

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 14, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:34 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, City Clerk.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of May 7, 2001, reported having done so, found same correct. Seconded by Fortenberry carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

**PUBLIC HEARING**

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS BY REPEALING CHAPTER 4.12, ECONOMIC DEVELOPMENT COMMISSION, CHAPTER 4.32, SPORTS INDUSTRY COMMISSION, AND CHAPTER 4.44, CIVIL DEFENSE PROGRAM, WHICH COMMISSIONS AND PROGRAMS ARE OBSOLETE - Jennifer Brinkman of the Mayor's Office came forward to explain the basics of this amendment and was in support of the change.

SPECIAL PERMIT NO. 1665A - APP. OF CHATEAU DEVELOPMENT TO AMEND THE VAN DORN MEADOWS COMMUNITY UNIT PLAN TO ADD 17 DWELLING UNITS FOR A TOTAL OF 465 DWELLING UNITS AND TO ADJUST THE MAXIMUM HEIGHT IN THE R-4 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT 72ND STREET AND VAN DORN STREET - Mark Hunzeker, 530 S. 13th St., Suite B, representing Chateau Development came forward and spoke in favor of the application for the Special Permit.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 1 - 15, 2001 - Janette and Doug Roth came forward to protest the denial of claim by the City Attorney's office. They explained the damage that had occurred in their home due to a city sewer backing up. Council members discussed this, along with City Attorney Dana Roper. The Council offered a settlement figure to the Roth's.

Mark and Mary Cuddy came forward to protest the denial of their claim for the same circumstances. Again, Council discussed the issue and offered a settlement to the Cuddy's.

Coleen Seng, Council Member expressed concern over one more additional claim and requested that Item #31 for Erika Davis be held over.

APPLICATION OF LINCOLN SPORTS COMMISSION TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM MAY 15, 2001 THROUGH JUNE 17, 2001 - Bryan Seibel, 5845 Woodstock Ave., President of the Lincoln Sports Commission. He was present to support the application of the Commission and answer any questions that the Council may have.

**ORDINANCES - 3RD READING**

CHANGE OF ZONE 3318 - APPLICATION OF JOHN AND PATSY PITTMAN FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT 3035 N. 35TH STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made apart 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 and shown thereon, the third time.

CAMP Moved to pass ordinance as read.

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

The ordinance, being numbered **17852**, is recorded in Ordinance Book 24, Page

AMENDING ORDINANCE 17704 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CHANGING THE PAY RANGE OF THE JOB CLASSIFICATION OF "TRAFFIC ENGINEER" - CLERK read an ordinance, introduced by Jon Camp, amending Section 5 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which

is prefixed by the letter "M" by amending the pay range of the job classification "Traffic Engineer", the second time.

CAMP Moved to pass 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 **17853**, is recorded in Ordinance Book 24, Page

**SPECIAL PERMITS, USE PERMITS & PRELIMINARY PLATS**

SPECIAL PERMIT NO. 1665A - APP. OF CHATEAU DEVELOPMENT TO AMEND THE VAN DORN MEADOWS COMMUNITY UNIT PLAN TO ADD 17 DWELLING UNITS FOR A TOTAL OF 465 DWELLING UNITS AND TO ADJUST THE MAXIMUM HEIGHT IN THE R-4 ZONING DISTRICT, ON PROPERTY GENERALLY LOCATED AT 72ND STREET AND VAN DORN STREET - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80839 WHEREAS, Chateau Development has submitted an application designated as Special Permit No. 1665A for authority to amend Van Dorn Meadows Community Unit Plan to add 17 dwelling units for a total of 465 dwelling units and to adjust the maximum height in the R-4 zoning district on property located at 72nd Street and Van Dorn Street, and legally described to wit:

