

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, SEPTEMBER 17, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:32 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk.

Council Chair asked the visitors to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of September 10, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF THE EATING ESTABLISHMENT HOLDING CO. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 30' BY 45' AT ST. ELIZABETH REGIONAL MEDICAL CENTER, 555 S. 70TH STREET, ON THE 25TH DAY OF SEPTEMBER, 2001, FROM 1:00 P.M. TO 1:00 A.M. - Mark Kurth, 716 South 29th Street, came forward in favor and to answer any questions Council may have.

This matter was taken under advisement.

APPLICATION OF WAL-MART INC. DBA "WAL-MART SUPERCENTER #1943" FOR A CLASS D LIQUOR LICENSE AT 4700 N. 27TH STREET;
MANAGER APPLICATION OF RYAN LEE HOAGE FOR WAL-MART INC. DBA "WAL-MART SUPERCENTER #1943" AT 4700 N. 27TH STREET - Ryan Hoage, 4646 Buffalo Creek Rd, came forward and took the oath, to answer questions posed by the Council.

This matter was taken under advisement.

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 6, 2001 FROM 7:00 A.M. TO 1:00 A.M.;

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 20, 2001 FROM 7:00 A.M. TO 1:00 A.M.;

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 27, 2001 FROM 7:00 A.M. TO 1:00 A.M.;

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON NOVEMBER 10, 2001 FROM 7:00 A.M. TO 1:00 A.M. - Michael & Mary Webb, 7401 Wren Circle, came forward in favor of the applications and to answer any questions.

Margaret Remmenga, Business Office Manager for Public Works & Utilities, came forward in opposition, due to the fact the City was hopefully going to have possession of this said property by October 1, 2001. She noted that bids were due in by September 19th and construction schedules to begin on October 1, 2001.

Dana Roper, City Attorney, came forward to answer questions posed by Council.

This matter was taken under advisement.

CHANGE OF ZONE 3336 - APPLICATION OF REX ANDERSON FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-7 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 19TH AND DUDLEY STREETS - Rex Anderson, 1328 N. 19th Street, came forward in favor of the Change of Zone.

Becky Horner, of Planning Staff, came forward to answer questions posed by Council.

Delores Lintel, 1125 N. 25th Street, and a representative of the Clinton Neighborhoods, came forward in favor.

Annette McRoy, Council Chair, reported that Rebecca Hasty had called and was opposed to this Change of Zone.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward in favor.

This matter was taken under advisement.

APPROVING A JOINT FUNDING AGREEMENT BETWEEN THE CITY AND THE U.S. GEOLOGICAL SURVEY FOR A BANK FILTRATION RESEARCH PROJECT OF THE ASHLAND WELLFIELD - Jerry Obrist, Chief Engineer of Water Works, came forward to explain the agreement and removal of contaminants from the system.

This matter was taken under advisement.

AMENDING THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO EXPAND THE STREETScape AMENITIES PROJECT AREA TO INCLUDE AN ADDITIONAL 200 LINEAL FEET OF AREA BY EXTENDING THAT PORTION OF ST. PAUL AVENUE IN THE PLAN WEST TO N. 47TH STREET - Steve Guitar, Business Improvement Board, came forward in favor.

This matter was taken under advisement.

SPECIAL PERMIT 1901A - APPLICATION OF RLM, L.L.C. TO AMEND VAVIK RIDGE COMMUNITY UNIT PLAN FOR 22 UNITS OF ELDERLY HOUSING TO CORRECT THE LOT DIMENSIONS AND WAIVERS OF THE REQUIRED FRONT YARD, SIDE YARD, REAR YARD, AND DEPTH TO WIDTH RATIO, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND ELKCREST DRIVE - Brian Carstens, 2935 Pine Lake Rd., Ste. H, representing RLM, L.L.C., came forward in favor.

This matter was taken under advisement.

SPECIAL PERMIT 1926 - APPLICATION OF MARK LYON ON BEHALF OF IDEAL GROCERY FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT S. 27TH AND F STREETS - Mark Lyon, 1623 Dakota, came forward in favor of the special permit and to answer questions posed by Council.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 16 - 31, 2001 - Sandy & Phil Yoakum, 4504 St. Paul Ave., came forward to oppose the decision of the City Attorney regarding their claim.

Reginald Bauer, (no address given), came forward to oppose the decision of the City Attorney regarding his claim.

Dana Roper, City Attorney, came forward to answer questions posed by the Council.

Ron Davis, 256 Hartley Street, came forward to present his case regarding the City's denial of his claim.

These matters were taken under advisement.

