

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, JULY 23, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:33 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

WERNER Having been appointed to read the minutes of the City Council proceedings of July 16, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF MOUSETRAP INC. DBA "BRASS RAIL" FOR A LIQUOR CATERING LICENSE AT 1436 O STREET - Todd Mausbach, 12806 Erskin St., Omaha, NE & Tommy Mausbach, 7031 S. 32nd St., Lincoln, NE, took oath & stated the reason for this application is because they've been asked by several patrons to cater small private parties.

This matter was taken under advisement.

APPLICATION OF DENIS M. VONZ FOR A SPECIAL/DESIGNATED LIQUOR LICENSE TO COVERING THE ENTIRE PIONEERS GOLF COURSE AT 3403 WEST VAN DORN STREET ON AUGUST 13, 2001 FROM 8:00 A.M. TO 3:00 P.M. - Dennis M. Vonz, 7514 Drummond Dr., Lincoln, NE, came forward to answer any questions. Discussion followed.

This matter was taken under advisement.

APPLICATION OF SMG DBA PERSHING AUDITORIUM FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA ON N STREET FROM 16TH T 14TH STREET, CENTENNIAL MALL FROM PERSHING AUDITORIUM ON AUGUST 9, 2001 FROM 4:00 P.M. TO 11:59 P.M., AUGUST 10 AND 11, 2001, FROM 11:00 A.M. TO 11:59 P.M., AND AUGUST 12, 2001 FROM 12:00NOON TO 5:00 P.M. - Tom Lorenz, 5510 Dove Circle, Lincoln, NE, General Manager of Pershing.

Terry Werner, Council Member, asked to whom will the proceeds go to.

Mr. Lorenz, stated the proceeds go to the bottom line of Pershing, essentially back to the City. Further discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3326 - APPLICATION OF THOMASBROOK PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 60TH AND NORMAL BLVD. (IN CONNECTION W/01R-186);

SPECIAL PERMIT 572E - APPLICATION OF THOMASBROOK PROPERTIES TO AMEND THE THOMASBROOK APARTMENTS COMMUNITY UNIT PLAN TO DECREASE THE LAND AREA OF THE COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED AT 60TH AND NORMAL BLVD. (IN CONNECTION W/01-111) - Brian Carstens, 2935 Pine Lake Rd., Suite H, came forward on behalf of Thomasbrook Properties to answer any questions.

This matter was taken under advisement.

AMENDING CHAPTERS 5.34 AND 5.42 OF THE LINCOLN MUNICIPAL CODE RELATING TO PAWNBROKERS AND SECONDHAND JEWELRY AND WATCH DEALERS TO REQUIRE PAWNBROKER FORMS TO BE TYPEWRITTEN OR MACHINE PRINTED AND TO REQUIRE RECORDING OF SPECIFIC IDENTIFYING MARKS; TO ADD PAWNBROKER EMPLOYEE TO THOSE REQUIRED TO SUBMIT DAILY REPORTS TO THE CHIEF OF POLICE; TO REQUIRE SECONDHAND JEWELRY AND WATCH DEALER FORMS TO BE TYPEWRITTEN OR MACHINE PRINTED; TO CHANGE "RECORD OF TRANSACTIONS" TO "FORM FOR EACH TRANSACTION"; TO EXTEND THE TIME OF RETENTION OF SECONDHAND JEWELRY OR SECONDHAND WATCHES PURCHASED BY A DEALER FROM 72 HOURS TO 14 DAYS; AND TO MAKE REQUIREMENTS FOR PURCHASING SECONDHAND JEWELRY CONSISTENT WITH REQUIREMENTS FOR PAWNING GOODS - Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S. Street, came forward in favor of this ordinance.

This matter was taken under advisement.

