

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JUNE 11, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:35 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Teresa Meier-Brock, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of June 4, 2001, reported having done so, found same correct.

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

MAYORS AWARD OF EXCELLENCE

Mayor Wesely presented the Mayor's Award of Excellence for May to Jean Wheelock Recreation Guide for the Nature Center, Parks & Recreation Dept.

PUBLIC HEARING

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA APPROXIMATELY 300 FEET BY 150 FEET IN 8TH STREET BETWEEN P AND Q STREETS ON JUNE 15, 2001 FROM 3:00 P.M. TO 10:00 P.M., ON JUNE 16, 2001 FROM 11:00 A.M. TO 10:00 P.M., AND ON JUNE 17, 2001 FROM NOON TO 5:00 P.M. ;

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA APPROXIMATELY 300 FEET BY 150 FEET IN THE PARKING LOT SOUTH OF THE LINCOLN STATION, 201 N. 7TH STREET, ON JUNE 15 AND 16, 2001, BETWEEN THE HOURS OF 8:30 P.M. AND 1:00 A.M. - Tad Frazier, Lincoln Haymarket Development Assn., took oath & came forward to answer any questions. Discussion followed.

Bob Valentine, 2660 Park Avenue: Took oath & came forward in opposition.

This matter was taken under advisement.

APPLICATION OF SALVADOR CARCAMO DBA "RESTAURANTE Y PUPUSERIA EL SALVADOR" FOR A CLASS "I" LIQUOR LICENSE AT 1501 CENTER PARK ROAD, #100 - Lisa Lozano, 2850 P Street, Attorney for the applicant, took oath & came forward to answer any questions. Discussion followed.

Bob Valentine, 2660 park Avenue: Came forward in opposition.

This matter was taken under advisement.

APPLICATION OF B&R STORES INC. FOR A LIQUOR CATERING LICENSE AT 2525 PINE LAKE ROAD;

APPLICATION OF B&R STORES INC. FOR A LIQUOR CATERING LICENSE AT 2662 CORNHUSKER HIGHWAY;

APPLICATION OF B&R STORES INC. FOR A LIQUOR CATERING LICENSE AT 130 NORTH 66TH STREET - Craig Weidner, 66th & O St. Store Director, took oath & came forward to answer any questions.

Matt Kempston, Seward, Store Director of 2525 Pine Lake store, took oath & came forward to answer any questions.

Chris Davies, 2662 Cornhusker Store Director, took oath & came forward to answer any questions. Discussion followed.

Bob Valentine, 2660 Park Avenue came forward in opposition.

This matter was taken under advisement.

APPLICATION OF GRANDSTAND, LLC DBA "BLEACHERS BAR & GRILL" FOR A CLASS "I" LIQUOR LICENSE AT 5601 SOUTH 56TH STREET, SUITE 20;

MANAGER APPLICATION OF ROBERT RICHARD LOCKWOOD FOR GRANDSTAND, LLC DBA "BLEACHERS BAR & GRILL" AT 5601 SOUTH 56TH STREET, SUITE 20 - Robert Lockwood, 5600 Pheasant Run Place, took oath & came forward to answer any questions.

Bob Valentine, 2660 Park Avenue, came forward in opposition.

This matter was taken under advisement.

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND

FIRE PENSION PLAN - PLAN A TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS;

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN B TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS;

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN C TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - Bob Valentine, 2660 Park Avenue, questioned if these amendments would cost the taxpayers more or less money.

John Cripe, Personnel Dept., responded that this is not an issue of cost, only technical modifications.

This matter was taken under advisement.

CHANGE OF ZONE 3324 - APPLICATION OF PIONEER GREENS, L.L.C. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL AND FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT S. 86TH STREET AND PIONEERS BLVD. - Danay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350 came forward to answer any questions. Discussion followed.

This matter was taken under advisement.

VACATING A PORTION OF THE RIGHT-OF-WAY STUB ADJACENT TO THE SOUTH AND WEST LINES OF LOT 3, 48TH AND SUPERIOR ADDITION, AND THE SOUTH AND EAST LINE OF LOT 2, H.J.B. INDUSTRIAL PARK 1ST ADDITION, GENERALLY LOCATED AT N. 48TH AND SUPERIOR STREETS - Don Linscott, 300 N 44th Street, came forward to answer any questions.

This matter was taken under advisement.

APPROVING AN ACCESS AGREEMENT WITH QWEST WIRELESS TO CO-LOCATE ON AN EXISTING ALLTEL TOWER IN ANTELOPE PARK - Jill Bazell, Real Estate Consultant for Qwest came forward to answer any questions & requested to have 3rd Reading & Action this date.

Friendt Moved to have 3rd Reading & Action of Bill No. 01-94 this date.

Seconded by Seng & **LOST** by the following vote: AYES: Camp, Friendt, McRoy, Svoboda; NAYS: Cook, Seng, Werner.

Marty Hager, 2810 Sumner, representing the Antelope Park Neighborhood Assn. came forward in opposition. Discussion followed.

This matter was taken under advisement.

APPOINTING BEATTY BRASCH TO THE EMS, INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2004 - Bob Valentine, 2660 Park Avenue, came forward in opposition. Discussion followed.

This matter was taken under advisement.

SPECIAL PERMIT 277H - APPLICATION OF MICHAEL AND TERRI DUNLAP TO AMEND THE PINE LAKE COMMUNITY UNIT PLAN TO ALLOW A REDUCTION IN THE FRONT YARD SETBACK FROM 50 FEET TO 30 FEET ON PROPERTY GENERALLY LOCATED AT 6641 EASTSHORE DRIVE - Francis Guerra, Sinclair, Hille Architects, came forward to answer any questions on behalf of the applicants.

This matter was taken under advisement.

APPROVING THE FISCAL YEAR 2001 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - Marc Wullschleger, Urban Development came forward to explain the HUD Entitlement Program & to answer any questions.

This matter was taken under advisement.

