

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 2, 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; Joan Ross, City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

FRIENDT Having been appointed to read the minutes of the City Council proceedings of June 25, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

AUTHORIZING THE SALE OF SURPLUS PROPERTY DESCRIBED AS LOT 1, LOT 15, LOTS 19-22, AND LOTS 24-33, BLOCK 6, OLYMPIC HEIGHTS 1ST ADDITION, GENERALLY LOCATED AT NW 53RD STREET BETWEEN WEST ST. PAUL AND WEST LEIGHTON AVE. TO NEBRASKA HOUSING RESOURCE, INC. - Mark Wullschleger, Urban Development came forward in favor of this sale of surplus property.

Bob Hampton, President of Nebraska Housing Resources came forward in favor.

This matter was taken under advisement.

CHANGE OF ZONE 3213 - APPLICATION OF NEBRASKA NURSERIES, INC. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS AND O-3 OFFICE PARK, ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD.;

SPECIAL PERMIT NO. 1813 - APPLICATION OF NEBRASKA NURSERIES TO DEVELOP THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN CONSISTING OF 150 DWELLING UNITS AND 180 DWELLING UNITS OF RETIREMENT HOUSING ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD.;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF THE PRESERVE ON ANTELOPE CREEK FOR 140 LOTS WITH WAIVERS TO THE REQUIRED INTERSECTION ANGLE, DOUBLE FRONTAGE, A 125' HORIZONTAL RADIUS, AND SEWER MAINS PLACEMENT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD.;

USE PERMIT 125 - APPLICATION OF NEBRASKA NURSERIES TO DEVELOP 15,000 SQ. FT. OF FLOOR AREA IN THE O-3 OFFICE PARK DISTRICT AND 66,900 SQ. FT. OF FLOOR AREA PLUS 35 DWELLING UNITS ON THE SECOND FLOOR IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD. - Kent Braasch, Essex Corporation, representing the ownership of Bill Kubly of Landscapes Unlimited, came forward to explain the proposed design development of this area of Lincoln.

This matter was taken under advisement.

CHANGE OF ZONE 2531(BB) - APPLICATION OF NORTH WILLIAMSBURG/HAMPTON ENTERPRISES, INC. TO AMEND WILLIAMSBURG VILLAGE FINAL PLANNED UNIT DEVELOPMENT TO INCREASE THE SQUARE FOOTAGE IN THE COMMERCIAL AREA LOCATED ON THE SOUTHWEST CORNER OF SOUTH 34TH STREET AND OLD CHENEY ROAD BY 3,300 SQ. FT. FOR A TOTAL OF 35,300 SQ. FT. - Mark Hunzeker, Attorney for Hampton Enterprises came forward in favor of this Change of Zone.

This matter was taken under advisement.

VACATING NORTH 11TH STREET BETWEEN FLETCHER AVE. AND INTERSTATE 80 - Donald Spilker, 1201 Fletcher Avenue, came forward in favor vacating this right-of-way - Donald Spilker, 1201 Fletcher Ave., came forward in favor of the vacation of this property.

Mike DeKalb, Planning Staff, came forward to answer questions posed by Council Members.

This matter was taken under advisement.

APPROVING A WAIVER OF DESIGN STANDARDS FOR STREET TREES IN THE FARMER'S BANK ADDITION ADMINISTRATIVE FINAL PLAT, ON PROPERTY GENERALLY LOCATED AT SOUTH 58TH STREET AND OLD CHENEY ROAD - Tom Huston, 233 South 13th, Suite 1900, on behalf of the applicant, Farmer's Bank, came forward in favor.

Lynn Johnson, Parks & Recreation Dept., came forward in support of this waiver.

MISCELLANEOUS BUSINESS PUBLIC HEARING

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc. came forward to share information regarding the HIV situation in Lincoln and gave Council members a handout. He also talked about the closing of the Kuklin swimming pool never being mentioned before the decision to actual close the pool was made by government. He feels it is a needed resource in the city and that the Council should research the matter further.

Lois Newman, (no address given), offered an invitation for all Council Members to attend a meeting on July 14th at 10:30 a.m. at the Bennet Martin Library, 4th Floor Conference Room, regarding the city buses. Lois also mentioned that the city should keep the Kuklin Pool open.