Lot 1, Van Dorn Meadows Addition; a portion of Outlot "D", Block 3, Van Dorn Meadows Addition; Outlot "C", Block 4, Van Dorn Meadows Addition; Lots 1 and 2, Block 4, Van Dorn Meadows Addition; Outlot "B", Van Dorn Meadows 1st Addition; Lots 1 thru 4, Van Dorn Meadows 3rd Addition; Lot 1, Block 1, Van Dorn Meadows 4th Addition; Lots 1 thru 14, Block 2, Van Dorn Meadows 4th Addition; and Outlots "A", "B", and "C", Block 1, Van Dorn Meadows 4th Addition; Lincoln, Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northeast corner of the West Half of the Northwest Quarter of said Section 3; thence on an assumed bearing of south 00 degrees 02 minutes 55 seconds east along the east line of the West Half of the Northwest Quarter of said Section 3, a distance of 40.00 feet to the northeast corner of said Lot 1 Van Dorn Meadows Add., said point being the true point of beginning; thence south 00 degrees 02 minutes 55 seconds east along the east line of the West Half of the Northwest Quarter of said Section 3, a distance of 2,623.27 feet to the southeast corner of the West Half of the Northwest Quarter of said Section 3; thence south 89 degrees 10 minutes 23 seconds west along the south line of the Northwest Quarter of said Section 3, a distance of 993.65 feet to the southwest corner of said Outlot "C", Block 4, Van Dorn Meadows Addition; thence north 00 degrees 00 minutes 44 seconds west along the west line of said Outlot "C", a distance of 499.65 feet to the northeast corner of Lot 3 I.T.; thence south 89 degrees 14 minutes 10 seconds west along the south line of said Outlot "C", a distance of 260.10 feet to the southwest corner of said Outlot "C", said point being 71.00 feet east of the west line of said Section 3; thence north 00 degrees 00 minutes 00 seconds east along the west line of said Outlot "C", said line being 71.00 feet east of and parallel with the west line of said Section 3, a distance of 412.32 feet to the northwest corner of said Outlot "C"; thence south 90 degrees 00 minutes 00 seconds east along the north line of said Outlot "C", a distance of 40 feet to a point; thence north 00 degrees 00 minutes 00 seconds east, a distance of 80.00 feet to a point on the north right-of-way line of Holmes Park Road; thence north 90 degrees 00 minutes 00 seconds east along the north right-of-way line of Holmes Park Road, a distance of 35.11 feet to a point of curvature; thence along a curve having a radius of 190.00 feet, arc length of 99.48 feet, delta angle of 30 degrees 00 minutes 00 seconds, a chord bearing of south 75 degrees 00 minutes 00 seconds east

along the north right-of-way line of Holmes Park Road, and a chord length of 98.35 feet to a point of tangency; thence south 60 degrees 00 minutes 00 seconds east along the north right-of-way line of Holmes Park Road, a distance of 250.00 feet to a point of intersection with the west right-of-way line of South 72nd Street; thence north 30 degrees 00 minutes 00 seconds east along the west right-of-way line of South 72nd Street, a distance of 194.98 feet to a point of curvature; thence along a curve having a radius of 722.74 feet, arc length of 302.76 feet, delta angle of 24 degrees 00 minutes 06 seconds, a chord bearing of north 18 degrees 00 minutes 03 seconds east along the west right-of-way line of South 72nd Street, and a chord length of 300.55 feet to a point of tangency; thence north 06 degrees 00 minutes 00 seconds east along the west right-of-way line of South 72nd Street, a distance of 196.84 feet to a point of curvature; thence along a curve having a radius of 120.00 feet, arc length of 9.59 feet, delta angle of 38 degrees 00 minutes 04 seconds, a chord bearing of north 13 degrees 00 minutes 02 seconds west along the west right-of-way line of South 72nd Street, and a chord length of 78.14 feet to a point of compound curvature; thence along a curve having a radius of 520.00 feet, arc length of 290.43 feet, delta angle of 32 degrees 00 minutes 04 seconds, a chord bearing of north 16 degrees 00 minutes 02 seconds west along the west right-of-way line of South 72nd Street, and a chord length of 286.67 feet to a point of tangency; thence north 00 degrees 00 minutes 12 seconds west along the west right-of-way line of South 72nd Street, a distance of 123.99 feet to a point; thence south 89 degrees 30 minutes 35 seconds west, a distance of 9.98 feet to the southeast corner of Lot 45 I.T.; thence north 00 degrees 00 minutes 00 seconds east along the east line of Lot 45 I.T., a distance of 666.99 feet to the northeast corner of Lot 45 I.T., said point being 40.00 feet south of the north line of said Section 3; thence north 89 degrees 30 minutes 35 seconds east along the south right-of-way line of Van Dorn Street, said line being 40.00 feet south of and parallel with the north line of said Section 3, a distance of 760.56 feet to the point of beginning, said tract and contains a calculated area of 52.20 acres, or 2,273,668.55 square feet.

