREAS, the City is desirous of the assistance of the firm of Creighton, Bradley & Guzzetta in representing its interests & working through that federal framework.

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

That the attached Contract Amendment between the City of Lincoln & Creighton, Bradley & Guzzetta for providing consulting & legal services in proceeding to a settlement & development of a cable television franchise with Time Warner, for an amount not to exceed \$391,000, excluding expenses, is hereby approved. Approval & direction to proceed shall be required by the City before the initiation of specific tasks within the scope of services.

The Finance Director is authorized to transfer appropriations in the amount of \$391,000 from Contingency Fund, (18001.5989) to Legal Services (18002.5642) for purposes of this resolution. The City Clerk is directed to return an executed copy of this contract to Steven Huggenberger, Law Department, for transmittal to the Creighton, Bradley & Gunzetta law firm.

Introduced by Cindy Johnson

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

APPROVING A RETAINER AGRMT. BETWEEN THE CITY & CADA & ASSOCS. FOR REPRESENTATION IN A COLLECTION MATTER - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80612 WHEREAS, the City of Lincoln, Division of Risk Management, has an ongoing need to pursue & recover unpaid, outstanding funds owned to the City of Lincoln from responsible third parties; &

WHEREAS, Article VII § 5 of the Charter of the City of Lincoln provides that the City Council shall not appropriate or pay any money or

other valuable things to any person not an officer or employee for the performance of any act, service, or duty, the performance of which is within the proper scope of duties of an officer or employee of the City, unless the same is specially appropriated & ordered by majority vote of the City Council; &

WHEREAS, the law firm of Cada & Associates has particular familiarity with the pursuit & collection of unpaid outstanding accounts from responsible third parties; &

WHEREAS, the City has requested the law firm of Cada & Associates to provide legal representation of a matter involving Jason Aaron Douglas occurring on or about April 12, 1997; &

WHEREAS, no transfer of funds by the City to Cada & Associates is necessary in order to collect on the Jason Aaron Douglas matter that remains outstanding & unpaid & any payment to Cada & Associates for services rendered will be made by deducting a percentage of the amount collected; &

WHEREAS, all costs of litigation will be paid directly by the City of Lincoln.

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

That the Retainer Agreement between the City & Cada & Associates for representation in the above referenced matter is hereby approved.

Introduced by Cindy Johnson

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

APPROVING REASONABLE SERVICE FEES TO BE CHARGED FOR PROVISION BY THE CITY OF LINCOLN OUT-OF-HOSPITAL EMERGENCY MEDICAL CARE - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80614 WHEREAS, in accordance with Title 7 of the Lincoln Municipal Code, the City Council has authority to approve a schedule of maximum fees which the City may charge for ambulance service rendered by the City of Lincoln; &

WHEREAS, the City Fire Department has proposed such a schedule of maximum fees for comment & review by EMS, Inc., the City's emergency medical services oversight agency; &

WHEREAS, the proposed rate schedule is before the City Council for its consideration & approval; &

WHEREAS, the City Council finds that the proposed rate schedule, based on the reasonable costs of providing ambulance service, represents reasonable maximum user fees to be charged for the provision of ambulance service by the City of Lincoln

NOW, THEREFORE, BE IT RESOLVED by the City Council, the proposed rate schedule attached hereto, marked as Attachment "A", & made a part hereof by reference, is hereby approved.

Introduced by Cindy Johnson

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

APPROVING A TRANSFER & DESIGNATION FOR THE FY 2000-2001 GOLF CAPITAL IMPROVEMENT PROJ. 409120 (HOLMES GOLF/ANTELOPE CREEK) IN THE AMOUNT OF \$51,500 & FOR IMPROVEMENT PROJ. 409115 (HIGHLANDS GOLF POND STABILIZATION) IN THE AMOUNT OF \$45,000 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80615 WHEREAS, Resolution No. A-80362 was adopted by the City Council on August 21, 2000; &

WHEREAS, Resolution No. A-80362 approved the appropriation to the Golf Capital Improvements Fund all monies received or to be received, all of which monies are hereby appropriated for all purposes authorized, notwithstanding any sum limitations set forth in the budget attached to said Resolution; &

WHEREAS, Resolution No. A-80362, approved the first year of the Six-Year Capital Improvements Program for the Golf Capital Improvements Fund as identified in Schedule 5.