WAIVING THE DEDICATION OF AN ADDITIONAL 17' OF RIGHT-OF-WAY ALONG FAIRVIEW CEMETERY ALONG ADAMS STREET TO THE WEST OF NORTH 84TH STREET - Lynn Johnson, Parks & Recreation Dept. explained that the waived portion of

land is due to pauper graves in that area. Discussion followed.
This matter was taken under advisement.

SPECIAL PERMIT 1901 - APPLICATION OF MICHAEL L. THOMALLA AND ARTY FORTNEY TO DEVELOP VAVIK RIDGE COMMUNITY UNIT PLAN CONSISTING OF 22 DWELLING UNITS OF ELDERLY HOUSING ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND ELKCREST DRIVE. (IN CONNECTION W/01R-140);
ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VAVIK RIDGE CONSISTING OF 11 LOTS AND ONE OUTLOT WITH WAIVERS OF THE REQUIRED SIDEWALKS, FRONT, REAR, AND SIDE YARD SETBACKS, AND THE 3-1 WIDTH RATIO, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND ELKCREST DRIVE. (IN CONNECTION W/01R-139) - Brian Carstens, 2935 Pine Lake Rd., Suite H came forward on behalf of the owner & developer to answer any questions. Discussion followed.
This matter was taken under advisement.

MISCELLANEOUS BUSINESS PUBLIC HEARING

Steve Mann, 1624 (inaudible).
This matter was taken under advisement.

Mark Allensworth, 1231 S.W. 10th questioned why the citizens of Lincoln do not have the right to chose which hospital they want to be transported to when involved in an emergency. Due to the hospital rotation plan at this time there is no choice. He stated that most would want to go to the closest hospital.
This matter was taken under advisement.

Bill Crawford, no address given, requested a shuttle service to the Haymarket Park until the new walkway is completed. The Lincoln Transportation system does not provide service on Sundays or after 6:30 the other days of the week.
This matter was taken under advisement.

Pat Shannon, Healthcare Management Systems, came forward to ask the Council to help with the Ambulance Service billing problems. Discussion followed.
This matter was taken under advisement.

**** END OF PUBLIC HEARING ****

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA APPROXIMATELY 300 FEET BY 150 FEET IN 8TH STREET BETWEEN P AND Q STREETS ON JUNE 15, 2001 FROM 3:00 P.M. TO 10:00 P.M., ON JUNE 16, 2001 FROM 11:00 A.M. TO 10:00 P.M., AND ON JUNE 17, 2001 FROM NOON TO 5:00 P.M. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80887 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, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Haymarket Development Corp. for a Special Designated License to cover an area measuring 300 feet by 150 feet in 8th Street between P and Q Streets, Lincoln, Nebraska, on June 15, 2001 from 3:00 p.m. to 10:00 p.m., on June 16, 2001 from 11:00 a.m. to 10:00 p.m., and on June 17, 2001 from noon to 5:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Coleen Seng

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

APPLICATION OF LINCOLN HAYMARKET DEVELOPMENT CORP. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA APPROXIMATELY 300 FEET BY 150 FEET IN THE PARKING LOT SOUTH OF THE LINCOLN STATION, 201 N. 7TH STREET, ON JUNE 15 AND 16, 2001, BETWEEN THE HOURS OF 8:30 P.M. AND 1:00 A.M. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80888 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, and the pertinent City ordinances, the City Council recommends that the application of Lincoln Haymarket Development Corp. for a Special Designated License to cover an area measuring 300 feet by 150 feet in the parking lot south of the Lincoln Station, 201 N. 7th Street, on June 15 and 16, 2001 from 8:30 p.m. to 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Coleen Seng

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

APP. OF LINCOLN HAYMARKET DEVELOPMENT CORPORATION FOR A SPECIAL DESIGNATED LICENSE FOR OUTDOOR STREET DANCES AS ADJUNCT TO HAYMARKET HEYDAYS. AT 355 NORTH 8TH STREET, #B - This item is a duplicate of Liquor Resolution A-80888.

APPLICATION OF SALVADOR CARCAMO DBA "RESTAURANTE Y PUPUSERIA EL SALVADOR" FOR A CLASS "I" LIQUOR LICENSE AT 1501 CENTER PARK ROAD, #100 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80889 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, and the pertinent City ordinances, the City Council recommends that the application of Salvador Carcamo dba "Restaurante Y Pupuseria El Salvador" for a Class "I" liquor license at 1501 Center Park Road, #100, Lincoln, Nebraska, for the license period ending April 30, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Coleen Seng

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

APPLICATION OF B&R STORES INC. FOR A LIQUOR CATERING LICENSE AT 2525 PINE LAKE ROAD - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80890 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, and the pertinent City ordinance, the City Council recommends that the application of B&R Stores Inc. for the issuance of a Catering Permit to the existing

liquor license, located at 2525 Pine Lake Road, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

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

Introduced by Coleen Seng

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

Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

APPLICATION OF B&R STORES INC. FOR A LIQUOR CATERING LICENSE AT 2662 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80891 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, and the pertinent City ordinance, the City Council recommends that the application of B&R Stores Inc. for the issuance of a Catering Permit to the existing liquor license, located at 2662 Cornhusker Highway, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

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

Introduced by Coleen Seng

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

APPLICATION OF B&R STORES INC. FOR A LIQUOR CATERING LICENSE AT 130 NORTH 66TH STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80892 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, and the pertinent City ordinance, the City Council recommends that the application of B&R Stores Inc. for the issuance of a Catering Permit to the existing liquor license, located at 13 N. 66th Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

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

Introduced by Coleen Seng

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda; NAYS: Werner.

