The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, Seng; Joan Ross, Deputy City Clerk; Members Absent: McRoy.

The Council stood for a moment of silent meditation.

Reading of the Minutes

Fortenberry Having been appointed to read the minutes of the City Council proceedings of Aug. 7, 2000, reported having done so, found same correct.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

Public Hearing

App. of Geemax, Inc. DBA N-Zone for a SDL Covering an area measuring 63 ½’ x 108’ at 728 ½ Q St. on Sept. 2, 23, 30, Oct. 21, Nov. 4 & 24, 2000 from 8 A.M. to 1 A.M.;

App. of Minliner Corp. DBA Parkway Lanes & Pub for a SDL Covering an area measuring 72’ x 16’ at 715 Stadium Dr. on Sept. 2, 23, 30, Oct. 21, Nov. 4 & 24, 2000 from 8 A.M. to 11 P.M. - Deputy Clerk: Two items that are not on your agenda that I will ask the Council to waive the rules so that they can have hearing & action today are on two Special Designated Liquor Licenses. They should have been listed on the Agenda. We'll go ahead with those now. I would need a motion & a second to suspend the rules to have action on these today.

Coleen Seng, Council Member: So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

App. of Nebraska Entertainment L.L.C. DBA Fox & Hound for a Class I Liquor License at 201 N. 8th St.;

Man. App. of David Kirk Anderson for Nebraska Entertainment L.L.C. DBA Fox & Hound at 201 N. 8th St. - David K. Anderson, 2306 S. 19th Plaza, Omaha, applicant, took oath & came forward to answer any questions.

Ms. Johnson: So, you are going to be living in Nebraska?

Mr. Anderson: Yes.

Ms. Johnson: Okay. It says here you'll be in the establishment 60 hours a week or plus. Is that what you're planning on doing?

Mr. Anderson: Yes.

Ms. Johnson: Okay. Have you taken the Management Training Course?

Mr. Anderson: For Nebraska, the alcohol management training?

Ms. Johnson: Yes.

Mr. Anderson: No.

Ms. Johnson: We have it for Lincoln.

Mr. Anderson: Right, I've got the name & the address of the lady to call but I have not taken that yet. We don't plan on opening until Nov. 15th.

Ms. Johnson: You have plenty of time then.

This matter was taken under advisement.

App. of Dav Robert Flansburg Chapter #7 for an Addition to their Licensed Premises of an L-Shaped Area Measuring 14' by 6' to the Southeast at 3901 N. 70Th St. - Irvin Cidlak, 3901 N. 70Th St., manager, took oath & came forward to answer any questions.

This matter was taken under advisement.

App. of Hy Vee Food Store #2 for an Addition to their Licensed Premises of an Area 202’ by 109’ to the West at 2343 N. 48Th St. - Richard Bjorn, 7101 Adams, took oath & came forward to answer any questions.

This matter was taken under advisement.

Man. App. of Ngawang Rinchen for Indian Food Associates of Nebraska, Inc. DBA The Oven at 201 N. 8Th St. - Ngawang Rinchen, applicant, 201 N. 8Th St., took oath & came forward to answer any questions.

This matter was taken under advisement.

App. of Lcv, Inc. DBA Village Market for a Class B & K Liquor License at 3211 S.
13TH ST.;

MAN. APP. OF LAWRENCE A. BAUS FOR LCV, INC. DBA VILLAGE MARKET AT 3211 S. 13TH ST. - Lawrence A. Baus, 3000 O'Reilly Dr., applicant, took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF STEPHANIE D. REZAC FOR MOOSE LOYAL ORDER 175 DBA MOOSE LODGE 175 AT 4901 N. 56TH ST. - Stephanie Rezac, 1245 Garber Ave., applicant, took oath & came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF CRYSTAL J. BUSS FOR LONE STAR STEAKHOUSE & SALOON OF NE, INC. DBA LONE STAR AT 200 N. 70TH ST. - Michael Lazer, 8712 W. Dodge Rd., attorney representing applicant, took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF GEEMAX, INC. DBA N-ZONE FOR A SDL COVERING AN AREA MEASURING 63 1/2' X 108' AT 728 1/2 Q ST. ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 8 A.M. TO 1 A.M.;

APP. OF MINLINER CORP. DBA PARKWAY LANES & PUB FOR A SDL COVERING AN AREA MEASURING 72' X 16' AT 715 STADIUM DR. ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 8 A.M. TO 11 P.M.

Deputy Clerk: Before I call Item 10, if I may, I'd like to have the, oh, excuse me...better call up...the applicants for Minliner/Parkway Lanes & the N-Zone will not be here.

Ms. Johnson: Can I ask Officer Fosler to come before us? One of the things we talked about is there's deadlines for these type of issues before the Liquor Commission, some things have changed & so we're moving things forward. Talk to us a little bit about what we did last year with the Special Designated Permits & the fact that we approved them all...all the dates at one time but they're still responsible...

Officer Russ Fosler, LPD: Yes, basically, what the Council did last year was to approve the dates of Football games for the parties that requested to have SDL's on those days with the understanding that if a violation was found that they would be brought back in front of Council to determine if Council wished them to continue having SDL's or whether the Council wished to deny the SDL's. And that's our same recommendation for this year.

Ms. Johnson: That's what I want to find out if you had discussed that because I was under the assumption we were going to do the same thing we did last year & I think we talked about that a little earlier & the Council was asking as well.

Officer Fosler: That would be the Police Department's recommenda-

This matter was taken under advisement.

APP. OF OGDEN ENTERTAINMENT DBA PERSHING AUDITORIUM FOR A SPECIAL DESIGNATED LICENSE (SDL) TO COVER AN AREA ON N ST. FROM 16TH TO 14TH STS. & CENTENNIAL MALL FROM M ST. TO O ST. ON AUGUST 17, 2000 FROM 4:00 P.M. TO 11:59 P.M., AUGUST 18 & 19, 2000, FROM 11:00 A.M. TO 11:59 P.M., & AUGUST 20, 2000 FROM 12:00 NOON TO 5:00 P.M. - Doug Kuhnel, Pershing Auditorium, 226 Centennial Mall South: This will be our fourth year. We've not encountered any problems for the past three. Any questions, I'll be glad to answer them.

Ms. Seng: Doug, last year I had some comments after the Ribfest, which I think is a great thing, but I did have some comments from people asking about the sidewalks. How can we close those sidewalks when they're public sidewalks?

Mr. Kuhnel: We close only the area that's completely enclosed, completely surrounding Pershing & we have it on both sides, we keep the walks open on the other side of Pershing & around it. In the request for the street closure, the permit goes from building to building.

Ms. Seng: So, on the west side of the Ribfest event, it'd be like in front of the telephone company & the...

Mr. Kuhnel: No, in front of the telephone company & the foundation, that's all open.

Ms. Seng: That's open?

Mr. Kuhnel: That's open.

Ms. Seng: Okay.

Mr. Kuhnel: It's just the grounds that are encompassed by Pershing & the N St. from Pershing to the Federal parking lot. That's all fenced in.

Ms. Seng: I had a similar question on when we close it for something...for another event in another location.

Mr. Kuhnel: And it would be impractical to do otherwise & we do
work throughout the...during the business day, for example, there's no admission on Thursday & Friday after...well, Thursday it'll be open 'cause we don't open till 4 or 5 o'clock on Friday & let people through there all the time.

This matter was taken under advisement.

