

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 1, 2001 AT 2:15 P.M.**

The Meeting was called to order at 2:15 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk. Mr. Camp was absent during voting session.

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

SENG Having been appointed to read the minutes of the City Council proceedings of September 24, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR AN ADDITION TO ITS LICENSED PREMISES CONSISTING OF A COURTYARD AREA AND COVERED WALKWAY APPROXIMATELY 325' BY 175', A PASSAGEWAY APPROXIMATELY 200' BY 100' AND A SMALL ANIMAL BUILDING 240' BY 90' LOCATED AT 4011 N. 84TH STREET. - Bob Valentine, 2660 Park Ave., came forward in opposition to the application.

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 20, 2001 FROM 7:00 A.M. TO 1:00 A.M. - Dana Roper, City Attorney, came forward to inform the Council that the sale of the property was in process and that he would update the Council during the course of the meeting.

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

Richard Halverson, 6311 Inverness Rd., came forward in opposition.

This matter was taken under advisement.

APPLICATION OF LAZLO INC. DBA "EMPYREAN ALES/LAZLO'S/JABRISCO'S" FOR AN ADDITION OF AN AREA APPROXIMATELY 33' BY 49' TO ITS LICENSED PREMISES LOCATED AT 210 N. 7TH STREET - Scott Miller, 7041 Woody Creek Lane, came forward and took the oath, to answer questions posed by the Council.

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

Glen Cekal, 1420 "C" Street, came forward in opposition.

This matter was taken under advisement.

VACATING S. 22ND STREET FROM THE NORTH LINE OF J STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY IN BLOCK 4, MCMURTRY'S ADDITION BETWEEN S. 21ST STREET AND S. 22ND STREET - Jeanette Stoll, representing the Lincoln Public Schools came forward in favor of this vacation and to answer questions posed by Council members.

Larry Hennings, representing the Lincoln Public Schools, came forward to answer questions that Council asked.

This matter was taken under advisement.

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300' WEST THEREOF - Dennis Bade, 1400 N. 14th Street, came forward in favor of this vacation.

Jason Reynolds of the Planning Staff came forward to answer questions the Council posed.

Nicole Fleck-Tooze, Public Works Staff, came forward to recommend denial of this vacation.

Joe Quattrocchi, 2101 Green Acres Blvd., came forward to suggest this item be left on pending.

Terry Barber, 2936 N. 33rd, Attorney representing Mr. Christensen, who owns property one block south, came forward in opposition.

This matter was taken under advisement.

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. - Jeanette Stoll, representing Lincoln Public Schools, came forward in favor of this vacation.

Dana Roper, City Attorney, came forward to answer Council's questions.

This matter was taken under advisement.

ASSESSING PREMISE CLEARANCE COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES TO THE FOLLOWING BENEFITTED PROPERTIES: 1111 PEACH; 621 N. 70TH; 1001 S. 30TH; 1827 GARFIELD; 1529 S. 24TH; 2605 EVERETT; 820 C; AND 3761 M - Scott Holmes, Chief of Environmental Health Services, came forward to explain the process of assessing costs, and to answer Council's questions.

Glen Cekal, 1420 "C" Street, came forward to ask questions regarding the fines associated with this matter.

Ed Patterson, 2108 Q Street, came forward to explain the liter problems in the Malone Neighborhood.

Lois Newman, 601 S. 18th Street, came forward to explain the liter situation in her apartment complex.

Upon Council asking questions regarding this matter, Mr. Holmes suggested that the City might consider mandatory garbage service.

This matter was taken under advisement.

APPROVING THE 2001-2002 CITY TAX RATE OF .31452 PER \$100 OF ASSESSED VALUATION AND SETTING A SPECIAL PUBLIC HEARING - Bob Valentine, 2660 Park Ave, came forward in opposition.

Steve Hubka, City Budget Officer, came forward to answer questions posed by Council.

Glen Cekal, 1420 "C" Street, came forward in opposition.

Richard Halverson, 6311 Inverness Road, came forward in opposition.

Ed Patterson, 2108 Q Street, came forward in opposition.

This matter was taken under advisement.

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE THE COST OF CONSTRUCTING STORM SEWER IMPROVEMENTS FROM THE GENERAL OBLIGATION STORM SEWER BONDS OF THE CITY - Loren Wismer, Attorney with Cline Williams, came forward to answer any questions.

This matter was taken under advisement.

3:32 P.M. Council Break

3:42 P.M. Council Reconvened

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 - Harvey Cooper, 8712 West Dodge, Omaha, Attorney representing Sprint Spectrum, L.P., came forward to give Council information regarding the other two sites that were to be assessed for this cell tower. He gave a summary of letters that had been mailed to the neighborhood and stated his case that the best site overall is still the Antelope Creek site.

