

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 3, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

WERNER Having been appointed to read the minutes of the City Council proceedings of November 26, 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

MANAGER APPLICATION OF RODNEY R. HOLLMAN FOR LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA LANCASTER EVENT CENTER LOCATED AT 4100 NORTH 84TH STREET - Rodney R. Hollman, 5905 W. Wittstruck Rd., Martell, NE, took the oath and came forward to answer questions.

This matter was taken under advisement.

APPROVING J.R.'S DOWN UNDER AT 3233½ SOUTH 13TH STREET AS A KENO SATELLITE SITE - John Hewitt, 2217 Brecken Ridge Dr., came forward in favor of this application. He explained it is merely a change in ownership.

This matter was taken under advisement.

WAIVING THE REQUIRED SIDEWALKS IN CHEZ AMI KNOLLS 6TH ADDITION LOCATED AT 2341 BRETIGNE DRIVE AND 6311 ANDREW COURT - Kent Seacrest, Attorney, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350 came forward in favor of the waivers. He answered questions posed by Council.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS PUBLIC HEARING

Pam Mikkleson, 916 Hartley Street and StarTran employee, came forward to thank the Council for their support in waiving the bus fares for this coming Saturday in conjunction with the Star City Parade. Notices were put up in the bus shelters advising the public that there would be no fares on Parade day for any route in Lincoln, thus allowing people the opportunity to try the StarTran bus system for transportation. Several council members thanked them for their innovation in accomplishing this.

Toni Burress, 5564 Salt Valley View St. and StarTran employee, came forward adding her comments of appreciation to the Council.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF RODNEY R. HOLLMAN FOR LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA LANCASTER EVENT CENTER LOCATED AT 4100 NORTH 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81245 WHEREAS, Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" located at 4100 North 84th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Rodney R. Hollman be named manager;

WHEREAS, Rodney R. Hollman 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 Rodney R. Hollman 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.

ORDINANCES - 2ND READING

CHANGE OF ZONE 3344 - AMENDING SECTIONS 27.63.180, 27.63.210, 27.63.215, AND 27.63.570 OF THE CITY ZONING ORDINANCE TO UPDATE REFERENCES TO THE CITY OF LINCOLN DESIGN STANDARDS AND THE AIRPORT ENVIRONS NOISE DISTRICT - CLERK read an ordinance, introduced by Glenn Friendt, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.63.180, 27.63.210 and 27.63.215 to correct a reference to City of Lincoln Design Standards; by amending Section 27.63.570 to correct a reference to the Airport Environs Noise District and the Airport Environs Noise District Map; and repealing Sections 27.63.180, 27.63.210, 27.63.215, and 27.63.570 of the Lincoln Municipal Code as hitherto existing, the second time.

VACATING THE SOUTH HALF OF PINE LAKE ROAD WEST OF SOUTH 14TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, vacating the south half of Pine Lake Road, west of South 14th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

RESOLUTIONS

APPROVING J.R.'S DOWN UNDER AT 3233½ SOUTH 13TH STREET AS A KENO SATELLITE SITE - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81246 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of J.R.'s Down Under, 3233½ South 13th Street, Lincoln, NE 68502.

The City Clerk is directed to return an executed copy of this Resolution to J.R.'s Down Under, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Coleen Seng

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

APPOINTING SANDRA WASHINGTON TO THE PARKS AND RECREATION ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING APRIL 27, 2002 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81247 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Sandra Washington to the Parks and Recreation Advisory Board to fill an unexpired term expiring April 27,

2002, is hereby approved.

Introduced by Coleen Seng

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

WAIVING THE REQUIRED SIDEWALKS IN CHEZ AMI KNOLLS 6TH ADDITION LOCATED AT 2341 BRETIGNE DRIVE AND 6311 ANDREW COURT - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81248 WHEREAS, the Final Plat of Chez Ami Knolls 6th Addition was previously approved by the City of Lincoln; and

WHEREAS, one of the conditions of approval of said Final Plat pursuant to Lincoln Municipal Code Section 26.23.095 was the requirement for the installation of sidewalks at 2341 Bretigne Drive and 6311 Andrew Court within said Plat; and

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

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

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

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

That the requirement of Section 26.23.095 of the Lincoln Municipal Code requiring the installation of sidewalks along both sides of the streets within the Final Plat of Chez Ami Knolls 6th Addition is hereby waived.