AUTHORIZING THE ISSUANCE AND SALE OF LINCOLN ELECTRIC SYSTEM REVENUE BONDS;

AUTHORIZING THE ISSUANCE OF LINCOLN ELECTRIC SYSTEM REVENUE BONDS, SERIES 2001 IN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$175,000,000 AND TAXABLE LINCOLN ELECTRIC SYSTEM NOTES, SERIES 2001 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$45,000,000;

AMENDING ORDINANCE NOS. 16564, 16792, 16800, AND 17681 RELATING TO THE ISSUANCE OF LINCOLN ELECTRIC SYSTEM REVENUE COMMERCIAL PAPER NOTES PROVIDING FOR THE RELATIVE PRIORITY OF SUCH NOTES AND THE ISSUANCE OF TAXABLE COMMERCIAL PAPER NOTES - Shelly Sahling, Policy Analysis Director and Assistant Counsel for Lincoln Electric System, Lauren Wismer, Attorney, and Virginia Rutledge, Lincoln Electric Financial Advisory came forward to review the details of these ordinances. Discussion followed.

This matter was taken under advisement.

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY & GRETCHEN ZWETZIG, TRUSTEE OF THE DAVID W. FLEMMING REVOCABLE TRUST OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT 8101 SOUTH 14TH STREET. (IN CONNECTION W/01-98, 01R-145);

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY & ALAN SCHROEDER OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT 8201 SOUTH 14TH STREET. (IN CONNECTION W/01-98, 01R-144);

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 4.4 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF S. 14TH ST. & YANKEE HILL RD. (IN CONNECTION W/01R-144 & 01R-145) - Don Bowman, 1045 Lincoln Mall, Attorney representing Gretchen Zwetzig, Trustee of the David W. Flemming Revocable Trust, & Alan Schroeder came forward to answer any questions and to request help with a drainage problem caused by the drainage ditch being plugged up due to the road construction causing the water & mud to back up into the yard of the Flemming property.

Nicole Fleck-Tooze came forward to address questions & stated she will look into the drainage problem on the Flemming problem.

This matter was taken under advisement.

APPROVING A UNIVERSITY PLACE BUSINESS AREA FROM N. 48TH STREET FROM COLBY STREET TO THE MINI-PARKS NORTH OF ADAMS STREET AND THE APPOINTMENT OF A BUSINESS IMPROVEMENT BOARD - April Stevenson, President of Northeast Printers at 48th & Huntington & President of University Place Development Corp. came forward to request approval of a Business Improvement Board to develop a business area.

This matter was taken under advisement.

APPROVING THE STARTRAN RATE SCHEDULE FOR AN INCREASE OF STUDENT FARE FROM \$.50 TO \$1.00 AND THE STUDENT TICKET BOOK FROM \$10.00 TO \$20.00 - Larry Worth, Director of StarTran, came forward to answer any questions.

Mr. Camp asked if there was a possibility of adding bus service in the Lux Middle School area.

Mr. Worth answered he was not going to be able to increase the bus service at all.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF MOUSETRAP INC. DBA "BRASS RAIL" FOR A LIQUOR CATERING LICENSE AT 1436 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80980 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 Mousetrap Inc. dba "Brass Rail" for the issuance of a Catering Permit to the existing liquor license, located at 1436 O 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 Jon Camp

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

APPLICATION OF DENIS M. VONZ FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVERING THE ENTIRE PIONEERS GOLF COURSE AT 3403 WEST VAN DORN STREET ON AUGUST 13, 2001 FROM 8:00 A.M. TO 3:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80981 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 Dennis Vontz d/b/a Pioneers Golf Course for a Special Designated License to cover the entire golf course at 3403 W. Van Dorn Street, Lincoln, Nebraska, on the 13th day of August, 2001, between the hours of 8:00 a.m. and 3:00 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. 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 Jon Camp

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

APPLICATION OF SMG DBA PERSHING AUDITORIUM FOR A SPECIAL DESIGNATED LICENSE TO COVER AN AREA ON N STREET FROM 16TH TO 14TH STREET, CENTENNIAL MALL FROM M STREET TO O STREET, AND 4' OF THE NORTH SIDE OF M STREET ADJACENT TO PERSHING AUDITORIUM ON AUGUST 9, 2001 FROM 4:00 P.M. TO 11:59 P.M., AUGUST 10 AND 11, 2001, FROM 11:00 A.M. TO 11:59 P.M., AND AUGUST 12, 2001 FROM 12:00 NOON TO 5:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80982 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 SMG d/b/a Pershing Auditorium for a Special Designated License to cover an area in N Street from 16th Street to 14th Street, Centennial Mall from "M" Street to "O" Street, and 4' of the north side of M Street adjacent to Pershing Auditorium, Lincoln, Nebraska, on August 9, 2001 from 4:00 p.m. to 11:59 p.m., August 10 and 11, 2001 from 11:00 a.m. to 11:59 p.m., and August 12, 2001 from 12:00 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 Jon Camp

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 3326 - APPLICATION OF THOMASBROOK PROPERTIES FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT - 60TH AND NORMAL BLVD. IN CONNECTION W/01R-186) - 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 second time.