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 for approval:

A-80893 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, and the pertinent City ordinances, the City Council recommends that the application of Grandstand LLC dba "Bleachers Bar & Grill" for a Class "I" liquor license at 5601 South 56th Street, Suite 20, Lincoln, Nebraska, for the license period ending April 30, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Coleen Seng

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

MANAGER APPLICATION OF ROBERT RICHARD LOCKWOOD FOR GRANDSTAND, LLC DBA "BLEACHERS BAR & GRILL" AT 5601 SOUTH 56TH STREET, SUITE 20 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80894 WHEREAS, Grandstand LLC dba "Bleachers Bar & Grill" located at 5601 South 56th Street, Suite 20, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Robert Richard Lockwood be named manager;

WHEREAS, Robert Richard Lockwood appears to be a fit and 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, and the pertinent City ordinances, the City Council recommends that Robert Richard Lockwood 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 Coleen Seng

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 3324 - APPLICATION OF PIONEER GREENS, L.L.C. FOR A CHANGE OF ZONE FROM 0-3 OFFICE PARK TO R-3 RESIDENTIAL AND FROM R-3 RESIDENTIAL TO 0-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT S. 68TH STREET AND PIONEERS BLVD. - PRIOR to reading:

SENG Moved to suspend the rules to have 3rd Reading & Action this date. Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 as provided by Section 27.05.020 or the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time. (**SEE COUNCIL ACTION UNDER "ORDINANCES - 3RD READING".**)

VACATING LOTS 1 THROUGH 6, LEAVITT'S SUBDIVISION, GENERALLY LOCATED AT S. 14TH STREET AND DAIRY DRIVE - CLERK read an ordinance, introduced by Ken Svoboda, vacating a portion of the final plat of Leavitt's Subdivision as previously approved by the City of Lincoln on August 9, 1886, the second time.

VACATING A PORTION OF THE RIGHT-OF-WAY STUB ADJACENT TO THE SOUTH AND WEST LINES OF LOT 3, 48TH AND SUPERIOR ADDITION, AND THE SOUTH AND EAST LINE OF LOT 2, H.J.B. INDUSTRIAL PARK 1ST ADDITION, GENERALLY LOCATED AT N. 48TH AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Ken Svoboda, vacating a 75' by 80' portion of right-of-way stub adjacent to the south and west lines of lot 3, and Superior Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

APPROVING AN ACCESS AGREEMENT WITH QWEST WIRELESS TO CO-LOCATE ON AN EXISTING ALLTEL TOWER IN ANTELOPE PARK - PRIOR to reading:

FRIENDT Moved to have 3rd Reading & Action this date on Bill No. 01-94. Seconded by Seng & **LOST** by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Ken Svoboda, whereas the City of Lincoln desires to provide access in Antelope park, generally located at 30th & "A" Streets, to Qwest Wireless, LLC, to co-locate their facilities on an exiting Alltel tower, the second time.

RESOLUTIONS

APPOINTING CHARLENE FLOOD-JOHNSON TO THE MULTICULTURAL ADVISORY COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 18, 2001 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80895 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Charlene Flood-Johnson to the Multicultural Advisory Committee to fill an unexpired term expiring September 18, 2001 is hereby approved.

Introduced by Terry Werner

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

APPOINTING BEATTY BRASCH TO THE EMS, INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2004 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80896 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Beatty Brasch to the EMS, Inc. Board of Directors for a three-year term expiring March 28, 2004 is hereby approved.

Introduced by Terry Werner

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

Friendt, McRoy, Seng, Werner; NAYS: Camp, Svoboda.

REAPPOINTING SARAH JONES TO THE CITY PERSONNEL BOARD FOR A FIVE-YEAR TERM EXPIRING JUNE 22, 2006 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80897 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Sarah Jones to the City Personnel Board for a five-year term expiring June 22, 2006 is hereby approved.

Introduced by Terry Werner

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

APPOINTING DR. SITARAM JASWAL TO THE LINCOLN COMMISSION ON HUMAN RIGHTS TO FILL AN UNEXPIRED TERM EXPIRING DECEMBER 31, 2003 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80898 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Dr. Sitaram Jaswal to the Lincoln Commission on Human Rights to fill an unexpired term expiring December 31, 2003 is hereby approved.

Introduced by Terry Werner

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

APPOINTING RONALD GEARY TO THE HEATING, VENTILATING, AND COOLING EXAMINERS BOARD FOR A THREE-YEAR TERM EXPIRING APRIL 4, 2004 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80899 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Ronald Geary to the Heating, Ventilating and Cooling Examiners Board for a three-year term expiring April 4, 2004 is hereby approved.

Introduced by Terry Werner

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

SPECIAL PERMIT 277H - APPLICATION OF MICHAEL AND TERRI DUNLAP TO AMEND THE PINE LAKE COMMUNITY UNIT PLAN TO ALLOW A REDUCTION IN THE FRONT YARD SETBACK FROM 50 FEET TO 30 FEET ON PROPERTY GENERALLY LOCATED AT 6641 EASTSHORE DRIVE - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80900 WHEREAS, Michael and Terri Dunlap have submitted an application designated as Special Permit No. 277H for authority to amend Pine Lake Community Unit Plan to reduce the front yard setback from 50 feet to 30 feet on property generally located at 6641 Eastshore Drive, and legally described to wit:

Lot 20, Pine Lake Addition, located in the Southeast Quarter of Section 15, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reduction of the front yard setback 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 Michael S. and Terri Dunlap, hereinafter referred to as "Permittee", to amend Pine Lake Community Unit Plan to reduce the front yard setback from 50 feet to 30 feet on the property legally described above, in order to bring the existing structure into conformance and to permit the Permittee to construct an addition to the existing structure within the adjusted setback, 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 construction and operation of said addition be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction from a 50-foot to a 30-foot front yard on Lot 20, Pine Lake Addition.

2. Before receiving building permits the construction plans must conform to the approved plans.

3. Before occupying the new construction all development and construction must be completed in conformance with the approved plans.

4. 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.

5. 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.

6. 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.

7. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Terry Werner

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

APPROVING THE FISCAL YEAR 2001 ACTION PLAN: ONE YEAR USE OF FUNDS FOR CONSOLIDATED PLAN FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80901 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2001 Action Plan: One Year Use of Funds for HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Program Regulations; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2001 Action Plan, as prescribed in the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations and 24 C.F.R., Part 91.