Glenn Cekal, 1420 "C" Street, also came forward to discuss the closing of Kuklin Pool.

Ed Patterson, Malone Neighborhood Assoc., also came forward to discuss the closing of Kuklin Pool.

Wes Matthews, (no address given), came forward to explain to City Council Members that he and several other men, who park their automobiles at the People's City Mission had warnings on their vehicles that they would no longer be able to use the People's City Mission.

James Dallas, (no address given), explained to Council that closing the mission to the previous people who came forward puts additional pressure on the DayWatch program.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

Application of Chace Enterprises, Inc. dba Silver Spoke Saloon, 1031 M Street for an addition to their licensed premises to include an outdoor area to the northeast measuring approximately 75' x 25'. - CLERK read the following resolution, introduced by Jonathan Cook, who moved for its withdrawal:

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 Chase Enterprises, Inc. dba "Silver Spoke Saloon" to expand its licensed premises by the addition of an outside area measuring approximately 75 feet by 25 feet to the northeast of the presently licensed premises located at 1031 M 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 the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jonathan Cook

COOK So moved.

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

ORDINANCES - 2ND READING

Authorizing the sale of surplus property described as Lot 1, Lot 15, Lots 19-22, and Lots 24-33, Block 6, Olympic Heights 1st Addition, generally located at NW 53rd Street between West St. Paul and West Leighton Ave. to Nebraska Housing Resource, Inc. - CLERK read an ordinance, introduced

by Jonathan Cook, authorizing the sale of a surplus tract of land legally described as Lot 1, Lot 15, Lots 19-22, and Lots 24-33, Block 6, Olympic Heights 1st Addition, Lincoln, for the second time.

Change of Zone 3213 - Application of Nebraska Nurseries, Inc. for a change of

zone from R-3 Residential to B-2 Planned Neighborhood business and O-3 Office Park, on property generally located at the southwest corner of 80th Street and Pioneers Blvd. - CLERK read an ordinance, introduced by Jonathan Cook, amending the Lincoln Zoning District Maps attached to an 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. (SEE FURTHER COUNCIL ACTION UNDER ORDINANCES - 3RD READING)

Change of Zone 2531(BB) - Application of North Williamsburg/Hampton Enterprises, Inc. to amend Williamsburg Village Final Planned Unit Development to increase the square footage in the commercial area located on the southwest corner of South 34th Street and Old Cheney Road by 3,300 sq. ft. for a total of 35,300 sq. ft. - CLERK read an ordinance, introduced by Jonathan Cook, amending the approved Development Plan for Williamsburg Village Planned Unit Development as appended to Change of Zone 2531AA to increase the maximum allowable square footage in the commercial area located on the southwest corner of South 34th Street and Old Cheney Road to 35, 300 square feet, the second time.

Vacating North 11th Street between Fletcher Ave. and Interstate 80 - CLERK read an ordinance, introduced by Jonathan Cook, vacating North 11th Street between Fletcher Ave. and Interstate 80, and retaining title thereto in the City of Lincoln, the second time.

RESOLUTIONS

APPOINTING GLENN FRIENDT TO THE DISTRICT ENERGY CORPORATION TO FILL AN UNEXPIRED TERM EXPIRING DECEMBER 31, 2002 - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-80944 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Glenn Friendt to the District Energy Corporation to fill an unexpired term expiring December 31, 2002 is hereby approved.

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JUNE 1 - 15, 2001 - CLERK read a resolution introduced by Jonathan Cook, who moved its adoption:

A-80945 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 June 18, 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>
State Farm Insurance Co.		Brian Johnson	\$11,333.60
(Robin & Trenton Baker, Insureds)	\$7,849.52	Michael A. Miller	391.24
Shashi B. Verma	80.00	Anita Scofield	476.86
		Peoples Natural Gas	429.03
		Kevin & Jane Goertzen	693.00
		Lola Shaw	6,741.00

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

Introduced by Jonathan Cook

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

APPOINTING VIC COVALT TO THE CHARTER REVISION COMMISSION FOR A FOUR-YEAR TERM EXPIRING JULY 15, 2005 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80946 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Victor E. Covalt III to the Charter

Revision Commission for a four-year term expiring July 15, 2005 is hereby approved.