AMENDING CHAPTERS 5.34 AND 5.42 OF THE LINCOLN MUNICIPAL CODE RELATING TO PAWNBROKERS AND SECONDHAND JEWELRY AND WATCH DEALERS TO REQUIRE PAWNBROKER FORMS TO BE TYPEWRITTEN OR MACHINE PRINTED AND TO REQUIRE RECORDING OF SPECIFIC IDENTIFYING MARKS; TO ADD PAWNBROKER EMPLOYEE TO THOSE REQUIRED

TO SUBMIT DAILY REPORTS TO THE CHIEF OF POLICE; TO REQUIRE SECONDHAND JEWELRY AND WATCH DEALER FORMS TO BE TYPEWRITTEN OR MACHINE PRINTED; TO CHANGE "RECORD OF TRANSACTIONS" TO "FORM FOR EACH TRANSACTION"; TO EXTEND THE TIME OF RETENTION OF SECONDHAND JEWELRY OR SECONDHAND WATCHES PURCHASED BY A DEALER FROM 72 HOURS TO 14 DAYS; AND TO MAKE REQUIREMENTS FOR PURCHASING SECONDHAND JEWELRY CONSISTENT WITH REQUIREMENTS FOR PAWNING GOODS - CLERK read an ordinance, introduced by Coleen Seng, amending Chapters 5.34 and 5.42 of the Lincoln Municipal Code relating to Pawnbrokers and Secondhand Jewelry and Watch Dealers, respectively, by amending Section 5.34.050 to require pawnbroker forms to be typewritten or machine printed and to require recording of specific identifying marks; amending Section 5.34.060 to add pawnbroker employee to those required to submit daily reports to the Chief of Police; amending Section 5.42.070 to require secondhand jewelry and watch dealer forms to be typewritten or machine printed; amending Section 5.42.080 to change the phrase "record of transactions" to "form for each transaction"; amending Section 5.42.100 to extend the time of retention of secondhand jewelry or secondhand watches purchased by a dealer from 72 hours to 14 days; amending Section 5.42.110 to make requirements for purchasing secondhand jewelry consistent with requirements for pawning goods; and repealing Sections 5.34.050, 5.34.060, 5.42.070, 5.42.080, 5.42.100, and 5.42.110 of the Lincoln Municipal Code as hitherto existing, the second time.

AUTHORIZING THE ISSUANCE AND SALE OF LINCOLN ELECTRIC SYSTEM REVENUE BONDS -
Prior to reading :

CAMP Moved to suspend the rules to have 2nd & 3rd Reading 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 Terry Werner, authorizing the issuance and sale of Lincoln Electric System Revenue Bonds, the second time. **(See Council Action under "ORDINANCES - 3RD READING")**

AUTHORIZING THE ISSUANCE OF LINCOLN ELECTRIC SYSTEM REVENUE BONDS, SERIES 2001 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$175,000,000 AND TAXABLE LINCOLN ELECTRIC SYSTEM NOTES, SERIES 2001 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$45,000,000 - PRIOR to reading:

CAMP Moved to suspend the rules to have 2nd & 3rd Reading 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 Coleen Seng, authorizing the issuance of Lincoln electric System Revenue Bonds, Series 2001 in the aggregate principal amount of not to exceed \$175,000,000 and taxable Lincoln Electric System notes, \$45,000,000, the third time. **(See Council Action under "ORDINANCES - 3RD READING")**