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

That the transfer & designation of funds for the Fiscal Year 2000-2001 Golf Capital Improvement Project No. 402120 (Holmes Golf/Antelope Creek) in the amount of \$51,500 & Project No. 409115 (Highlands Golf Pond Stabilization) in the amount of \$45,000 are approved.

BE IT FURTHER RESOLVED that, upon approval of said Resolution, the Parks & Recreation Department is authorized to make said transfer & designation.

Introduced by Cindy Johnson

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

REAPPOINTING JEFF FORTENBERRY TO THE DISTRICT ENERGY CORPORATION FOR A TERM EXPIRING DEC. 31, 2002 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80616 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Jeff Fortenberry to the District Energy Corporation Board for a two-year term expiring December 31, 2002, is hereby approved.

Introduced by Cindy Johnson

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

SETTING HEARING DATE OF ~~TUES., JAN. 16, 2001 AT 5:30 P.M.~~ MON., JAN. 22, 2001 AT 1:30 P.M. ON THE APP. OF WIND CHIMES, INC. DBA WIND CHIMES FOR AN ADDITION TO THEIR LICENSE PREMISE AT 3520 VILLAGE DR., SUITE 100. (HOLDER OF A RETAIL CLASS I LIQUOR LICENSE) - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80617 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for ~~Tues., Jan. 16, 2001 at 5:30 p.m.~~ Mon., Jan. 22, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Wind Chimes, Inc. dba Wind Chimes for an addition to their license premise at 3520 Village Dr., Suite 100. (Holder of a Retail Class I Liquor License)

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

Introduced by Cindy Johnson

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

SETTING HEARING DATE OF ~~TUES., JAN. 16, 2001 AT 5:30 P.M.~~ MON., JAN. 22, 2001 AT 1:30 P.M. ON THE APP. OF RAASCH ENTERPRISES, INC. DBA BUGGY BATH-OLD CHENEY FOR A RETAIL CLASS D LIQUOR LICENSE AT 5640 S. 16TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80618 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for ~~Tues., Jan. 16, 2001 at 5:30 p.m.~~ Mon., Jan. 22, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Raasch Enterprises, Inc. dba Buggy Bath-Old Cheney for a Retail Class D Liquor License at 5640 S. 16th St.

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

Introduced by Cindy Johnson

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

SETTING HEARING DATE OF ~~TUES., JAN. 16, 2001 AT 5:30 P.M.~~ MON., JAN. 22, 2001 AT 1:30 P.M. ON THE MAN. APP. OF APRIL DYAS FOR WHITEHEAD OIL CO. DBA U-STOP CONVENIENCE SHOP AT 2529 NW 12TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80619 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for ~~Tues., Jan. 16, 2001 at 5:30 p.m.~~ Mon., Jan. 22, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of April Dyas for Whitehead Oil Co. dba U-Stop Convenience Shop at 2529 NW 12th St.

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

Introduced by Cindy Johnson

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

SETTING HEARING DATE OF ~~TUES., JAN. 16, 2001 AT 5:30 P.M.~~ MON., JAN. 22, 2001 AT 1:30 P.M. ON THE APP. OF TWISTED STEELE, INC. DBA THE SIDETRACK FOR A RETAIL CLASS C LIQUOR LICENSE AT 935 "O" ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80620 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for ~~Tues., Jan. 16, 2001 at 5:30 p.m.~~ Mon., Jan. 22, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Twisted Steele, Inc. dba The Sidetrack for a Retail Class C Liquor License at 935 "O" St.

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

Introduced by Cindy Johnson

Seconded by Seng & 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 SW 27TH & W. "O" ST. ON THE WEST, 27TH & WHITEHEAD DR. ON THE NORTH, 80TH & LEIGHTON ON THE EAST, & 490TH & EAGLE RIDGE RD. ON THE SOUTH - PRIOR to reading:

JOHNSON Moved to accept a substitute Resolution.