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

AUTHORIZING A CONTRACT FOR THE PURCHASE OF 20 REPLACEMENT TRANSIT VEHICLES FROM GILLIG CORP. - Prior to reading:
WERNER Moved to delay action on Bill No. 01R-163 for one week with public hearing on 7/9/01.

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

SPECIAL PERMIT NO. 1813 - APPLICATION OF NEBRASKA NURSERIES TO DEVELOP THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN CONSISTING OF 150 DWELLING UNITS AND 180 DWELLING UNITS OF RETIREMENT HOUSING ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD. - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-80947 WHEREAS, Nebraska Nurseries, Inc. has submitted an application designated as Special Permit No. 1813 for authority to develop The Preserve on Antelope Creek Community Unit Plan consisting of 150 dwelling units and 180 dwelling units of retirement housing on property located at the southwest corner of 80th Street and Pioneers Blvd., and legally described to wit:

A tract of land located in the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, being more particularly described as follows:
Beginning at the southwest corner of Lot 54 of said Quarter Section; thence north 89 degrees 21 minutes 34 seconds east along the south line of said Lot 54, a distance of 200.19 feet to the east line of said Lot 54; thence north 00 degrees 11 minutes 13 seconds west on said line, a distance of 259.93 feet to the south right-of-way line of Pioneers Boulevard; thence north 89 degrees 20 minutes 29 seconds east on said line, a distance of 600.59 feet to the east line of Lot 57 of the aforesaid Northeast Quarter of Section 10; thence south 00 degrees 11 minutes 52 seconds east on said line, a distance of 2133.34 feet; thence south 00 degrees 13 minutes 54 seconds east on said line, a distance of 456.67 feet; thence on the southerly and westerly lines of said Lot 57 for the next four courses; north 89 degrees 58 minutes 22 seconds west, a distance of 52.68 feet; north 15 degrees 39 minutes 36 seconds west, a distance of 425.55 feet; north 61 degrees 34 minutes 23 seconds west, a distance of 1398.97 feet; north 31 degrees 42 minutes 49 seconds west, a distance of 481.67 feet to the west line of said Lot 57, said line also being the east line of Outlot "A", Pioneer Subdivision, a subdivision as platted and recorded in Lancaster County, Nebraska; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 203.46 feet; thence south 89 degrees 43 minutes 52 seconds east, a distance of 73.06 feet; thence north 79 degrees 07 minutes 47 seconds east, a distance of 70.38 feet; thence south 86 degrees 37 minutes 54 seconds east, a distance of 84.78 feet; thence south 66 degrees 20 minutes 00 seconds east, a distance of 78.47 feet; thence north 55 degrees 16 minutes 54 seconds east, a distance of 154.09 feet to a point on a curve; thence northwesterly along a curve to the left having a radius of 292.55 feet and a central angle of 15 degrees 30 minutes 27 seconds, an arc distance of 79.18 feet (chord = 78.94 feet, chord bearing = north 49 degrees 52 minutes 30 seconds west) to a point of reverse curvature; thence northwesterly along a curve to the right having a radius of 420.40 feet and a central angle of 19 degrees 46 minutes 13 seconds, an arc distance of 145.06 feet (chord = 144.34 feet, chord bearing = north 47 degrees 44 minutes 38 seconds west) to a point of tangency; thence north 37 degrees

