

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, FEBRUARY 26, 2001 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Johnson, McRoy, Seng; Joan Ross, City Clerk; Absent: Fortenberry.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

COOK Having been appointed to read the minutes of the City Council proceedings of Feb. 12, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

Chairman Shoecraft: Before the Clerk calls the first item of business I would like to first recognize Troop 25 from Lincoln, 15, 18 year old boys. Their co-leaders are Don Lee & Connie Ottoman. I think they're here working on their requirement to fill their civic badge requirement. Could you rise to be recognized please? (Applause)

MANAGER APPLICATION OF EVELYN M. MCFARLAND FOR BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE AT 1321 O STREET - Evelyn M. McFarland, 7001 Carol Circle, took oath & came forward to answer questions.

This matter was taken under advisement.

CREATING WATER DISTRICT NO. 1182 IN SAYLOR STREET FROM 57TH STREET TO 58TH STREET - Sheri Hanlan, 5727 Saylor Street: I am here for all the neighbors in an obvious attempt to endear ourselves to you we chose to not all come up and testify and instead I said I would to save time. Instead what I have for you is a list of six of the eight affected families who have signed a letter of opposition to the Special Assessment district. I'm sure that you noted on the fact sheet it did ask for opponents. It said unknown and I am here to let you know of some opposition to this special water assessment. Thank you. We oppose this district on three grounds. The first and most obvious is the cost. It is estimated that it will be \$40.00 a foot frontage. We all have a 50 foot frontage which means we're looking at a minimum of \$2,000.00 & that just brings the water to our property line that does not include any cost that may be included to get the water from the property line actually into our property. The average property tax amount in this neighborhood ranges from \$1,100.00 to about \$1,400.00 so this would essentially triple our property taxes for this year. The second reason that we oppose it is that, frankly, nobody except for the one petitioners is having any issues with the water at this time. So, we see no reason why there should be a special water assessment district to take care of problems that we're not experiencing. And, the third reason that we oppose this is the fact that no one asked us about it. We got a letter in the mail saying, "congratulations, you get to pay \$2,000.00 for this assessment district". And, so we felt that with no input it's a little harsh of a penalty for us. So, on those three grounds we do oppose this special assessment district and I would be happy to answer any questions that you might have at this time.

Jonathan Cook, Council Member: What's the specific water problem that's being experienced here?

Nicole Fleck-Tooze, Public Works Dept.: I think that this specific problem may be a problem with pressure. Elmer Cole from Public Works is also here and maybe will answer that.

Elmer Cole, Engineering Dept.: We received a petition from Mr. John Vaughn, 5721 Saylor. Water line (inaudible) from what I understand the Water Dept. went out for a service to be fixed and at that point we found that the service that was repaired is under a temporary condition at this time. So, in the future if these services are to be corrected we're probably going to have to have a water main put between 57th & 58th to handle the pressure of those existing.

Mr. Cook: So the comment that nobody is experiencing a problem at this time (inaudible) is huge problem that someone will have to deal with you're saying.

Mr. Cole: I think it should bear, too, that the cost of this, we're putting a \$40.00 maximum assessment rate on this which means that the property owners will bear only a \$2,000.00 expense maximum per lot based

upon footage given costs not too far out of line based on where we've been with this in the past. So, we have established a maximum assessment rate which this will be our first water district at that.

Mr. Cook: They have a water main now that needs to be placed.

Mr. Cole: The water mains, again Water Dept. probably should answer this better than I, but from the assessment point of view from what I understand in talking with our Water Dept., services come off from 57th & 58th. We have hydrants at that location. For safety reasons it would be nice to get a water main put between two hydrants for future pressure. The services go into each of those properties are in length of anywhere from 75' to 160'. Some could be galvanized, some could be copper. So, when those services come up for any type of repair costs could be extremely high. OK?

Coleen Seng, Council Member: What happens if we turn this down? What do you do then?

Mr. Cole: It will stay as it is. Services then when the time comes for people to repair them we'll do the best to repair them, but however, the costs to the stop will be at the property owners expense. So, versus the \$40.00 per front foot to give you an idea it could be as high as 4 to 5,000 on today's standards for a plumber.

Ms. Seng: Have these people paid for water line ever before?

Mr. Cole: Have not.

Ms. Seng: Never?

Mr. Cole: The water district did exist to four properties as you can see on my sheet there that I've given you. Those four properties were put in under a water district that was put in in 19 uhh, Water District # 30 in June of 1922. So as it states under our assessment policy we cannot ever assess those properties in the future. They have been assessed once.

Ms. Seng: So, the people that are protesting have never paid for a water district?

Mr. Cole: That is correct. There are no agreements at all. No abutting agreements on this project.

Mr. Shoecraft: Sheri, do you understand the pro's and con's? Do you want to come back up please.

Ms. Hanlan: I believe that this is the third time that there's been a request to assess a special water district in this area for various different reasons. And, most of us who have been in the neighborhood have been there quite some time and we understand the pro's and con's to it. As I mentioned before, with the exception of Mr. Bowen, none of are having or have experienced any difficulties so I guess, therefore, we're not seeing a reason at this point to, to uh, if it ain't broke don't fix it I guess what we're saying and yes we do understand that, yes, it could blow up at some point and then have an issue on our hands.

This matter was taken under advisement.

CREATING ALLEY PAVING DISTRICT NO. 360 IN THE NORTH/SOUTH ALLEY BETWEEN WORTHINGTON AVE. AND 20TH STREET, FROM SOUTH STREET NORTH APPROXIMATELY 300 FEET - Amy Zlotsky, 6201 Woodstock Avenue: I'm on the Board of Trustees of the South Street Temple and we've requested the Alley Paving District. We just repaved the parking lot this past year and it's across the alley from the Temple, and there's still complaints of difficulty in crossing the alley for some of the older congregates. We also have the Board President who broke here ankle last year in crossing the alley and so we're requesting the Paving District. I brought with me a drawing which shows the, uh brought a drawing showing the 12 block area. The drawing shows the 12 block area and the Temple is in these two blocks and the parking lot is over here so we have to cross the alley. There are also two duplexes owned by a Joy Emry and I have a letter from him in support of the project of the paving and the rest of the lots are single family or duplexes. I also have some photographs showing the alley if people want to look at it and there's some photographs of the garages that access it. I believe that there are two duplexes and then there are 8 single family or other duplexes on it and I think five of those have access to their garages off the alley. So, it's used by a number of people.

David Rosenbaum, no address given: I'm on the Board of Trustees of the South Street Temple as well. The big problem is the parking lots on one side of the alley and the Temple's on the other side of the alley. So, in the winter we just can't keep it free of ice and we have a number of elderly congregants either with walkers or wheel chairs or canes. They just really have trouble getting to services during the winter. When it's not snowy the alley gets so much traffic that it's always in a bad state of erosion which means there's potholes and loose gravel on it all the time. And, again our, anybody with walking problems, and we have quite a

few older members, they have a real problem getting from the parking lot across the alley and into the Temple. It also, it's perpetually, get any rain it's like a giant mud hole and so we have terrible problems trying to keep our facilities clean with kids coming in for Sunday School tracking dirt on everything else. So, the alley has been quite a problem for us. We took care of our parking lot, but now we need to address the alley issue. I think that covers it.

Dana Spevak, 2045 S. 20th Street: I have talked to all of the homeowners in the area regarding this and as it looks now we've got six homeowners that are against this and two property owners that are for this. This is really a pedestrian issue. It's not an alley issue. This could be easily taken care of by adjoining the parking lot to the existing sidewalk on South Street. I'd also like to point out that the parking lot is joined by pavement to the paved parking lot on , er to the paved sidewalk on the Worthington side. and then off on up the south side of the street. So, if you have a problem getting across the alley there is a longer way around. If you don't want to take the longer way around, I believe that this issue could be taken care of by just simply paving between the parking lot and the existing sidewalk. The other homeowners have a few issues. We've got a lot of kids in the neighborhood and they (inaudible) higher traffic thru this alley. We've also had numerous vehicle break-ins on the alley side, mostly the duplexes and then also my neighbor has had their vehicles broken into even though it's well lit, and I believe that the paving will make it a quieter access to those vehicles, probably increase the likelihood of a break in again. I did call Elmer Cole, I talked to him about the issue and he pointed out it would be nice to get more vehicles off the street, but in this instance it will not remove anymore vehicles from the street that people that park behind, (inaudible) park behind those that park on the street will not. Those individuals that do have garage access, 3 of the 6, (inaudible) the two people back there for it, that would be the duplexes, the remaining three of the six don't use the alley at all. We don't park back there and our garages don't front the alley. The other issue I had was the East West alley to the north is in such disrepair we can't tell that it's paved which would be a drainage issue later down the line from what I understand from talking to Elmer. We believe it wouldn't take long before this alley also deteriorates since it's not (inaudible). And, quite frankly we can't afford it. I personally can't afford it and the neighbors that I've talked to (inaudible) the monthly house payment.

Jon Camp, Council Member: I'm not sure if you have the answer, but do we know of the lineal footage along here of how much is owned by those who are opposed to it versus those in favor?

Ms. Spevak: Well, what we're looking at is six homeowners and two landowners, 50/50.

Mr. Camp: Maybe Nicole needs to address this, er, I believe I was involved in an alley and I think it's measured a certain way on an area of land or something. Is that correct?