APP. OF WINE MERCHANTS INC. FOR A SDL COVERING AN AREA MEASURING 125' BY 75' AT FRONTIER HARLEY DAVIDSON, 2801 N. 27TH ST., ON AUG. 26, 2000 FROM 4:00 P.M. TO 10:00 P.M. - Kevin Meier, 3621 San Mateo Ln., General Manager, came forward to answer questions.

Jerry Shoecraft, Council Member: What's going to go on there?

Mr. Meier: It's a customer appreciation day. It is something that we've done in the past. It's completely fenced, enclosed, security will be provided by Frontier Harley Davidson as well staffed with volunteers & carding will occur at the gate for proof of age.

This matter was taken under advisement.

APP. OF PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL FOR A SDL COVERING AN AREA MEASURING 50' BY 25' AT 955 W. "O" ST., ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 10:00 A.M. TO 10:00 P.M. - Chris Anderson, 6820 Ballard Ave., applicant, came forward to answer questions.

This matter was taken under advisement.

APP. OF LINCOLN P ST. CATERING FOR A SDL COVERING AN AREA MEASURING 120' BY 50' AT 1040 P ST., ON SEPT. 2, 2000 FROM 6:00 A.M. TO 10:00 P.M. - Kraig Pomrenke, 626 Lyncrest Dr., applicant, came forward to answer any questions.

Mr. Shoecraft: Which one is this?

Mr. Pomrenke: This is for the Embassy Suites.

Mr. Shoecraft: Embassy Suites. Okay.

Mr. Pomrenke: We have a permanent addendum to our liquor license already pending. This is kind of an insurance policy in case that license (inaudible).

This matter was taken under advisement.

APP. OF GAZELLE ENTERPRISES DBA BARRYMORES LOUNGE FOR A SDL COVERING AN AREA MEASURING 150' BY 20' IN THE ALLEY AT 124 N. 13TH ST., ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 8:00 A.M. TO 10:30 P.M. - Larry Haberlan, 124 N. 13th St., applicant, came forward to answer any questions.

This matter was taken under advisement.

APP. OF PRAIRIE FARE INC. DBA P.O. PEARS FOR A SDL COVERING AN AREA MEASURING 100' BY 40' AT 322 S. 9TH ST., ON AUG. 25 & 26, 2000 FROM 11:00 A.M. TO 1:00 A.M. - Mike & Lou Mary Webb, 7401 Wren Cir., applicants, came forward to answer any questions.

Jeff Portenberry, Council Member: Why don't you walk through the plans for this year.

Mr. Webb: Well, it's going to be the same as last year. It'll be fenced off, the location will be. It's about 25' down from the corner to keep the foot traffic away from the intersection. I guess basically we haven't really changed a whole lot of the structure because we haven't had any problems with it since the one year Police asked us to move the entrance down. We did & we haven't had any difficulties since then.

Mr. Portenberry: Is there a live band?

Mr. Webb: We have not had a live band in a couple years. There will be music for approx. 2 1/2 hrs. after the end of the game but there is no live band.

This matter was taken under advisement.

AUTHORIZING THE TRANSFER OF UNSPENT & UNENCUMBERED APPROPRIATIONS & CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN SEVERAL FUNDS WITHIN PUBLIC WORKS & UTILITIES & THE PARKS & RECREATION DEPTS. - Lynn Johnson, Parks & Rec. Dept.: This is, essentially, a housekeeping item. We haven't done this for a number of years. But the idea is to close out some unexpended monies in some of these accounts & transfer them to other projects where we know that we'll need the funds. And I'm available for questions.

This matter was taken under advisement.
AMENDING CHAPTER 5.04 OF THE LINCOLN MUNICIPAL CODE (LMC) BY ADDING A NEW SEC. 5.04.165 TO ADD AN OFFENSE FOR OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR VEHICLE - Jonathan Cook, Council Member: I had a question for Dana earlier today. I just wondered if you had some more information on the pickup truck situation or any similar to it.

Dana Roper, City Attorney: This ordinance is designed primarily to get at the passengers of a motor vehicle. It is identical to State law. The situation that you raised about people drinking in the back of a pickup may not violate this ordinance but it would violate some other laws & that would be open containers on public streets, drinking on public property without a special designated permit. May not violate this. It’s going to violate some other existing ordinances.

Mr. Cook: Okay. It does say any area...passenger area shall mean, skipping some, any area that is readily accessible to the driver or a passenger while in their seating positions. It seems like if there were a window between the back of the pickup truck & the front of the pickup truck that would essentially be that case.

Mr. Roper: Possibly.

Mr. Shoecraft: And this also covers the trunk of the vehicle, Dana?

Mr. Roper: I think the ordinance speaks to that & it talks about passenger areas shall mean the area designated...

Mr. Shoecraft: It says passenger areas does not include the area behind the last upright seat of such motor vehicle if there's any (inaudible) occupied by the driver or passenger of the motor vehicle was not equipped with a, okay, with a trunk. Alright, got it.

This matter was taken under advisement.

CHANGE OF ZONE 3256 – AMENDING CHAPTER 27.58 OF THE LMC RELATING TO THE AIRPORT ENVIRONS NOISE DIST. TO CLARIFY THE USES PERMITTED IN AIRPORT ENVIRONS NOISE DISTS. 1 & 2 & USES PERMITTED ON PREMISES LOCATED IN BOTH DISTRICTS - Danay Kalkowski, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing B & J Partnership: We're just here today. B & J Partnership owns some property in the Noise Dist. #2 & they are offering their support to these amendments to the ordinance. They feel these amendments will clarify some previous inconsistencies & interpretations between the City of Lincoln & the Airport Authority. What they did want us to give you an indication of today is back in '98 they entered into an annexation agreement for some property on W. "A" that's within Noise Dist. #2 & if this amendment does go through today, they will be setting up a meeting with staff to go back & revisit that annexation agreement. It contains some restrictions that were, at that time, consistent with the Statute & so they'll be taking a look at it again in light of the amendments. The only other point was I think at Planning Commission there was some discussion with the Planning Commission members & the people testifying as to whether the Airport Authority's 20 yr. old study for their Airport Noise Control & Land Use Compatibility Study should be updated & B & J Partnership also offers their support in looking at updating that study given the changes in technology over the last 20 yrs. If you have any questions, I'd be happy to answer them.

This matter was taken under advisement.

CHANGE OF ZONE 3267 – APP. OF GARDENS COMPLEX, L.L.C. FOR A CHANGE FROM H-2 HWY. BUSINESS DIST. & R-4 RESIDENTIAL DIST. TO O-2 SUBURBAN OFFICE DIST. ON PROPERTY GENERALLY LOCATED SOUTH OF "O" ST. BETWEEN 44TH & 45TH STS. - Alan Laduke, 451 N. 66th, representing applicant: The information you received regarding the hearing before the Planning Commission is complete & accurate. What we are doing is asking for a rezoning of the property from H-2, which is a combination of retail & office, to O-2 which is primarily office. What we intend to do if we do have the rezoning approved is remove the retail building at the corner which is now occupied by Auto Sounds, we'll be adding an addition onto the Office Building of similar architecture & appearance so you'll still should look like a single building. The reason for the rezoning is to allow us to add that addition without adding any additional parking. We go from a parking ratio of 1 per 200 to 1 per 300 which permits us to add the addition with no new parking spaces that we presently have. With office use being our primary use right now & the parking ratio in H-2, we have more than adequate parking that's never been used. And so that's what we're doing right now. I'll be glad to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3270 – APP. OF THE PLANNING DIRECTOR FOR A CHANGE FROM "P" PUBLIC USE TO "I" INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT S. 6TH & "G" STS. - Danny Walker, 427 E St.: I would like to know what the intent & natural
use of this property is. The reason of my concern is there's several vehicles unlicensed, unregistered setting in the sidewalk area in front of the structure that has the zoning change notice. We already have enough trouble in that neighborhood with unlicensed, unregistered vehicles without adding to the problem. Thank you.