51 minutes 31 seconds west, a distance of 48.41 feet to a point of curvature; thence northwesterly along a curve to the left having a radius of 144.27 feet and a central angle of 52 degrees 16 minutes 35 seconds, an arc distance of 131.63 feet (chord = 127.11 feet, chord bearing = north 63 degrees 59 minutes 49 seconds west) to a point of tangency; thence south 89 degrees 51 minutes 54 seconds west, a distance of 16.99 feet to a point of curvature; thence north westerly along a curve to the right having a radius of 95.82 feet and a central angle of 46 degrees 31 minutes 36 seconds, an arc distance of 77.81 feet (chord = 75.69 feet, chord bearing = north 66 degrees 52 minutes 18 seconds west) to a point of tangency; thence north 43 degrees 36 minutes 30 seconds west, a distance of 37.54 feet to the aforesaid west line of Lot 57; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 59.13 feet; thence south 89 degrees 46 minutes 35 seconds east, a distance of 166.69 feet; thence north 66 degrees 33 minutes 19 seconds east, a distance of 289.31 feet; thence north 37 degrees 33 minutes 31 seconds east, a distance of 76.97 feet; thence north 89 degrees 48 minutes 08 seconds east, a distance of 183.77 feet; thence north 00 degrees 49 minutes 59 seconds west, a distance of 291.51 feet to the south right-of-way line of Pioneers Boulevard; thence north 89 degrees 19 minutes 30 seconds east on said line, a distance of 179.65 feet to the west line of the aforesaid Lot 54; thence south 00 degrees 10 minutes 44 seconds east on said line, a distance of 259.81 feet to the point of beginning, except that part lying within Lot 55, Irregular Tract, in the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M. Lancaster County, Nebraska; containing 2,538,056 square feet or 58.266 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; 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 Nebraska Nurseries, Inc., hereinafter referred to as "Permittee", to develop The Preserve on Antelope Creek Community Unit Plan, 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 for 150 dwelling units and the development of retirement housing for 180 elderly dwelling units.
2. The following modifications are hereby approved:
 - a. An exception to the design standards to permit intersection angles less than 80 degrees.
 - b. A modification to the requirements of the Land Subdivision Ordinance to permit double frontage on Lot 2, Block 3.
 - c. An adjustment to the maximum building height in the R-3 zoning district to increase the maximum height of the independent living building in Lot 1, Block 1, from 35' to 45'.
 - d. An adjustment to the required rear yard setback in the R-3 district for lots longer than 125' in Blocks 1, 3, and 4 from the smaller of 30' or 20% of depth to 25'.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan with five copies.
 - b. The construction plans must conform to the approved plans.

- c. Final plats within the area of this community unit plan must be approved by the City.
4. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
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 Permittee, 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 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 Jonathan Cook

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 THE PRESERVE ON ANTELOPE CREEK FOR 140 LOTS WITH WAIVERS TO THE REQUIRED INTERSECTION ANGLE, DOUBLE FRONTAGE, A 125' HORIZONTAL RADIUS, AND SEWER MAINS PLACEMENT ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80948 WHEREAS, Nebraska Nurseries, Inc. has submitted the preliminary plat of **The Preserve on Antelope Creek** 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 January 16, 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 **The Preserve on Antelope Creek**, located at the southwest corner of 80th Street and Pioneers Blvd. as submitted by Nebraska Nurseries, Inc. 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 subdivision requirements are therefore approved:

1. The requirement of the Urban Public Street Design Standards prohibiting the angle of intersections to vary more than 10 degrees from a right angle is waived to permit intersection angles less than 80 degrees.
2. The requirement of Section 26.23.140 of the land subdivision ordinance prohibiting lots with a double frontage is waived for Lot 2, Block 3.
3. The requirement of the Urban Public Street Design Standards requiring a 125' horizontal radius with a tangent between curves is reduced as proposed on Burr Oak Lane, Hawthorne Drive and Redbud Lane.
4. The requirement of the Sanitary Sewer Design Standards that sewer mains be located 3 ½ feet behind the curb of the street is waived to allow sewer mains to be located in the center of the streets in order to save existing trees.

Introduced by Jonathan Cook

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

USE PERMIT 125 - APPLICATION OF NEBRASKA NURSERIES TO DEVELOP 15,000 SQ. FT. OF FLOOR AREA IN THE O-3 OFFICE PARK DISTRICT AND 66,900 SQ. FT. OF FLOOR AREA PLUS 35 DWELLING UNITS ON THE SECOND FLOOR IN THE B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT THE

SOUTHWEST CORNER OF 80TH STREET AND PIONEERS BLVD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80949 WHEREAS, Nebraska Nurseries, Inc. has submitted an application in accordance with Section 27.27.080 and Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 125 for authority to construct 15,000 sq. ft of floor area in the O-3 Office Park District and 66,900 sq. ft. of floor area plus 35 dwelling units on the second floor in the B-2 Planned Neighborhood Business District, on property generally located at the southwest corner of 80th Street and Pioneers Blvd. and legally described to wit:

A tract of land located in the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, being more particularly described as follows:
Commencing at the southwest corner of Lot 54 of said Quarter Section; thence north 00 degrees 10 minutes 44 seconds west on the west line of said Lot 54, a distance of 259.81 feet to the south right-of-way line of Pioneers Blvd.; thence south 89 degrees 19 minutes 30 seconds west on said line, a distance of 179.65 feet to the point of beginning; thence south 00 degrees 49 minutes 59 seconds east, a distance of 291.51 feet; thence south 89 degrees 48 minutes 08 seconds west, a distance of 183.77 feet; thence south 37 degrees 33 minutes 31 seconds west, a distance of 76.97 feet; thence south 66 degrees 33 minutes 19 seconds west, a distance of 289.31 feet; thence north 89 degrees 46 minutes 35 seconds west, a distance of 166.69 feet to the west line of Lot 57 of the aforesaid Northeast Quarter of Section 10, said line also being the east line of Outlot "A", Pioneer Subdivision, a subdivision as platted and recorded in Lancaster County, Nebraska; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 460.18 feet to the south right-of-way line of Pioneers Blvd.; thence north 89 degrees 21 minutes 18 seconds east on said line, a distance of 635.93 feet; thence north 89 degrees 19 minutes 30 seconds east on said line, a distance of 20.51 feet to the point of beginning; containing 252,195 square feet or 5.789 acres, more or less;
and

A tract of land located in the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, being more particularly described as follows:
Commencing at the southwest corner of Lot 54 of said Quarter Section; thence north 00 degrees 10 minutes 44 seconds west on the west line of said Lot 54, a distance of 259.81 feet to the south right-of-way line of Pioneers Blvd.; thence south 89 degrees 19 minutes 30 seconds west on said line, a distance of 200.16 feet; thence south 89 degrees 21 minutes 18 seconds west on said line, a distance of 635.93 feet to the west line of lot 57 of the aforesaid Northeast Quarter of Section 10, said line also being the east line of Outlot "A", Pioneer Subdivision, a subdivision as platted and recorded in Lancaster County, Nebraska; thence south 00 degrees 16 minutes 08 seconds west on said line, a distance of 519.31 feet to the point of beginning; thence south 43 degrees 36 minutes 30 seconds east, a distance of 37.54 feet to a point of curvature; thence southeasterly along a curve to the left having a radius of 95.82 feet and a central angle of 46 degrees 31 minutes 36 seconds, an arc distance of 77.81 feet (chord = 75.69', chord bearing = south 66 degrees 52 minutes 18 seconds east) to a point of tangency; thence north 89 degrees 51 minutes 54 seconds east, a distance of 16.99 feet to a point of curvature; thence southeasterly along a curve to the right having a radius of 144.27 feet and a central angle of 52 degrees 16 minutes 35 seconds, an arc

distance of 131.63 feet (chord = 127.11', chord bearing = south 63 degrees 59 minutes 49 seconds east) to a point of tangency; thence south 37 degrees 51 minutes 31 seconds east, a distance of 48.41 feet to a point of curvature; thence southeasterly along a curve to the left having a radius of 420.40 feet and a central angle of 19 degrees 46 minutes 13 seconds, an arc distance of 145.06 feet (chord = 144.34', chord bearing = south 47 degrees 44 minutes 38 seconds east) to a point of reverse curvature; thence southeasterly along a curve to the right having a radius of 292.55 feet and a central angle of 15 degrees 30 minutes 27 seconds, an arc distance of 79.18 feet (chord = 78.94', chord bearing = south 49 degrees 52 minutes 30 seconds east); thence south 55 degrees 16 minutes 54 seconds west, a distance of 154.09 feet; thence north 66 degrees 20 minutes 00 seconds west, a distance of 78.47 feet; thence north 86 degrees 37 minutes 54 seconds west, a distance of 84.78 feet; thence south 79 degrees 07 minutes 47 seconds west, a distance of 70.38 feet; thence north 89 degrees 43 minutes 52 seconds west, a distance of 73.06 feet to the west line of the aforesaid Lot 57; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 362.97 feet to the point of beginning; containing 95,529 square feet or 2.193 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this development of commercial and office space 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 Nebraska Nurseries, Inc., hereinafter referred to as "Permittee", to construct 15,000 sq. ft of floor area in the O-3 Office Park District and 66,900 sq. ft. of floor area plus 35 dwelling units on the second floor in the B-2 Planned Neighborhood Business District on the property legally described above be and the same is hereby granted under the provisions of Section 27.27.080 and Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial and office space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 15,000 square feet of floor area in the O-3 zoning district and 66,900 square feet of floor area plus 35 dwelling units on the second floor in the B-2 zoning district.