Ms. Fleck-Tooze: That's correct. Is this on? If this will show up. As I understand it the petitioner includes these four lots and has been supported by these two and those at the southside and on the west are in favor about 50/50. The petition that would be required would have to be greater than 50%.

Mr. Camp: Does that equal exactly 50/50 currently as the pro ...

Ms. Fleck-Tooze: Currently I believe that it does.

Ms. Spevak: I think it's important to point out that the people that are for it do not live on the property. The people that live on it, the homeowners, are against it.

Mr. Camp: Nicole, I have an interesting question, that is, is there such a thing as paving a third or half of the alley, say going from one street midpoint?

Ms. Fleck-Tooze: I'll count on Elmer to correct me if I'm wrong, but I believe that the only way that you could do that would be by Executive Order for a single portion of that alley way. Is that right?

Mr. Cole: Nicole is correct with that assumption, however, we have in the past paved half an alley based on the petitions that come forward by the petitioners and those that are in favor. We don't make a habit of that from the standpoint of grade. We have an existing alley to the north. We have a place to match for drainage which we feel pretty comfortable that we can, however, by the time we do our grade study we'd determine that. Another issue was the garages in the past that are existing, they were worried about the floors there I might bring up, we would check our elevations to that before proceeding with it, of course, but technically speaking, no. We'd rather not proceed with half an alley. We'd rather go with the full alley. Another alternative would possibly be

an Executive Order based on the alley itself if they want to proceed that route. The South Street Temple could proceed to the Mayor's office based on an Executive Order.

Mr. Cook: I wanted to ask someone from the Temple. Do you need any access to the north through this alley primarily the connection to the parking and access onto South Street?

Mr. Rosenbaum: Exactly, we don't need north access. And, when we had our parking lot paved last year we tried to just pave just that part of the alley that fronted on our parking lot and you see the problem we ran into. We have no problem in principle with getting some kind of Executive Order if that's your preference. We don't know what those costs are relative to this.

Mr. Cook: So, there just was some (inaudible) wise you're saying?

Mr. Rosenbaum: Yes, right.

Mr. Cook: Your not opposed to going that route?

Mr. Rosenbaum: Not at all.

Mr. Cook: I mean you went, I mean obviously you could chose to pave the entire alley if you wanted to be generous to your neighbors. So, the reason, though, that you went with this assessment district was just to get it done, basically, not to, not because you wanted to spread out the cost somehow for areas you weren't needing.

Mr. Rosenbaum: Right.

Ms. Seng: Have we ever used, I can't ask you that, I need to ask Staff. Have we ever used CDBG dollars on alleys? I know we don't usually.

Mr. Cole: The question was what again, I'm sorry.

Mr. Seng: Have we used CDBG dollars on alleys?

Mr. Cole: Urban Development will not allow us to do that. It's my understanding it's only on Paving Units and Paving Districts.

Ms. Seng: Yeah, OK.

Mr. Shoecraft: What about 26th Street, the alley behind there?

Mr. Cole: Uh, 26th and?

Ms. Seng: Well, just south of O Street. Last year, remember?

Mr. Shoecraft: I thought we did.

Mr. Cole: CDBG? I'd have to check. I can check and let you know, but in talking with Urban Development they told me no based on that.

Mr. Cook: So clarification here, if this paving district were to go forward who maintains it when potholes develop down the road?

Mr. Cole: That's a big subject with our potholers, no doubt but, technically speaking to answer that the City Maintenance Dept. would maintain it, however, we do not plow alleys. It would probably be placed on a list. I would refer that, possibly, to our Maintenance Division to let them comment on it, but habit wise we don't go in and tear out an alley and replace it. Well, it can be repaired. We may approach it under a repavement district. We could which would be assessible to the property owner in the future yes. W maintain not to do that if we can help it. usually we patch it.

Mr. Cook: If this were paved by the Temple, just the portion by the parking lot, what would the (inaudible) same thing?

Mr. Cole: Same thing. You're looking at the grading of that alley. They could approach us with a grading and graving district in which the property owners pay just for the materials used and the City will then come in and blade that rock or gravel back in which is substantially lower. However, I think we must look at as a temporary relief.

Mr. Cook: Based on what I've heard here today is that if we find some way of paving the alley next to their parking lot and if that can be done (inaudible) fine, if there's some other method that we need to (inaudible). It doesn't sound like it makes sense to assess them along the way if there isn't a complaint from neighbors down the alley and if the Temple doesn't need that access.

Mr. Cole: It's a viable option. We could look at it going that route.

Mr. Cook: We don't have to vote on this until next week anyway so we can maybe find out what the Executive Order process is.

Mr. Cole: I'll look into that connection.

Mr. Cook: I'd have one question. If we, I brought up the idea of half the alley, but I can also appreciate that perhaps the congregants who are coming to services or what have you might be using, say we paved that portion where you paved because you'll be paying for it, but the portion between the Temple and the lot are people going to come from the other end and as a result if it's not paved on that part are we going to be causing problems for everybody. I guess maybe they're coming that way now anyway. I don't know if that would aggravate the situation or not? I raise that both from a construction standpoint as well as practicality.

Mr. Cole: I would refer that as far as ingress and egress through that alley way to a Law Dept. question based on if there's a one way that we have to use going in and out. Based on the congregation itself we'll have to let them answer that, but I don't know what our pattern of traffic is for our one-ways outside of the downtown area.

Mr. Rosenbaum: There's no north access so that entrance to the Temple is either from the south side, to that parking lot it's either from the south side or from the west side. So, I doubt that, on a rare occasion people exit to the north. I've never seen anyone enter from the north and I doubt that paving would have any reason to change that at all.

Mr. Cook: One last question then. Forgive me for asking, but is there because of the interest by your congregation to have this paved have you had any discussions on possibly working with the other homeowners to perhaps provide a little financial relief to them or?

Mr. Rosenbaum: In principle, in theory we would like to do that, but we ran, as Treasurer I know, we have a \$21,000 deficit in our budget and \$105,000 budget and we're about \$21,000 deficit. So, we're running tight all the time. We pretty much eke it out every year and we're not even exactly sure how we'll cover our share of doing it in this way where the City, in effect, is financing it and we're paying it over time. We'll have to do it, but I don't think we're in a position to provide financial relief to anyone else.

This matter was taken under advisement.

Mr. Shoecraft: Madam Clerk, they request a five minute break to fix the mike situation because the viewing public at home cannot hear us.

TOOK BREAK 6:05 p.m.

RECONVENED 6:13 P.M.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND QWEST WIRELESS L.L.C. TO CO-LOCATE TELECOMMUNICATION ANTENNAS ON THE TOWER BEING CONSTRUCTED AT STAR CITY SHORES AT 27TH AND HIGHWAY 2;

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND QWEST WIRELESS L.L.C. TO LOCATE TELECOMMUNICATION ANTENNAS ON THE CARRIAGE PARK GARAGE AT 1128 L. STREET - Jill Bazell, Real Estate Consultant for Qwest Wireless, 910 N. 43rd Ave., Omaha, NE: I'm here today to get approval for two leases that we've been working with the City of Lincoln to co-locate our wireless facilities on. Both of these sites are preferred under the Lincoln Wireless ordinance to co-locate on this property. I can explain more if you guys have any questions. We've gone through all the process. The urban design is approved. At both of these locations we've worked with the City Attorney on an acceptable lease.

This matter was taken under advisement.

CHANGE OF ZONE 3272 - APPLICATION OF HARTLAND HOMES, INC. AND HAMPTON ENTERPRISES FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED NORTH OF OLD CHENEY ROAD AND WEST OF 84TH STREET;

CHANGE OF ZONE 3288 - AMENDING SECTION 27.63.590, TEMPORARY STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS, TO ALLOW THE PERMIT TO BE GRANTED ON LOTS LESS THAN 10 ACRES AND TO REMOVE THE TIME LIMIT;

SPECIAL PERMIT 1313A - APPLICATION OF HAMPTON ENTERPRISES TO EXTEND THE TIME PERIOD AND REDUCE THE AREA OF A SPECIAL PERMIT FOR TEMPORARY STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS ON PROPERTY GENERALLY LOCATED AT APPROXIMATELY 84TH STREET AND GLYNOAKS DRIVE;

SPECIAL PERMIT 1876 - APPLICATION OF HARTLAND HOMES, INC. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR 110 CHILDREN, WAIVING THE REQUIRED ACCESS ON AN ARTERIAL STREET, AND ALLOWING THE REQUIRED BUILDING ELEVATION TO BE PROVIDED AT THE TIME OF THE BUILDING PERMIT, ON PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF OLD CHENEY ROAD;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HARTLAND HOMES EAST 1ST ADDITION FOR 136 LOTS AND ONE OUTLOT, WITH WAIVERS TO THE REQUIREMENTS OF BLOCK LENGTH, LOT DEPTH ABUTTING A MAJOR STREET AND STREET APPROACH PLATFORMS, ON PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF OLD CHENEY ROAD - Lyle Loth, ESP Engineers: Here on behalf of Duane Hartland, Hartland Homes who's also here with me this evening as well as Brian Carstens. Brian Carstens did the work on the Special Permit for the child care facility which is also a part of this project. We don't have a real formal presentation this evening. We've been working quite diligently with the Planning and Public Works Staff over the past several months. And, we have received a conditional recommendation of approval from the Planning Commission. We have addressed all of the conditions and we believe we're in a position to get your approval and so that we can move forward with the project. I'd entertain any questions that you might have at this time? Duane do you have any comments? Nope.