AMENDING ORDINANCE NOS. 16564, 16792, 16800, AND 17681 RELATING TO THE ISSUANCE OF LINCOLN ELECTRIC SYSTEM REVENUE COMMERCIAL PAPER NOTES PROVIDING FOR THE RELATIVE PRIORITY OF SUCH NOTES AND THE ISSUANCE OF TAXABLE COMMERCIAL PAPER NOTES - PRIOR to reading:

CAMP Moved to suspend the rules to have 2nd & 3rd Reading 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 Coleen Seng, amending Ordinance Nos. 16564, 16792, 16800 and 17681 relating to the issuance of Lincoln Electric System Revenue Commercial Paper Notes providing for the relative priority of such notes and the issuance of taxable commercial paper notes, the third time. **(See Council Action under "ORDINANCES - 3RD READING")**

RESOLUTIONS

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY & GRETCHEN ZWETZIG, TRUSTEE OF THE DAVID W. FLEMMING REVOCABLE TRUST OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT 8101 SOUTH 14TH STREET. (IN CONNECTION W/01-98, 01R-145) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80983 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Annexation Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Gretchen Zwetzig, Trustee of the David W. Flemming Revocable

Trust (Owner) outlining certain conditions and understandings between the City and said Owner relating to the annexation of land generally located at 8101 South 14th Street is approved.

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

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

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

Introduced by Terry Werner

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

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY & ALAN SCHROEDER OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT 8201 SOUTH 14TH STREET. (IN CONNECTION W/01-98, 01R-144) - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80984 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Annexation Agreement which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and Alan Schroeder (Owner) outlining certain conditions and understandings between the City and said Owner relating to the annexation of land generally located at 8201 South 14th Street is approved.

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

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

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

Introduced by Terry Werner

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

APPROVING A UNIVERSITY PLACE BUSINESS AREA FROM N. 48TH STREET FROM COLBY STREET TO THE MINI-PARKS NORTH OF ADAMS STREET AND THE APPOINTMENT OF A BUSINESS IMPROVEMENT BOARD - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80985 WHEREAS, the City is authorized by the Business Improvement District Act, Neb. Rev. Stat. §§ 19-4015 to 19-4038 (the Act), to create Business Improvement Districts to provide a means to raise the necessary funds for the purposes enumerated in the Act.

WHEREAS, the City wishes to identify a Business Area as provided in the Act and appoint a Business Area Improvement Board to study and make recommendations consistent with the Act.

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

1. The following area is hereby declared to be an established Business Area of the City of Lincoln zoned for business, public, or commercial purposes for purposes of the Act to be known as the "University Place Business Area", along North 48th Street from Colby Street to the mini-parks north of Adams Street and from 46th Street to 49th Street and a portion of 50th Street including all abutting lots or land zoned for business, public, or commercial purposes, as more particularly set forth in Attachment "A" which is incorporated by this reference.

2. The Mayor has appointed and the City Council hereby approves, for the designated terms, the following Business Improvement Board members consisting of property owners, residents, business operators, or users of space within the business area to be known as the University Place Improvement Board and who agree to serve without compensation for a three-year term or until their successors are appointed and qualified:

Rick Bjorn
Randy Brummer
Jim Cook
Peggy Green
Steve Guittar
John Hall
Jerry Shaw

3. The University Place Improvement Board (Board) shall make

recommendations to the City Council for the establishment of a plan or plans for improvements in the University Place Business Area.

4. The Board shall comply with the Act and meet according to law and such rules and by-laws as the Board shall adopt.

5. The Board may make recommendations to the City Council on the proposed boundaries for any Business Improvement Districts to be established in the University Place Business Area. The Board may also make recommendations as to the use of funds collected and type of assessments, if any, related to the University Place Business Area.

Introduced by Terry Werner

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

ORDERING PAVING DISTRICT 2621 CONSTRUCTED IN 7TH STREET FROM O TO N STREETS - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80986 WHEREAS, Paving District No. 2621, created by Ordinance No. 17862, passed by the City Council on June 11, 2001, designates 7th Street from "O" to "N" to be paved and

WHEREAS, 7th Street from "O" Street to "N" Street is located within a one and one-half mile radius from the block in which the city hall is situated; and

WHEREAS, Article VIII, Section 3b(1) of the City Charter provides that the City Council may order, without petition, the construction of paving in a street when it is embraced within a district, the outer boundaries of which are within a distance of one and one-half miles from the block in which the city hall is situated.