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

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

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

That the application of Chateau Development, hereinafter referred to as "Permittee", to amend Van Dorn Meadows Community Unit Plan to add 17 dwelling units for a total of 465 dwelling units and to adjust the maximum height in the R-4 zoning district on the above-described property be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that development of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 465 dwelling units and adjusts the maximum allowable height in the R-4 zoning district from 35 feet to 38 feet.
2. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible final plan and 5 copies to the Planning Department.
  - b. The construction plans must conform to the approved plans.
3. Before occupying the new dwelling units all development and

construction must be completed in conformance to the approved plans.

4. All privately-owned improvements must be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.

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

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

8. The site plan as approved with this resolution voids and supersedes all previously approved plans.

Introduced by Annette McRoy

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

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON April 30, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 1 - 15, 2001 - PRIOR to reading:

CAMP Moved to settle the claim of the Roth family for a total of \$20,000.00.

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

CAMP Moved to settle the claim of the Cuddy family for a total of \$17,500.00.

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

SENG Moved to hold over the claim of Erika Davis.

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

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

A-80840 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 May 1, 2001, of various new and 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>	
James W. Kisling	NAS*	State Farm Insurance Co.	
Wayne H. Hahn	\$ 1,049.40	(Wendy Merlin, Insured)	\$2,007.84
George J. Ciani	NAS*	Stuart Howerter	2,500.00
Jerry L. Greiner	500.00	Michael C. Jarecke	125,000.00
Rita M. Lester	352.48	Anasarca Jarecke	14,000.00
Mark & Mary Cuddy	<del>20,947.73</del>	Mark & Mary Cuddy	\$17,500.00
Doug & Janette Roth	<del>31,540.46</del>	Doug & Janette Roth	\$20,000.00
Bob & Candyce Moyer	226.53		
Denise Lawrence	NAS*		
Bob L. Hanson	107.50		
Tom & Sandy Schindler	150.00		
Gideon Gillispie	148.96		
Richard Oltman	NAS*		
Chad McGuire	481.59		
Joel M. Scherling	97.50		
Eldon Craig	50.00		
Clinton Brooks	NAS*		
William & Dana Wendling	1,160.30		

Matthew J. Huber	100.00
Chanh & Charlene Tran	NAS*
Adolph & Joann Firley	29.00
<del>Erika Davis</del>	<del>NAS*</del>
Samuel Wineberg	50.00
Kathryn Witte	95.71
Amy Davis	63.00
Kevin Oswald	240.00
Scott J. Miller	241.07
Michael L. McCoy	115.00
Greg McCown	
(McCown Property Management)	575.00

\* No Amount Specified

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

Introduced by Annette McRoy

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$1,000 FROM GENERAL FUNDS ACCOUNT 01001.5628 (DISCRETIONARY FUNDS - SHOECRAFT) TO ACCOUNT 296008.6132 TO BE USED FOR CARPET FOR THE INDOOR PLAYGROUND - CLERK read the following resolution, introduced by Jerry Shoecraft who moved its approval:

A-80841 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a transfer of appropriations in the amount of \$1,000.00 from General Fund, Account 01001.5628 (Discretionary Funds of Jerry Shoecraft) to Account 296008.6132, Parks and Recreation Department, for carpet for the indoor playground; is hereby approved and the Finance Director is authorized to make such transfer upon passage of this resolution.

Introduced by Jerry Shoecraft

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

#### OTHER RESOLUTIONS

APPLICATION OF LINCOLN SPORTS COMMISSION TO CONDUCT A RAFFLE WITH THE CITY OF LINCOLN FROM MAY 15, 2001 THROUGH JUNE 17, 2001 - CLERK read an ordinance, introduced by Annette McRoy, who moved its adoption:

A-80842 WHEREAS, Lincoln Sports Commission has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

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

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Lincoln Sports Commission to conduct a raffle in the City of Lincoln in accordance with the application filed by Glen Moss. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific raffles described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of

Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

BE IT FURTHER RESOLVED that the Lincoln Sports Commission is authorized to engage in the selling of these raffles within any park in the City.