This matter was taken under advisement.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE PREFIXED BY "P" - Deputy Clerk: This item has been requested to have...to suspend the rules to have 2nd & 3rd Reading with Action today. Did any Council Member wish to make a motion at this time to suspend the rules for 2nd & 3rd Reading?

Ms. Johnson: So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

SPECIAL PERMIT 1843 - APP. OF LORA BELLE M. HANSON FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, APPROVING A WAIVER OF THE DESIGN STANDARDS REQUIRING A MINIMUM SEPARATION DISTANCE OF 100' FROM A RESIDENTIAL DIST. OR RESIDENTIAL USE, & APPROVING A WAIVER OF THE DESIGN STANDARDS PROHIBITING DOORS FROM FACING RESIDENTIAL DISTRICTS WITHIN 150', AT 2620 STOCKWELL ST. - Dave Oliphant, 2800 Woods Blvd.: I represent Lori Hanson in this project. Did you get the information packet that I sent & the letters from the Neighborhood Association? I want to thank the Council. I came before you on July 3rd & you recommended that you table this & I meet with the Neighborhood Assoc. which I did. They were good people & good to work with & I think we worked things out quite well. Having said that, I ask for your favorable consideration of this. Do you have any questions?

Mr. Cook: I just want to thank you for working with the neighbors. I know this took a little time but I'm very pleased with the outcome & thank you all for your patience.

This matter was taken under advisement.

SPECIAL PERMIT 64A - APP. OF KENSINGTON CORP. TO AMEND KENSINGTON OFFICE PARK (FORMERLY SOUTHWEST CENTER) TO ADD A GROUND SIGN IN THE FRONT YARD SETBACK ALONG OLD CHENEY RD. BETWEEN S. 14TH & S. 16TH STS. - Tom Cajka, Ross Engineering, 650 "J" St., Suite 210, representing applicant, came forward to answer any questions.

This matter was taken under advisement.

SPECIAL PERMIT 1553A - APP. OF JACOB NORTH ON BEHALF OF ELLIOTT MEGDAL & ASSOC. TO EXPAND THE OUTBACK STEAKHOUSE FOR A SIDEWALK CAFÉ WITH THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY LOCATED AT 633 N. 48TH ST. - Jacob North, 310 Skyway Rd., representing applicant, came forward to answer any questions.

Mr. Shoecraft: What are you going to be doing at this location?

Mr. North: Actually the location is directly in front as you walk into the building & I don't have a site map.

Mr. Shoecraft: Where the parking is?

Mr. North: It would be...it's not in the parking. It would be the patio. It's underneath the awning of the building. It's gated. Inspector Fosler's already checked out the gates & things. It's just basically set up so the adult patrons are waiting that they can have an alcoholic beverage outside.

This matter was taken under advisement.

SPECIAL PERMIT 1629B - APP. OF DUTEAU CHEVROLET/SUBARU TO ADD A 45 SQ. FT., 6 1/2' HIGH ILLUMINATED GROUND SIGN & TO REPLACE THE APPROVED 100 SQ. FT., 45' HIGH POLE SIGN WITH A 75 SQ. FT. 10' HIGH GROUND SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S. 27TH ST. & PORTER RIDGE DR. - Brian Carstens, 5815 S. 58th St., Suite D, representing applicant: Basically what we're doing is trading in the 35' high 100 sq. ft. pole sign for two smaller ground signs. As part of the Special Permit & the Sign Ordinance, we can ask for additional signs & we had come up with a compromise with the neighbors as well as Planning Dept. for the two smaller ground signs. The one ground sign for the Chevrolet, it's at 10' in height which is basically a waiver. Normally, they're 8' in height. But we're able to salvage the sign that they wanted to use, asked for that waiver. Here to answer any questions that you have.

This matter was taken under advisement.
SPECIAL PERMIT 1753A - APP. OF R.C. KRUEGER DEVELOPMENT CO. TO AMEND THE VAVRINA MEADOWS COMMUNITY UNIT PLAN (C.U.P.) TO INCREASE THE TOTAL NUMBER OF APPROVED DWELLING UNITS FROM 612 TO 648 & TO ADD AN EARLY CHILDHOOD CARE FACILITY. R.C. Krueger Development Co. Inc. (Rick Krueger, 2929 Pine Lake Rd.), applicant. We're requesting waivers on a couple of uses in our Vavrina Meadows C.U.P. One is to create a generic Use Permit for a day care & the other is to increase the density on an apartment site that we have by 30 dwelling units. This went before the Planning Commission & was approved 7-0. Also, one other thing this does is allows us to increase the height on the apartments & allow us to put in 9' side walls & a 512 roof. I have some exhibits if you'd like to see them. Otherwise, that's the three minor changes.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 16 THROUGH JULY 31, 2000 - Dawn McFarland, 3301 "D" St.: I have a claim with the City. A City tree has fallen on my house & my car. It was reported 3 days prior that the tree was lifting the curb & that it was obvious that it was falling. The Forestry Department had someone out & left a card on my neighbors doorstep saying that the tree was not diseased or dangerous & therefore they were not cutting it down. Three days later it's laying on my house, my car. My car's totaled. And I filed the claim but they've denied it & I'm here in hopes that you guys would reconsider.

Mr. Shoecraft: Is the $6800 represents the damage to the car?
Ms. McFarland: That's the overall total of all the damages done to the house, the car & some additional expenses that I had.

Mr. Shoecraft: Did you have insurance on the car?
Ms. McFarland: I did have on the car but it did not cover additional things like a rental car so that I could get back & forth to work for a week while I was making other decisions.

Mr. Shoecraft: So, you had insurance on your vehicle but did not cover for the rental car. And did you have insurance on your home?
Ms. McFarland: Yes, I did.
Mr. Shoecraft: Okay. And did the insurance cover that?
Ms. McFarland: Yes.

Mr. Shoecraft: So, what does the $6800 represent then?
Ms. McFarland: The damages that I sustained to the house, the car. I have a tree in front of my house, it's my tree, it's a 15' spruce that was damaged as well. It's property value to me. I'm a taxpayer. And I feel that I called 3 days in advance to try to get something taken care of so that something like this wouldn't happen & it fell on my house causing additional damage anyway.

Mr. Shoecraft: I'm asking the questions. I don't understand exactly how's this work, insurance covered everything.
Ms. McFarland: I settled with the insurance company & I will be paying the insurance company back for theirs. Does that answer your question?
Mr. Shoecraft: Yeah.

Jon Camp, Council Member: If you look at...did you have deductibles on your policies?
Ms. McFarland: On the...I do have packets if you guys would like those? It'll show the estimates that the insurance gave me. I did have a hundred dollar deductible on the homeowners insurance that they deducted & then paid me the difference. So, I'm asking for the deductible back as well.

Mr. Shoecraft: Dana, this figure...what I was getting to with my question was not that...I'm not saying that she shouldn't get something. I was questioning the fact that insurance has reimbursed her for her car & how's...then why should we then pay out $6800 if that's the portion that represents the out-of-pocket expenses and/or deductibles, yes, you know, that's why I was asking that question. And is that the case?
Ms. McFarland: Yes.