Topher Hansen, 4601 South 46th Street, came forward in opposition to the sites mentioned by Mr. Cooper. He suggested the Total Station would be the best location if there had to be one at all.

Ed Patterson, 2108 Q Street, came forward in opposition. He suggested Sprint needed better technology, so that they weren't in need of such high towers.

Don Dusker, 2620 Antelope Creek, submitted a letter in favor of the Total Station location and stated he was opposed to the use of a flag to disguise it.

George Edgar, 5345 Roost Street, came forward in opposition to the Total Station location.

Richard Glazer, 4911 Myrtle, came forward in opposition as the towers would be in his backyard. He voiced concerns over the electromagnetic field.

Mr. Cooper presented his rebuttal.

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

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS PUBLIC HEARING

Mike Morosin, 2055 "S" St., Past President of Malone Association, asked why the minutes of the Council meetings were now abbreviated. He also questioned why the public had not been consulted about this matter.

Glen Cekal, 1420 "C" St., asked also why the minutes of the Council meetings have been minimized.

Joan Ross, City Clerk, explained to both parties that a survey had been taken and Lincoln was the only city of it's size still doing verbatim minutes. Council had approved the change in May of this year. Ms. Ross advised them that the copies of the meetings were available as an audio tape or a video tape.

Ed Patterson, 2108 Q Street, came forward to express gratitude to the Council for directing a letter to UNL regarding the Notre Dame game and its associated problems in the Malone area. He was pleased with the quick response. Ed also mentioned whenever the Council was ready he wanted to discuss the neighborhood parking problems due to students and football Saturdays. On another matter, he brought a handout for each Council member from the the recent Governor's Assoc. Mtg. regarding sprawling populations and zoning problems faced by other states. He also suggested the City should look into purchasing the land and the Right-of-Ways where the planned spurs are going in for the connection of Highway 2 to Highway 77.

These matters were taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR AN ADDITION TO ITS LICENSED PREMISES CONSISTING OF A COURTYARD AREA AND COVERED WALKWAY APPROXIMATELY 325' BY 175', A PASSAGEWAY APPROXIMATELY 200' BY 100' AND A SMALL ANIMAL BUILDING 240' BY 90' LOCATED AT 4011 N. 84TH STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its denial:

A-81118 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 Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" to expand its licensed premises by the addition of a courtyard area and covered walkway approximately 325' by 175', a passageway approximately 200' by 100', and a small animal building 240' by 90' to the presently licensed premises located at 4011 N. 84th Street, Lincoln, Nebraska, be denied for the reason that applicant has failed to satisfactorily demonstrate that the issuance of this license would further the public interest, be a betterment to the city and a true increase in service to the public, and would not be detrimental to the public health, safety, and welfare.

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 Coleen Seng

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

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:

SENG Moved that the application of Barry Good Inc. be withdrawn due to the City's purchasing the property where the SDL would be held.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4379 & was placed on file in the Office of the City Clerk.

APPLICATION OF LAZLO INC. DBA "EMPYREAN ALES/LAZLO'S/JABRISCO'S" FOR AN ADDITION OF AN AREA APPROXIMATELY 33' BY 49' TO ITS LICENSED PREMISES LOCATED AT 210 N. 7TH STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81119 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 Lazlo Inc. dba "Empyrean Ales/Lazlo's/Jabrisco's" to expand its licensed premises by the addition of an area measuring approximately 33 feet by 49 feet to the north of the presently licensed premises located at 700-710 P & 729 Q Streets, 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 Coleen Seng

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

ORDINANCES - 2ND READING

VACATING S. 22ND STREET FROM THE NORTH LINE OF J STREET TO THE SOUTH LINE OF THE EAST-WEST ALLEY IN BLOCK 4, MCMURTRY'S ADDITION BETWEEN S. 21ST STREET AND S. 22ND STREET - CLERK read an ordinance, introduced by Jon Camp, vacating South 22nd Street from the north line of J Street to the south line of the east-west alley in Block 4, McMurtry's Addition between S. 21st Street and S. 22nd Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300' WEST THEREOF - CLERK read an ordinance, introduced by Jonathan Cook, vacating West N Street from the west line of S. Coddington to a point approx. 300' west thereof, the second time.

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. - CLERK read an ordinance, introduced by Jon Camp, 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., the second time.