Introduced by Annette McRoy

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

ORDINANCES - 1ST & 2ND READING

APPROVING THE STREET NAME FOR THE STREET EXTENDING SOUTH FROM FLETCHER AVENUE TO THE UNION PACIFIC RAILROAD (WEST OF HIGHLANDS GOLF COURSE) AS N.W. 20TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, naming the street which extends south from Fletcher Avenue to the Union Pacific Railroad, west of Highlands Golf Course, as N.W. 20th Street, as recommended by the Street Name Committee, the second time.

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS BY REPEALING CHAPTER 4.12, ECONOMIC DEVELOPMENT COMMISSION, CHAPTER 4.32, SPORTS INDUSTRY COMMISSION, AND CHAPTER 4.44, CIVIL DEFENSE PROGRAM, WHICH COMMISSIONS AND PROGRAMS ARE OBSOLETE - CLERK read an ordinance, introduced by, Jonathan Cook, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions by repealing Chapter 4.12, Economic Development Commission, Chapter 4.32, Sports Industry Commission, and Chapter 4.44, Civil Defense Program, as said commissions and program are obsolete, the second time.

SPECIAL PERMIT 1753B - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP VAVRINA MEADOWS 1ST COMMUNITY UNIT PLAN CONSISTING OF 517 SINGLE FAMILY UNITS, 34 SINGLE FAMILY ATTACHED UNITS, 355 MULTI-FAMILY DWELLING UNITS, AND 86 UNITS FOR SINGLE FAMILY, SINGLE FAMILY ATTACHED OR DUPLEX USE, WITH WAIVERS OF CLUSTER DENSITY, FRONT, REAR AND SIDE YARD SETBACKS AND BUILDING HEIGHT, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD(A-80833)- PRIOR to reading:

CAMP MOVED to reconsider this Special Permit 1753B on 05/21/01 which had been adopted at the meeting of 05/07/01.  
Seconded by Fortenberry & carried by the following vote: AYES: Camp, Fortenberry, Johnson, McRoy, NAYS: Cook, Seng, Shoecraft.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY SHAWN PODRAZA FOR THE INSTALLATION OF A REPLACEMENT RETAINING WALL AT 548 NORTH 24TH STREET - PRIOR to reading:

MCROY MOVED to suspend Council rules and have public hearing and action on 05/21/01.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MISCELLANEOUS BUSINESS

Cindy Johnson made a presentation to Mike Morosin, Danny Walker and Glenn Cejkal, making them official charter members of the Lincoln City Watchdogs. Danny was given a certificate entitling him to one free entrance to City Water Movement and Flood Control at the Star City Shores. Glenn's special gift was an additional five minute certificate for any public hearing of the Lincoln City Council testimony.

Jeff Fortenberry offered his reflections on serving as a Council Member for the City of Lincoln. He thanked the Mayor, fellow colleagues, all the City staff and his family.

Danny Walker, 427 "E" Street came forward to discuss the abuses of the flood plain program. He distributed an article he had clipped from the Omaha World Herald and presented to Council members.

Craig Grote came forward to address the hiring and recruiting of a quality Transportation Engineer for the City of Lincoln. He contends that the pay range needs to be amended to a higher level to support the quality level needed.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc. addressed the Council on the same subject Craig Grote had been presenting. He suggested that each person on the Council listen to the tape that Craig had with him.

Jerry Shoecraft commented on Lincoln being a wonderful city and that it is full of good people and he asked that everyone should work together to keep it that way.

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.

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

**ADJOURNMENT**

**2:45 p.m.**

SENG Moved to adjourn the City Council Meeting of May 14, 2001.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

---

Joan E. Ross, City Clerk

---

Glenna Graupmann, Office Assistant III

REGULAR MEETING  
MAY 14, 2001  
PAGE 338

THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MAY 14, 2001 at 1:30 P.M.  
(BY THE NEW CITY COUNCIL)

RECONVENED AT 2:50 P.M.

CLERK Prior to the meeting being called to order, asked the newly elected Council Members, **Glenn Friendt**, **Ken Svoboda**, and **Terry Werner**, to stand and raise their right hands and repeat the Oath of Office for Council: "Do you solemnly swear or affirm that you will support the constitution of the United States and the Constitution of the State of Nebraska and that you will faithfully and impartially discharge the duties of the office of City Council Member in and for Lincoln, Nebraska, according to law and to the best of your ability."

CLERK ROSS: May I be among the first to congratulate you.