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

That the FY 2001 Action Plan, a copy of which is attached hereto, is consistent with the Comprehensive Plan and the Mayor is authorized to submit the FY 2001 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2001 in the amount of \$3,490,000 (\$2,239,000 CDBG; \$1,175,000 HOME; and \$76,000 Emergency Shelter Grant) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant Regulations, HOME Investment Partnerships Act Regulations, and Emergency Shelter Grant Regulations, and to supplement such Action Plan in any way reasonably required by the

Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2001 Action Plan that:

1. The City will affirmatively further fair housing.
2. The City has in effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
 - a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about -
 - i. The dangers of drug abuse in the workplace;
 - ii. The grantee's policy of maintaining a drug-free workplace;
 - iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (1);
 - d. Notifying the employee in the statement required by sub-paragraph (a) that, as a condition of employment under the grant, the employee will:
 - i. Abide by the terms of the statement; and
 - ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
 - e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
 - f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted -
 - i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:
 - a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension,

continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Action Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The housing activities to be undertaken with CDBG, HOME, and ESG funds are consistent with the City's strategic plan.

7. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that the grantee is following such a plan); and the relocation requirements of 24 C.F.R. § 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

8. The City will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701a) and implementing regulations at 24 CFR Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Community Development Block Grant program portion of the FY 2001 Action Plan that:

1. The City is in full compliance and following a detailed citizen participation plan that satisfies the requirement of 24 CFR § 91.105 and which:

a. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides for participation of residents in low and moderate income neighborhoods as defined by the City;

b. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the City's proposed use of funds, as required by the regulations of the Secretary, and relating to the actual use of funds under the Act;

c. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance in developing proposals with the level and type of assistance to be determined by the grantee;

d. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performance, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodation for the handicapped;

e. Provides for a timely written answer to written complaints and grievances, within 15 working days where practicable; and

f. Identifies how the needs of non-English speaking residents will be met in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate;

2. The City's consolidated housing and community development

plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available); except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2001 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:

a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City's notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and certifies with respect to the Emergency Shelter Grant Program portion of the FY 2001 Action Plan that:

1. In the case of assistance involving major rehabilitation or conversion, the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a 10-year period;

2. In the case of assistance involving rehabilitation less than that covered under paragraph (1), the City will maintain any building for which assistance is used under the ESG program as a shelter for homeless individuals and families for not less than a three-year period;

3. In the case of assistance involving essential services (including but not limited to employment, health, drug abuse, or education) or maintenance, operation, insurance, utilities and furnishings, the City will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure as long as the same general population is served;

4. Any renovation carried out with ESG assistance shall be

sufficient to ensure that the building involved is safe and sanitary;

5. The City will assist homeless individuals in obtaining appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living, and other Federal, State, local, and private assistance available for such individuals;

6. The City will obtain matching amounts required under 24 C.F.R. §576.71 (redesignated to § 576.51);

7. The City will develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project except with the written authorization of the person responsible for the operation of that shelter;

8. To the maximum extent practicable, the City will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under this program, in providing services assisted under the program, and in providing services for occupants of facilities assisted under the program; and

9. The City is following a current HUD-approved consolidated plan.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2001 Action Plan that:

1. The tenant-based assistance is an essential element of its consolidated plan;

2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

3. The before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Terry Werner

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

WAIVING THE DEDICATION OF AN ADDITIONAL 17' OF RIGHT-OF-WAY ALONG FAIRVIEW CEMETERY ALONG ADAMS STREET TO THE WEST OF NORTH 84TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80902 WHEREAS, the Director of the Parks and Recreation Department has made application to waive the dedication of an additional 17' of right-of-way for the administrative final plat of Fairview Cemetery 2nd Addition at N. 84th and Adams Streets, Lincoln, Lancaster County, Nebraska; and

WHEREAS, there is presently a 33' right-of-way north of the centerline of Adams Street adjacent to Fairview Cemetery; and

WHEREAS, Adams Street is classified as a minor arterial street in the Comprehensive Plan and § 26.23.040 of the Lincoln Municipal Code requires a 50' right-of-way from the centerline of a minor arterial street; and

WHEREAS, the Parks and Recreation Department requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code to negate the necessity of removing a number of unidentified graves which are located within the proposed additional right-of-way; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of § 26.23.040 would result in actual difficulties or substantial hardship or injustice to the property owner.

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

The requirement of Section 26.23.040 of the Lincoln Municipal Code which requires that a minor arterial street have a 50' right-of-way from the centerline is hereby waived to allow Adams Street to have only 33' of right-of-way north of the centerline as shown on the administrative final plat of Fairview Cemetery 2nd Addition.

All other conditions for approval of the administrative final plat of Fairview Cemetery 2nd Addition shall remain in full force and effect.

Introduced by Terry Werner

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

SPECIAL PERMIT 1901 - APPLICATION OF MICHAEL L. THOMALLA AND MARTY FORTNEY TO DEVELOP VAVIK RIDGE COMMUNITY UNIT PLAN CONSISTING OF 22 DWELLING UNITS OF ELDERLY HOUSING ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND ELKCREST DRIVE (IN CONNECTION W/01R-140) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80903 WHEREAS, Michael Thomalla and Marty Fortney have submitted an application designated as Special Permit No. 1901 for authority to develop Vavik Ridge Community Unit Plan consisting of 22 dwelling units for elderly housing on property located at S. 56th Street and Elkcrest Drive, and legally described to wit:

Lot 126 I.T., in the Northeast Quarter of Section 8,
Township 9 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 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 Michael Thomalla and Marty Fortney, hereinafter referred to as "Permittee", to develop Vavik Ridge Community Unit Plan consisting of 22 dwelling units for elderly housing, on the property legally described above, 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 construction and operation 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 a community unit plan with 22 dwelling units for elderly housing including 100 percent density bonus.
2. The City Council hereby approves the following modifications to the zoning and subdivision requirements:
 - a. A modification of Section 27.11.080(a) of the Lincoln Municipal Code to reduce the required front yard from 30 feet to 25 feet along S. 56th Street and to 26 feet along the north side of Vavik Place and the east and west side of S. 55th Court.
 - b. A modification of Section 27.11.080(a) of the Lincoln Municipal Code to reduce the required side yard from 20 feet to 5 feet on all lots.
 - c. A modification of Section 27.11.080(a) of the Lincoln Municipal Code to reduce the required rear yard from the lesser of 30 feet or 20 percent of lot depth to 12 feet on Lots 1 through 8, Block 1, and to 20 feet on Lots 1 through 4, Block 2, and Lots 1 through 10, Block 3.
 - d. A waiver of Section 26.23.140(a) of the Lincoln Municipal Code requiring lots not to exceed a 3-to-1 depth to width ratio on Lots 1 through 8, Block 1, Lots 1 through 4, Block 2, and Lots 1 through 10, Block 3.
 - e. A waiver of Section 26.23.095 of the Lincoln Municipal Code requiring sidewalks on the east side of S. 55th Court south of Vavik Place.
 - f. A modification of City of Lincoln Design Standards to reduce the required 4 feet between the curb and sidewalk to 0 feet on both sides of S. 55th Court.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan including five copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within Vavik Ridge CUP must be approved by

the City.

4. During the construction process, the Permittee will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but are not limited to, application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.

5. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.

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

7. 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.

8. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their 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.

9. 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.

Introduced by Terry Werner

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VAVIK RIDGE CONSISTING OF 11 LOTS AND ONE OUTLOT WITH WAIVERS OF THE REQUIRED SIDEWALKS, FRONT, REAR, AND SIDE YARD SETBACKS, AND THE 3-1 WIDTH RATIO, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND ELKCREST DRIVE (IN CONNECTION W/01R-139) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80904 WHEREAS, Michael Thomalla and Marty Fortney have submitted the preliminary plat of Vavik Ridge for acceptance and approval; and WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated May 17, 2001, 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 Vavik Ridge, located in the vicinity of S. 56th Street and Elkcrest Drive as submitted by Michael Thomalla and Marty Fortney is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and 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 and the following modifications to the zoning and subdivision requirements are therefore approved:

1. The requirement of Section 27.11.080(a) of the Lincoln Municipal Code that the required front yard be 30 feet is reduced to 25 feet along South 56th Street and reduced to 26 feet along the north side of Vavik Place and the east and west side of South 55th Court.

2. The requirement of Section 27.11.080(a) of the Lincoln Municipal Code that the required side yard be 20 feet is reduced to 5 feet on all lots.

3. The requirement of Section 27.11.080(a) of the Lincoln Municipal Code that the required rear yard be the smaller of 30 feet or 20 percent of the lot depth is reduced to 12 feet on Lots 1 through 8, Block 1, and reduced to 20 feet on Lots 1 through 4, Block 2, and Lots 1 through 10, Block 3.

4. The requirement of Section 26.23.140(a) of the Lincoln Municipal Code that lots not exceed a 3-to-1 depth to width ratio is waived on Lots 1 through 8, Block 1, Lots 1 through 4, Block 2, and Lots

1 through 10, Block 3.

5. The requirement of Section 26.23.095 of the Lincoln Municipal Code that sidewalks be constructed on both sides of all streets is waived on the east side of South 55th Court south of Vavik Place.

6. The requirement of the City of Lincoln's Design Standards that there be 4 feet between the curb and sidewalk is reduced to 0 feet along both sides of South 55th Court.

Introduced by Terry Werner

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

APPOINTING SHERYL K. JORDAN TO THE COMMUNITY DEVELOPMENT TASK FORCE TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 31, 2003 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80905 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Sheryl K. Jordan to the Community Development Task Force to fill an unexpired term expiring August 31, 2003 is hereby approved.

Introduced by Terry Werner

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS FOR MAINTENANCE WORK ON A PORTION OF NEBRASKA HIGHWAY 2 BETWEEN 9TH STREET AND HIGHWAY 77 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80906 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads which authorizes payment by the City to the State of Nebraska Dept. of Roads for maintenance/rehabilitation work to be performed by the State on a portion of Nebraska Highway 2 between 9th Street and Highway 77, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return one fully executed copy of the Agreement to the State of Nebraska Department of Roads.

Introduced by Terry Werner

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

ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP I, BOARD OF EQUALIZATION MEETING, JUNE 18, 2001 AT 10:00 A.M. - CLERK requested a motion for Board of Equalization meeting on June 18, 2001 at 10:00 a.m.

WERNER So moved.

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

SPECIAL PERMIT 1887 - APPLICATION OF WEST POINT, L.L.C. TO DEVELOP 230,000 SQ. FT. OF COMMERCIAL USES, WITH WAIVERS OF PUBLIC SIDEWALKS ON THE NORTH SIDE OF WEST O STREET AND THE EAST SIDE OF N.W. 40TH STREET, AND REDUCTION OF THE FRONT AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N.W. 40TH STREET AND WEST O STREET - PRIOR to reading:

SENG Moved to amend Bill No. 01R-121 in the following manner:

1. On page 1, between lines 11 & 12, add a new condition 2 to read as follows:

2. Revise the note on the site plan regarding relinquishment from all lots except for Lot 1 which is limited to a right-in/right-out at a location agreeable to the Department of Public Works.