RESOLUTIONS

APPLICATION OF BLESSED SACRAMENT CHURCH TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM SEPTEMBER 26, 2001 THROUGH OCTOBER 14, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81120 WHEREAS, Blessed Sacrament Church 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 Blessed Sacrament Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Rev. John Sullivan. 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 Jonathan Cook

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

APPLICATION OF AMERICAN HEART ASSOCIATION, 1550 SOUTH 70TH STREET #100 TO CONDUCT A LOTTERY WITHIN THE CITY OF LINCOLN FROM 10/01/01 TO 11/17/01 - CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81121 WHEREAS, the American Heart Association 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 the American Heart Association to conduct a lottery in the City of Lincoln in accordance with the application filed by Jan Yaussi. 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 Jonathan Cook

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

ASSESSING PREMISE CLEARANCE COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES TO THE FOLLOWING BENEFITTED PROPERTIES: 1111 PEACH; 621 N. 70TH; 1001 S. 30TH; 1827 GARFIELD; 1529 S. 24TH; 2605 EVERETT; 820 C; AND 3761 M - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81122 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2001 and draw interest as provided for in Neb. Rev. Stat. § 45-104.1 for assessments.

Introduced by Jonathan Cook

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

APPROVING THE 2001-2002 CITY TAX RATE OF .31452 PER \$100 OF ASSESSED VALUATION AND SETTING A SPECIAL PUBLIC HEARING - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81123 A RESOLUTION establishing a final property tax levy for the City's 2001-2002 fiscal year.

RECITALS

I.

Pursuant to Neb. Rev. Stat. § 77-1601.02, the City Council of the City of Lincoln is authorized to pass, by a majority vote, a resolution setting the final tax rate.

II.

Pursuant to Neb. Rev. Stat. § 77-1601.02, notice was published in a newspaper of general circulation on September 25, 2001, which date was at least five days prior to October 1, 2001 being the date upon which the City Council held a special public hearing called for the purpose of considering and acting upon this resolution.

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

That after notice and public hearing as required by law, the City Council does hereby set the following final levy for the City of Lincoln 2001-2002 fiscal year for a property tax request of \$33,731,280.00:

\$.31452 per \$100 of assessed valuation
which total rate is comprised of the following:

Bond Interest & Redemption	.05647
General	.17798
Library	.05219
Social Security	.01527
Police and Fire Pension	<u>.01261</u>

Total 0.31452

Introduced by Jonathan Cook

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

DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE THE COST OF CONSTRUCTING STORM SEWER IMPROVEMENTS FROM THE GENERAL OBLIGATION STORM SEWER BONDS OF THE CITY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81124 A RESOLUTION TO DECLARE THE OFFICIAL INTENT OF THE CITY OF LINCOLN, NEBRASKA UNDER THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, TO BORROW MONEY BY THE ISSUANCE OF GENERAL OBLIGATION STORM SEWER BONDS TO REIMBURSE THE COSTS OF CONSTRUCTING CERTAIN IMPROVEMENTS TO THE CITY'S STORM SEWER SYSTEM.

BE IT RESOLVED by the City Council (the "Council") of the City of Lincoln, Nebraska (the "City") as follows:

1. Findings.

(a) By direction of the Mayor and City Council, at the City general election held on May 1, 2001 there was submitted to the qualified electors of the City the question of issuing general obligation bonds of the City in the principal amount of not to exceed \$7,500,000 (the "Bonds") for the purposes of paying the costs incident to the construction, installation and completion of improvements and extensions to the City's storm water and drainage system (the "Project"), which was approved by a vote of 19,413 for and 12,342 against the proposition.

(b) It is necessary, desirable, advisable and in the best interest of the City to begin work on the Project prior to the issuance, sale and delivery of the Bonds and that funds of the City be advanced prior to the issuance of the Bonds by the City to finance a portion of the Costs of the Project.

(c) The anticipated amounts to be expended from and after date of adoption of this Resolution by the City with respect to the Project is estimated not to exceed \$1,500,000.

(d) The Department of the Treasury has promulgated final regulations (Treasury Regulations, Section 1.150-2, hereinafter referred to as the "Regulations") governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for Project expenditures made by the City prior to the date of issuance of the Bonds which require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditures. The Regulations generally require that the Bonds be issued and the reimbursement allocation made from the proceeds of the Bonds within 18 months after the later of the date the expenditure is made or the project is placed in service or abandoned, but in no event more than three (3) years after the date the expenditure is paid.

(e) The Council has determined that it is necessary, desirable and advisable that the requirements of the Regulations be satisfied to preserve the ability of the City to reimburse expenditures made with respect to the Project from funds of the City from and after the date of adoption of this Resolution from the proceeds of the Bonds.