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

That the streets in Paving District No. 2621 are hereby ordered paved.

BE IT FURTHER RESOLVED that the City Engineer is authorized and directed to prepare plans and specifications for said paving in accordance with this resolution.

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

Introduced by Terry Werner

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

APPOINTING MARIA MEDRANO-NEHLS TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING MARCH 1, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80987 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Maria Medrano-Nehls to the Lincoln-Lancaster Women's Commission to fill an unexpired term expiring March 1, 2002 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 LAUREN ELLINGSON AND VU CHU TO THE LINCOLN PARKS AND RECREATION ADVISORY BOARD FOR ONE-YEAR TERMS EXPIRING JUNE 30, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80988 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Lauren Ellingson and Vu Chu to the Lincoln Parks and Recreation Advisory Board, as student representatives, for one-year terms expiring June 30, 2002 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.

REAPPOINTING DAN PUDENZ AND DON SCHROEDER TO THE ELECTRICAL ADVISORY, APPEALS AND EXAMINING BOARD FOR THREE-YEAR TERMS EXPIRING AUGUST 15, 2004 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80989 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Dan Pudenz and Don Schroeder to the Electrical Advisory, Appeals and Examining Board for a three-year terms expiring August 15, 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.

APPROVING THE STARTRAN RATE SCHEDULE FOR AN INCREASE OF STUDENT FARE FROM 50¢; TO \$1.00 AND THE STUDENT TICKET BOOK FROM \$10.00 TO \$20.00 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80990 WHEREAS, pursuant to Section 2.38.100 of the Lincoln Municipal Code, the StarTran Advisory Board has made recommendations regarding an increase in the student cash fares and student ticket books and its enactment prior to the 2001-02 school year; and

WHEREAS, the City Council, pursuant to said Code section, must review all recommendations and take final action thereon.

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

That the City Council, upon review of the recommendations of the StarTran Advisory Board, hereby accepts and adopts the following as the StarTran fare structure to increase the student cash fares and student ticket books:

HandiVan & Brokerage Services (cash)	\$ 1.70/ride
Adult Ticket Book (HandiVan & Brokerage Services)	\$34.00/book
Friends/Companions who accompany ADA eligible persons on HandiVan or Brokerage Services	Same fare as paid by ADA eligible person
Passport (Unlimited rides per month (HandiVan & Brokerage Services))	\$50.00/month
Adult Cash	\$.85/ride
Student (elementary, middle & high school)	\$.50/ride <u>\$ 1.00/ride</u>
Child (4 and under)	Free
Star Shuttle/Downtown Zone	\$.25/ride
Go-For-Less & Senior saver	\$.40/ride
Adult Ticket Book (regular service)	\$17.00/book
Student Ticket Book (20 ride)	\$10.00/card <u>\$20.00/card</u>
Elderly Handicapped Punch Pass (Regular service 20-ride)	\$ 7.00/card
Passport (Unlimited rides/month Regular Service)	\$25.00/month
Transfers	Free
Ride 'N Shop reimbursements	\$.40
Holiday Light Tour	\$ 2.00/ride paid in advance
Big Red Express - Adult	\$ 2.00/ride
Big Red Express - 12 & under	\$ 1.00/ride

BE IT FURTHER RESOLVED that the fare structure set forth above shall become effective on August 13, 2001, and upon that date Resolution No. A-80369 relating to fares shall be superseded.

Introduced by Terry Werner

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

SPECIAL PERMIT 572E - APPLICATION OF THOMASBROOK PROPERTIES TO AMEND THE THOMASBROOK APARTMENTS COMMUNITY UNIT PLAN TO DECREASE THE LAND AREA OF THE COMMUNITY UNIT PLAN ON PROPERTY GENERALLY LOCATED AT 60TH AND NORMAL BLVD. - PRIOR to reading:

COOK Moved to delay Bill No. 01R-186 for one week to 7/30/01.