Steve Henrichsen, Planning Dept.: I thought I would just very briefly explain the two amendments that had been forwarded to you. Both of these amendments actually apply to the portion of the items that is the Hampton Enterprises Special Permit for a temporary construction, or temporary storage construction for materials and equipment. Both these amendments I did have a chance to talk with Joe Hampton and Brian Carsten about this afternoon and they were fine with both the amendments. Both of them are just to clarify some minor items in terms of the lot area and to have a more specific time frame rather than an open ended limited time frame. So, the amendments would set, they could be a period of 15 years with a five year extension and this was acceptable to Hampton Enterprises.

Mr. Cook: Ok, since 15 years though is essentially a replacement for the 10 year limit that was previously ...

Mr. Henrichsen: That is correct.

Mr. Cook: (inaudible) explanation as to why you could just eliminate this time limit altogether you've decided to put it back, what, because there's a fear to put in a time limit or ...

Mr. Henrichsen: No, I think it was to try to get a little clarity rather than just having it open ended. Limited to that was 50 years limited compared to a 100. Wasn't really meant to be one year to try to give some type of an idea in terms of the time frame. Hampton Enterprises has been in their site over 10 years. It's been operating, pretty much as I understand, without complaint. And, I think they're looking to cease probably in the near term.

Mr. Cook: They're the only Special Permit holder of this kind?

Mr. Henrichsen: That is correct.

Mr. Cook: (inaudible) change this text at all or they could go in for administrative extensions or one year each year for the next three or four years and just cover it that way couldn't they?

Mr. Henrichsen: Well, the reason the amendment was necessary is because they fall less than 10 acres.

Mr. Cook: Oh, less than 10 acres.

Mr. Henrichsen: That's right, so ...

Mr. Cook: That's the other thing then, it was being made waiveable so that we could reduce it to any size and now you've decided to limit it to seven so we're just special casing this to bump it just a little lower than what they need?

Mr. Henrichsen: Basically, the concern of Building & Safety was that there are some acreage subdivisions that are zoned AG because the acreage subdivision was developed more than 20 years ago when AG zoning allowed one acre lot size. And, their concern was that this really should be kept to large properties like the Hampton Enterprises and not to the very typical 3 to 5 acre lot size. And, so that's why the 7 was picked is to try to give some measure of protection to acre subdivisions which typically have 3 to 5 acre lots.

June Simpson, 84th Street: I have a concern only and that is that I'm wondering about the residential whether it might be in the flood plain, because I'm not really sure where this is. I have general idea, but the Hampton property is quite low and is there flood plain there and if so isn't that affected as far as residential?

Mr. Henrichsen: I don't see the hand held microphone, but I'll point out on the map here, yes this property is adjacent to Antelope Creek and the Antelope Creek flood plain. The residential lots as proposed, generally most of those lots will remain outside of the flood plain. They are at a higher elevation. The property that is occupied by Hampton Enterprises which is in the location immediately west of 84th Street, that property is in the flood plain and as that property, once the temporary construction site is removed he will come forward at a future date with a plat for that property and will address the flood plain impact at that time. But, the Preliminary Plat as proposed does comply with all of our flood plain standards currently.

Mr. Shoecraft: Someone want to move the amendments?

Ms. Seng: So moved. I move it on both of them.

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

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 1999; DECEMBER, 1999; JUNE, 2000; AND DECEMBER 2000, AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - Mr. Cook: I have a question for Dana Roper. I assume that every ordinance we pass updates the Lincoln Municipal Code goes into affect (inaudible) days to pass it...

Dana Roper, City Attorney: Fifteen.

Mr. Cook: Why do we need to pass a special order adopting supplements to the code?

Mr. Roper: This is when those ordinances that you passed become codified and at that time (inaudible) there may be typos or other things that have been picked up. The super official version, if you will, that you're adopting ...

Mr. Cook: It has no meaning as far as law enforcement.

Mr. Roper: The laws that you've passed are in effect 15 days after passage and publication and this is merely codifying and cleaning up if there's any typos in there a comma, or printing mistakes or any of those kinds of things this merely clarifies that.

Mr. Cook: Is it always done at this type of interval. I mean this goes back to June of ...

Mr. Roper: This, we'd normally do it sooner than that and we will probably do them yearly.

Mr. Cook: Even though we get paper copies periodically (inaudible) the code that is on line that the public looks at is updated as quickly as you can after we pass ordinances. Is that correct?

Mr. Roper: Correct.

Mr. Cook: That's the one that I refer to. I'm assuming that there's generally not too many changes made.

Mr. Roper: No, no. This is probably more formality than anything.

Mr. Cook: Thank you.

This matter was taken under advisement.

APPEAL OF ARLON E. AND CORRINE D. BARTELS, DALE AND JENINE M. MEINER, DEANNA MUMGAARD, MARY MUMGAARD, DAVID WATTS, DRENNEN WATTS, M. LAIMONS IESALNIEKS, AND LARRY AND DENISE MAACK, FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 1892 AUTHORIZING QWEST WIRELESS L.L.C. TO CONSTRUCT A 123' TALL PERSONAL WIRELESS FACILITY WITH ASSOCIATED GROUND EQUIPMENT AND A WAIVER OF THE FALL ZONE REQUIREMENT ON PROPERTY GENERALLY LOCATED AT N. 7TH STREET AND FLETCHER AVE. - Sharon Martin, Real Estate Manager of Qwest Wireless, 910 N. 43rd Ave., Omaha, NE: I'm representing Qwest Wireless on this application that went through the Planning Commission. I would like to request a little time beyond the five minutes to explain how it is that we got to be here today would that be alright?

Mr. Shoecraft: How much time do you need?

Ms. Martin: Probably about 15 minutes. Can I do it in 10?

Mr. Shoecraft: If you can wrap it up in less than 10 that would be great.

Ms. Martin: OK, I'll try to do that. This application came to be, it's located along 600 Fletcher.

Mr. Roper: Mr. Chairman,

Mr. Shoecraft: Should the appeal people go first?

Mr. Roper: Exactly. This is not your ball to carry right now. The appeal people, the people who have appealed the decision to grant you the license should go first if that's OK?

Ms. Martin: That's fine. No problem.

Denise Maack, 535 Pennsylvania Ave.: I am here to appeal the cellular tower. There are many people in our area that are more or less acreage people and a lot of them really didn't hear about this until after they'd had the hearing. And, so we called our neighborhood and pretty much advised them of what was happening. I have some pictures. We have so many, we already have three cell towers in like within a half a mile radius which I have pictures to show you from like one of them is from my front door. Another one from 7th and Fletcher which you could see two of them, two cell towers very clearly. Cell tower right here and one right here and there would be one located right here which is Alltel's and what they're wanting to do is locate one right across the street from there. This particular photo is taken from my front door which the cellular tower would be located right here within a very good view. We already have one over here and there's one here and a little bit further down. This is another picture from my front yard. Here is the Alltel tower, the Western Tower. Western Wireless is here and also here, no this is Sprint and this is Western Wireless and they're wanting to locate right here. I understand that the neighbors protested this before when the Alltel tower went in and nothing really was done differently. Alltel, I guess, owned their own property there, therefore they went ahead and put the tower up. There evidently no existing, they cannot use that existing property in order to put a cell tower on Alltel is what they have told me and I don't know whether that's really been research or not. I don't think that they have really researched the wireless, the Western Wireless and I believe that that probably could be a possibility for use. Also, the Sprint, they're all there and I guess we just really feel like we're being over powered with these towers and I'm not sure where the end will be whether we are just going to continue to put them up or whether we can find an

alternative for this and maybe they could make one of these other towers work for what they needed for the existing things that they're wanting to put on there. They have told me, also, that they were planning on putting this tower up, the new tower up and have also room for two or three more competitors to be put on that same tower. Well, why don't they do that now is my question and do it on an already existing tower. We feel like it's visual pollution and the neighbors in the community would really not like to see this cellular tower in addition to the ones we already have.

June Simpson, 84th Street: I'm interested in this because we were also about to have a tower right behind my house and what happened there, is I believe, and this is what I've heard and I think it's true, Qwest was going to put a tower right behind our house. They had not apparently asked to see if there was room on the tower that's existing there, because apparently someone who was retired from AT&T checked with the owner of the tower at 83rd & Pioneers. That owner said, "Oh yes there is room on this tower", and Qwest then said, "Oh, OK we'll take that". So, I guess the fact that someone has looked to see if there's other room I'm not sure I would believe that. That's what I'm saying. I would definitely want to know for sure they had checked to see if there was room on other towers. The other thing is, my son works with towers in Estes Park at the Rocky Mountain National Park, he deals with this all the time and he said that new technology allows for their antennae to go on top of buildings, in roof tops, in church towers, etc. And, that they're main goal is usually to build the tower so they can sell that space to other people. So, they're not just needing their antennae, they're wanting to sell this possibility to other providers. So, I think there's a lot here that needs to be addressed besides just saying, yes, we need a tower here. Also, I understand that according to people in the antennae field that before long all of this will be done via satellite. So, here we are going to have a bunch of ugly towers and before long we probably won't need them at all and these people are going to have to live with them and allow Qwest and other to make money off of them at their expense that visual pollution.