2. Renumber the subsequent paragraphs accordingly.

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

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

A-80907 WHEREAS, West Point, L.L.C. has submitted an application designated as Special Permit No. 1887 for authority to construct 230,000 sq. ft. of Planned Service Commercial uses, on property located at the

northeast corner of N.W. 40th Street and West O Street, and legally described to wit:

Lot 77 I.T. in the Southwest Quarter of Section 20,
Township 10 North, Range 6 East of the 6th P.M.,
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development 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 West Point, L.L.C., hereinafter referred to as "Permittee", to construct 230,000 sq. ft. of Planned Service Commercial uses, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a Planned Service Commercial area with 230,000 square feet of commercial uses and the following waivers:
 - a. Sidewalks on the north side of West O Street and the east side of N.W. 40th Street.
 - b. Front yard setbacks from 50 feet to 17.5 feet measured from the curb line on W. Cavalry Court; a front yard setback along the east side of N.W. 40th Street on Lot 4 from 50 feet to 33 feet; and a front yard setback from 50 feet to 25 feet along Interstate 80.
 - c. Side yard setbacks between interior lots from 20 feet to 10 feet.
2. Revise the note on the site plan regarding relinquishment of access to state that direct access to West O Street is relinquished from all lots except for Lot 1 which is limited to a right-in/right-out at a location agreeable to the Department of Public Works.
3. ~~2.~~ Before receiving building permits:
 - a. The construction plans must conform to the approved plans.
 - b. Final plats within the area of this special permit must be approved by the City.
4. ~~3.~~ Before occupying the buildings all development and construction must be completed in conformance with the approved plans.
5. ~~4.~~ All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
6. ~~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.
7. ~~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.
8. ~~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.

Introduced by Coleen Seng

Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: McRoy.

SPECIAL PERMIT 1386B - APPLICATION OF RICHARD AND ANN HUDSON TO AMEND THE WINDHOEK 4TH COMMUNITY UNIT PLAN TO ADD ONE LOT AND TO WAIVE SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS AND STORMWATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 112TH STREET AND VAN DORN STREET. (IN CONNECTION W/01-85) - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-80910 WHEREAS, Richard and Ann Hudson, have submitted an application designated as Special Permit No. 1386B for authority to amend Windhoek

4th Addition Community Unit Plan to add one lot and to waive sidewalks, street trees, street lighting, landscape screens and stormwater detention on property located at 112th Street and Van Dorn, and legally described to wit:

Outlots A and C, Windhoek Addition; Lots 2 and 3, Block 1, and Lots 1, 2, 3 and 4, Block 2, and Lot 1, Block 3, and Outlots A and B, Windhoek 2nd Addition; and Lot 1, Block 1, and Outlot A, Windhoek 3rd Addition, all located in Section 31, Township 10 North, Range 8 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows:

Beginning at the northeast corner of Outlot A of said Windhoek 3rd Addition; thence on an assumed bearing of south 00 degrees 16 minutes 18 seconds east along the east line of said Outlot A of Windhoek 3rd Addition, a distance of 1320.13 feet to a point of deflection; thence south 00 degrees 16 minutes 40 seconds east along the east line of said Outlot A of Windhoek 3rd Addition, a distance of 1285.21 feet to the southeast corner of said Outlot A of said Windhoek 3rd Addition; thence south 89 degrees 52 minutes 36 seconds west along the south line of Outlot A, said Windhoek 3rd Addition, a distance of 592.27 feet to a point of deflection; thence south 89 degrees 52 minutes 36 seconds west along the south line of Lot 2, Block 1 of said Windhoek 2nd Addition, a distance of 461.92 feet to a point of deflection; thence south 89 degrees 52 minutes 36 seconds west along a south line of Outlot C of said Windhoek Addition, a distance of 60.08 feet to a point of deflection; thence south 89 degrees 51 minutes 29 seconds west along the south line of Lot 1, Block 2 of said Windhoek 2nd Addition, a distance of 515.25 feet to a point of deflection; thence south 89 degrees 54 minutes 43 seconds west along the south line of Outlot B of said Windhoek 2nd Addition, a distance of 270.68 feet to a point of deflection; thence south 00 degrees 12 minutes 42 seconds east along the easterly line of Lots 2 and 3, Block 2 of said Windhoek 2nd Addition, a distance of 629.92 feet to a point of deflection; thence south 00 degrees 07 minutes 45 seconds east along the easterly line of Outlot A of said Windhoek Addition, a distance of 60.00 feet to a point of deflection; thence south 00 degrees 03 minutes 29 seconds west along the easterly line of Lot 1, Block 3 of said Windhoek 2nd Addition, a distance of 612.44 feet to the southeast corner of Lot 1, Block 3, said Windhoek 2nd Addition; thence south 89 degrees 52 minutes 15 seconds west along the southerly line of Lot 1, Block 3, said Windhoek 2nd Addition, a distance of 427.70 feet to a point of deflection; thence north 49 degrees 11 minutes 51 seconds west along the southwesterly line of Lot 1, Block 3, said Windhoek 2nd Addition, a distance of 35.32 feet to a point of deflection; thence north 00 degrees 00 minutes 00 seconds east along the easterly right-of-way line of South 112th Street, a distance of 3780.64 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 1482.69 feet, arc length of 63.36 feet, delta angle of 02 degrees 26 minutes 54 seconds, a chord bearing of north 61 degrees 00 minutes 36 seconds east along a northeasterly line of Outlot A of said Windhoek 3rd Addition, and a chord length of 63.36 feet to a point; thence north 59 degrees 36 minutes 35 seconds east along a northeasterly line of Outlot A of said Windhoek 3rd Addition, a distance of 142.04 feet to a point of deflection; thence north 89 degrees 49 minutes 46 seconds east along the north line of Outlot A of said Windhoek 3rd Addition, a distance of 2162.37 feet to the true point of beginning; said tract contains a calculated area of 153.65 acres, or 6,693,397.26 square feet more or less; and

WHEREAS, the real property adjacent to the area included within the site plan for this amendment to add one lot to the 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 Richard Ann Hudson, hereinafter referred to as "Permittees", to amend Windhoek 4th Addition Community Unit Plan to add one lot 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 Windhoek 4th 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 a total of nine dwelling units.
2. The requirements of Sections 26.27.020, 26.27.070, 26.27.080, 26.27.090, and 26.23.105 relating to the installation of sidewalks, street lighting, landscape screens, street trees, and storm water detention respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits.
3. Before receiving building permits the Permittees must submit a permanent reproducible final site plan as approved and three copies to the Planning Department.
4. Before occupying this additional dwelling unit, all development and construction must conform to the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittees, their successors and assigns.
6. 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.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittees, their 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.
8. The Permittees 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 Permittees.
9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

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

AMENDING SECTION 10.06.120 OF THE LINCOLN MUNICIPAL CODE TO INCREASE NON-MOVING TICKET FINES AND ADMINISTRATIVE FEES FOR TRAFFIC VIOLATIONS - PRIOR to reading:

CAMP Moved to place Bill No. 01-90 on Pending.