That all other conditions for approval of the Final Plat of Chez Ami Knolls 6th Addition shall remain in full force and effect.

Introduced by Coleen Seng

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

SPECIAL PERMIT 1942 - APPLICATION OF MARK WHITEHEAD FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES AT THE CONVENIENCE STORE/GAS STATION GENERALLY LOCATED NORTHEAST OF SOUTH 27TH STREET AND PORTER RIDGE ROAD - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81249 WHEREAS, Mark Whitehead has submitted an application designated as Special Permit No. 1942 for authority to sell alcoholic beverages for consumption off the premises at the convenience store/service station northeast of South 27th Street and Porter Ridge Road, legally described as:

Lot 1, South Ridge Village 7th Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises 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 Mark Whitehead, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises at the establishment located on Lot 1, South Ridge Village 7th Addition.

2. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.

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

4. The construction plans must conform to the approved plans.

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

Introduced by Coleen Seng

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

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

A-81250 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 November 16, 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>
Nancy Carpenter		NAS*	Jeffery B. Itken \$ 45.00
Ken J. Keber		NAS*	Kristin Holmes 40.00
Sandra Whitacre & Kathy Krsul	\$ 76.00		James Juhler 70.00
Richard Hedrick	25,420.00		Ronald Schied 600.00
			Amie C. Martinez 45.00

* 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 Coleen Seng

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

APPOINTING RUSS BAYER TO THE EMERGENCY MEDICAL SERVICES BOARD TO FILL AN UNEXPIRED TERM EXPIRING MARCH 28, 2004 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81251 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Russ Bayer to the Emergency Medical Services Board to fill an unexpired term expiring March 28, 2004, is hereby approved.

Introduced by Coleen Seng

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

APPOINTING DAVID HUNTER TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING JANUARY 1, 2005 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81252 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of David Hunter to the Lincoln Electric System Administrative Board for a three-year term beginning January 1, 2002 and expiring January 1, 2005, is hereby approved.

Introduced by Coleen Seng

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

REAPPOINTING RON ECKLUND TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING JANUARY 1, 2005 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81253 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Ron Ecklund to the Lincoln Electric System Administrative Board for a three-year term expiring January 1, 2005, is

hereby approved.

Introduced by Coleen Seng

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

APPOINTING BEATTY BRASCH TO THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD FOR A THREE-YEAR TERM EXPIRING JANUARY 1, 2005 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81254 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Beatty Brasch to the Lincoln Electric System Administrative Board for a three-year term beginning January 1, 2002 and expiring January 1, 2005, is hereby approved.

Introduced by Coleen Seng

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

SETTING THE HEARING DATE OF MONDAY, DEC. 17, 2001 AT 5:30 P.M. FOR THE APP. OF VIVIANA GRASSI-LARSON DBA SUR TANGO BAR & CAFÉ FOR A CLASS I LIQUOR LICENSE AT 1228 P STREET - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

A-81255 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., December 17, 2001 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 666 S. 10th St., Lincoln, NE, for the purpose of considering the Application of Viviana Grassi-Larson dba Sur Tango Bar & Café for a Class I Liquor License, located at 1218 P Street.