Jim McFarland, 1327 H St., Ste. 201: Dawn is in my former daughter-in-law. The claims of the insurance companies are subrogated against her claims. So, whatever she gets, the insurance companies will come back against her to claim what they've already paid her. So, she'll have to reimburse them for what they have already paid. It's like if you were in a car accident case & you [break in tape] the insurance companies come against you & say we want reimbursed for what we paid. And that's per case, in effect. I mean if she were to just settle for just the deductibles, then they're going to say well, you settled your claim, the City admitted liability now reimburse us for what we paid you in
insurance. So, any claim that she would settle would have to include her claims against the insurance companies. The insurance companies subrogation interest in that.

Mr. Shoecraft: What was the reason for denial?

Ms. McFarland: It's on the last page.

Mr. Shoecraft: Okay. Ms. McFarland: So, we can take this one off & investigate it further then render a decision next week?

Mr. Roper: Sure.

Mr. Shoecraft: That'd be good.

Ms. McFarland: Is that satisfactory?

Mr. Roper: Okay.

Ms. McFarland: What actually happened to your house then? Did it cave in the roof?

Ms. McFarland: No. No internal damage was done. It didn't come through the roof or anything & that's part of my claim to replace the tree in front of my house. I had a 15' or 16' spruce & I believe that that took the brunt of the larger tree falling...making more damage to the house & the trees going to now have to be cut down. You'll see in some of those pictures where it's dying. It's not going to come out of it & so I would like to replace that. But the house...the gutters were bent, kind of torn down a little bit. I have an address...a cursive address above the garage door, it was broken & hanging.

Mr. Shoecraft: Dawn, on your homeowners policy, would that not cover damage to things like that spruce tree?

Ms. McFarland: The tree, I have a copy of that in the packets that I gave you. It would be 3 pages before that letter from James Faimon. It looks like this, from State Farm. Right down where it says #3, it starts off "Trees, shrubs, & other plants".

Mr. Shoecraft: Okay. Well, we'll take it off the denial list & get some further information from Dana next week & then it'll be back on the agenda next week for action either denial or we'll allow it or we'll come to some compromise. Three options, I suppose, so, Joan, just a reminder. So, there needs to be a motion to take this off.

Ms. Seng: So moved.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 E St., came forward re: the fine for illegal fill in the floodplain is totally ridiculous, it's only $25; commented about not doing a complete job on the non-operating, unregistered vehicles; would like to see once a job is started, that it's finished.

Glen Cekal, 1420 C St., came forward regarding the building on the northwest corner of 9th & P Sts. needs some beautification.

These matters were taken under advisement.

ORNIDANCES - 3RD READING

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, MONTHLY, BIMONTHLY, & HOURLY PAY RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE ASSIGNED TO PAY RANGES PREFIXED BY "P" - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, adopting pay schedules & schedules of pay ranges for employees of the City of Lincoln, Nebraska whose classifications are assigned to pay ranges prefixed by the letter "P"; repealing Secs. 9 & 10 of Ord. 17394, passed by the City Council on Aug. 10, 1998; & declaring an emergency, the third time.

JOHNSON Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered 17713, is recorded in Ordinance Book 24, Page
AMENDING SECS. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 OF THE LMC TO INCREASE THE FEES FOR SWIMMING POOLS, SPA FACILITIES, MAINTAINING OR USING WATER WELLS WITHIN THE CITY LIMITS, & CONSTRUCTING & ALTERNATING INDIVIDUAL SEWAGE SYSTEMS, & AMENDING SEC. 8.44.060 TO PROVIDE FOR BI-ANNUAL PERMITS FOR WATER WELLS WITHIN THE CITY - DEPUTY CLERK read an ordinance, introduced by Jonathan Cook, amending Secs. 8.38.090, 8.40.070, 8.44.070, & 24.38.070 of the LMC to increase the fees for swimming pools, spa facilities, maintaining or using water wells within the city limits, & constructing & alternating individual sewage systems, respectively; amending Sec. 8.44.060 of the LMC to provide for bi-annual, rather than annual permits for water wells within the City; & repealing Secs. 8.38.090, 8.40.070, 8.44.060, 8.44.070, & 24.38.070 of the LMC as hitherto existing, the third time.

COOK Moved to pass the ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Portenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

The ordinance, being numbered 17714, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS & USE PERMITS

SPECIAL PERMIT 1843 - APP. OF LORA BELLE M. HANSON FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES, APPROVING A WAIVER OF THE DESIGN STANDARDS REQUIRING A MINIMUM SEPARATION DISTANCE OF 100' FROM A RESIDENTIAL DIST. OR RESIDENTIAL USE, & APPROVING A WAIVER OF THE DESIGN STANDARDS PROHIBITING DOORS FROM FACING RESIDENTIAL DISTRICTS WITHIN 150', AT 2620 STOCKWELL ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

WHEREAS, Lora Belle M. Hanson has submitted an application designated as Special Permit 1843 for authority to sell alcoholic beverages for consumption on the premises generally located at 2620 Stockwell St., legally described as:

Lot 2, Woods Replat of Lots 4 & 5, Block 3, Country Club Plaza, located in the Southeast Quarter of Sec. 1, T9N, R6E, Lincoln, Lancaster County, Nebraska; general location of the premises is: commencing at the westernmost corner of Lot 2, Woods Replat of Lots 4 & 5, Block 3, Country Club Plaza; thence northeasterly along the westernmost lot line of said Lot 2, a distance of 65.0'; thence southeasterly on a line perpendicular with the westernmost lot line, a distance of 55.0' to the point of beginning; thence southerly at a deflection angle of 110 degrees, a distance of 40.0'; thence left at a deflection angle of 90 degrees, a distance of 28.0'; thence left at a deflection angle of 90 degrees, a distance of 40.0'; thence left at a deflection angle of 90 degrees, a distance of 28.0' to the point of beginning;

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; &

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

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

That the App. of Lora Belle M. Hanson, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be & the same is hereby granted under the provisions of Sec. 27.63.680 of the LMC upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements which constitute the required mitigation under the ordinance:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only.

2. Prior to issuance of any building permits, the Permittee must provide & receive approval of a revised site plan by the Public Works Department. this includes removing the parking spaces from the City alley, dimensioning the parking setbacks, dimensioning the stalls & drive aisles, & providing a site drainage plan if the parking lot is to be improved.

3. The requirement of Sec. 27.63.680(c) of the LMC requiring a minimum separation distance of 100' from a residential district, or residential use, is hereby waived.

4. The requirement of Sec. 27.63.680(g) of the LMC prohibiting doors from facing residential districts within 150' is hereby waived.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements & similar matters.

The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, her successors, & 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 & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

USE PERMIT 64A - APP. OF KENSINGTON CORP. TO AMEND KENSINGTON OFFICE PARK (FORMERLY SOUTHWEST CENTER) TO ADD A GROUND SIGN IN THE FRONT YARD SETBACK ALONG OLD CHENEY RD. BETWEEN S. 14TH & S. 16TH STS. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

WHEREAS, Kensington Corp. has submitted an application in accordance with Sec. 27.31.100 of the LMC designated as Use Permit 64A to amend Kensington Office Park to add a ground sign in the front yard setback on property along Old Cheney Rd. between S. 14th & S. 16th Sts., & legally described to wit:

Lots 2-6, Block 1, Lincoln Industrial Park South & Lots 1 & 2, & Outlot "A" & "B", Kensington Office Park located in the Southwest Quarter of Sec. 12, T9N, R6E of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this ground sign will not be adversely affected; &

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

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

That the App. of Kensington Corp., hereinafter referred to as "Permittee", to on the property legally described above be & the same is hereby granted under the provisions of Secs. 27.31.100 & 27.69.046 of the LMC upon condition that construction & operation of said ground sign be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves the development of 137,018 sq. ft. of office & retail space as shown on the approved site plan & a waiver of the front yard setback from 50’ to 30’ along Old Cheney Rd. for a pad site ground sign.