2. This permit further approves an adjustment of the minimum yard requirements in the B-2 district to reduce the front yard setback from 50 feet to 30 feet for the B-2 area fronting upon Pioneers Boulevard and Lucile Drive is hereby approved.

3. Before receiving building permits:

a. The Permittee must submit a revised and reproducible final plan with five copies to the Planning Department.

b. The construction plans must conform to the approved plans and shall be in accordance with the "Conceptual Master Plan, The Preserve on Antelope Creek" color renderings submitted to the Planning Commission on November 29, 2000.

c. Final plats within the area of this use permit 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 not be 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 buildings 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 property owners association approved by the City Attorney.

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

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

Introduced by Jonathan Cook

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

APPROVING A WAIVER OF DESIGN STANDARDS FOR STREET TREES IN THE FARMER'S BANK ADDITION ADMINISTRATIVE FINAL PLAT, ON PROPERTY GENERALLY LOCATED AT SOUTH 58TH STREET AND OLD CHENEY ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80950 WHEREAS, the Administrative Final Plat of Farmer's Bank Addition was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Administrative Final Plat was the requirement under Section 26.27.090 of the Lincoln Municipal Code that the Subdivider install street trees along both sides of the streets within said Administrative Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirement pursuant to § 26.31.010 of the Lincoln Municipal Code; 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 all requirements 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:

That the requirement of Section 26.27.090 of the Lincoln Municipal Code requiring the installation of street trees along both sides of the streets within the Administrative Final Plat of Farmer's Bank Addition is hereby waived.

All other conditions for approval of the Administrative Final Plat of Farmer's Bank Addition shall remain in full force and effect.

Introduced by Jonathan Cook

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

Special Permit 1903 - Appeal of Mohamed Dahab & 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 S. 37th St. & High St. - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-80951 WHEREAS, Qwest Wireless, L.L.C. has submitted an application designated as Special Permit No. 1903 for authority to construct a 68' tall wireless communications facility on property located at S. 37th and High Streets, and legally described to wit:

Lot 224, I.T. located in the Northeast Quarter of Section 6, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and by Resolution No. PC-00667 has conditionally approved Special Permit No. 1903; and

WHEREAS, Mohamed Dahab and Debra Dahab have appealed the action of the Lincoln City-Lancaster County Planning Commission approving Special Permit No. 1903; and

WHEREAS, the City Council of the City of Lincoln, Nebraska has held a public hearing thereon and finds that the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this wireless communications facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Qwest Wireless, L.L.C., hereinafter referred to as "Permittee", to construct a 68' tall wireless communications facility be and the same is hereby granted under the provisions of Section 27.63.720 of the Lincoln Municipal Code upon condition that construction of said wireless communications facility be constructed in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 68' tall wireless communications facility for a period of 15 years.
2. Before receiving building permits:
 - a. The Permittee must provide structural engineering calculations for the monopole and the pier for its foundation sealed by a Nebraska Professional Engineer.
 - b. Permittee must post a surety, approved by the City Attorney, in the minimum amount necessary to guarantee the removal of the facilities. The surety may not be revoked or terminated during the term of the permit.
3. Before operating this personal wireless facility, all development and construction must conform to the approved plans.
4. The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.
5. The tower shall be inspected and maintained in accordance with the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. At the time of this Special Permit, those standards were contained in the TIA/EIA-222-F. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.
6. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.
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 and the Permittee's 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, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090 in connection with the issuance and review of this permit.
10. As part of this approval, the Permittee agrees that the Permittee, its successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgments for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs or suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.
11. 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 Jonathan Cook