Mayor Wesley: Before I call the meeting to order, I would like to also like to extend my appreciation to Jerry Shoecraft for his eight years of service on the City Council; Jeff Fortenberry for his four years; and Cindy Johnson for her ten years. All of whom served, long and hard and tackled some very difficult issues and did an outstanding job on behalf of the City of Lincoln. I thank all of you for your public service. Again, we wish to welcome the new members of the City Council and my responsibilities will be fairly brief.

MAYOR DON WESELY CALLED THE MEETING TO ORDER AT 2:53 P.M. THEN ASKED TO ENTERTAIN NOMINATIONS FOR THE OFFICE OF CHAIRPERSON.

Coleen Seng, Council Member: I would like to nominate Annette McRoy as the Chair.

Mayor Wesley: Annette McRoy has been nominated for the Chair.

Ken Svoboda, Council Member: I would consider it an honor as my first official act as a Lincoln City Council Member to place into nomination the name of Jon Camp as Chair.

Mayor Wesley: Jon Camp has been nominated for Chair of the City Council. Are there any other nominations? Seeing none. I declare nominations closed and will now go to a roll call vote. The two nominations are for Jon Camp and Annette McRoy for Chair of the Lincoln City Council.

Ms. Ross: For Annette McRoy. Camp.

Camp: No.

Ms. Ross: Cook.

Cook: Yes.

Ms. Ross: Friendt.

Friendt: No.

Ms. Ross: McRoy.

McRoy: Yes.

Ms. Ross: Seng.

Seng: Yes.

Ms. Ross: Svoboda.

Svoboda: No.

Ms. Ross: Werner.

Werner: Yes.

Ms. Ross: Motion carried, 4-3 for Annette McRoy to be elected the new Chair.

Mayor Wesley: Congratulations Annette.

Annette McRoy, Council Chair: We need to elect a Vice-Chair for the Council. Do we have any nominations for Vice-Chair?

Seng: I would like to nominate Jonathan Cook as the Vice-Chair.

McRoy: Any other nominations. If not, the nominations are closed. Madam Clerk call for the vote.

Ms. Ross: Camp.

Camp: Yes.

Ms. Ross: Cook.

Cook: Yes.

Ms. Ross: Friendt.

Friendt: Yes.

Ms. Ross: McRoy.

McRoy: Yes.

Ms. Ross: Seng.

Seng: Yes.

Ms. Ross: Svoboda.

Svoboda: Yes.

Ms. Ross: Werner.

Werner: Yes.  
Ms. Ross: Motion carried 7-0. Congratulations.

**PETITIONS AND COMMUNICATIONS**

OFFICIAL BONDS OF THE NEWLY ELECTED CITY COUNCIL MEMBERS - Placed on file.  
(001)

CHANGE OF ZONE 3324 - APP. OF PIONEER GREENS, LLC FROM ZONE "R-3" TO "O-3" AT 84TH & PIONEER GREEN - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY THE EAST TWENTY (20) FEET OF SOUTH 7TH STREET ADJACENT TO LOTS 1, 2, 3 AND 4 OF THE LINCOLN LAND COMPANY SUBDIVISION OF LOTS 5 AND 6, BLOCK 7, OF THE ORIGINAL PLAT OF LINCOLN, BY MIDWEST STEEL WORKS, INC. - CLERK presented said petition which was referred to the Law Dept.

REPORT OF THE UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF APRIL, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

**REPORTS OF CITY OFFICERS**

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

**A-80848** BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments from April 30 to May 4, 2001.)

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORT OF CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF MARCH, 2001: NPCR, INC. DBA NEXTEL PARTNERS, AND WORLDCOM NETWORK SERVICES, INC. (20)

REPORT OF CITY TREASURER OF 911 SURCHARGE REMITTANCE FOR THE QUARTER ENDING MARCH 31, 2001 FROM ALIANT COMMUNICATIONS CO., DBA ALLTEL. (20-02)

**OTHER RESOLUTIONS**

EXPRESSING APPRECIATION TO JERRY SHOECRAFT FOR HIS SERVICE TO THE CITY COUNCIL - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

**A-80843** WHEREAS, JERRY SHOECRAFT has heretofore well and truly served as a member of the Lincoln City Council from May, 1993 to May, 2001, and as Chairman of the City Council during 1996 and 2000; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Jerry's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