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

PETITIONS AND COMMUNICATIONS

SETTING HEARING DATE FOR MON., JUNE 18, 2001 AT 1:30 P.M. FOR ST. JOHN'S CHURCH TO CONDUCT A LOTTERY FROM JUNE 30, 2001 THROUGH SEPT. 16, 2001 - CLERK requested a motion to set the hearing date of June 18, 2001 at 1:30 p.m.:

SVOBODA So moved.

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

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.

Special Permit No. 572E - App. of Thomasbrook Properties to amend the boundaries of the C.U.P. on property at S. 60th & Normal Blvd. No units will be added.

Special Permit No. 1226B - App. of Kathy L. Havlicek-Cook & Kenneth C. Cook to

expand the boundaries of the existing Special Permit of the 110 Children Daycare Facility at S. 60th & Normal Blvd.
Special Permit No. 1778A - App. of WAPITI Enterprises Inc. to amend Special Permit No. 1778 ref. completion of paving at 56th & Arbor Road.
Special Permit No. 1342A - App. of Western Wireless Corp. to enlarge an existing non-conforming use - Wireless Communications switch building at 401 W. Calvert Street.
Special Permit No. 1733B - App. of Park Ridge Apartments LLC to amend Special Permit 1733 for S.W. 8th St. & West C St.
Special Permit No. 1845 - App. of North Creek North LLC for C.U.P. under R-3 with 340 units at I-80 & N. 14th St.
Special Permit No. 1916 - App. of St. Andrew's Lutheran Church to replace previously existing freestanding 50' tower w/new 65' tower freestanding at 1015 Lancaster Lane.
Special Permit No. 1917 - App. of Husker Auto Group to develop an automobile retail center allowing the display of vehicles for sale in the required yards where parking is permitted at N. 27th St. & I-80.
Special Permit No. 1918 - App. of Michael & Mark Olderbak to allow the sale of beer from premises for consumption off of the premises at 338 N. 27th St.
Change of Zone No. 70HP - App. of RHO Chapter House Corp. of Kappa Alpha Theta Fraternity from R-7 to R-7 with landmark overlay at 1545 S Street.
Change of Zone No. 3265 - App. of North Creek North, LLC from AG to R-3 & I-3 at I-80 and N. 14th St.
Change of Zone No. 3373 - App. of Park Ridge Apartments LLC & various owners in Muff Original 1st, 2nd & 3rd from R-2 to R-3 at Trimble & West C Street.
Special Permit No. 1733B -
Change of Zone No. 3325 - App. of Mark A. Hunzeker to amend Lincoln Municipal code 27.51.030 & 27.51.100 to amend "seventy-five" to read "fifty".
Change of Zone No. 3326 - App. of Thomasbrook Properties from R-3 to R-4 at S. 60th & Normal Blvd.
Use Permit No. 139 - App. of Stone Bridge Creek LLC for Use Permit under I-3 zoning at N.14th & I-80.

REPORTS OF CITY OFFICERS

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

A-80908 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 May 21 - May 25, 2001.)

Introduced by Terry Werner

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

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

A-80909 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 May 29 - June 1, 2001.)

Introduced by Terry Werner

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF APRIL, 2001: - Sprint Comm.Co. LTD Partnership, MCI WorldCom, IBM Global, Global Crossing, Broadwing, Network Billing Systems, Intellicall, Th Furst Group, Lincoln Celtelco, NPCR, Inc. Nebraska Tech. & Telecomm. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

AFFIDAVITS OF MAILING FOR THE BOARD OF EQUALIZATION GROUP I - CLERK presented said report which was placed on file in the Office of the City Clerk.

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ANNUAL REPORT OF LES - CLERK presented said report which was placed on file in the Office of the City Clerk. (3)

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR MAY, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

ORDINANCES - 1ST READING

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE STREET CONSTRUCTION FUND OF \$988,000 FROM PROJECT NO. 541831, SOUTH 70TH STREET, OLD CHENEY ROAD TO PINE LAKE ROAD; \$275,000 FROM PROJECT NO. 542816, 66TH STREET, COTNER BLVD., AND VINE STREET; AND \$345,000 FROM PROJECT NO.542826, 27TH AND SUPERIOR STREETS, TO PROJECT NO. 700342, "O" STREET, 52ND STREET TO WEDGEWOOD - CLERK read an ordinance, introduced by Terry Werner, approving the transfer of appropriations between certain capital improvement projects within the Street Construction Fund, the first time.

RENAMING CHARLES AVENUE AS HANNEMAN DRIVE BEGINNING AT THE NORTH APPROACH OF THE INTERSECTION OF TRIMBLE DRIVE AND WEST "C" STREET AND EXTENDING NORTH AND EAST THROUGH THE MUFF 2ND ADDITION PRELIMINARY PLAT - CLERK read an ordinance, introduced by Terry Werner, changing the name of Charles Avenue to Hanneman Drive located the north approach of the intersection of Trimble Drive and West C Street and extending north and east through the Muff 2nd Addition, as recommended by the Street Name Committee, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 270 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF YANKEE HILL ROAD BETWEEN SOUTH 14TH STREET AND SOUTH 27TH STREET - CLERK read an ordinance, introduced Terry Werner, amending Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17846 passed May 7, 2001, prescribing and defining the corporate limits of the City of

Lincoln, Nebraska; and repealing Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17846, passed May 7, 2001, as hitherto existing, the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 227.19 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 27TH STREET AND HIGHWAY 34 - CLERK read an ordinance, introduced by Terry Werner, amending Section 20 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17838, passed April 23, 2001, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 20 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17838, passed April 23, 2001, as hitherto existing, the first time.