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

AUTHORIZING THE ACQUISITION OF BLOCK 101, ORIGINAL PLAT, BY NEGOTIATION OR BY CONDEMNATION - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80991 WHEREAS, the City of Lincoln, the County of Lancaster, and the Lincoln-Lancaster County Public Building Commission, have certain enumerated powers, duties, and responsibilities pursuant to State law, Interlocal Agreement, Home Rule Charter, and City Ordinance to acquire real property for public purposes to be used jointly by the City and the County;

WHEREAS, the number of public parking spaces adjoining the City-County complex has been reduced while the need for such spaces has

continued and, in fact, the demand may have grown, and will continue to grow;

WHEREAS, powers have been given specifically to the Public Building Commission in Neb. Rev. Stat. § 13-1301 et seq.;

WHEREAS, the City and the County have entered into an Interlocal Agreement most recently amended and executed July 16, 1996 which provides that any new project which the Commission proposes to undertake shall be approved by resolution of the City Council and the County Board and such approval shall authorize the Commission to acquire real property by gift, grant, bequest, purchase, or condemnation;

WHEREAS, both the City and County have been granted the right to exercise the power of eminent domain under Neb. Rev. Stat. § 76-701;

WHEREAS, the City of Lincoln, County of Lancaster, and the Lincoln-Lancaster County Public Building Commission approve the acquisition of real property for the construction of a parking facility or project;

WHEREAS, it is anticipated that each of the entities, individually or together, will need to exercise the power of eminent domain to acquire some or all of the necessary real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Lincoln, Nebraska, the County Board of Lancaster County, Nebraska, and the Lincoln-Lancaster County Public Building Commission that the City, County, and Public Building Commission individually or jointly are hereby authorized to acquire Block 101, Original Plat, for the construction of a parking structure or facility for public purposes.

BE IT FURTHER RESOLVED that the City Attorney is hereby directed to institute eminent domain proceedings for the acquisition of the necessary property in the event that negotiations for the acquisition of the real property are not successful.

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, AUGUST 13, 2001 AT 1:30 P.M. FOR APP. OF BUGEATER INVESTMENTS, INC. DBA "THE WATERING HOLE" FOR AN ADDITION TO PREMISE APPROX. 22' X 150' AT 1321 O STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80992 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., August 13, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Investments, Inc. dba "The Watering Hole" for an addition to premise approx. 22' x 150' at 1321 O Street.

Introduced by Terry Werner

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

PETITIONS AND COMMUNICATIONS

APP. OF SPECIAL OLYMPICS NEBRASKA TO CONDUCT A RAFFLE WITHIN THE CITY LIMITS - CLERK requested a motion to set the hearing date for Mon., Aug. 13, 2001 at 1:30 p.m.

COOK So moved

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JULY 16, 2001 - Carried over to week of 7/30/01 since it had not been received in the City Clerk Office. (27-1)

INVESTMENT OF FUNDS FOR JULY 9 - 13, 2001 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-80993 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 for July 9 - 13, 2001)

Introduced by Terry Werner

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

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS JUNE 29,

2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF APRIL, 2001: MATRIX, OPEX, NETIFICE, ZENEX; JUNE, 2001: TOUCH AMERICA, PRIMUS, VARTEC, NETWORK BILLING, TRANS NAT'L, ATLAS, LCI INT'L, LINCOLN CELTEL CO, TELIGENT, QWEST, TRACFONE - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

CHANGE OF ZONE 3313 - APPLICATION OF NORTH CREEK L.L.C. FOR A CHANGE OF ZONE FROM R-3 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND WHITEHEAD DRIVE. (IN CONNECTION W/01R-192) - 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.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 53.67 ACRES OF PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS. (IN CONNECTION W/01-118, 01R-191, 01R-194, 01R-195, 01R-196) - CLERK read an ordinance, introduced by Terry Werner, amending Section 15 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17552, passed September 20, 1999 defining the corporate limits of the City of Lincoln, Nebraska; repealing said Section 15 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17552, passed September 20, 1999, as hitherto existing, the first time.

CHANGE OF ZONE 3255 - APPLICATION OF HOLDREGE INVESTORS, L.L.C. AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, R-4 RESIDENTIAL, B-2 PLANNED NEIGHBORHOOD BUSINESS, AND O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS. (IN CONNECTION W/01-117, 01R-191, 01R-194, 01R-195, 01R-196) - 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.