2. The Permittee shall relocate the ground sign at Permittee’s own cost & expense in the event the S. 14th St., Old Cheney Rd., & Warlick Blvd. intersection improvement study requires said street intersection improvements in the vicinity of the ground sign.

3. Before receiving building permits:
   a. The Permittee must submit a revised & reproducible final plan of the entire use permit area.
   b. The construction plans must conform to the approved plans.

4. Before occupying any of this development all development & construction must be completed in conformance with the approved plans. All privately-owned improvements - be permanently maintained by the owner or an appropriately established property owners association approved by the City Attorney.

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

7. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors & assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.

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

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

SPECIAL PERMIT 1553A - APP. OF JACOB NORTH ON BEHALF OF ELLIOTT MEGDAL & ASSOCS.
TO EXPAND THE OUTBACK STEAKHOUSE FOR A SIDEWALK CAFE WITH THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY LOCATED AT 633 N. 48TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80348

WHEREAS, Jacob North on behalf of Elliott Megdal & Assocs. has submitted an application designated as Special Permit 1553A for authority to expand the Outback Steakhouse for a sidewalk cafe with the sale of alcoholic beverages for consumption on the premises on property located at 633 N. 48th St., & legally described to wit:

The east 250.88' of Lots 2 & 3, a Corrected Plat of 48th & Vine Plaza, located in the Southwest Quarter of Sec. 20, T10N, R7E of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows:

Commencing at the northeast corner of said Lot 3; thence west on the north line of said Lot 3, a distance of 16' 0"; thence south on a line which is 16' 0" west of & parallel to the east lot line of said Lot 3, a distance of 30' 0" to the point of beginning; thence continuing south on the same line, a distance of 105' 0"; thence west on a line which is 135' 0" south of & parallel to the north lot line of said Lot 3; a distance of 78' 0"; thence north on a line which is 94' 0" west of & parallel to the east lot line of said Lot 3, a distance of 105' 0"; thence east on a line which is 30' 0" south of & parallel to the north lot line of said Lot 3, a distance of 78' 0" to the point of beginning;

WHEREAS, the real property adjacent to the area included within the site plan for this expanded use of a restaurant for a sidewalk cafe with the sale of alcoholic beverages on the premises will not be adversely affected; &

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

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

That the App. of Jacob North on behalf of Elliott Megdal & Assoc., hereinafter referred to as "Permittee", to expand the Outback Steakhouse for a sidewalk cafe with the sale of alcoholic beverages for consumption on the premises, on the property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.680 of the LMC upon condition that construction & operation of said sidewalk cafe area be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

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

2. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, his successors, & 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.

3. The Permittee shall sign & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.
SPECIAL PERMIT 1629B - APP. OF DUTEAU CHEVROLET/SUBARU TO ADD A 45 SQ. FT., 6 1/2' HIGH ILLUMINATED GROUND SIGN & TO REPLACE THE APPROVED 100 SQ. FT., 45' HIGH POLE SIGN WITH A 75 SQ. FT. 10' HIGH GROUND SIGN ON PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S. 27TH ST. & PORTER RIDGE DR. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

WHEREAS, Duteau Chevrolet/Subaru has submitted an application designated as Special Permit 1629B for authority to amend Special Permit 1629 to add a 45 sq. ft., 6 1/2' high illuminated ground sign & to replace the approved 100 sq. ft., 45' high pole sign with a 75 sq. ft., 10' high ground sign on property located at the southeast corner of S. 27th St. & Porter Ridge Drive, & legally described to wit:

Lot 1, Block 1, Porter Ridge West 4th Add., located in the Northwest Quarter of Sec. 19, T9N, Range 7 East of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for these additional ground signs will not be adversely affected; &

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

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

That the App. of Duteau Chevrolet/Subaru, hereinafter referred to as "Permittee", to add a 45 sq. ft., 6 1/2' high illuminated ground sign & to replace the approved pole sign with a ground sign not to exceed 75 sq. ft., 10' high ground sign, on the property legally described above, be & the same is hereby granted under the provisions of Secs. 27.63.470 & 27.69.047 of the LMC upon condition that construction & operation of said signs be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves two ground signs as shown on the approved site plan, one not to exceed 45 sq. ft. in area or 6' 6" in height at the south entrance off of S. 27th St., & the second to replace the approved pole sign with a ground sign not to exceed 75 sq. ft. in area or 10' in height at the southeast corner of S. 27th & Porter Ridge Rd.

2. All conditions of Special Permit 1629 A shall remain in force except for this amendment.

3. Before receiving building permits:
   a. The Permittee must submit a reproducible final plan & a landscape plan approved by the Planning Director.
   b. The building plans must conform to the approved plans.

4. Before construction this commercial use, all development & construction must be completed in conformance with the approved plans.

5. All privately-owned improvements, including landscaping, shall be permanently maintained by the owner or lessee.

6. The site plan approved by this permit represents the official approved permit, & shall be the basis for all interpretations of setbacks, yards, locations of structures, location of parking & circulation elements, etc.

7. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAIS: None; ABSENT: McRoy.

SPECIAL PERMIT 1753A - APP. OF R.C. KRUEGER DEVELOPMENT CO. TO AMEND THE VAVRINA MEADOWS C.U.P. TO INCREASE THE TOTAL NUMBER OF APPROVED DWELLING UNITS FROM 612 TO 648 & TO ADD AN EARLY CHILDHOOD CARE FACILITY, WITH ASSOCIATED WAIVER REQUESTS, ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. & VAVRINA BLVD. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

WHEREAS, R.C. Krueger Development Company has submitted an application designated as Special Permit 1753A for authority to amend Vavrina
Meadows C.U.P. to increase the total number of approved dwelling units from 612 to 648 & to add an early childhood care facility on property generally located at S. 14th St. & Vavrina Blvd., & legally described to wit:

Lots 73, 74, & 75 of Irregular Tracts, a portion of Lot 70 of Irregular Tracts, all of Vavrina Meadows including Blocks 1 through 12, & Outlots 'A', 'B', 'C', & 'D', all of Vavrina Meadows 1st Add., all of Vavrina Meadows 2nd Add., all of Vavrina Meadows 4th Add., & all of Vavrina Meadows 5th Add., all located in the West Half of Sec. 24, T9N, R6E of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows: Beginning at the northwest corner of Outlot 'A', Vavrina Meadows in said Sec. 24 & extending thence north 88 degrees 33 minutes 17 seconds east a distance of 2583.00'; thence south 01 degrees 59 minutes 00 seconds east a distance of 1989.07'; thence south 88 degrees 29 minutes 50 seconds west, a distance of 2018.10'; thence north 01 degrees 56 minutes 43 seconds west, a distance of 1024.53'; thence south 88 degrees 03 minutes 17 seconds west, a distance of 566.48'; thence north 01 degrees 56 minutes 43 seconds west, a distance of 971.50' to the point of beginning, containing 104.76 acres.