Mr. Shoecraft: Staff now. Set forth your findings of your recommendation for denial, please.

Jennifer Dam, Planning Dept.: There were a variety of findings primarily on page 11 of the fact sheet that Item No. 22, Section 27.68.100B of our ordinance states that an application to construct new towers may be denied if the applicant has not shown by substantial evidence that it has made a good faith effort to mount the facilities on an existing structure and or tower. Number 21 classifies this area as a sensitive location being predominately residential and along an entryway corridor. And Item No. 23 points out that Section 27.68.100C of the ordinance states that locations and sensitive location sites shall be considered only if the applicant provides evidence showing what good faith efforts and measures were taken to secure a preferred location site or limited preference site within a half a mile. And, two demonstrates with Engineering evidence why such preferred location site or limited preference site was not technologically, legally, or economically feasible. We don't feel that those have been met to date.

Mr. Camp: Jennifer while you're here, June had brought up about the co-location and maybe when the Qwest people are forward too, I need to ask them about the utilization of those other three towers. Do you know if that's been pursued or is that more appropriate for those individuals?

Ms. Dam: I can answer some of those questions. They did originally receive an Administrative Permit to co-locate on the Alltel site which is immediately south of the proposed site. The stipulation or condition of that proposal was to show that the tower was capable of handling, structurally capable of handling their equipment as well. It turns out it was not, so they began to look at another site in the area. I spelled out in the Staff report some of the conversations I've had with representatives from Western Wireless. They had spoken with representatives of Western Wireless. The last that I heard they cancelled any site visits with Western Wireless and indicated that they were not interested in that site. That's my understanding at this point.

Sharon Martin, Qwest Wireless: Just to kind of give you a little more background about what's gone on with this site. We had originally, when we designed our whole network within Nebraska and especially within Lincoln, this site was chosen to cover north Lincoln specifically because we wanted to co-locate with Alltel. That was the location that would give us the most optimum coverage and still maximize the zoning standards of co-location. We applied for co-location both with Alltel and with the Planning Dept. We received an Administrative Permit allowing us to co-locate with Alltel. We also received permission from Alltel to co-locate. At that time we hadn't been advised that AT&T was already granted

permission to co-locate as well. When we went out to do our second structural to make sure that it would, by structural I mean meet the Building & Safety ordinance that the tower not move more than one degree in 100 mile an hour winds. That's one of the regulators that's put on us at Building & Safety before we can pull a building permit. When we ran the structural analysis of the Alltel with AT&T equipment on that pole it failed as it stands today. It does not meet that requirement with AT&T on there. We hired a second structural company to come in and verify the initial findings and they were found to be true by two separate structural engineers. We've looked at Western Wireless and we have looked at Sprint. Both of those poles do not work from a technical perspective which is part of what Jennifer Dam has been talking about. This is a map of the area in question. The site in red is approximately where the Western Wireless tower is. The site in blue is where the Sprint tower is. The yellow site is Alltel and the green is where Qwest is proposing a location to go. I have overlays that I could also pass out to you that explained what the coverage issues are and I also have Dave Smith our Senior RF Engineer that can explain the coverage. This is what the coverage would look like if we were to co-locate with Western Wireless. The only reason we made application with Western Wireless to begin with was in order to move our application from the Planning Department to Planning Commission. It was determined by Planning Staff that we had to apply with Western Wireless.

We explained at the beginning that it did not work from a technical perspective. We were told that we had to apply to co-locate anyway. So, it was something we did to move the application from the Planning Staff to the Planning Commission. This is the coverage objective which would have been the same on the Alltel site or their proposed site where we're looking at. And, the important area here is down 180 on the entryway corridor to cover that similar to what Alltel is providing coverage in that area. Regarding some of the questions that were brought up earlier as far as these poles we do post a performance bond for each and every site that we have to build. In the event that we're no longer going to use that site that performance bond insures that we remove that, all of our equipment and restore the site to the way it is today. So that's something of a mute point. We never abandon a pole and leave it to rust and be an eyesore in the area. Another issue I wanted to mention, the Sprint site doesn't work because it's 70 feet tall. We're trying to topographically cover something that is way too short for us to recover and Dave Smith our RF Engineer can speak to that in a moment. From that perspective I also have spoken with most of the neighbors in the area. We had 27 individual neighbors sign a letter of not opposing this site, that they had no opposition. On January 31, a few days after we were approved at Planning Commission, we sent out a letter to all the neighbors in the general vicinity. There's no exact neighborhood association set up as per urban design since this is outside the City limits. We canvassed the neighborhood and sent out letters to everyone a few days after we were approved at Planning Commission before this was appealed to City Council to try to meet with them and work out any issues that they did have, because we realized that there were at least a handful of neighbors that did have concerns. We left two different phone numbers if the time set up wasn't convenient for them to call us. Somebody would set up something one on one. We had one person call us. For her we played phone tag and were able to answer her questions about doing some additional landscaping. We held the meeting and no one else came and that was on February 13th. After we held the meeting we went ahead and called each of the neighbors that had concerns in the area to try to address those concerns and we talked to several people about their view and what we could do to try to mitigate some of their concerns. We did have some success with offering some additional landscaping to use the mature trees that are already in the area, put some additional landscaping in there to try to help cover the view from their front door. We did also go out and take some pictures that I can share with you of what's already in the area. What we have done is use computer aided design to show what the area currently looks like from different angles and what it would look like with our equipment placed. This is on 7th Street looking towards Fletcher and you can see here the Alltel tower with the AT&T co-location. This is from that exact same picture. The computerated design has superimposed our pole back here and that is what our pole would look like from that direction. This photograph shows, this is standing on the 14th Street bridge looking Southwest and you can see the ALLTEL tower, this is the Sprint tower the shorter and the Western Wireless tower. This is that same view and over here on the right you can see our equipment superimposed. I have several of these I can go through or I can hand them out for your approval which ever you prefer. I would like to have Dave Smith our Senior RF Engineer,

he has 35 years engineering experience, and can really explain the coverage issues better than I can, but I'm here to answer any questions about the neighborhood or the process that's gotten us here.

Dave Smith, Senior Engineer for Qwest Wireless: The coverage problem and what we're trying to alleviate here is we are trying to cover one corridor here at 180. With the Western Wireless tower we have a hill in this local area right here that blocks the signal. If we were to co-locate Western Wireless we would not have our coverage on I-80 which in turn would have to hand-off to our next site down the road. The proposed site would give us the necessary coverage down 180 to hand-off and provide our customers a even, nice, smooth hand-off in communications. 180, 80, and the rest of the corridor on 34. With this hill in the way, that's what creates the problem. Western Wireless is not going to work. There's no way that we can possibly make this work to provide our customers necessary coverage. If we were to use Sprint we'd have to require Sprint to turn their site down. They'd have to come up with a COW so they don't lose revenue so we could construct another tower then we'd have to give that tower back to Sprint. That's not a feasible idea either. The only way to make this work, Lincoln 21, this Fletcher site would have to give us the coverage required to meet our objectives.

Annette McRoy, Council Member: Where is your next tower at? Is it down like (inaudible).

Mr. Smith: Yes it is. It's down there by the stadium.

Ms. Martin: Just one quick thing that I'd like to add, obviously this site was selected because we originally wanted to co-locate. That's the preferred method for us. It's more timely. It's less expensive. The poles are very expensive. You'd never know if someone's going to co-locate. It's somewhat irrelevant when you're trying to launch a network. You want to get in, do the minimum zoning possible, minimum impact with the neighbors. We've worked really close with the neighbors and I understand that they do have concerns and I'm very willing to work with them as we build this to try to landscape in various ways and be creative that way to try to mitigate the view. One of my concerns is if we're not able to build this site, if we use the area that's in red we're going to have to put up a third pole along this strip in order to achieve the same coverage which we're going to have to have in order to carry a signal along 180. So, my concern is where one pole would solve the problem I would hate to have to put it to co-locate lines and then put in a new pole and basically make it someone else's problem. It's kind of the result it would have to have. We would shift it from one area to another and still need a third pole instead of just two sites to make the same coverage.

Mr. Cook: (inaudible) the possibility of having to put in a third pole, as your system developed and the town is built out there will be many more (inaudible). Will there come a time when the capacity of this particular pole will be (inaudible) won't be enough and have to put up another pole.

Mr. Smith: At this point in time I can't say that. We can always go a second carrier. The second carrier will give us the opportunity to have a lot more loading on this particular tower. We may and may not. I'm not at liberty right now to say. It just depends on how our system grows what's going to happen.

Mr. Cook: But the issue of putting up another tower we don't really know if it's necessary to put another necessarily, there might be another possibility for co-locating or to put a structure (inaudible) to serve the area that is not (inaudible). I assume we just haven't done that analysis yet to determine what tower or whether you could use some pole (inaudible).

Mr. Smith: Well, we've been trying to co-locate as much as possible. We've done a lot of roof tops, a lot of co-locations and other sites. This particular site we've tried everything possible to try to co-locate, it just was not feasible. And, now as far as the second carrier, what I'm talking about is we can offer two carriers, or two frequencies on our system to take care of any overload.