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

Introduced by Coleen Seng

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

SPECIAL PERMIT 1839A - APPLICATION OF HOLDREGE INVESTORS, L.L.C. AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES, INC. TO AMEND THE MORNING GLORY ESTATES COMMUNITY UNIT PLAN TO ADD 11 LOTS AND DWELLING UNITS AND TO CORRECT THE LEGAL DESCRIPTION ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS - CLERK read a resolution, introduced by Glenn Friendt, moved by Jon Camp for its adoption:

A-81257 WHEREAS, Holdrege Investors, L.L.C. and the University Park Congregation of Jehovah's Witnesses have submitted an application designated as Special Permit No. 1839A for authority to amend Morning Glory Estates Community Unit Plan for an increase to 280 dwelling units and to correct the legal description on property located at the northeast corner of North 84th and Holdrege Streets, and legally described to wit: A portion of the remaining portion of Lots 93 I.T. and 94 I.T., all located in the Southwest Quarter of Section 14, Township 10 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northwest corner of the remaining portion of Lot 93 I.T., said point being 90.00 feet east of the west line of said Southwest Quarter; thence on an assumed bearing of north 89 degrees 58 minutes 15 seconds east along the north line of said remaining portion of Lot 93 I.T., a distance of 438.50 feet to the true point of beginning; thence continuing north 89 degrees 58 minutes 15 seconds east along the north line of said remaining portion of Lot 93 I.T., a distance of 796.88 feet to the northeast corner of said remaining portion of Lot 93 I.T.; thence south 00 degrees 02 minutes 52 seconds west along the east line of said remaining portion of Lots 93 I.T. and 94 I.T., a distance of 1896.50 feet to the southeast corner of said remaining portion of Lot 94 I.T.; thence north 89 degrees 35 minutes 51 seconds west along the south line of said remaining portion of Lot 94 I.T., said line being 50.00 feet north of and parallel with the south line of said Southwest Quarter, a distance of 624.27 feet to a point; thence north 00 degrees 00 minutes 00 seconds west, a distance of 43.74 feet to a point of curvature; thence along a curve in a counter clockwise direction having a radius of 600.00 feet, arc length of 134.46 feet, delta angle of 12 degrees 50 minutes 25 seconds, a chord bearing of north 06 degrees 25 minutes

12 seconds west, and a chord length of 134.18 feet to a point of reverse curvature; thence along a curve in a clockwise direction having a radius of 800.00 feet, arc length of 177.56 feet, delta angle of 12 degrees 43 minutes 00 seconds, a chord bearing of north 06 degrees 28 minutes 55 seconds west, and a chord length of 177.19 feet to a point of tangency; thence north 00 degrees 07 minutes 25 seconds west, a distance of 545.29 feet to a point of curvature; thence along a curve in a clockwise direction having a radius of 303.00 feet, arc length of 105.69 feet, delta angle of 19 degrees 59 minutes 09 seconds, a chord bearing of north 09 degrees 52 minutes 09 seconds east, and a chord length of 105.16 feet to a point of tangency; thence north 19 degrees 51 minutes 44 seconds east, a distance of 90.57 feet to a point; thence north 65 degrees 18 minutes 41 seconds west, a distance of 201.91 feet to a point of curvature; thence along a curve in a counter clockwise direction having a radius of 400.00 feet, arc length of 28.79 feet, delta angle of 04 degrees 07 minutes 25 seconds, a chord bearing of north 67 degrees 22 minutes 24 seconds west, and a chord length of 28.78 feet to a point; thence along a curve in a counter clockwise direction having a radius of 485.00 feet, arc length of 162.06 feet, delta angle of 19 degrees 08 minutes 42 seconds, a chord bearing of north 04 degrees 32 minutes 07 seconds east, and a chord length of 161.31 feet to a point of tangency; thence north 00 degrees 02 minutes 14 seconds west, a distance of 550.00 feet to the true point of beginning, said tract contains a calculated area of 30.84 acres, or 1,343,602.85 square feet more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Holdrege Investors, L.L.C. and the University Park Congregation of Jehovah's Witnesses, hereinafter referred to as "Permittee", to amend Morning Glory Estates Community Unit Plan to increase the approved number of dwelling units from 269 dwelling units to 280 dwelling units, 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 consisting of 280 dwelling units.
2. Before receiving building permits:
 - a. The Permittee must submit an acceptable, 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 the area of this community unit plan must be approved by the City.
3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. 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.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the

special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

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

Introduced by Glenn Friendt

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2002 - CLERK read a resolution, introduced by Jonathan Cook, who moved its re-adoption:

A-81225 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2002 was approved by the LES Administrative Board on October 26, 2001; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 12, 2001, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2002, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or 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 such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Jonathan Cook

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF CARROLL M5 INDUSTRIAL PARK WITH WAIVERS OF THE REQUIRED SIDEWALKS, STORMWATER DETENTION, AND REDUCTION OF THE MINIMUM CENTERLINE RADIUS FOR CURVES, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CLEVELAND AVENUE - PRIOR to reading:

COOK Moved to delay action on Bill No. 01R-288 for two weeks to 12/17/01.
Seconded by Svoboda & carried by the following vote: AYES: Camp,

**REGULAR MEETING
DECEMBER 3, 2001
PAGE 724**

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING HEARING DATE OF MONDAY, DECEMBER 17, 2001 AT 5:30 P.M. FOR THE ASSESSMENT OF THE COST OF WEED REMOVAL INCURRED FOR THE PERIOD OF JANUARY 1, 2001 THROUGH DECEMBER 17, 2001 - CLERK read a resolution, introduced by Coleen Seng, who moved its adoption:

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 10, 2001 AT 1:30 P.M. FOR THE APPLICATION OF NEBRASKA AGRI-BUSINESS ASSOC. TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FROM DECEMBER 15, 2001 - JANUARY 31, 2002 - CLERK read a resolution, introduced by Jon Camp, who moved its adoption:

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE THE ALLEY THAT RUNS NORTH AND SOUTH LOCATED IN BLOCK 2 HILAND VIEW NEXT TO 38TH & CALVERT STREETS, SUBMITTED BY SUSAN & CHRISTOPHER BECKER - CLERK presented said petition which was referred to the Law Dept.

INFORMAL APPLICATION REQUESTING THE CITY TO REPAVE, ADD CURB AND GUTTER SYSTEM TO SAUNDERS AVENUE FROM 11TH TO 12TH STREET, SUBMITTED BY BEN & AMY HERR, OWNERS OF C&L AUTOMOTIVE, INC. - CLERK presented said petition which was referred to the Public Works Dept.

The following were referred to Planning Dept.:

Change of Zone 3345 - App. of Whitehead Oil Company Petition to Amend the Zoning Ordinance from H-1 to H-4 on property generally located at N. 56th & Alvo Streets.

Change of Zone 3347- App. of Mark Hunzeker for text amendment to LMC 27.69.160.

Use Permit No. 142 - App. of Carl Sjulín to build a 5,000 SF. bank building, parking lot and four (4) drive through lanes, one being for an ATM machine at 8400 Eagle Crest Road.

Special Permit No. 1237A - App. of Mark Hunzeker to amend Existing Special Permit 1237 on property located at So. 27th & Woods Blvd.

Special Permit No. 1941 - App. of Gerhart Kebraei to be able to park business cars (used car dealership) up front for exposure to the public on property located at 29th & Cornhusker.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON Nov. 19, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

INVESTMENT OF FUNDS FOR NOVEMBER 5 - NOVEMBER 9, 2001 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-81256 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 November 13 - November 16, 2001.)

Introduced by Coleen Seng

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCC. TAX FOR THE MONTH OF AUGUST, 2001: VarTec Telecom, Inc.; the month of September, 2001: Sprint Communication Company Limited Partnership; the month of October, 2001: WWC License LLC dba Cellular One, NPCR, Inc. dba Nextel Partners, XO Long Distance Services, Inc., Association Administrators, Inc., Lightyear