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

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

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

That the App. of R.C. Krueger Development Company, hereinafter referred to as "Permittee", to amend Vavrina Meadows C.U.P. to increase the total number of dwelling units from 612 to 648 & to add an early childhood care facility on the property legally described above, be & the same is hereby granted under the provisions of Secs. 27.63.070, 27.63.320 & Chapters 27.15 & 27.65 of the LMC upon condition that construction & operation of said community unit plan & early childhood care facility be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves a community unit plan with a total of 618 dwelling units & a 150-student early childhood care facility with the following associated waivers:

   (a) The requirement set forth in the Design Standards for Community Unit Plans that the concentration of cluster of dwelling units shall not exceed 15 dwelling units per acre in the R-3 zoning district is waived to allow 23.6 dwelling units per acre on Lot 9, Block 18.

   (b) The requirement set forth in the Design Standards for Community Unit Plans that the concentration of cluster of dwelling units shall not exceed 15 dwelling units per acre in the R-3 zoning district is waived to allow 22.0 dwelling units per acre on Lot 22, Block 19.

   (c) The maximum height requirement of 35' is waived to allow a maximum height of 43' for the multiple family structures.

   (d) The requirement that the early childhood care facility provide a detailed site plan, a layout of the building, elevations of the building & a description of the conversion plan, & the operational plan for the care facility is waived until an application for the building permit is made.

2. Before receiving building permits:

   (a) The Permittee must submit a revised & reproducible final plan as approved

   (b) The early childhood care facility shall have an administrative amendment approved on the parcel which shows a detailed site layout, the elevations of the building, the elevations of the building showing how it could be converted to a use permitted in the district, & an operational plan of the care facility.

3. Before occupying the new dwelling units all development & construction must be completed in conformance with the approved plans.

4. All privately-owned improvements shall 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 & circulation elements, & similar matters.

The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors, & 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 & 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 & 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 & supersedes all previously approved site plans, however, all prior resolutions approving Special Permit 1753 & amendments thereto remain in full force & effect specifically amended by this resolution.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

PETITIONS & COMMUNICATIONS

UNL MICROBIOLOGIST REPORT OF WATER TESTED FOR THE MONTH OF JULY, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

PETITION TO VACATE IN MARSHALL ST. FROM THE EAST LINE OF LOT 7, RYANS SUB., TO THE WEST LINE OF SAID LOT 7, RYANS SUB. SUBMITTED BY LINCOLN MATTRESS CO.

PETITION TO VACATE IN DAIRY DR. FROM THE EAST LINE OF LOT 1, LEAVITT’S SUB., TO THE WEST LINE OF LOT 4, LEAVITT’S SUB. SUBMITTED BY THE STATE OF NEBRASKA.

PETITION TO VACATE MARSHALL ST., AKA DAIRY DR., FROM THE EAST LINE OF LOT 6, LEAVITT’S SUB., TO THE WEST LINE OF LOT 5, LEAVITT’S SUB. SUBMITTED BY LANCASTER COUNTY - DEPUTY CLERK presented said petition which was referred to the Law Dept.

REPORTS TO CITY OFFICERS

CLERK’S LETTER & MAYOR’S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JULY 31, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80355
BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 08/04/00)

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: April thru June, 2000: GE Capital Comms., Qwest Comms. (amended return); June, 2000: Affinity Corp.; July, 2000: One Call Comms. - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF 911 SURCHARGE REMITTANCE FROM ALIANT COMM. - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JULY 16 THROUGH JULY 31, 2000 - PRIOR to reading:

SENG Moved to remove the Claim of Dawn McFarland for further consideration on 8/21/00.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.
DEPUTY CLERK Read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80351

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 Aug. 1, 2000, of various new & 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

Dawn R. McFarland 6,888.00

Janet Hesson 1,596.81

State Farm Insurance 1,596.81

Ronald George 6,000.00+

Chan Sy 197.00

Doug Schwartz 341.28

Don Nelson/Old Mil Custom Woodworking 316.78

Gary L. & Anna L. Plank 1,222.00

ALLOWED

Dianne Johnson $ 25.00

Geoff Camplin 70.00

Farmers Mutual of Nebraska Insureds) 1,650.00

Robert Compton 743.26

Doug Schwartz 341.28

Glen & Roxanne Miller, Insured) 1,650.00

Gary L. & Anna L. Plank 1,222.00

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

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

OTHER RESOLUTIONS

APP. OF NEBRASKA ENTERTAINMENT L.L.C. DBA FOX & HOUND FOR A CLASS I LIQUOR LICENSE AT 201 N. 8TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80329

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, & the pertinent City ordinances, the City Council recommends that the App. of Nebraska Entertainment L.L.C. dba Fox & Hound for a Class I liquor license at 201 N. 8th St., Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city & state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

MAN. APP. OF DAVID KIRK ANDERSON FOR NEBRASKA ENTERTAINMENT L.L.C. DBA FOX & HOUND AT 201 N. 8TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80330

WHEREAS, Nebraska Entertainment L.L.C., dba Fox & Hound located at 201 N. 8th St., Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, & now requests that David Kirk Anderson be named manager;

WHEREAS, David Kirk Anderson appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that David Kirk Anderson 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 Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF DAV ROBERT FLANSBURG CHAPTER #7 FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN L-SHAPED AREA MEASURING 14' BY 6' TO THE SOUTHEAST AT 3901 N. 70TH ST. - DEPUTY CLERK read the following resolution, introduced by
REGULAR MEETING
AUGUST 14, 2000
PAGE 309

Cindy Johnson, who moved its adoption for approval:

**A-80331** 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, & the pertinent City ordinances, the City Council recommends that the App. of DAV Robert Flansburg Chapter #7 to expand its licensed premises by the addition of an L-shaped area measuring 14' by 6' to the southeast of the presently licensed premises located at 3901 N. 70th St., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City & 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 Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF HY VEE FOOD STORE #2 FOR AN ADDITION TO THEIR LICENSED PREMISES OF AN AREA 202' BY 109' TO THE WEST AT 2343 N. 48TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

**A-80332** 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, & the pertinent City ordinances, the City Council recommends that the App. of Hy Vee Food Store #2 to expand its licensed premises by the addition of an area measuring 202' by 109' to the west of the presently licensed premises located at 2343 N. 48th St., Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City & 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 Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

MAN. APP. OF NGAWANG RINCHEN FOR INDIAN FOOD ASSOCIATES OF NEBRASKA, INC. DBA THE OVEN AT 201 N. 8TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

**A-80333** WHEREAS, Indian Food Assocs. of Nebraska dba The Oven located at 201 N. 8th St., Lincoln, Nebraska has been approved for a Retail Class "I", "B", & "K" liquor license, & now requests that Ngawang Rinchen be named manager;
WHEREAS, Ngawang Rinchen appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that Ngawang Rinchen 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 Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF LCV, INC. DBA VILLAGE MARKET FOR A CLASS B & K LIQUOR LICENSE AT 3211 S. 13TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

**A-80334** 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, & the pertinent City ordinances, the City Council recommends that the App. of LCV, Inc. dba Village Market for a Class B & K liquor license at 3211 S. 13th St., Lincoln, Nebraska, for the license period ending April 30, 2001, 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 Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