ORDINANCES - 3RD READING

AUTHORIZING THE ISSUANCE AND SALE OF LINCOLN ELECTRIC SYSTEM REVENUE BONDS - CLERK read an ordinance, introduced by Terry Werner, authorizing the issuance and sale of Lincoln Electric System Revenue Bonds, the third time.

WERNER 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 #17879, is recorded in Ordinance Book 24, Page

AUTHORIZING THE ISSUANCE OF LINCOLN ELECTRIC SYSTEM REVENUE BONDS, SERIES 2001 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$175,000,000 AND TAXABLE LINCOLN ELECTRIC SYSTEM NOTES, SERIES 2001 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$45,000,000 - CLERK read an ordinance, introduced by Terry Werner, authorizing the issuance of Lincoln electric System Revenue Bonds, Series 2001 in the aggregate principal amount of not to exceed \$175,000,000 and taxable Lincoln Electric System notes, \$45,000,000, the third time.

WERNER 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 #17880, is recorded in Ordinance Book 24, Page

AMENDING ORDINANCE NOS. 16564, 16792, 16800, AND 17681 RELATING TO THE

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ISSUANCE OF LINCOLN ELECTRIC SYSTEM REVENUE COMMERCIAL PAPER NOTES PROVIDING FOR THE RELATIVE PRIORITY OF SUCH NOTES AND THE ISSUANCE OF TAXABLE COMMERCIAL PAPER NOTES - CLERK read an ordinance, introduced by Terry Werner, amending Ordinance Nos. 16564, 16792, 16800 and 17681 relating to the issuance of Lincoln Electric System Revenue Commercial Paper Notes providing for the relative priority of such notes and the issuance of taxable commercial paper notes, the third time.

WERNER 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 **#17881**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE HP70 - APP. OF RHO CHAPTER HOUSE CORP. KAPPA ALPHA THETA FRATERNITY FOR A LANDMARK DESIGNATION FOR THE KAPPA ALPHA THETA SORORITY HOUSE AT 1545 S STREET - CLERK read an ordinance, introduced by Glenn Friendt, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating certain property as a Landmark, the third time

FRIENDT 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 **#17882**, is recorded in Ordinance Book 24, Page

APPROVING A CONSENT TO SUBLEASE AGREEMENT WITH ALLTEL TO ALLOW QWEST WIRELESS TO CO-LOCATE ON THE ALLTEL TOWER IN ANTELOPE PARK - CLERK read an ordinance, introduced Glenn Friendt, accepting and approving and consenting to an Agreement to Sublease between Alltel and Qwest Wireless for the sublease and co-location of telecommunications facilities upon City property in Antelope Park and authorizing the Mayor to sign such consent on behalf of the City, the third time.

FRIENDT 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 **#17883**, is recorded in Ordinance Book 24, Page

APPROVING A CONSENT TO SUBLEASE AGREEMENT WITH AMERICAN TOWER CORP. TO ALLOW AMERICAN TOWER TO SUBLEASE THE ALLTEL PREMISES IN ANTELOPE PARK - CLERK read an ordinance, introduced by Glenn Friendt, accepting and approving and consenting to an Agreement to Sublease between Alltel and the American Tower Corporation for the sublease and assignment of telecommunications facilities upon City property in Antelope park and authorizing the Mayor to sign such consent on behalf of the City, the third time.

FRIENDT 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 **#17884**, is recorded in Ordinance Book 24, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 4.4 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF SOUTH 14TH STREET & YANKEE HILL ROAD. (IN CONNECTION W/01R-144 & 01R-145) - CLERK read an ordinance, introduced by Jon Camp, amending Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17869 (Bill No. 01-97) passed June 24, 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. 17869 (Bill No. 01-97), passed June 25, 2001, as hitherto existing, the third time.

CAMP 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 **#17885**, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.

Seconded by Seng & 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
30, 2001.
 Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

2:40 p.m.

CAMP Moved to adjourn the City Council Meeting of July 23, 2001.
 Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III

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