Mr. Cook: I guess from the point of view of reducing the number of towers if we knew ahead of time that co-locating, say on the Western Wireless tower (inaudible) a second location for an antennae that wasn't on a tower so you found a stealth location that would serve the area that (inaudible) any additional towers. You would have two sites, however, to serve the area instead of one, but from the point of view of appearance of the public we'd benefit without that analysis of the possibility of what we would need to have done (inaudible). What would need to be done to cover this area I don't know, I don't feel that we have enough information yet to know whether or not (inaudible) to cover that area or whether or not there's another possibility that would be better.

Mr. Smith: Well, if we don't go with this site here, if we do not use this Fletcher site, again, we'll have the problem of, and if you force us to go with Western Wireless, we would have to build a tower or something down in this location. As you can see we would not have coverage. We could not provide coverage to our customers at all.

Mr. Cook: That's my question you haven't looked at that area you were pointing at to (inaudible) tower there versus is you could put a stealth antennae up.

Mr. Smith: I believe we have.

Mr. Cook: Have to put up a tower.

Mr. Smith: I believe that Real Estate has been looking at that for us.

Ms. Martin: We've looked into that area. We would need something taller than any structure that currently exists along the I-80 corridor into town. Right now we're looking at a 123' structure north or town. That height is obviously going to vary by topography, but as you drive down that corridor most of those buildings are not of that stature like they are downtown where you can use a lot of rooftop facilities because they meet the height requirements.

Mr. Cook: You're not talking about those what would have go in at that location would be necessary to (inaudible).

Ms. Martin: If we didn't get the west, if we didn't get the proposed site at 600 Fletcher, you're talking about moving south along 180 further into town?

Mr. Cook: I am, what I'm asking is that if you get the Western Wireless location the area that your missing is fairly small, would you really need that tall a tower to serve?

Ms. Martin: We probably would not use the Western Wireless facility because we would start, and Dave could probably speak to this better, but we would run interference with other sites. It's the way radar frequency works, it's been explained to me, and being a lay person it gets explained to me kind of in baby terms and that helps me understand, but when these signals, when the green from one site overlaps the green of another it creates interference and that cancels out the signal. So, if you have a radio wave coming in this way and another one hitting it head on it cancels each other out, there's no coverage. So, they have to be placed, it has to be placed far enough away from our site up at Memorial Stadium that the signal that we're getting off the Memorial Stadium site doesn't bang into the signal onto this site and cause it to cancel each other out. So, it creates where we would have to put one pole of an undetermined height somewhere along the I-80, the 180 corridor, which I understand is still a sensitive location because it's an entryway corridor. We'd want one right along that corridor and then we would go north of 600 Fletcher further away from that particular neighborhood and put another tower there to get the same coverage off of this one. So, it creates, creates kind of an imbalance to do those two rather than this one that's farther away from the entryway corridor, farther back than what Western Wireless is. I know that, I don't know if this board had the power, but I certainly would offer the Alltel, I mean if the Alltel tower was built under today's ordinance the way ours is it would have accommodated myself and AT&T. You could certainly move them to our tower and then we would still have a net zero of towers. I mean I would, I wish we could do that. I know there's probably no way to physically to it, but that would obviously be a better solution for everybody would be to replace the old towers that don't meet the structural capacity as they have to today.

Mr. Cook: The case of the Sprint tower?

Ms. Martin: We can't. We have, there's a mechanism called Cellular on Wheels. The acronym is COW. It's basically a mobile antennae that you can pull on a trailer, take with you and you crank it up and it goes up and you hook it up to power and it gives off a signal. By today's zoning ordinances in Lincoln those are not allowed. That's what Sprint would have to do to accommodate us and we're going to run into that same ridge that's blocking our on 180. But, even if we did that with Alltel if you put up one of those Cellular's on Wheels it's a Special Permit again. You have to go all the way through the permitting process, take down the Alltel tower, completely dismantle it, take down AT&T so you actually need two Cell on Wheels. One for Alltel. One for AT&T. Have Alltel rebuild the tower to structural integrity as it would be required under today's ordinance and then put Alltel back on there and put AT&T on there, then allow me to go on there. I haven't had any luck with Alltel trying to talk them into doing all that for me. I don't know if anyone else would, but ... We had talked to Sprint about that on various sites, too, that we've tried to use of there's that are not structurally capable and they've pretty much told me it's not their problem to try to figure out

something else.

Mr. Cook: The Sprint location here would work for you? Would co-locate on it? too short, but if it were taller?

Mr. Smith: It's too short, yes.

Mr. Cook: If it's taller though it's, it ...

Mr. Smith: It would have to be taller, it would have to be replaced.

Mr. Cook: But, if that were done that location works for you?

Ms. Martin: From my understanding I don't think it would because of the same ridge. There's, if I could pass these out real quick so you can see them up close.

Mr. Cook: I'm trying to look at the note in here where that ...

Ms. Martin: When you look at the map at the back, if you take off these coverage plots and you look at the map on the back, right next to the on-off ramp in the lower right quadrant of the I-80, 80 merger there you can see topographically that there's a raise, there's a ridge there that keeps going up and up in elevation. The Western Wireless and the Sprint sites, there signal shoots straight into that hill so it doesn't get passed the hill and come down to 180. Alltel and where we're proposing are enough on this sloping ridge of that that it comes around that hill and down 180. It's kind of like a beam of light. If we were to go where their Sprint (inaudible) maximize the coverage off this one site. And, that's why Alltel was originally chosen as our preferred location to co-locate because they have that site to the west of 7th Street there.

Mr. Cook: (inaudible) mark that particular issue (inaudible) instead of saying that it would not work location wise it was a discussion of yes it's too short, but if it were to be replaced with a taller tower that there were other problems, but those were not technical problems those were legal or whatever. Now, you're saying that they're technical problems so ...

Ms. Martin: Well there's a mult..., it's the same thing with Alltel and Sprint, they really aren't going to be helpful to me as far as taking their site off air and letting me replace their pole. It's a similar issue, but yes there is also a technical reason that we can't shoot through this ridge. Alltel would be my preferred location as far as to maximize the coverage off this site or as close to Alltel as I can get and that's why I chose the site 600' away from the Alltel tower. I believe the ordinance requires me to be at least 500' away because I went, I mean my goal is to try to keep this as close to Alltel to minimize the number of neighbors affected. I was afraid if we spread it out much farther than, basically, every neighbors got a tower somewhere near them. At least I was trying to keep it close together to try to ...

Mr. Cook: There may be no inconsistency, it's just when I read one reason for why you can't do it here and then you give me another one here it ...

Ms. Martin: It gets so complicated so fast and that is why I'm glad I'm not an engineer.

Mr. Cook: I guess the last thing I'd say is just in regard to something that was said at the Planning Commission meeting which is that, Ok, one of the reasons that you can give for why co-locating won't work is the coverage you want, but that coverage map is determined by you as a corporation that you say you want towers here, here, here and that you want to maximize your investment by making sure you get this coverage area here and that'll keep you from having to put up, you know, some additional site which even if it's stealthy it would still be more costly equipment wise. And, so we don't have any say over that, you just come in and say coverage won't work. This is the coverage we want and we're stuck. It makes me a little uncomfortable.

Ms. Martin: I would say that to say what we use is the ordinance when we look at preferred sites versus sensitive sites when Real Estate and the Radio Frequency Engineers work together. That was the first thing that we started on three years ago is we came to Lincoln and requested all of the zoning ordinances as they apply to wireless facilities. We, being Real Estate myself, we look through those and what are the issues around zoning. What is basically the fastest and least intrusive way for me to get into this market. That's my goal as a corporation is to not be here, but to try to do administrative permits or the smoothest way possible to co-locate whenever I can. It's actually cheaper, in many instances, for me to co-locate. A lot of times the carrier's will have Master Lease Agreements between one another that are relatively inexpensive compared to other market prices. We do so much co-location back and forth it tends to zero out and I don't have to buy a \$40,000 pole. So, it often behooves me financially, which from a corporate perspective is always the way to be behooved, to co-locate as well as the zoning issues. It's a lot of easier

manpower wise for me not to have to do a lot zoning between Planning and City Council. So, that is somewhat how the Cities give us their input when we start our network design. I put that together with the zoning map of what the different jurisdictions are and what the verticality is already in a city looking for existing poles. Then I work with RF, they basically say, in our dream world we'd like to have them here, here, here, and here, and, I look back at them and say welcome to realty you're not getting one there, there, there, or there, go back and try again. And so, we work for about a year back and forth on what am I going to have to zone? What can I do as an administrative permit? What's a rooftop? What can I do stealthy? And, we make all that plan. So, it's not really hodge podge. There really is a big master plan.

Mr. Cook: Oh, I didn't suggest there was.

Ms. Martin: It's not always clear because we often don't bring many sites to you. I mean that's sort of our goal is to not, not have to be here and be in front of you and use what is already out there. Downtown is a great environment for that. Anything where there is already verticality. This was chosen from my perspective with Alltel and Wireless. That is gave them not perfect coverage, but good enough that our RF could live with it and I could zone it by co-locating with Alltel. Unfortunately, in this instance it didn't work out because AT&T beat me to the punch.

Ms. McRoy: How will this particular tower and the upcoming design (inaudible)

Ms. Dam: I'm sorry could you repeat your question?