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

MOUSETRAP INC., DBA BRASS RAIL, LOCATED AT 1436 "O" ST. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:
A-80952 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 16, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Catering Application of Mousetrap Inc., dba Brass Rail, located at 1436 "O" Street.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MONDAY, JULY 16, 2001 AT 1:30 P.M. ON THE APP. OF THE BLUE CACTUS INC., DBA THE BLUE CACTUS, LOCATED AT 5555 SO. 48TH ST., SUITE F - CLERK read the following resolution, introduced by Jonathan Cook who moved its adoption:

A-80954 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. July 16, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Class I Application of the Blue Cactus, Inc., dba The Blue Cactus, located at 5555 So. 48th St., Suite F.

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

Introduced by Jonathan Cook

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

PETITIONS AND COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY OF THE SOUTH ONE HUNDRED FIFTY (150) FEET OF NORTH 67TH STREET BETWEEN SEWARD AVENUE AND KEARNEY AVENUE, SUBMITTED BY JNP INVESTMENTS, LLC. - CLERK presented said petition which was referred to the Planning Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JUNE 18, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

A-80953 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 June 18 - June 22, 2001.)

Introduced by Jonathan Cook

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 FOR THE MONTH OF MAY, 2001: Big Planet, Inc.; Zone Telecom, Inc.; I-LINK Communications, Inc.; Long Distance of Michigan, Inc.; Association Administrators, Inc.; XO Long Distance Services, Inc.; Nosva Limited Partnership; Comdata Telecommunications Services, Inc.; RSL Com USA, Inc.; GTC Telecom; Lightyear Communications, Inc.; Globalcom, Inc.; Glyphics Communications, Inc.; Tri-M Communications, Inc.; ATT Wireless PCS, LLC; Incomnet Communications Corp.; Sprint Spectrum, L.P.; McLeodUSA Telecommunications Services, Inc.; Excel Telecommunications, Inc.; TracFone Wireless, Inc.; Affinity Network, Inc.; Single Billing Services, Inc.; and NOS Communications Inc.; USA Paging, LLC; Sprint Communication Company Limited Partnership; ATS Mobile Telephone, Inc.; AT&T Communications of the Midwest, Inc.; and TELCO Development Group DE Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF OFFICE OF TREASURER OF THE MONTHLY CITY CASH REPORT FOR MAY, 2001 -
CLERK presented said report which was placed on file in the Office of the
City Clerk. (5-21)

ORDINANCES - 1ST READING

Authorizing the issuance of not to exceed \$3,750,000 aggregate principal amount
of the City's Golf Course Revenue Refunding Bonds - CLERK read an
ordinance, introduced by Jonathan Cook, authorizing the issuance of not to
exceed \$3,750,000 aggregate principal amount of the City's Golf Course
Revenue Refunding Bonds, the first time.

Change of Zone 3238 - Application of Olsson Associates for a change of zone from
AGR Agricultural Residential to R-1 Residential on property generally
located south and west of S. 70th Street and Old Cheney Road. - CLERK read
an ordinance, introduced by Jonathan Cook, 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.

ORDINANCES - 3RD READING

Change of Zone 3213 - Application of Nebraska Nurseries, Inc. for a change of
zone from R-3 Residential to B-2 Planned Neighborhood business and O-3
Office Park, on property generally located at the southwest corner of 80th
Street and Pioneers Blvd. - PRIOR to reading:

CAMP Moved to suspend Council rules and have 2nd and 3rd readings on
this date.

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

CLERK Read an ordinance, introduced by Jonathan Cook, amending the Lincoln
Zoning District Maps attached to an 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.

COOK Moved to pass the ordinance as read.

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

The ordinance, being numbered **17873**, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on July 9,
2001.

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

ADJOURNMENT

3:12 p.m.

CAMP Moved to adjourn the City Council Meeting of July 2, 2001.

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

Joan E. Ross, City Clerk

Glenna Graupmann, Office Assistant III

REGULAR MEETING
JULY 2, 2001
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