APPLICATION OF PIUS X HIGH SCHOOL BOOSTER CLUB TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM JANUARY 20, 2002 THROUGH APRIL 20, 2002 - Jodi Fischer, 6814 So. 51st Street, came forward in favor of this application of Pius X High School.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS PUBLIC HEARING

Ed Patterson, 2108 Q Street, came forward to inform the Council of the conditions of the park in the Malone Neighborhood, after the Nebraska/Notre Dame game. He shared various photos with those present to show the trash and beer bottles that had been left behind in Beadle Center parking lot and nearby Trago park.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to propose that the University needs to be made aware of the situation that Ed Patterson had brought forward and it seems it should be the University's responsibility to clean this area up, not that of the neighbors. Ken Svoboda proposed that Chairperson McRoy contact the University in writing to address this matter.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MICHAEL D. OLDERBAK FOR NEBRASKA RETAIL VENTURES L.L.C. DBA AMPRIDE 101 AT 4135 S. 48TH STREET, AMPRIDE 102 AT 4002 ADAMS STREET, AMPRIDE 103 AT 600 W. A STREET, AMPRIDE 105 AT 3291 HOLDREGE STREET, AMPRIDE 106 AT 4401 N. 70TH STREET, AND AMPRIDE 107 5501 SUPERIOR STREET - PRIOR to reading:

SENG Moved to **WITHDRAW** the application per the request of the applicant.

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

APPLICATION OF THE EATING ESTABLISHMENT HOLDING CO. FOR A SPECIAL DESIGNATED LIQUOR LICENSE TO COVER AN AREA MEASURING 30' BY 45' AT ST. ELIZABETH REGIONAL MEDICAL CENTER, 555 S. 70TH STREET, ON THE 25TH DAY OF SEPTEMBER, 2001, FROM 1:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81091 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 The Eating Establishment Holding Co. for a Special Designated License to cover an area measuring 30 feet by 45 feet at St. Elizabeth Regional Medical Center, 555 S. 70th Street, Lincoln, Nebraska, on the 25th day of September, 2001, between the hours of 1:00 p.m. and 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 Jon Camp

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

APPLICATION OF WAL-MART INC. DBA "WAL-MART SUPERCENTER #1943" FOR A CLASS D LIQUOR LICENSE AT 4700 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81092 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 Wal-Mart Inc. dba "Wal-Mart Supercenter #1943" for a Class "D" liquor license at 4700 N. 27th Street, 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 Jon Camp

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

MANAGER APPLICATION OF RYAN LEE HOAGE FOR WAL-MART INC. DBA "WAL-MART SUPERCENTER #1943" AT 4700 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81093 WHEREAS, Wal-Mart Inc. dba "Wal-Mart Supercenter #1943: located at 4700 N. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Ryan Lee Hoage be named manager;

WHEREAS, Ryan Lee Hoage 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 Ryan Lee

Hoage 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 Jon Camp

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

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 6, 2001 FROM 7:00 A.M. TO 1:00 A.M. - PRIOR to reading:

CAMP Moved to amend Application of Barry Good , Inc. to add after Line 16: BE IT FURTHER resolved that this approval of this SDL would expire upon ownership of property being transferred to the City of Lincoln.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81094 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 Barry Good Inc. d/b/a "Barry's Bar & Grill" for a Special Designated License to cover an area measuring 142 feet by 134 feet in the parking lot at 301 North 9th Street, Lincoln, Nebraska, on the 6th day of October, 2001, between the hours of 7:00 a.m. and 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.

BE IT FURTHER RESOLVED that this approval of this SDL would expire upon ownership of property being transferred to the City of Lincoln.

Introduced by Jon Camp

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

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 20, 2001 FROM 7:00 A.M. TO 1:00 A.M. - PRIOR to reading:

CAMP Moved to delay action of the application of Barry Good Inc. for two weeks to 10-01-01.

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

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON OCTOBER 27, 2001 FROM 7:00 A.M. TO 1:00 A.M. - PRIOR to reading:

CAMP Moved to delay action of the application of Barry Good Inc. for two weeks to 10-01-01.

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

APPLICATION OF BARRY GOOD INC DBA "BARRY'S BAR & GRILL" FOR A SPECIAL DESIGNATED LICENSE COVERING AN AREA MEASURING 142' BY 134' IN THE PARKING LOT AT 301 N. 9TH STREET, ON NOVEMBER 10, 2001 FROM 7:00 A.M. TO 1:00 A.M. - PRIOR to reading:

CAMP Moved to delay action of the application of Barry Good Inc. for two weeks to 10-01-01.