Ms. McRoy: Tower and the design corridor (inaudible)

Ms. Dam: I don't think the proposed tower will have a specific impact on the detailed entryway design corridors which are closer to the Interstate proper within about 300' of the Interstate proper. The proposed tower is further away than those standards actually apply to.'

Ms. McRoy: (inaudible)

Ms. Dam: It would still, the towers are still very visible as you traverse the I-80 entryway to the City. This is beyond the 300' adjacent to the Interstate.

Mr. Cook: It was mentioned in the Staff report two additional issues, one was the Airport issue but that's not (inaudible).

Ms. Dam: Right.

Mr. Cook: The other was the Board of Zoning Appeals that's still in the loop, so even if we were to approve and the Board of Zoning Appeals said no and then it's null and void?

Ms. Dam: The Board of Zoning Appeals would still need to approve a variance to the height because it's in an airport approach zone. We have information from an FAA study and the Airport Authority indicating that it is not a hazard and that previous towers in this area were granted variances. So, I can't say that the Board of Zoning Appeals would grant it, but based on similar cases where appeals were granted I ...

Mr. Cook: (inaudible)

Ms. Dam: The COWs?

Mr. Cook: Are those allowed, or not allowed, or if they are allowed do you just have to give a Special Permit?

Ms. Dam: A Special Permit would be required for a structure like that, a temporary structure to be in place. We don't have a provision that allows them to be put in place on a temporary basis without going through this Special Permit process.

Mr. Cook: Is this a problem generally or this doesn't come up very often, I guess, does it?

Ms. Dam: No, it doesn't come up very often. In going through the process to Planning Commission, if it's to facilitate co-location for a Special Permit process I, off the top of my head, don't see a problem with it, but again we don't have any information to evaluate at this point and time.

Mr. Cook: (inaudible) based on what they said about Western Wireless tower (inaudible) in the Staff report it looked like they applied and then 10 days later they decided to go out and buy on their own, er they asked Western Wireless and then 10 days later... Really that was not ever anything realistic they never meant to follow up on that.

Ms. Dam: Our standing ordinance requires that a good faith effort be made to co-locate when co-location is possible. The coverage map that was provided in the packet of information shows more than just one area of coverage. It shows the green area which is the area of coverage that they've shown you today as their good coverage. And, then there's a yellow area outside of that that's shown as fair coverage. We haven't received any information to be able to analyze on the Western Wireless site to see where that fair coverage is or how that interacts with other

sites without that technical information. It's hard to say and again it's hard to know that the Western Wireless site would not work. We just don't feel like we had all of the technical information that could be provided to us to make the determination that that site could be ruled out.

Mr. Cook: (inaudible) matter here whether it will work desired on their part, but whether it would possibly work in some way or whether there is an alternative to this site altogether that we should be (inaudible).

Ms. Dam: Right.

Chairman Shoecraft: The neighbors who are appealing us do you have a last shot at this as a rebuttal?

Denise & Larry Maack, 535 Pennsylvania Ave: Larry Maack: We're opposed to the tower because looking out our front window this will be right in front of us. Right now we've already got three towers within a quarter of mile of each other and now we're going to have fourth one. And, we brought some pictures that ...

Ms. Maack: I've already shown them, sorry. The only other thing I guess we wanted to say is really the tower is laying there, the electrical has been hooked up and they're ready to go. And, from what I understand just from another article in town that they've already they started a tower before it was even approved. So, it makes us wonder whether they had done all the preparation that they needed to do or whether they're just ready to start they're project and do it without the concerns of the City of Lincoln.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Lynn Robison, no address given: Referred the City Council to a letter he received from City Attorney Rick Peo concerning the Municipal Code

This matter was taken under advisement.

ORDINANCES - 3RD READING

VACATING A PORTION OF PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. (IN CONNECTION W/00R-308, 00R-309, 99-93) - PRIOR to reading:

COOK Moved to place Bill #00-209 on Pending.

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

CLERK Read an ordinance, introduced by Jon Camp, vacating Pine Lake Road from the west line of Lazy Acres Subdivision west to the railroad right-of-way, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

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

COOK Moved to place Bill #01-22 on Pending.

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

CLERK Read an ordinance, introduced by Jon Camp, vacating Pine Lake Rd. from the west line of Lazy Acres Subdivision east to the west line of Lot 6 I.T., generally located west of S. 14th St. & Pine Lake Rd., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER N BY CREATING THE JOB TITLE ANIMAL CONTROL OFFICER II & BY CHANGING THE TITLE OF ANIMAL CONTROL OFFICER TO ANIMAL CONTROL OFFICER I - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 1 of Ord. 17707 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classification of "Animal Control Officer II" & changing the job classification title "Animal Control Officer" to "Animal Control Officer I", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp,

Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
The ordinance, being numbered #17794, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER M BY CREATING THE JOB TITLE SYSTEM SUPERVISOR, PARKING MANAGER, & PRINCIPAL PLANNER - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 5 of Ord. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "System Supervisor," "Parking Manager," & "Principal Planner", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
The ordinance, being numbered #17795, is recorded in Ordinance Book 24, Page

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER "C" BY CREATING THE JOB TITLES OF SYSTEM SPECIALIST I, SYSTEM SPECIALIST II, SYSTEM SPECIALIST III, AUDIO VIDEO TECHNICIAN, & CRIME ANALYSIS TECHNICIAN, & BY AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS WHOSE CLASSIFICATION IS PREFIXED BY THE LETTER "A" BY CREATING THE JOB TITLE OF GIS ANALYST - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 1 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classification of "GIS Analyst"; & amending Sec. 3 of Ord. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classifications of "Systems Specialist I," "Systems Specialist II," "Systems Specialist III," "Audio Video Technician," & "Crime Analysis Technician", the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
The ordinance, being numbered #17796, is recorded in Ordinance Book 24, Page

AMENDING SEC. 12.08.270 OF THE LMC TO ALLOW NO MORE THAN SIX SPECIAL DESIGNATED PERMITS PER CALENDAR YEAR TO THE LICENSE HOLDERS AT CITY GOLF COURSES FOR PRIVATE TOURNAMENTS & GOLF EVENTS - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 12.08.270 of the LMC to allow no more than six special designated permits per calendar year to the license holder at City golf courses for private tournaments & golf events; & repealing Sec. 12.08.270 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Shoecraft; NAYS: Johnson; ABSENT: Fortenberry.
The ordinance, being numbered #17797 is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3300 - APP. OF GEORGE & SHAROL SLAMA FOR A CHANGE FROM AG AGRICULTURAL TO H-3 HWY. COMMERCIAL ON PROPERTY GENERALLY LOCATED AT N.W. 84TH & W. "O" STS. - CLERK read an ordinance, introduced by Jon Camp, amending qathe 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 third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
The ordinance, being numbered #17798 is recorded in Ordinance Book 24, Page

PRELIMINARY PLATS, SPECIAL PERMITS, USE PERMITS

SPECIAL PERMIT 1313A - APPLICATION OF HAMPTON ENTERPRISES TO EXTEND THE TIME PERIOD AND REDUCE THE AREA OF A SPECIAL PERMIT FOR TEMPORARY STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS ON PROPERTY GENERALLY LOCATED AT APPROXIMATELY 84TH STREET AND GLYNOAKS DRIVE. (IN CONNECTION W/01R-42, 01R-43, 01-25, 01-26) - PRIOR to reading:

JOHNSON Moved to delay action on Bill 01R-41 for one week to 3/5/01.

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

SPECIAL PERMIT 1876 - APPLICATION OF HARTLAND HOMES, INC. TO CONSTRUCT AN EARLY CHILDHOOD CARE FACILITY FOR 110 CHILDREN, WAIVING THE REQUIRED ACCESS ON AN ARTERIAL STREET, AND ALLOWING THE REQUIRED BUILDING ELEVATION TO BE PROVIDED AT THE TIME OF THE BUILDING PERMIT, ON PROPERTY GENERALLY LOCATED

WEST OF 84TH STREET AND NORTH OF OLD CHENEY ROAD. (IN CONNECTION W/01R-41, 01R-43, 01-25, 01-26) - PRIOR to reading:
JOHNSON Moved to delay action on Bill 01R-42 for one week to 3/5/01.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF HARTLAND HOMES EAST 1ST ADDITION FOR 136 LOTS AND ONE OUTLOT, WITH WAIVERS TO THE REQUIREMENTS OF BLOCK LENGTH, LOT DEPTH ABUTTING A MAJOR STREET AND STREET APPROACH PLATFORMS, ON PROPERTY GENERALLY LOCATED WEST OF 84TH STREET AND NORTH OF OLD CHENEY ROAD.. (IN CONNECTION W/01R-41, 01R-42, 01-25, 01-26) - PRIOR to reading:
JOHNSON Moved to delay Action on Bill 01R-43 for one week to 3/5/01.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

PETITIONS & COMMUNICATIONS

THE FOLLOWING APPS. WERE REFERRED TO PLANNING DEPT.:

Use Permit 129A - App. of R.C. Krueger Development to develop a Planned Neighborhood Business District at S. 14th Street & Vavrina Blvd.
Change of Zone 3301 - App. of R.C. Krueger Development Co. from AG to H-4 at S. 14th & Yankee Hill Rd.
Change of Zone 3134B - App. of Eastmont Towers from R-1+ R-3 PUD to R-1 + R-3 PUD at 78th & Pioneers.
Special Permit 1753B - App. of R.C. Krueger Development for a C.U.P. Vavrina Meadows 1st Addition at S. 14th & Vavrina Blvd.
Special Permit 1895 - App. of R.C. Krueger Development for a Planned Service Commercial Dist. at S. 14th St. & Yankee Hill Rd.