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

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

A-80622 WHEREAS, the City Council has the authority under the Charter of the City of Lincoln to provide for construction of sidewalks where none have existed before; &

WHEREAS, in the interest of providing for the safety & welfare of the citizens of the City of Lincoln, it is necessary & advisable that sidewalks should be constructed in the following locations:

(A) Eight foot wide sidewalk along the Northeast side of Charleston St. from Sun Valley Blvd. to N. 1st St. & along the east side of N. 1st St. from Charleston St. to Cornhusker Hwy. adjacent to Lot 79 I.T. located in the Southwest Quarter of Section 14, Township 10 North, Range 6 East of the 6th P.M.;

(B) Along the South side of W. 'O' St. from SW 22nd St. to 150' west of SW 27th St. adjacent to Lot 105 I.T., Lot 106 I.T., Lot 107 I.T., & Lot 125 I.T., all located in the Northwest Quarter of Section 28, Township 10 North, Range 6 East of the 6th P.M., Homestead Expressway U.S. #77 Hwy. right-of-way, Lot 1, Block 1, Western State Industrial Tract 2nd Add., Lots 2, 3, 4, 5, & 6, Block 1, Western State Industrial Tract 1st Add. & Lot 77 I.T. located in the Northeast Quarter of Section 29, Township 10 North, Range 6 East of the 6th P.M.;

(C) Along the North side of W. 'O' St. from NW 22nd St. to NW 27th St. adjacent to Homestead Expressway U.S. #77 Hwy. right-of-way, Lot 209 I.T. & Lot 210 I.T. both located in the Southwest Quarter of Section 21, Township 10 North, Range 6 east of the 6th P.M.;

(D) Along the north side of W. 'A' St. from S. Folsom St. to Trimble St. adjacent to Lots B, C, 30, 31, 32, 33, 44, 45, 46, 47, & 48, Block 7, Ricketts Consolidation of Highland Park, Lots A & B, Block 8, Ricketts Consolidation of Highland Park, Lots 25, 26, 27, 28, 29, 30, 31, 32, 38, 39, 40, 41, 45, 46, 47, & 48, Block 8, Highland Park;

(E) Along the east side of S. Coddington Ave. from 175' south of W. Lake St. to W. South St. adjacent to Lot 108 I.T. & Lot 139 I.T. both located in the Southeast Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M., Lot 14, Block 3, Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, & 20, Block 1, Coddington Heights 1st Add.;

(F) Along the south side of W. South St. from S. Coddington Ave. to SW 24th St. adjacent to Lot 131 I.T. & Lot 148 I.T. both located in the Southwest Quarter of Section 33, Township 10 North, Range 6 East of the 6th P.M.;

(G) Along the east side of S. 14th St. from Burnham St. to Nemaha St. adjacent to Lots 451, 452, 454, 455, 457, 458, 459, 460, 461, 462, 477, 478, 479 & 480, Fairfax Subdivision & Lot 12, Block 14, E.E. Browns Summit;

~~(H) Along the west side of S. 15th St. from Burnham St. to Stockwell St. adjacent to Lots 439, 440, 441, 442, 443, 449 & 450, Fairfax Subdivision;~~

~~(I) Along the east side of St. Mary's Ave. from Stockwell Ave. to Calvert St. adjacent to Lots 310, 311, 312, 313, 314 & 315, Fairfax Subdivision;~~

(J) Along the north side of Old Cheney Rd. from Limestone Rd. North to Hunts Dr. adjacent to Outlot B, Salt Valley View Add. & Lot 1, Block 1, Wilmer's Add.;

(K) Along the north side of School House Ln., the northwest side of Clearview Blvd. & the west side of Wyman Ave. adjacent to Lot 24, Block 7, Salt Valley View Add.;

~~(L) Along the west side of N. 6th St. from 300' south of Adams St. to Adams St. adjacent to Lots 43 & 44, Woods Bros. North Acres;~~

(M) Along the west side of N. 4th St. from Nance Ave. to Adams St. adjacent to Lot 82 I.T. in the Northwest Quarter of Section 14, Township 10 North, Range 6 East of the 6th P.M. & Lot 88, Woods Bros. North Acres;