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

AMENDING SECTION 2.62.020 OF THE LINCOLN MUNICIPAL CODE TO INCLUDE BI-WEEKLY POST EMPLOYMENT HEALTH PLAN CONTRIBUTIONS FOR PURPOSES OF CALCULATING PENSION BENEFITS FOR PARTICIPANTS IN POLICE AND FIRE PENSION PLAN "A" - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.62.020 of the Lincoln Municipal Code to amend the definition of regular pay to include bi-weekly Post Employment Health Plan (PEHP) contributions for purposes of calculating pension benefits for participants in Police and Fire Pension Plan "A"; and repealing Section 2.62.020 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.65.020 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE DEFINITION OF REGULAR PAY TO INCLUDE BI-WEEKLY POST EMPLOYMENT HEALTH PLAN CONTRIBUTIONS FOR PURPOSES OF CALCULATING PENSION BENEFITS FOR PARTICIPANTS IN POLICE AND FIRE PENSION PLAN "B"- CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.62.020 of the Lincoln Municipal Code to amend the definition of regular pay to include bi-weekly Post Employment Health Plan (PEHP) contributions for purposes of calculating pension benefits for participants in Police and Fire Pension Plan "B"; and repealing Section 2.65.020 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING SECTION 2.66.020 OF THE LINCOLN MUNICIPAL CODE TO AMEND THE DEFINITION OF REGULAR PAY TO INCLUDE BI-WEEKLY POST EMPLOYMENT HEALTH PLAN CONTRIBUTIONS FOR PURPOSES OF CALCULATING PENSION BENEFITS FOR PARTICIPANTS IN POLICE AND FIRE PENSION PLAN "C" - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 2.66.020 of the Lincoln Municipal Code to amend the definition of regular pay to include bi-weekly Post Employment Health Plan (PEHP) contributions for purposes of calculating pension benefits for participants in Police & Fire Pension Plan "C"; and repealing Section 2.66.020 of the Lincoln Municipal Code as hitherto existing, the second time.

CHANGE OF ZONE 3336 - APPLICATION OF REX ANDERSON FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-7 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 19TH AND DUDLEY STREETS - CLERK read an ordinance introduced by Ken 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.

RESOLUTIONS

APPOINTING GERRY KREISER TO THE BOARD OF ZONING APPEALS FOR A FIVE-YEAR TERM EXPIRING AUGUST 24, 2006 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81095 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Gerry Kreiser to the Board of Zoning Appeals for a five-year term expiring August 24, 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 GERRY KREISER TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION FOR A SIX-YEAR TERM EXPIRING AUGUST 24, 2007 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81096 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Gerry Kreiser to the Lincoln-Lancaster County Planning Commission for a six-year term expiring August 24, 2007 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 A JOINT FUNDING AGREEMENT BETWEEN THE CITY AND THE U.S. GEOLOGICAL SURVEY FOR A BANK FILTRATION RESEARCH PROJECT OF THE ASHLAND WELLFIELD - CLERK Read a resolution, introduced by Terry Werner, who moved its

adoption:

A-81097 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached three year Agreement with United States Geological Survey providing for a Bank Filtration Research Project, to address the effectiveness of the aquifer's ability to remove select contaminants from the raw river water flowing through the aquifer, 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 the executed copies of the Agreement to Jerry Obrist, Chief Engineer, Lincoln Water System.

Introduced by Terry Werner

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

AMENDING THE UNIVERSITY PLACE REDEVELOPMENT PLAN TO EXPAND THE STREETScape AMENITIES PROJECT AREA TO INCLUDE AN ADDITIONAL 200 LINEAL FEET OF AREA BY EXTENDING THAT PORTION OF ST. PAUL AVENUE IN THE PLAN WEST TO N. 47TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81098 WHEREAS, the City Council on December 7, 1998 adopted Resolution No. A-79200 adopting the University Place Redevelopment Plan; and

WHEREAS, the Director of Urban Development has filed with the City Clerk an amendment to Section III of the University Place Redevelopment Plan to expand the streetscape amenities project area to include an additional 200 lineal feet of area by extending that portion of St. Paul Avenue in the plan west to N. 47th Street to provide a logical extension of the Streetscape Project Area to N. 47th Street instead of terminating it at a point in mid-block; said plan amendments are attached hereto, and marked in Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan amendments and has found that they meet the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on August 10, 2001 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on August 22, 2001 before the Lincoln City - Lancaster County Planning Commission regarding the amendments to the University Place Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed amendments to the University Place Redevelopment Plan have been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on August 22, 2001 found said request to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on September 7, 2001 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on September 17, 2001 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on August 31, 2001 and September 7, 2001 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on September 17, 2001 regarding the proposed amendments to the University Place Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on September 17, 2001 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed amendments to the University Place Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express

their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed amendments.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the University Place Redevelopment Plan as modified by the proposed amendments is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the University Place Redevelopment Plan as modified by the proposed amendments is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan as modified by the proposed amendment is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the amendments to the University Place Redevelopment Plan attached hereto as Attachment "A" are hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said amendments to the University Place Redevelopment Plan.