FORMAL PETITION TO VACATE PUBLIC WAY THE EAST TO WEST 8' ALLEY WAY NORTH OF 1315 S. 1ST ST. (WESTSIDE ADD BLCK 5, LOTS 5, 6, & 7 & N ½ OF LOT 8) SIGNED BY JERRY A. & ELLEN J. BEETEM -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 FEB. 12, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80711 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.

Introduced by Cindy Johnson

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

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED JANUARY 31, 2001 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80712 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended January 31, 2001, \$341,457.40 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Cindy Johnson

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **MAY 1999 THRU MARCH, 2000:** NEBR. RADIO TELEPHONE; **JUNE, 2000:** INT'L. EXCHANGE COMM.; **DEC., 2000:** AMERICAN COMM. NET; **JAN., 2001:** TOUCH AMERICA SERVICES, WORKING ASSETS, QWEST, PRIMUS, TELIGENT SERVICES, TRANS NAT'L, TRACFONE WIRELESS, PHOENIX NETWORK, LCI INT'L, FKA LITEL, NEXTEL WEST, OPERATOR COMM., ONE CALL, NPCR INC. DBA NEXTEL, D&D COMM., VIATEL, I-LINK, ATS MOBILE, BIG PLANET, ZONE TELECOM., ASSN. ADMIN., LONG DISTANCE OF MICHIGAN,

NE TECH. & TELECOMM., MCLEODUSA, ATT WIRELESS PCS, LLC, ATLAS, SINGLE BILLING SERVICE DBA ASIAN AMERICAN, GLOBALCOM, NOSVA, LIGHTYEAR, RSL COM USA, GLYPHICS, GTC, NEXTLINK, TRI-M, COMDATA, GST NET, EQUALITY, AFFINITY, NOS COMM. - CLERK PRESENTED SAID REPORT WHICH WAS PLACED ON FILE IN THE OFFICE OF THE CITY CLERK. (20)

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF JAN., 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 DEC. 31, 2000 & JAN. 31, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF JAN., 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

OTHER RESOLUTIONS

MANAGER APPLICATION OF EVELYN M. MCFARLAND FOR BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE AT 1321 O STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80696 WHEREAS, Bugeater Investments, Inc. dba "The Watering Hole" located at 1321 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Evelyn M. McFarland be named manager;

WHEREAS, Evelyn M. McFarland 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 Evelyn M. McFarland 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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE DEPT. OF ROADS FOR THE FUNDING OF A PROJECT TO REHABILITATE A PORTION OF HIGHWAY 6, WEST "O" STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80697 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads to rehabilitate a portion of Highway 6, West "O" Street, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Cindy Johnson

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE DEPT. OF ROADS FOR THE FUNDING OF A PROJECT TO REHABILITATE A PORTION OF HIGHWAY 2 FROM 56TH STREET EAST - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80698 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Agreement between the City of Lincoln and the State of Nebraska Department of Roads to rehabilitate a portion of Highway 2, from 56th Street east, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Cindy Johnson

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

APPROVING A LAND APPLICATION OF BIOSOLIDS AGREEMENT BETWEEN THE CITY AND COUNTY TO COOPERATE AND ESTABLISH A PROGRAM AND DIVISION OF RESPONSIBILITIES FOR UTILIZING THE RESIDUAL WASTE OF THE CITY'S WASTEWATER TREATMENT PLANT FOR AGRICULTURAL LAND APPLICATION - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80699 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Interlocal Agreement between the City of Lincoln and Lancaster County, for Land Applications of Biosolids, to cooperate and establish a program and division of responsibilities for utilizing the residual waste of the City's Wastewater Treatment Plant for agricultural land application, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Earleen Ladd, Lancaster County Clerk's Office for filing with the County.

Introduced by Cindy Johnson

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

REAPPOINTING DENNIS SCHEER AND THIRD WORLD OFORAH TO THE URBAN DESIGN COMMITTEE FOR THREE-YEAR TERMS EXPIRING FEBRUARY 1, 2004 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80700 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Dennis Scheer and Third World Oforah to the Urban Design Committee for three-year terms expiring February 1, 2004 is hereby approved.

Introduced by Cindy Johnson

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

AUTHORIZING THE LINCOLN FIRE DEPARTMENT TO PROVIDE FIRE AND/OR EMERGENCY SERVICE, INCLUDING AMBULANCE SERVICE, OUTSIDE THE LIMITS OF THE CITY OF LINCOLN - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80701 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Lincoln Fire Department may provide fire and/or emergency service, including ambulance service, outside of the limits of the City of Lincoln.

Introduced by Cindy Johnson

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

APPOINTING DON POST TO THE COMMUNITY DEVELOPMENT TASK FORCE TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 31, 2002 - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80702 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Don Post to the Community Development Task Force to fill an unexpired term expiring August 31, 2002 is hereby approved.

Introduced by Cindy Johnson

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

APPROVING AN INSURANCE BROKERAGE AND CONSULTING CONTRACT BETWEEN THE CITY AND MARSH USA, INC. FOR THE PROVISION OF BROKERAGE SERVICES FOR A THREE-YEAR TERM - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80703 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Insurance Brokerage and Consulting Contract between the City of Lincoln and Marsh USA Inc. for the provision of insurance brokerage services, which is attached hereto and marked as Attachment "A", is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit a executed copy of the Agreement to Marsh USA Inc., 11516 Nicholas Street, Suite 301, Omaha, NE 68154.

Introduced by Cindy Johnson

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

APPEAL OF ARLON E. AND CORRINE D. BARTELS, DALE AND JENINE M. MEINER, DEANNA MUMGAARD, MARY MUMGAARD, DAVID WATTS, DRENNEN WATTS, M. LAIMONS IESALNIEKS, AND LARRY AND DENISE MAACK, FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 1892 AUTHORIZING QWEST WIRELESS L.L.C. TO CONSTRUCT A 123' TALL PERSONAL WIRELESS FACILITY WITH ASSOCIATED GROUND EQUIPMENT AND A WAIVER OF THE FALL ZONE REQUIREMENT ON PROPERTY GENERALLY LOCATED AT N. 7TH STREET AND FLETCHER AVE. - PRIOR to reading:

CAMP Moved to place bill 01R-44 on Pending for two weeks.

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, LANCASTER COUNTY, AND UNITED WAY OF LINCOLN FOR THE IMPLEMENTATION OF THE COMMUNITY BASED HUMAN NEEDS ASSESSMENT IN CONJUNCTION WITH THE UNIVERSITY OF NEBRASKA PUBLIC POLICY CENTER - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80704 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Interlocal Agreement between the City of Lincoln, the County of Lancaster, and United Way of Lincoln for the implementation of the Community Based Human Needs Assessment in conjunction with the University of Nebraska Public Policy Center, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Interlocal Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Interlocal Agreement to Earleen Ladd, Lancaster County Clerk's Office for filing with the County, and one copy to United Way, Suite 112, 215 S. Centennial Mall, Lincoln, NE 68508.

Introduced by Cindy Johnson

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

SETTING IN HEARING DATE OF MARCH 12, 2001 AT 1:30 P.M. FOR APP. OF SPEAKEASY, INC. DBA SPEAKEASY FOR A CLASS C LIQUOR LICENSE AT 3233 ½ S. 13TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80705 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 12, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Speakeasy Inc. dba "Speakeasy" for a Class "C" Liquor License at 3233 1/2 S. 13th Street.

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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

SETTING HEARING DATE OF MARCH 12, 2001 AT 1:30 P.M. FOR MAN. APP. OF BRENT B. SHORE FOR SPEAKEASY INC. DBA SPEAKEASY AT 3233 ½ S. 13TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80706 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 12, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Brent B. Shore for Speakeasy Inc. dba Speakeasy at 3233 1/2 S. 13th Street.

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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

SETTING HEARING DATE OF MARCH 12, 2001 AT 1:30 P.M. FOR APP. OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. FOR A CLASS C LIQUOR LICENSE AT 4100 N. 84TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80707 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 12, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" for a Class "C" Liquor License at 4100 N. 84th Street.

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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

SETTING HEARING DATE OF MARCH 12, 2001 AT 1:30 P.M. FOR MAN. APP. OF LEON ERVIN MEYER FOR THE LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. AT 4100 N. 84TH ST. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80708 BE IT RESOLVED by the City Council, of the City of Lincoln that a hearing date is hereby fixed for Mon., March 12, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Leon Ervin Meyer for Lancaster County Agricultural Society Inc. at 4100 N. 84th Street.

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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

SETTING HEARING DATE OF MARCH 12, 2001 AT 1:30 P.M. FOR WADSWORTH OLD CHICAGO INC. DBA "OLD CHICAGO" FOR A CLASS I LIQUOR LICENSE AT 2918 PINE LAKE ROAD (SOUTH POINTE PAVILLIONS) - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80709 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 12, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Wadsworth Old Chicago Inc. dba "Old Chicago" for a Class "I" Liquor License at 2918 Pine Lake Road (South Pointe Pavilions).