2. Declaration of Intent and Related Matters.

(a) In accordance with the provisions of the Regulations, the Council does hereby declare the official intent of the City to borrow funds through the issuance of Bonds by the City, the interest on which will be excludable from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") to pay the costs of the Project. Prior to the issuance of the Bonds, the City is authorized to advance money of the City up to an estimated maximum aggregate principal amount of \$1,500,000 for the purpose of paying a portion of the costs of planning, acquiring, constructing, equipping and furnishing the Project from and after the date of adoption of this Resolution. All reimbursed expenditures shall be capital expenditures, a cost of issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d) (3)

of the Regulations.

(b) Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds, (ii) expenditures constituting "preliminary expenditures" within the meaning of Section 1.150-2(f) (2) of the Regulations, or (iii) expenditures in a "de minimus" amount (as defined in Section 1.150-2(f) (1) of the Regulations), no expenditures for the Project have been paid by the City more than 60 days prior to the date of adoption of this Resolution.

(c) The reasonably expected source of funds to be used to pay debt service on the Bonds will be general ad valorem taxes levied by the City.

(d) The Bonds shall be issued in such amounts and upon such terms and conditions as may be agreed upon by the City and the purchaser or purchasers of the Bonds, for the purpose of paying all or a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Project, the issuance of the Bonds to be authorized by the Council at a meeting to be held for such purpose by the Council.

(e) As of the date of this Resolution, there are no funds of the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Project, other than pursuant to the issuance of the Bonds. This Resolution, therefore, is determined to be consistent with the budgetary and financial circumstances of the City as they exist or are reasonably foreseeable on the date hereof.

(f) This Resolution is intended to evidence the official intent of the City in accordance with the Regulations for funds expended with respect to the Project from and after the date of adoption of this Resolution. This Resolution does not constitute final approval of the issuance of the Bonds by the City and does not legally obligate the City to issue the Bonds to finance the Project.

3. Authorizations.

(a) The Finance Director and the City Controller (each an "Authorized Officer") be, and each of them hereby is, authorized to take such further action as such Authorized Officer shall deem necessary or desirable without further action by the Council to carry out the transactions contemplated by this Resolution.

(b) The Authorized Officers be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

(c) The Finance Director or the City Controller shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make payment of the prior costs of the Project. Each allocation shall be evidenced by an entry on the official books of the City maintained for the Project and shall specifically identify the original expenditure being reimbursed.

4. Ratification.

All acts and deeds heretofore done by any officer, employee or agent of the City on behalf of the City to preserve the ability of the City to reimburse expenditures made from and after the date of adoption of this Resolution with respect to the Project by the City through the issuance of the Bonds and other transactions contemplated by this Resolution are hereby ratified, confirmed and approved in all respects.

5. Effective Dates.

This Resolution shall be in full force and effect from and after its passage and adoption by the Council

6. Conflicting Resolutions Repealed.

All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Jonathan Cook

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

APPOINTING TOM DANEK TO THE AIR POLLUTION CONTROL ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING SEPTEMBER 1, 2003 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:
A-81125 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

That the appointment of Tom Danek to the Air Pollution Control Advisory Board to fill an unexpired term expiring September 1, 2003 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING LARRY SCHERER TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81126 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

That the appointment of Larry Scherer to the Community Forestry Advisory Board for a three-year term expiring August 17, 2004 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING GLENDA PETERSON TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81127 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

That the appointment of Glenda Peterson to the Community Forestry Advisory Board for a three-year term expiring August 17, 2004 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING DENNIS SCHERER TO THE COMMUNITY FORESTRY ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING AUGUST 17, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81128 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

That the appointment of Dennis Scherer to the Community Forestry Advisory Board for a three-year term expiring August 17, 2004 is hereby approved.

Introduced by Jonathan Cook

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

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

A-81129 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 17, 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:

DENIED

ALLOWED

Dirk Allgood	NAS*	Sheena Hines	\$800.00
Sheri Cooney	\$733.72		
Chenoa Mason	100.00		
Friedman Realty Co.	80.00		
Kathleen Farley	NAS*		
Joel Jensen	45.00		
Andrew Newton	45.00		
Kevin Brenden	70.00		
Shizhen Wang	778.73		
Progressive Insurance			
(Jessica Peschel, Insured)	366.52		
Elizabeth Seitz	100.00		

* 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 Jonathan Cook

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

REAPPOINTING JOEL GAJARDO, CHARLENE FLOOD JOHNSON, AND SARA LORD TO THE MULTICULTURAL ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING SEPTEMBER 18, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81130 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Joel Gajardo, Charlene Flood Johnson, and Sara Lord to the Multicultural Advisory Committee for three-year terms expiring September 18, 2004 is hereby approved.