BE IT STILL FURTHER RESOLVED that it is intended that this resolution and the modifications adopted herein are supplemental hereto to the findings, approvals, and authorizations set forth in Resolution No. A-79200.

Introduced by Terry Werner

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

SPECIAL PERMIT 1901A - APPLICATION OF RLM, L.L.C. TO AMEND VAVIK RIDGE COMMUNITY UNIT PLAN FOR 22 UNITS OF ELDERLY HOUSING TO CORRECT THE LOT DIMENSIONS AND WAIVERS OF THE REQUIRED FRONT YARD, SIDE YARD, REAR YARD, AND DEPTH TO WIDTH RATIO, ON PROPERTY GENERALLY LOCATED AT S. 56TH STREET AND ELKCREST DRIVE - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81099 WHEREAS, RLM, L.L.C. has submitted an application designated as Special Permit No. 1901A to amend Vavik Ridge Community Unit Plan consisting of 22 dwelling units for elderly housing to correct the lot dimensions and waiver of the required front yard, side yard, rear yard, and depth to width ratio on property located at S. 56th Street and Elkcrest Drive, and legally described to wit:

Vavik Ridge Addition, 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 amended 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 RLM, L.L.C., hereinafter referred to as "Permittee", to amend 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; from 30 feet to 26 feet along the north side of Vavik Place on Lots 1 and 2, Block 2 and the east and west side of S. 55th Court; and the required front yard of 30 feet to 5 feet along the north side of Vavik Place on Lot 3, Block 1.
 - 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 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.

AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT S. 27TH AND F STREETS - PRIOR to reading:

COOK Moved to delay action on Bill No. 01R-248 for one week to 9/24/01.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: McRoy.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF AUGUST 16 - 31, 2001 - PRIOR to reading:

SVOBODA Moved to delay action on the Yoakum Claim for one week to 9-24-01.
Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp.

CAMP Moved to delay action on the Bauer Claim for one week to 9-24-01.
Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Werner; NAYS: Camp & Svoboda.

COOK Moved to delay action on the Davis Claim for one week to 9-24-01.
Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp.

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption to accept the remaining claims as recommended:

A-81100 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 September 4, 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> | |
|------------------------------------|-------------------|-------------------------|-----------|
| Estate of Traci Prickett | \$ 500,000.00 | Robert & Beverly Renfro | \$ 329.15 |
| Robert Blankenship | 950,000.00 | Sarah Ratcliffe | 1,042.34 |
| Jason Blair | 1,000,000.00 | Dawn R. McFarland | 5,090.48 |
| Theodore R. Wilcox | 100,000.00 | | |
| Cindy Frye | NAS* | | |
| Ronnie L. Davis | 611.47 | | |
| Kelly Anthofer | 500.00 | | |
| Reginald Bauer | 260.00 | | |
| Haoran Sun | 114.00 | | |
| Kimball Management | 105.66 | | |
| Phil & Sandy Yoakum | 252.98 | | |
| Tim Klenke | 70.00 | | |
| Dennis Turnbull | 70.00 | | |
| Jim Fisher | 70.00 | | |
| Larry Husa | 70.00 | | |

* No Amount Specified.

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

Introduced by Terry Werner

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

APPLICATION OF ST. TERESA'S CATHOLIC CHURCH TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCTOBER 2, 2001 THROUGH NOVEMBER 11, 2001 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81101 WHEREAS, St. Teresa's Catholic Church has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

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

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

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

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the

Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Terry Werner

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

APPLICATION OF PIUS X HIGH SCHOOL BOOSTER CLUB TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM JANUARY 20, 2002 THROUGH APRIL 20, 2002 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81102 WHEREAS, Pius X High School Booster Club - B.O.L.T. has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

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

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Pius X High School Booster Club - B.O.L.T. to conduct a lottery in the City of Lincoln in accordance with the application filed by Deborah Schulte, Administrative Director. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Terry Werner

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

APPLICATION OF HUSKER ATHLETICS FUND TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 20, 2001 THROUGH OCTOBER 20, 2001 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81103 WHEREAS, Husker Athletics Fund has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