(N) Along the south side of W. Fletcher Ave. from NW 2nd St. to NW 4th St. adjacent to Outlot P, Block 5, Highlands Coalition;

~~(O) Along the east side of S. 45th St. from 'F' St. to Randolph St. adjacent to Lots 13, 14, 15, 16, 18, 20, 21, 22, 23 & 24, Block 1, Turner's Randolph Add.;~~

~~(P) Along the south side of W. Dawes Ave. from NW 10th St. to W. Cornhusker Hwy. adjacent to Lots 1, 2, 3, 4, 5, & 6, Block 31, 1st Add. to West Lincoln;~~

~~(Q) Along the north side of W. Dawes Ave. from NW 10th St. to west Cornhusker Hwy. adjacent to Lots 17, 18, 19, & 20, Block 30, 1st Add. to West Lincoln;~~

~~(R) Along the west side of NW 9th St. from W. Dawes Ave. to W. Nance Ave. adjacent to Lots 1, 5 & 6, Block 7, West Lincoln;~~

~~(S) Along the east side of NW 8th St. from W. Cornhusker Hwy. to W. Saunders Ave. adjacent to Lots 7, 8, 9, 10 & vacated alley right of way adjacent, Block 21, West Lincoln;~~

~~(T) Along the east side of NW 8th St. from W. Dawes Ave. to W. Belmont Ave. adjacent to Lots 15, 17 & 18, Block 9, West Lincoln & Lots 13, 14, 15, 16, 17 & 18, Block 5, West Lincoln;~~

~~(U) Along the west side of N. Main St. from W. Cornhusker Hwy. to W. Saunders Ave. adjacent to Lots 1, 2, 3, 4, 5, 6, 21, & vacated alley right of way adjacent, Block 21, West Lincoln;~~

~~(V) Along the west side of N. Main St. from W. Dawes Ave. to W. Nance Ave. adjacent to Lots 1, 2, 6, 7, 8, & 9, Block 9, West Lincoln;~~

(W) Along the west side of N. 66th St. from vacated 'W' St. to 'Y' St. adjacent to Lots 1, 5, & 6, Block 10, Cotner Add. to Bethany Heights, Lot 1, Block 5, Cotner Add. to Bethany Heights & Lots 1, 2, & 3, Block 95, Bethany Heights;

(X) Along the east side of N. 49th St. & the north side of Aylesworth Ave. adjacent to Lot 7, Block 23, Mills Add. to University Place;

(Y) Along the east side of N. 49th St. & the south side of Martin St. adjacent to Lots 5 & 6, Block 23, Mills Add. to University Place;

(Z) Along the east side of N. 50th St. from Aylesworth Ave. to Francis St. adjacent to Lot 6, Block 24, Mills 2nd Add. to University Place & Lot 6, Block 19, Mills 2nd Add. to University Place;

~~(AA) Along the south side of Aylesworth Ave. from N. 51st St. to N. 52nd St. adjacent to Lots 3, 4, 5, & 6, Block 32, Mills 2nd Add. to University Place;~~

~~(BB) Along the west side of N. 52nd St. from Holdrege St. to Martin St. adjacent to Lots 12, 13, 14, 15, & 16, Block 32, Mills 2nd Add. to University Place & Lots 1 & 12, Block 25, Mills 2nd Add. to University Place;~~

~~(CC) Along the north side of Joyce Ave. from 120' west of Eastborough Ln. to Eastborough Ln. adjacent to Lot 12, Block 4, Eastborough Add.;~~

(DD) Along the north side of Leighton Ave. from vacated 78th St. to 80th St. & along the west side of N. 80th St. from Leighton Ave. to Willard Ave. adjacent to Lot 75 I.T. in the Northeast Quarter of Section 15, Township 10 North, Range 6 East of the 6th P.M.;

(EE) Along the east side of N. 70th St. from north of Stony Ridge Rd. to Gladstone St. adjacent to Lots 1, 2, 3, 4, 5, 6, & 7, Block 4, Hallendale Add.;