CHANGE OF ZONE 3252 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND FOLKWAYS BLVD. - CLERK read an ordinance, introduced by Terry Werner, amending the Lincoln Zoning District Maps attached to and 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 and shown thereon, the first time.

CHANGE OF ZONE 69H - APPLICATION OF RAPE/SPOUSE ABUSE CRISIS CENTER FOR A LANDMARK DESIGNATION FOR THE PACE-WOODS HOUSE LOCATED AT 2545 N STREET - CLERK read an ordinance, introduced by Terry Werner, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating the building known as the Pace-Wood House at 2545 N Street, Lincoln, Nebraska as a Landmark, the first time.

ORDINANCES - 3RD READING

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN A TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS;

TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - PRIOR to reading:

SENG Moved to accept a substitute ordinance.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Coleen Seng, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan - Plan B by amending Section 2.65.040 to establish a date for commencement of benefit payments; amending Section 2.65.180 to establish limitations upon the use of plan assets; adding a new section numbered 2./65.210 to establish provisions for the amendment, termination, and discontinuance of the Plan; adding a new section numbered 2.65.220 to establish the City's intention that the Plan be a qualified plan pursuant to the Internal Revenue Service Requirements; and repealing Sections 2.65.040 and 2.65.180 of the Lincoln Municipal Code as hitherto existing, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#17858**, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN B TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - PRIOR to reading:

SENG Moved to accept a substitute ordinance.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Coleen Seng, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan - Plan B by amending Section 2.65.040 to establish a date for commencement of benefit payments; amending Section 2.65.180 to establish limitations upon the use of plan assets; adding a new section numbered 2.65.210 to establish provisions for the amendment, termination, and discontinuance of the Plan; adding a new section numbered 2.65.220 to establish the City's intention that the Plan be a qualified plan pursuant to the Internal Revenue Service Requirements; and repealing Sections 2.65.040 and 2.65.180 of the Lincoln Municipal Code as hitherto existing, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#17859**, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN C TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - - PRIOR to reading:

SENG Moved to accept a substitute ordinance.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Coleen Seng, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan - Plan C by amending Section 2.66.040 to establish a date for commencement of benefit payments; amending Section 2.66.140 to establish limitations upon the use of plan assets; adding a new section numbered 2.66.190 to establish provisions for the amendment, termination, and discontinuance of the Plan; adding a new section numbered 2.66.200 to establish the City's intention that the Plan be a qualified plan pursuant to the Internal Revenue Service Requirements; and repealing Sections 2.66.040 and 2.66.140 of the Lincoln Municipal Code as hitherto existing, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#17860**, is recorded in Ordinance Book 24, Page

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CHANGE OF ZONE 3324 - APPLICATION OF PIONEER GREENS, L.L.C. FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL AND FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT S. 86TH STREET AND PIONEERS BLVD. - PRIOR to reading:

SENG Moved to suspend the rules to have 3rd Reading & Action this date. Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Svoboda, amending the Lincoln Zoning District Maps attached to and 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 and shown thereon, the second time.

SVOBODA Moved to pass the ordinance as read. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #17861, is recorded in Ordinance Book 24, Page

CREATING PAVING DISTRICT NO. 2621 IN 7TH STREET FROM O TO N STREETS - PRIOR to reading:

SENG Moved to amend Bill No. 01-80 on page 1, strike lines 12 through 15 inclusive & insert the following in lieu thereof: Lots 7 through 12, Block 52, Original plat; Lot 15 and the vacated alley adjacent, Block 52, Original Plat; and Lots 1 through 7, Lincoln Land Company's Subdivision of Lots 13 and 14, Block 52, Original Plat, located in the North half of section 26, Township 10 North, range 7 East of the Sixth Principal Meridian, Lincoln Lancaster County, Nebraska.

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

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 third time.

SENG Moved to pass the ordinance as read. Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #17862, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3319 - APPLICATION OF RICHARD AND ANN HUDSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND VAN DORN STREET - CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and 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 and shown thereon, the third time.

SENG Moved to pass the ordinance as read. Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered #17863, is recorded in Ordinance Book 24, Page

AMENDING SECTION 10.06.120 OF THE LINCOLN MUNICIPAL CODE TO INCREASE NON-MOVING TICKET FINES AND ADMINISTRATIVE FEES FOR TRAFFIC VIOLATIONS - PRIOR to reading:

CAMP Moved to place Bill No. 01-90 on Pending. Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

CLERK Read an ordinance, introduced by Coleen Seng, amending Section 10.06.120 of the Lincoln Municipal Code to increase non-moving ticket fines and administrative fees for traffic violations; and repealing Section 10.06.120 of the Lincoln Municipal Code as hitherto existing, the third time.

MISCELLANEOUS BUSINESS

PENDING LIST -

SPECIAL PERMIT 1903 - APPEAL OF MOHAMED DAHAB AND DEBRA DAHAB FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 1903 FOR AUTHORITY TO CONSTRUCT A 68' TALL WIRELESS COMMUNICATIONS FACILITY ON PROPERTY GENERALLY LOCATED AT SOUTH 37TH STREET AND HIGH STREET - CLERK requested

to have Bill No. 01R-120 removed from Pending for Action on 6/18/01.
WERNER So moved.
 Seconded by Svoboda & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Friendt.
COOK Moved to extend the Pending List for 1 week.
 Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, McRoy, Svoboda, Werner; NAYS: None; Friendt, Seng.

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on June
18, 2001.
 Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Friendt, Seng.

ADJOURNMENT

4:16 p.m.

COOK Moved to adjourn the City Council Meeting of June 11, 2001.
 Seconded by Camp & carried by the following vote: AYES: Camp,
Cook, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Friendt, Camp.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III