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

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

That, after public hearing duly had as required by Section 0.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to Husker Athletics Funds to conduct a raffle in the City of Lincoln in accordance with the application filed by Bud Synhorst. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the

specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 1, 2001 AT 1:30 P.M. FOR LAZLO INC DBA EMPYREAN ALES/LAZLO'S/JABRISCO'S FOR AN ADDITION TO THE PREMISE OF APPROX. 33' X 49', LOCATED AT 210 NORTH 7TH STREET - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81104 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Monday, October 1, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 South 10th Street, Lincoln, NE, for the purpose of considering the Application of Lazlo Inc. dba Empyrean Ales/Lazlo's/Jabrisco's for an addition to his license premise of approx. 33' x 49' at a bldg located at 210 N. 7th St.

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

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

REPORT FROM THE UNL MICROBIOLOGIST OF WATER TESTS FOR THE MONTH OF AUGUST - CLERK Presented said report which was placed on file in the Office of the City Clerk. (35-01)

PETITION TO VACATE PUBLIC WAY GREENFIELD STREET FROM N.W. 10TH STREET NORTH 75 FEET, SUBMITTED BY GERALD L. SCHLEICH - CLERK presented said petition, which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR AUGUST 27 THROUGH AUGUST 31, 2001 - CLERK read the following resolution, introduced by Terry Werner, moved its adoption:

A-81105 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 August 27 - August 31, 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 FOR SEPTEMBER 4 THROUGH SEPTEMBER 7, 2001 - CLERK read the following resolution, introduced by Terry Werner, moved its adoption:

A-81106 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 September 4 - September 7, 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 FOR THE MONTH OF APRIL - SEPTEMBER, 2001: AIRTIME SMR, INC.; FOR THE MONTH OF JULY: BROADWING TELECOMMUNICATIONS; IBM GLOBAL SERVICES-NS DIV.; NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC.; FOR THE MONTH OF AUGUST : ONE CALL COMMUNICATIONS, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

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

ORDINANCES - 1ST READING

**REGULAR MEETING
SEPTEMBER 17, 2001
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VACATING THE NORTH-SOUTH ALLEY IN BLOCK 119, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 10TH STREET AND LINCOLN MALL - CLERK read an ordinance, introduced by Terry Werner, vacating the north-south alley in Block 119, Original Plat, generally located at 10th Street and Lincoln Mall and retaining title thereto in the City of Lincoln, the first time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUBDIVISION ORDINANCE TO GROUP ALL APPLICATION FEES INTO ONE CHAPTER, TO ADD AN APPLICATION FEE FOR A REQUEST TO AMEND THE CONDITIONS OF AN APPROVED FINAL PLAT, TO VACATE A FINAL PLAT, AND TO AMEND THE TEXT OF THE LAND SUBDIVISION ORDINANCE - CLERK read and ordinance, introduced by Terry Werner, amending title 26 of the Lincoln Municipal Code relating to the land subdivision ordinance to group all application fees into one chapter, to add an application fee for a request to amend the conditions of an approved final plat, to vacate a final plat, and to amend the text of the land subdivision ordinance, the first time.

ORDINANCES - 3RD READING

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,000,000 CITY OF LINCOLN, NEBRASKA PARKING REVENUE BONDS, SERIES 2001 - CLERK read an ordinance, introduced by Coleen Seng, authorizing the issuance of not to exceed \$7,000,000 City of Lincoln, Nebraska parking revenue bonds, series 2001, the third time.

WERNER Moved to pass the ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **17912**, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

VACATING PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION EAST TO THE WEST LINE OF LOT 6 I.T., GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD.:

CAMP Moved to remove Bill No. 01-22 from pending for public hearing on 10-1-01.

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

SPECIAL PERMIT 1873 - APPEAL OF SPRINT SPECTRUM, L.P., FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1873 FOR AUTHORITY TO CONSTRUCT A 90' TALL WIRELESS COMMUNICATIONS FACILITY AND WAIVER OF THE FALL ZONE, ON PROPERTY GENERALLY LOCATED AT 4700 ANTELOPE CREEK ROAD:

CAMP Moved to remove Bill No. 01R-212 from pending for public hearing on 10-1-01.

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

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; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on September 24, 2001.

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

ADJOURNMENT

3:58 p.m.

CAMP Moved to adjourn the City Council Meeting of September 17, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: None; ABSENT: Seng.
So ordered.

Joan E. Ross, Deputy City Clerk

Glenna Graupmann, Office Assistant III