(FF) Along the east side of N. 27th St. from Fairfield St. to Superior St. adjacent to Lot 179 I.T. in the Southwest Quarter of Section 7, Township 10 North, Range 7 East of the 6th P.M., Lots 1, 2, 3, 4, 6, 7, 8, & 9, Lincoln Industrial Add. & Lot 1, Lincoln Industrial 3rd Add.;

(GG) Along the east side of N. 27th St. from N. Hill Rd. to Whitehead Dr. adjacent to Lots 1 & 2, King Ridge Add., Lot 48 I.T. in the

Northwest Quarter of Section 6, Township 10 North, Range 6 East of the 6th P.M., Lot 1, block 1, King Ridge 1st Add., Outlot B & Outlot C, King Ridge 1st Add., Lot 12 I.T. & Lot 14 I.T. in the Southwest Quarter of Section 31, Township 11 North, Range 7 East of the 6th P.M., Outlot C, Northridge Heights 2nd Add., Lots 1 & 2 Northridge Heights 3rd Add. & Lot 1, Northridge Heights 4th Add.;

~~(HH) Along the south side of Washington St. from S. 40th St. to Sunburst Ln. adjacent to Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, & 10, Block 2, Walnut Crest, vacated right-of-way of 42nd St., Lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, & 26, Block 4, Kimballcrest;~~

~~(II) Along the east side of S. 29th St. from 'D' St. to 'E' St. adjacent to Lots 13, 27, 28, 29, & 30, Mays Subdivision;~~

~~(JJ) Along the west side of south 29th St. from 'D' St. to 'E' St. adjacent to Lots 1, 9, 10, & 11, Block 6, Grants Add.;~~

~~(KK) Along the west side of S. 38th St. from 'A' St. to 'D' St. adjacent to Lots 1 & 12, Block 6, Brownbilt 1st Add., Lots 1 & 12, Block 5, Brownbilt 1st Add., Lots 1 & 6, Block 2, Brownbilt Add. & Lots 1 & 25, Linden Terrace;~~

(LL) Along the north side of Antelope Creek Rd. from Antelope Cir. to Austin Dr. adjacent to Outlot A, Antelope Creek 1st Add.;

~~(MM) Along the south side of Antelope Creek road between 44th St. & N. Eden Dr. & between Antelope Cir. & 46th St. adjacent to Lot 1, Block 1, Prairie Valley & Lots 1 & 15, Block 2, Prairie Valley;~~

(NN) Along the west side of S. 46th St. from Van Dorn St. to E. Eden Dr. adjacent to Lots 12 & 13, Block 4, Prairie Valley;

~~(OO) Along the west side of S. 40th St. from 'J' St. to 'O' St. adjacent to Lots 1, 2, 3, 4, 5, & 6, Block 2, Grovedale Subdivision, Lots 1, 2, 3, 4, 5, & 6, Block 1, Grovedale Subdivision, vacated 'K' St. right-of-way, & Lots 1 & 34, Calvary Cemetery;~~

~~(PP) Along the east side of S. 40th St. from 'J' St. to 'O' St. adjacent to Lots 2, 3 & 4, Block 5, Witherbee Add., Lots 9, 10, 11, 12, 13, & 14, Block 4, Witherbee Add., Lots 90, 91, 150, 151, 210 & 211, Lenox Subdivision;~~

(QQ) Along the east side of S. 40th St. from Smith St. to 400' south of Normal Blvd. adjacent to Lot 355 I.T., Lot 354 I.T., Lot 357 I.T., Lot 356 I.T., Lot 405 I.T., & Lot 406 I.T., all located in the Southwest Quarter of Section 32, Township 10 North, Range 7 East of the 6th P.M. & Lot 2, Block 2, Shick's Subdivision;

~~(RR) Along the west side of S. 44th St. from 'L' St. to 'N' St. adjacent to Lots 60, 61, 120, 121 & 181, Lenox Subdivision;~~

~~(SS) Along the east side of S. 44th St. from 'M' St. to 'O' St. adjacent to Lots 12, 20, & 42, Witherbee Gardens;~~