Introduced by Jonathan Cook

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

APPROVING A WAIVER OF DESIGN STANDARDS FOR DRIVE ACCESS AND REQUIRED PUMP ISLAND STACKING AT 3301 O STREET - PRIOR to reading:

COOK Moved to withdraw application per request of applicant.

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

The resolution, having been **WITHDRAWN**, was assigned the File #38-4378 & was placed on file in the Office of the City Clerk.

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 - PRIOR to reading:

COOK Moved to deny the Special Permit 1873 - Appeal of Sprint Spectrum.

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

COOK Moved to adopt the Special Permit 1873 - Appeal of Sprint Spectrum.

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

Due to tie vote, action delayed one week to 10/08/01.

SETTING THE HEARING DATE OF MONDAY, OCTOBER 8, 2001 AT 1:30 P.M. FOR THE APP. OF IDEAL GROCERY & MARKET, FOR A CLASS K - RETAIL WINE LICENSE LOCATED AT 905 SO. 27TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-81131 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., October 8, 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 App. of Ideal Grocery & Market for a Class K-Retail Wine License located at 901 So. 27th St.

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2001 AT 1:30 P.M. FOR THE MGR. APP. OF LISA A. JOHNSON FOR PEAK INTERESTS L.L.C. DBA PIZZA HUT LOCATED AT 3410 SOUTH 10TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-81132 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., October 15, 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 Mgr. App. of Lisa A. Johnson for Peak Interests L.L.C. dba Pizza Hut located at 3410 South 10th Street.

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2001 AT 1:30 P.M. FOR THE MGR. APP. OF LORABELLE M. HANSON FOR LORABELLE INC., DBA THE GRAPEVINE LOCATED AT 2620 STOCKWELL STREET - CLERK read the following resolution,

introduced by Jonathan Cook, who moved its adoption for approval:
A-81133 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon. October 15, 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 Mgr. App. of Lorabelle M. Hanson for Lorabelle Inc., dba The Grapevine located at 2620 Stockwell Street.

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 15, 2001 AT 1:30 P.M. FOR THE APP. OF J & D INC., DBA "LIBATIONS" FOR A CATERING LICENSE, LOCATED AT 317 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-81134 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., October 15, 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 App. of J & D, Inc. dba Libations for a Catering License at 317 South 11th Street.

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

REPORTS OF CITY OFFICERS

Clerk's Letter & Mayor's Approval of Ordinances & Resolutions passed on Sept. 17, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR SEPTEMBER 17 - 21, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, moved its adoption:

A-81135 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 17 - 21, 2001.)

Introduced by Jonathan Cook

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

REPORTS OF CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF AUGUST, 2001: ZONE TELECOM, INC.; LONG DISTANCE OF MICHIGAN, INC.; ASSOCIATION ADMINISTRATORS, INC. AND GLYPHICS COMMUNICATIONS, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk.

(20)

REPORT OF CITY TREASURER OF EXCISE TAX FOR THE MONTH OF AUGUST, 2001 FROM I-LINK COMMUNICATIONS, INC. AND BIG PLANET, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE POSITION OF "FIRE SYSTEM PROGRAMMER" - CLERK read an ordinance, introduced by Jonathan Cook, amending the pay schedules of employees whose classifications are assigned to the pay range prefixed by the letter "A" by creating the position of "Fire System Programmer", the first time.

ORDINANCES - 3RD READING

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LAND SUB-DIVISION 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 an 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 third time.

WERNER Moved to pass the ordinance as read.
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **17917**, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

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.:

SENG Moved to **WITHDRAW** the application of Barry Good Inc. due to the City purchasing the property site.
Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.
The resolution, having been **WITHDRAWN**, was assigned the File **#38-4380** & was placed on file in the Office of the City Clerk.

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.:

SENG Moved to **WITHDRAW** the application of Barry Good Inc. due to the City purchasing the property site.
Seconded by Friendt & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.
The resolution, having been **WITHDRAWN**, was assigned the File **#38-4381** & was placed on file in the Office of the City Clerk.

UPCOMING RESOLUTIONS

SVOBODA Moved to approve the resolutions to have Public Hearing on October 8, 2001.
Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Camp.

ADJOURNMENT

5:08 p.m.

SVOBODA Moved to adjourn the City Council Meeting of October 1, 2001.
Seconded by Seng & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Svoboda; NAYS: None; ABSENT: Camp.
So ordered.

Joan E. Ross, Deputy City Clerk

Glenna Graupmann, Office Assistant III

REGULAR MEETING
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