**JERRY SHOECRAFT**

for his service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

EXPRESSING APPRECIATION TO JEFF FORTENBERRY FOR HIS SERVICE TO THE CITY

COUNCIL - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80844 WHEREAS, JEFF FORTENBERRY has heretofore well and truly served as a member of the Lincoln City Council from May, 1997 to May, 2001, and as Vice Chairman of the City Council during 1999 and 2000; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Jeff's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

**JEFF FORTENBERRY**

for his service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all his future endeavors.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

EXPRESSING APPRECIATION TO CINDY JOHNSON FOR HER SERVICE TO THE CITY COUNCIL - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80845 WHEREAS, CINDY JOHNSON has heretofore well and truly served as a member of the Lincoln City Council from June, 1991 to May, 2001, and as Chairman of the City Council during 1995; and

WHEREAS, it is appropriate for the City Council, on behalf of the citizens of the City of Lincoln, to publicly express their appreciation and gratitude for Cindy's untiring service and many contributions to making the City of Lincoln great and to cause said expression of appreciation and gratitude to be forever made a part of the records of the official proceedings of the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, on behalf of themselves and all the citizens of the City of Lincoln, that the appreciation and gratitude of all are hereby extended to

**CINDY JOHNSON**

for her service as a member of the City Council of the City of Lincoln, together with warmest and best wishes for continued good health, happiness, and success in all her future endeavors.

Introduced by Coleen Seng

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 11, 2001, 1:30 P.M. ON THE APPLICATION OF GRANDSTAND LLC DBA BLEACHERS BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 5601 SOUTH 56TH STREET, SUITE 20 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80846 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, June 11, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Buildings, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Grandstand LLC dba Bleachers Bar & Grill for a Class I Liquor License.

Introduced by Annette McRoy

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING HEARING DATE OF MONDAY, MAY 21, 2001, 1:30 P.M. ON THE APPLICATION OF ST. THOMAS AQUINAS CHURCH/NEWMAN CENTER FOR ONE RAFFLE AND 5 LOTTERY PERMITS FOR THE FOLLOWING TIMES: JUNE 1, 2001 TO AUGUST 31, 2001; OCTOBER 1, 2001 TO OCTOBER 31, 2001; NOVEMBER 1, 2001 TO NOVEMBER 30, 2001; DECEMBER 1, 2001 TO DECEMBER 31, 2001; JANUARY 1, 2002 TO JANUARY 30, 2002; FEBRUARY 1, 2002 TO FEBRUARY 28, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A80847 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, May 21, 2001 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Buildings, 555 S. 10th St., Lincoln, NE, for the purpose of considering

the App. of St. Thomas Aquinas Church/Newman Center for one raffle and five lottery permits.

Introduced by Annette McRoy  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ORDINANCES - 1ST READING**

CREATING ALLEY PAVING DISTRICT NO. 361 IN THE EAST-WEST ALLEY, FROM BALLARD TO MORRILL, 62ND TO 63RD STREET - CLERK read an ordinance, introduced by Annette McRoy, creating Alley Paving District No. 361, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, for the first time.

CREATING PAVING DISTRICT NO. 2621 IN 7TH STREET FROM O TO N STREETS - CLERK read an ordinance, introduced by Annette McRoy, creating Paving District No. 2621, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CHANGE OF ZONE 3322 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO CHANGE "CITY DATA" AND "CITY DATUM" TO "NAVD 1988" TO MAKE THE ZONING ORDINANCE CONSISTENT WITH TITLE 26, AND LAND SUBDIVISION ORDINANCE - CLERK read an ordinance, introduced by Annette McRoy, amending Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.58.060, 27.60.035, 27.65.070 and 27.70.050 of the Lincoln Municipal Code to change "city data" and "city datum" to "NAVD 1988" and to make the Zoning Ordinance consistent with Title 26, the Land Subdivision Ordinance; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.58.060, 27.60,035, 27.65.070, and 27.70.050 of the Lincoln Municipal Code as hitherto existing, the first time.

**UPCOMING RESOLUTIONS -**

SENG Moved to approve the resolutions to have Public Hearing on May 21, 2001.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

**2:59 p.m.**

SENG Moved to adjourn the City Council Meeting of May 14, 2001.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

---

Joan E. Ross, City Clerk

---

Glenna Graupmann, Office Assistant III