~~(TT) Along the south side of 'N' St. from S. 44th St. to 100' west adjacent to Lots 61 & 62, Lenox Subdivision;~~

~~(UU) Along the south side of 'M' St. from S. 42nd St. S. 44th St. adjacent to Lots 121, 122, 123, 124, 127, 128, & 129, Lenox Subdivision;~~

~~(VV) Along the east side of S. 47th St. from 'L' St. to 250' south of 'L' St. adjacent to Lots 68 & 81, Witherbee Gardens;~~

(WW) Along the east side of S. 50th St. from 280' north of 'N' St. to 'O' St. adjacent to Lot 3, Lemings Subdivision;

~~(XX) Along the south side of Glade St. from S. 49th St. to S. 52nd St. adjacent to Lot 2, Weigel's Alpine Village Subdivision, Lots 1, 2, 3, 4, & 5, Block 17, Normal Add., vacated right-of-way of S. 50th St., Lots 1, 2, 3, 4, 5, & 6, Block 16, Normal Add., vacated right-of-way of S. 51st St., & Lots 1, 2, 3, 4, 5, & 6, Block 15, Normal Add.;~~

(YY) Along the south side of South St. from Winding Way to Flint Ridge Rd. adjacent to Outlot A, Flint Ridge 8th Add. & Lots 3 & 4, Flint Ridge;

~~(ZZ) Along the south side of Spruce St. from S. 50th St. to S. 54th St. adjacent to Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, & 16, Block 4, Woods & Kelly's 1st Add. to College View, Lots 3, 8, 11, & 12, Block 7, Woods & Kelly's Original Plat Add. to College View;~~

~~(AAA) Along the north side of Spruce St. from S. 50th St. to S. 52nd St. adjacent to Lots 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, & 48, Block 3, Woods & Kelly's 1st Add. to College View;~~

(BBB) Along the west side of S. 54th St. from LaSalle St. to 465' south of LaSalle St. adjacent to Lot 1, Union Heights & Lot 148 I.T. in the Northeast Quarter of Section 8, Township 9 North, Range 7 East of the 6th P.M.;

(CCC) Along the east side of S. 54th St. from LaSalle St. south to 130' south of LaSalle St. adjacent to Lot 12, Block 1, Berges Add. to College View & vacated right of way adjacent to Lot 12, Block 1, Berges Add. to College View;

(DDD) Along the west side of S. 84th St. from Karl Ridge Rd. to 130' south of South St. adjacent to Outlot A, Trendwood Add., Lot 4, Trendwood 22nd Add., & Lot 51 I.T. in the Southeast Quarter of Section 34, Township 10 North, Range 7 East of the 7 P.M.;

(EEE) Along the east side of S. 40th St. from 475' south of Eagle Ridge Rd. to 383' north of Eagle Ridge Rd. adjacent to Lot 19 I.T., Lot 22 I.T. & Lot 20 I.T. all in the Northwest Quarter of Section 20, Township 9 North, Range 7 East of the 6th P.M.;

(FFF) Along the south side of Eagle Ridge Rd. from S. 40th St. to 169' east of S. 40th St. adjacent to Lot 22 I.T. in the Northwest Quarter of Section 20, Township 9 North, Range 7 East of the 6th P.M.;

(GGG) Along the west side of S. 37th St. from Sewell St. to South St. adjacent to Lots 7, 22, 36, 51, & 68, Woods Bros. Half Acres;

~~(HHH) Along the east side of S. 37th St. from Van Dorn St. to South St. adjacent to Lots 6, 23, 35, 52, 67, 96, 111, 112, 127, 128, 143, 144, 159, 160, 175, 176, 183, 184, 191, & 192, Woods Bros. Half Acres~~

(III) Along the east side of Jefferson Ave. from 150' north of Arlington Ave. to Garfield St. adjacent to Lots 1, 2, 3 & 4, Block 1, Park Side Place, Outlot "A", Jefferson Park Add. & across the platted right-of-way of Sumner St. adjacent.

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

That the owners whose properties abut the above listed streets be & they are ordered to construct sidewalks in accordance with the ordinances of the City of Lincoln within the sidewalk space of such streets within (120) one hundred twenty days from the date of service of this order upon said owners.