MAN. APP. OF LAWRENCE A. BAUS FOR LCV, INC. DBA VILLAGE MARKET AT 3211 S. 13TH
ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80335 WHEREAS, LCV, Inc. dba Village Market located at 3211 S. 13th St., Lincoln, Nebraska has been approved for a Retail Class B & K liquor license, & now requests that Lawrence A. Baus be named manager;
WHEREAS, Lawrence A. Baus appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that Lawrence A. Baus 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 Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

MAN. APP. OF STEPHANIE D. REZAC FOR MOOSE LOYAL ORDER 175 DBA MOOSE LODGE 175 AT 4901 N. 56TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80336 WHEREAS, Moose Loyal Order 175 dba "Moose Lodge 175" located at 4901 N. 56th St., Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, & now requests that Stephanie D. Rezac be named manager;
WHEREAS, Stephanie D. Rezac appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that Stephanie D. Rezac 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 Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

MAN. APP. OF CRYSTAL J. BUSS FOR LONE STAR STEAKHOUSE & SALOON OF NE, INC. DBA LONE STAR AT 200 N. 70TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80337 WHEREAS, Lone Star Steakhouse & Saloon of NE, Inc. dba Lone Star located at 200 N. 70th St., Lincoln, Nebraska has been approved for a Retail Class I liquor license, & now requests that Crystal Buss be named manager;
WHEREAS, Crystal Buss appears to be a fit & 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, & the pertinent City ordinances, the City Council recommends that Crystal Buss 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 Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF OGDEN ENTERTAINMENT DBA PERSHING AUDITORIUM FOR A SPECIAL DESIGNATED LICENSE (SDL) TO COVER AN AREA ON N ST. FROM 16TH TO 14TH STS. & CENTENNIAL MALL FROM M ST. TO O ST. ON AUGUST 17, 2000 FROM 4:00 P.M. TO 11:59 P.M., AUGUST 18 & 19, 2000, FROM 11:00 A.M. TO 11:59 P.M., & AUGUST 20, 2000 FROM 12:00 NOON TO 5:00 P.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80337 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, & the pertinent City ordinances, the City Council recommends that the App. of Ogden Entertainment dba Pershing Auditorium for a SDL to cover an area in N St. from 16th St. to 14th St., & in Centennial Mall from "M" St. to "O" St., adjacent to Pershing Auditorium, Lincoln, Nebraska, on Aug. 17, 2000
from 4:00 p.m. to 11:59 p.m., Aug. 18, 2000 from 11:00 a.m. to 11:59 p.m., Aug. 19, 2000 from 11:00 a.m. to 11:59 p.m., & Aug. 20, 1999 from 12:00 noon to 5:00 p.m., be approved with the condition that the premise complies in every respect with all City & State regulations & 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 Cindy Johnson

Seconded by Seng & carried by the following vote:  AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF WINE MERCHANTS INC. FOR A SDL COVERING AN AREA MEASURING 125' BY 75' AT FRONTIER HARLEY DAVIDSON, 2801 N. 27TH ST., ON AUG. 26, 2000 FROM 4:00 P.M. TO 10:00 P.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

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, & the pertinent City ordinances, the City Council recommends that the App. of Wine Merchants, Inc. for a SDL to cover an area measuring 2150' by 750' at the Pegram residence, 4900 N. 14th St., Lincoln, Nebraska, on the 3rd day of June, 2000, between the hours of 3:00 p.m. & 11:00 p.m., be approved with the condition that the premise complies in every respect with all City & State regulations & 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 Cindy Johnson

Seconded by Seng & carried by the following vote:  AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF PICKFAIR ENTERTAINMENT CORP. DBA BIG RED KENO SPORTS BAR & GRILL FOR A SDL COVERING AN AREA MEASURING 50' BY 25' AT 955 W. "O" ST., ON SEPT. 2, 23, 30, OCT. 21, NOV. 4, & 24, 2000, FROM 10:00 A.M. TO 10:00 P.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

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, & the pertinent City ordinances, the City Council recommends that the App. of Pickfair Entertainment dba Big Red Reno Bar & Grill for a SDL to cover an area measuring 50' by 25' at 955 W. O St., Lincoln, Nebraska, on Sept. 2, 23, 30, Oct. 21, Nov. 4, & 24, 2000, between the hours of 10:00 a.m. & 10:00 p.m., be approved with the condition that the premise complies in every respect with all City & State regulations & 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 Cindy Johnson

Seconded by Seng & carried by the following vote:  AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF LINCOLN P ST. CATERING FOR A SDL COVERING AN AREA MEASURING 92' BY 120' AT 1040 P ST., ON SEPT. 2, 2000 FROM 6:00 A.M. TO 10:00 P.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

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, & the pertinent City ordinances, the City Council recommends that the App. of Lincoln P St. Catering for a SDL to cover an area measuring 92' by 120' at 1040 P St., Lincoln, Nebraska, on the 2nd day of Sept., 2000, between the hours of 6:00 a.m. & 10:00 p.m., be approved with the condition that the premise complies in every respect with all City & State regulations & 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.

Seconded by Seng & carried by the following vote:  AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF GAZELLE ENTERPRISES DBA BARRYMORES LOUNGE FOR A SDL COVERING AN AREA MEASURING 150' BY 20' IN THE ALLEY AT 124 N. 13TH ST., ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 8:00 A.M. TO 10:30 P.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80342

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, & the pertinent City ordinances, the City Council recommends that the App. of Gazelle Enterprises dba Barrymore's Lounge for a SDL to cover an area measuring 150' by 20' in the alley at 124 N. 13th St., Lincoln, Nebraska, on Sept. 2, 23, 30, Oct. 21, Nov. 4 & 24, 2000, between the hours of 8:00 a.m. & 10:30 p.m., be approved with the condition that the applicant & premise complies in every respect with all City & State regulations & with the following requirements:

1. Identification shall be checked 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 Cindy Johnson

Seconded by Seng & carried by the following vote:  AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF PRAIRIE FARE INC. DBA P.O. PEARS FOR A SDL COVERING AN AREA MEASURING 100' BY 40' AT 322 S. 9TH ST., ON AUG. 25 & 26, 2000 FROM 11:00 A.M. TO 1:00 A.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80343

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, & the pertinent City ordinances, the City Council recommends that the App. of Prairie Fare, Inc. dba P.O. Pears for a SDL to cover an area measuring 100' by 40' at 322 S. 9th St., Lincoln, Nebraska, on Aug. 25 & 26, 2000, between the hours of 11:00 a.m. & 1:00 a.m., be approved with the condition that the premise complies in every respect with all City & State regulations & 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 Cindy Johnson

Seconded by Seng & carried by the following vote:  AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF BARRY GOOD INC. DBA BARRY'S BAR & GRILL FOR A SDL COVERING AN AREA MEASURING 134' BY 142' AT 303 N. 9TH ST., ON SEPT. 2, 23, 30, OCT. 21,
NOV. 4 & 24, 2000 FROM 8:00 A.M. TO 1:00 A.M. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80344 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, & the pertinent City ordinances, the City Council recommends that the App. of Barry Good, Inc. dba Barry's Bar & Grill for a SDL to cover an area measuring 134' by 142' at 303 N. 9th St., Lincoln, Nebraska, on Sept. 2, 23, 30, Oct. 21, Nov. 4 & 24, 2000, between the hours of 8:00 a.m. & 1:00 a.m., be approved with the condition that the applicant & premise complies in every respect with all City & State regulations & with the following requirements:
1. Identification shall be checked 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 Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF MINLINER CORP. DBA PARKWAY LANES & PUB FOR A SDL COVERING AN AREA MEASURING 72' X 16' AT 715 STADIUM DR. ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 8 A.M. TO 11 P.M. - DEPUTY CLERK read the following application.