Communications, Inc., RSL Com USA, Inc., Glyphics Communications Corp., Comdata Telecommunications Services, Inc., Incomnet Communications Corp., GTC Telecom, Inc., NOS Communications, Inc., Long Distance of Michigan, Inc., McLeod USA Telecommunications Services, Inc., Affinity Network, Inc., WorldXchange Corp., I-LINK Communications, Inc., Zone Telecom, Inc., Big Planet, Inc., ATT Wireless PCS, LLC, Single Billing Service Inc. dba Asian American Association, Network Billing Systems, LLC, Operator Communications, Inc., Western Union Communications, Inc., LCI International Telecom Corp., Telco Development Group De Inc., Excel Telecommunications, Inc., One Call Communications, Inc. dba OPTICOM, Nextel West Corp. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER FOR FRANCHISE FEES FOR THE MONTH OF OCTOBER, 2001 FROM UTILICORP UNITED - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS OCTOBER 31, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk (5-21)

ORDINANCES - 1ST READING

AMENDING CHAPTER 5.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO PEDDLERS BY ADDING A NEW SECTION TO PROHIBIT USE BY PEDDLERS OF ANY TRUCK OVER 21 FEET IN LENGTH IN ANY RESIDENTIAL ZONING DISTRICT, EXCEPT FOR THE PURPOSE OF DELIVERING GOODS - CLERK read an ordinance, introduced by Coleen Seng, amending Chapter 5.36 of the Lincoln Municipal Code relating to peddlers by adding a new section to prohibit use by peddlers of any truck over 21 feet in length in any residential zoning district, except for the purpose of delivery goods, the first time.

ORDINANCES - 3RD READING

CREATING WATER DISTRICT NO. 1184 IN PARK AVENUE FROM 10TH TO 11TH STREETS - CLERK read an ordinance, introduced by Jonathan Cook, creating a Water District No. 1184 in Park Avenue from 10th to 11th Streets, the third time.

COOK Moved to pass ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **17941**, is recorded in Ordinance Book 24, Page

CREATING WATER DISTRICT NO. 1185 IN MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - CLERK read an ordinance, introduced by Jonathan Cook, creating a Water District No. 1185 in Marlborough and Oaks Hollow Drive, Stevens Ridge Estates, the third time.

COOK Moved to pass ordinance as read.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **17942**, is recorded in Ordinance Book 24, Page

CREATING SEWER DISTRICT NO. 1175 MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - CLERK read an ordinance, introduced by Jonathan Cook, creating a Sewer District No. 1175 Marlborough and Oaks Hollow Drive, Stevens Ridge Estates, the third time.

COOK Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **17943**, is recorded in Ordinance Book 24, Page

VACATING THE NORTH HALF OF THE NORTH-SOUTH ALLEY IN BLOCK 117, HAVELOCK ADDITION, GENERALLY LOCATED BETWEEN TOUZALIN AVENUE AND NORTH 58TH STREET AT SEWARD AVENUE - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north half of the north-south alley in Block 117, Havelock Addition, generally located between Touzalin Avenue and North 58th Street at Seward Avenue, the third time.

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

The ordinance, being numbered **17944**, is recorded in Ordinance Book 24, Page

VACATING THE EAST HALF OF THE EAST-WEST ALLEY IN BLOCK 30, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED BETWEEN NORTH 8TH AND NORTH 9TH STREETS, NORTH OF Q STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating the east half of the east-west alley in Block 30, Original Plat of Lincoln, generally located between North 8th and North 9th Streets, North of Q Street, the third time.

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

The ordinance, being numbered **17945**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3343 - APPLICATION OF HOLDREGE INVESTORS, L.L.C. AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES, INC. FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Jonathan Cook, the application of Holdrege Investors, L.L.C. and University Park Congregation of Jehovah's Witnesses, Inc. for a Change of Zone from B-2 Planned Neighborhood Business to R-4 Residential on property generally located at the Northeast corner of North 84th and Holdrege Streets, the third time.

COOK Moved to pass 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 **17946**, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS - NONE

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week and approve the resolutions to have Public Hearing on Dec. 10, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

2:10 p.m.

CAMP Moved to adjourn the City Council meeting of December 3, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, Deputy City Clerk

Glenna Graupmann, Office Assistant III