Introduced by Cindy Johnson

Seconded by Camp & 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 refer Bill 00R-326 back to Planning Commission.

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

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, 00R-326) - PRIOR to reading:

SENG Moved to refer Bill 00R-317 back to Planning Commission.

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

ORDINANCES - 1ST & 2ND READING

DISESTABLISHING THE DOWNTOWN CORE MANAGEMENT & ENHANCEMENT DIST. WITHIN AN AREA IN DOWNTOWN LINCOLN BETWEEN 10TH ST. & CENTENNIAL MALL, & BETWEEN Q & M STS. - CLERK read an ordinance, introduced by Cindy Johnson, to disestablish the Downtown Core Management & Enhancement Dist. under the authority of the Business Improvement Dist. Act (Neb. Rev. Stat. § 19-4015 et. seq. Reissue 1997) previously established within an area in downtown Lincoln between 10th St. & Centennial Mall, & between Q & M Sts., the first time.

DISESTABLISHING THE DOWNTOWN PERIMETER MANAGEMENT & ENHANCEMENT DIST. WITHIN AN AREA IN DOWNTOWN LINCOLN BETWEEN 7TH ST. & 17TH ST. , & R & H STS. - CLERK read an ordinance, introduced by Cindy Johnson to disestablish the Downtown Perimeter Management & Enhancement Dist. under the authority of the Business Improvement Dist. Act (Neb. Rev. Stat. § 19-4015 et. seq. Reissue 1997) previously established within an area in downtown between 7th St. & 17th St., & between R & H Sts., the first time.

APPROVING AN AGRMT. BETWEEN THE CITY & THE STATE OF NEBRASKA (DEPT. OF LABOR) FOR THE LEASE OF SPACE TO PROVIDE CORE SERVICES FOR JOB SEEKERS & EMPLOYERS AT THE ONE STOP CENTER AT 1010 N ST. - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting & approving a Sub Lease Agreement between the State of Nebraska & the City of Lincoln for a lease

of space at 1010 N St., Lincoln, Lancaster County, Nebraska for a term of August 1, 2000 through July 31, 2001 for use by the Urban Development Department at the One Stop Center for job seekers & employers, the second time. (**See further Council Action under "ORDINANCES - 3RD READING".**)

VACATING A PORTION OF DAIRY DR. FROM THE WEST LINE OF S. 14TH ST. TO A POINT APPROX. 1,328' WEST, GENERALLY LOCATED OFF S. 14TH ST. SOUTH OF CENTERPARK RD. - PRIOR to reading:

SENG Moved to place Bill 00-219 on Pending.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None. CLERK read an ordinance, introduced by Jeff Fortenberry, vacating a portion of Dairy Dr. from the west line of S. 14th St. to a point approximately 1,328' west, & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time. (**See further Council Action under "ORDINANCES - 3RD READING".**)

CHANGE OF ZONE 3291 - APP. OF ST. ELIZABETH REGIONAL MEDICAL CENTER FOR A CHANGE FROM B-2 PLANNED NEIGHBORHOOD DIST. TO O-3 OFFICE PARK DIST. ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. & SOUTH RIDGE RD. - CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to & made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established & shown thereon, the second time. (**See further Council Action under "ORDINANCES - 3RD READING".**)

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DIST. (IN CONNECTION W/00R-279) - PRIOR to reading:

COOK Moved to amend Bill 00-181 in the following manner:

1. On page 1, line 2, delete "27.11.040", insert the word & after "27.15.040", & delete the word "&" & "27.19.040".
2. On page 1, line 3, delete "R-1", insert the word & after R-3, & delete the word "&" & "R-5".
3. On page 1, line 5, delete "27.11.040" & insert the word & after 27.15.040.
4. On page 1, line 6, delete "& 27.19.040".
5. On page 1, beginning in line 8, delete Section 1 in its entirety.
6. On page 2, line 22, renumber Section 2 as Section 1.
7. On page 4, line 5, renumber Section 3 as Section 2.
8. On page 5, line 19, renumber Section 4 as Section 3.
9. On page 7, beginning in line 1, delete Section 5 in its entirety.
10. On page 8, beginning in line 8, delete Section 6 in its entirety & substitute the following in lieu thereof:

Section 4. That Chapter 27.63 of the Lincoln Municipal Code be amended by adding a new section numbered 27.63.740 to read as follows:
27.63.740 Permitted Special Use: Adult Care Center.