SENG Moved to approve.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APP. OF GEEMAX, INC. DBA N-ZONE FOR A SDL COVERING AN AREA MEASURING 63 ½' X 108' AT 728 ½ Q ST. ON SEPT. 2, 23, 30, OCT. 21, NOV. 4 & 24, 2000 FROM 8 A.M. TO 1 A.M. - DEPUTY CLERK read the following application.

JOHNSON Moved to approve.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING A LABOR CONTRACT BETWEEN THE CITY & THE LINCOLN CITY EMPLOYEES ASSOC. - DEPUTY CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80346 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached labor agreement between the City of Lincoln & the Lincoln City Employees Association, to be effective Aug. 17, 2000, is hereby approved, & the Mayor is authorized to execute the same on behalf of the City.

Introduced by Jonathan Cook
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPROVING A LABOR CONTRACT BETWEEN THE CITY OF LINCOLN & THE LINCOLN POLICE UNION - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80352 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the attached labor agreement between the City of Lincoln & the Lincoln Police Union, to be effective Aug. 17, 2000 through Aug. 31, 2003, is hereby approved, & the Mayor is authorized to execute the same on behalf of the City.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

APPOINTING KENT C. THOMPSON TO THE LINCOLN HOUSING AUTHORITY BOARD TO FILL AN UNEXPENDED TERM EXPIRING JULY 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80353 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the appointment of Kent C. Thompson to the Lincoln Housing Authority Board to fill an expired term expiring July 1, 2003 is hereby approved.

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.
REGULAR MEETING
AUGUST 14, 2000
PAGE 314

SETTING HEARING DATE OF MON., AUG. 28, 2000 AT 1:30 P.M. ON THE APP. OF RT OMAHA FRANCHISE LLC DBA RUBY TUESDAY FOR A RETAIL CLASS I LIQUOR LICENSE AT 5508 S. 56TH ST. DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Aug. 28, 2000 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 RT Omaha Franchise, LLC dba Ruby Tuesday for a Retail Class I Liquor License at 5508 S. 56th St.

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

Introduced by Cindy Johnson
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

ORDINANCES - 1ST & 2ND READING

REPEALING ORD. 17122 FOR REPAVING DIST. 149 IN 68TH ST. FROM FREMONT ST. TO BENTON ST. DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, repealing Ord. 17122 which created Repaving Dist. 149, which repaving district included all that portion of Lots 5 through 8, Block 7 & Lots 1, 2, 12 & the east 32' of Lot 11, Block 8, Woods Brothers 2nd Add. to Havelock describing the benefited property & providing for the payment of the cost thereof, the first time.

AUTHORIZING THE TRANSFER OF UNSPENT & UNENCUMBERED APPROPRIATIONS & CASH (IF ANY) BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN SEVERAL FUNDS WITHIN PUBLIC WORKS & UTILITIES & THE PARKS & RECREATION DEPARTMENTS CLERK read an ordinance, introduced by Jeff Fortenberry, authorizing the transfer of unspent & unencumbered appropriations & cash (if any) between certain capital improvement projects within several funds within Public Works & Utilities & the Parks & Recreation Deps., the second time.

ADOPTING A REVISED VERSION OF THE RETIREMENT PLAN FOR UNCLASSIFIED DEPARTMENT HEADS TO ELIMINATE OUTDATED & OBSOLETE LANGUAGE CONTAINED IN SAID PLAN - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, adopting a revised version of the Retirement Plan for Unclassified Department Heads to eliminate outdated & obsolete language contained in said Plan, the second time.

AMENDING CHAPTER 5.04 OF THE LMC BY ADDING A NEW SEC. 5.04.165 TO ADD AN OFFENSE FOR OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR VEHICLE - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.04 of the LMC by adding a new Sec. 5.04.165 to add an offense for open alcoholic beverage containers in a motor vehicle, the second time.

AMENDING CHAPTER 10.48 OF THE LMC RELATING TO BICYCLES BY REPEALING SECS. 10.48.100 & 10.48.120 & AMENDING SECS. 10.48.250 & 10.48.280 TO REMOVE OUTDATED CODE PROVISIONS PERTAINING TO BICYCLE REGISTRATION - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 10.48 of the LMC relating to Bicycles by repealing Secs. 10.48.100 & 10.48.120 & amending Secs. 10.48.250 & 10.48.280 to remove outdated code provisions pertaining to bicycle registration, the second time.

CHANGE OF ZONE 3256 - AMENDING CHAPTER 27.58 OF THE LMC RELATING TO THE AIRPORT ENVIRONS NOISE DIST. TO CLARIFY THE USES PERMITTED IN AIRPORT ENVIRONS NOISE DISTRICTS 1 & 2 & USES PERMITTED ON PREMISES LOCATED IN BOTH DISTRICTS - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 27.58 of the LMC by repealing Sec. 27.58.040 & by amending, who moved its adoption, 27.58.060, & 27.58.070 regarding uses in the Airport Environ Noise Dist.; & repealing Secs. 27.58.050, 27.58.060, & 27.58.070 of the LMC as hitherto existing, the second time.

CHANGE OF ZONE 3267 - APP. OF GARDENS COMPLEX, L.L.C. FOR A CHANGE FROM H-2 HIGHWAY BUSINESS DIST. & R-4 RESIDENTIAL DIST. TO O-2 SUBURBAN OFFICE DIST. ON PROPERTY GENERALLY LOCATED SOUTH OF "O" ST. BETWEEN 44TH & 45TH STS. - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the second time.

CHANGE OF ZONE 3270 - APP. OF THE PLANNING DIRECTOR FOR A CHANGE FROM "P" PUBLIC
USE TO "I" INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT S. 6TH & "G" STS. -
DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending
the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the
LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries
of the districts established & shown thereon, the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY ADJUSTING THE HOURLY
PAY RANGE SCHEDULE & SCHEDULES OF ANNUAL, MONTHLY, BIWEEKLY, & HOURLY PAY
RANGE EQUIVALENTS FOR EMPLOYEES OF THE CITY WHOSE CLASSIFICATIONS ARE
ASSIGNED TO PAY RANGES PREFIXED BY "P" - PRIOR to reading:
JOHNSON Moved to suspend Council Rules for Bill 00-151 to have 3rd Reading
& Action on this date.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

DEPUTY CLERK Read an ordinance, introduced by Jeff Fortenberry, adopting pay
schedules & schedules of pay ranges for employees of the City of Lincoln,
Nebraska whose classifications are assigned to pay ranges prefixed by the
letter "P"; repealing Secs. 9 & 10 of Ord. 17394, passed by the City
Council on Aug. 10, 1998; & declaring an emergency, the second time. (SEE
FURTHER COUNCIL ACTION UNDER "ORDINANCES - 3RD READING".)

MISCELLANEOUS BUSINESS

SENG Moved to reconsider Bill 00R-200, Reso. A-80328, Special Permit 1841
- App. of L. W. Hoffman, on behalf of Anderson Ford, to display auto-
mobiles for sale in the front yard & rear yard, with a request to waive
the landscape requirements on property generally located at 29th & Cornhusker Hwy., & to place it on Pending.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on Aug. 14,
2000.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.

ADJOURNMENT

2:50 P.M.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, Seng, Shoecraft; NAYS: None; ABSENT: McRoy.
So ordered.

Joan E. Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III