Adult care centers may be allowed by special permit in the R-2, R-3, or R-4 zoning districts under the following conditions as an accompaniment to a health care facility:

(a) The facility must be located on property abutting upon or directly across the street from & fronting on the same street as property used for a health care facility.

(b) The application shall be accompanied by the following information:

(1) The number of adults & number of staff members on the largest shift;

(2) A physical description of the facility & a site plan drawn to scale that includes, but is not limited to, the location & arrangement of parking spaces, the traffic circulation pattern, loading & unloading areas, fencing, & entrances/exits to such facility;

(3) If the proposed facility is for six or more adults & is located in a residential district, the application must also include a conversion plan which complies with the design standards for early childhood care facilities.

(c) Prior to occupancy, such facilities shall comply with all applicable state & local adult care center & building requirements.

(d) Facilities with six to ten adults shall take access from a collector or arterial street. Facilities with eleven or more adults shall be take access from an arterial street. The location of such facilities on such streets shall comply with the design standards for early childhood care facilities. Notwithstanding the above, a facility located upon a corner lot which satisfies the above access requirements may take access from either abutting street.

(e) The site plan for such facilities shall comply with the design standards for early childhood care facilities.

(f) The parking & loading/unloading area for such facilities shall comply with the provisions of Chapter 27.67 of the Lincoln Municipal Code. In residential districts, such parking & loading/unloading areas shall comply with the design standards for early childhood care facilities.

(g) Before granting a special permit for the adult care center, the proposed use must be found to not detrimentally affect the residential or historic character of the surrounding area.

11. On page 9, line 9, delete "27.11.040" & the word "&".

12. On page 9, line 10, delete "27.19.040".

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

COOK Moved to suspend the Council Rules for Bill 00-181 to have 3rd Reading on this date.

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

CLERK Read an ordinance, introduced by Cindy Johnson, amending Title 27 of the LMC by amending Sections ~~27.11.040~~, 27.13.040, 27.15.040, & 27.17.040, & ~~27.19.040~~ to allow adult care centers to be approved as permitted special uses in the ~~R-1~~, R-2, R-3, & R-4, & ~~R-5~~ zoning districts, respectively, & adding a new section numbered 27.63.740 to provide conditions for such approval; & repealing Sections ~~27.11.040~~, 27.13.040, 27.15.040, & 27.17.040, & ~~27.19.040~~ as hitherto existing, the second time. (See further Council Action under "ORDINANCES - 3RD READING".)

MISCELLANEOUS BUSINESS

PENDING LIST -

ACCEPTING & APPROVING THE PRE. PLAT OF WILDERNESS PARK ESTATES INCLUDING WAIVERS FOR CURB & GUTTERS, SIDEWALKS, STORMWATER DETENTION, & STREET TREES, ON PROPERTY GENERALLY LOCATED WEST OF S. 14TH ST. & MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-309, 00-209);

SPECIAL PERMIT 1832 - APP. OF GEORGE & KATHY MECHLING TO DEVELOP WILDERNESS PARK ESTATES C.U.P. CONSISTING OF 19 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-308, 00-209);

VACATING A PORTION OF PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. (IN CONNECTION W/00R-308, 00R-209, 99-93);

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 45 ACRES OF PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE NORTH. (IN CONNECTION W/00R-308, 00R-309, 00-209)

COOK Moved to leave Bills 00R-308, 00R-309, 00-209, & 99-93 on Pending. Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to extend the Pending List for 1 week.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on Dec. 18, 2000.

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

ADJOURNMENT

3:10 P.M.

CAMP Moved to adjourn the City Council Meeting of Dec. 18, 2000.

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

So ordered.

Joan E. Ross, City Clerk

Teresa J. Meier-Brock, Office Assistant III