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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

SETTING HEARING DATE OF MARCH 12, 2001 AT 1:30 P.M. FOR MAN. APP. OF JEFF LYNN DALEY FOR WADSWORTH OLD CHICAGO INC. DBA "OLD CHICAGO" AT 2918 PINE LAKE ROAD (SOUTH POINTE PAVILLIONS) - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80710 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 12, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Jeff Lynn Daley for Wadsworth Old Chicago Inc. dba "Old Chicago" at 2918 Pine Lake Road (South Pointe Pavilions),

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, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

ORDINANCES - 1ST & 2ND READING

DECLARING APPROXIMATELY 2.04 ACRES OF PROPERTY GENERALLY LOCATED ON THE NORTHSIDE OF PIONEERS BLVD., WEST OF RIDGEVIEW DRIVE, AS SURPLUS AND AUTHORIZING THE SALE THEREOF - PRIOR to reading:

JOHNSON Moved to place Bill # 01-14 on Pending.

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

CLERK Read an ordinance, introduced by Cindy Johnson, declaring a tract of City-owned property generally located on the north side of Pioneers Blvd., west of Ridgeview Drive, as surplus and authorizing the sale thereof to Talent +, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE CAPITAL IMPROVEMENT PROGRAM FOR VARIOUS PARKS AND RECREATIONS DEPARTMENT PROJECTS - CLERK read an ordinance, introduced by Cindy Johnson, approving the transfer of appropriations between certain capital improvement projects within the Parks and Recreation Department, the first time.

AMENDING SECTION 2.76.202 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE PERSONNEL DIRECTOR AUTHORITY TO APPROVE RETROACTIVE PAY FOR UP TO SIX MONTHS TO CORRECT THE DIFFERENCE IN PAY THE EMPLOYEE SHOULD HAVE RECEIVED - CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 2.76 of the Lincoln Municipal Code relating to the Personnel System by adding a new section numbered 2.76.202 entitled Wage Adjustment to allow the Personnel Director to compensate an employee retroactively for up to six months in order to correct the difference in pay the employee should have received for out-of-class pay, temporary promotions, project or crew leader assignments, or the reallocation of an employee to a higher pay range when such pay has been delayed or is otherwise not in accordance with contract or code provisions, the first time.

AMENDING ORDINANCE 17705 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CREATING THE JOB CLASSIFICATIONS OF "SYSTEMS SOFTWARE INTEGRATOR," "EMS INSERVICE EDUCATOR," "PARK PLANNER I," AND "PARK PLANNER II" - CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ord. No. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classifications of "Systems Software Integrator," "EMS Inservice Educator," "Park Planner I," and "Park Planner II", the first time.

AMENDING ORDINANCE 17704 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE JOB CLASSIFICATIONS OF "FACILITIES MAINTENANCE COORDINATOR" AND "GOLF MANAGER" - CLERK read an ordinance, introduced by Cindy Johnson, amending Section 5 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "Facilities Maintenance Coordinator" and "Golf Manager", the first time.

CHANGE OF ZONE 3302 - APPLICATION OF ROLF SHASTEEN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO O-2 SUBURBAN OFFICE ON PROPERTY GENERALLY LOCATED AT 857 S. 48TH STREET, BETWEEN F AND RANDOLPH STREETS - CLERK read an ordinance, introduced by Cindy Johnson, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

RENAMING DOUBLE TREE BOULEVARD AS "WHISPERING WIND BOULEVARD" GENERALLY LOCATED IN THE WILDERNESS RIDGE ADDITION LOCATED SOUTH OF YANKEE HILL ROAD, WEST OFF OF S. 27TH STREET - CLERK read an ordinance, introduced by Cindy Johnson, changing the name of Double Tree Boulevard to Whispering Wind Boulevard located at the entrance into the Wilderness Ridge development off of South 27th Street, as recommended by the Street Name Committee, the first time.

VACATING THE EAST FIVE FEET OF S. 2ND STREET FROM THE SOUTH SIDE OF F STREET TO THE NORTH SIDE OF THE ALLEY - CLERK read an ordinance, introduced by Cindy Johnson, vacating the east five feet of South 2nd Street from the south side of F Street to the north side of the alley, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

AMENDING SECTION 2.76.395 TO ALLOW FOR EMPLOYEES WHOSE PAY RANGE IS PREFIXED BY THE LETTER "M" TO UTILIZE VACATION DURING THE FIRST SIX MONTHS OF EMPLOYMENT - CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 2.76 of the Lincoln Municipal Code relating to the City's personnel system by amending Section 2.76.395 to allow employees with a pay range prefixed by "M" to use vacation during the first six months of employment; and repealing Section 2.76.395 of the Lincoln Municipal Code as hitherto existing, the first time.

VACATING H STREET FROM 6TH STREET WEST TO THE RAILROAD AND VACATED H STREET. (IN CONNECTION W/00R-328) - CLERK read an ordinance, introduced by Cindy Johnson, vacating H Street from 6th Street west to the railroad and vacated H Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CREATING WATER DISTRICT NO. 1182 IN SAYLOR STREET FROM 57TH STREET TO 58TH

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STREET - CLERK read an ordinance, introduced by Jonathan Cook, creating Water District No. 1182, designating th real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING ALLEY PAVING DISTRICT NO.360 IN THE NORTH/SOUTH ALLEY BETWEEN WORTHINGTON AVE. AND 20TH STREET, FROM SOUTH STREET NORTH APPROXIMATELY 300 FEET - CLERK read an ordinance, introduced by Jonathan Cook, creating Alley Paving District No. 360, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND QWEST WIRELESS L.L.C. TO CO-LOCATE TELECOMMUNICATION ANTENNAS ON THE TOWER BEING CONSTRUCTED AT STAR CITY SHORES AT 27TH AND HIGHWAY 2 - CLERK read an ordinance, introduced by Jonathan Cook, WHEREAS the City of Lincoln, desires to lease space on a City tower at Star City Shores, generally located at South 27th and Highway 2, to Qwest Wireless, LLC, (hereinafter "Qwest") for telecommunication uses and associated ground space, the second time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND QWEST WIRELESS L.L.C. TO LOCATE TELECOMMUNICATION ANTENNAS ON THE CARRIAGE PARK GARAGE AT 1128 L STREET - CLERK read an ordinance, introduced by Jonathan Cook, WHEREAS, The City of Lincoln, desires to lease space on Carriage Park Garage, generally located west of South 12 and L Streets, to Qwest Wireless, LLC, (hereinafter "Qwest") for telecommunication uses and associated ground space, the second time.

CHANGE OF ZONE 3272 - APPLICATION OF HARTLAND HOMES, INC. AND HAMPTON ENTERPRISES FOR A CHANGE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, ON PROPERTY GENERALLY LOCATED NORTH OF OLD CHENEY ROAD AND WEST OF 84TH STREET. (IN CONNECTION W/01-26, 01R-41, 01R-42, 01R-43) - CLERK read an ordinance, introduced by, Jonathan Cook, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3288 - AMENDING SECTION 27.63.590, TEMPORARY STORAGE OF CONSTRUCTION EQUIPMENT AND MATERIALS, TO ALLOW THE PERMIT TO BE GRANTED ON LOTS LESS THAN 10 ACRES AND TO REMOVE THE TIME LIMIT. (IN CONNECTION W/01-25, 01R-41, 01R-42, 01R-43) - PRIOR to reading:

SENG Moved to amend Bill No. 01-26 on page 1, line 15, after the words "minimum lot area" insert the words to seven acres.

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

SENG Moved to amend Bill No. 01-026 on page 2, line 1, after the words "period of time" insert the words not to exceed fifteen years, and on page 2, line 4, after the words "may request" delete the word "an" and insert in lieu thereof the word one.

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

CLERK Read an ordinance, introduced by Jonathan Cook, Change of Zone 3288 - Amending Section 27.63.590, Temporary Storage of Construction Equipment and Materials, to allow the permit to be granted on lots less than 10 acres and to remove the time limit, the second time.

ADOPTING THE SUPPLEMENTS TO THE LINCOLN MUNICIPAL CODE DATED JUNE, 1999; DECEMBER, 1999; JUNE, 2000; AND DECEMBER 2000, AS PART OF THE OFFICIAL LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jonathan Cook, adopting the supplements to the Lincoln Municipal Code dated June, 1999; December, 1999; June, 2000; and December 2000 as part of the official Lincoln Municipal Code, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CHANGE OF ZONE 2912 - APP. OF DON FAUTH FOR A CHANGE FROM AG TO AGR ON PROPERTY GENERALLY LOCATED ½ MI. WEST OF CODDINGTON AT SW 27TH ST. & OLD CHENEY RD. - CLERK requested to remove Bill No. 95-128 from Pending & Withdraw request.

JOHNSON So moved.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
The ordinance, having been **WITHDRAWN**, was assigned File #38-4353, & placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3076 - APP. OF DUSTROL, INC. FOR A CHANGE FROM AG AGRICULTURAL TO H-4 GENERAL COMMERCIAL ON PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF ARBOR RD., WEST OF N. 56TH ST. - CLERK request to remove Bill No. 97-142 from Pending & Withdraw request.

CAMP So moved.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.
The ordinance, having been **WITHDRAWN**, was assigned File #38-4354, & placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3196 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE FROM B-1 LOCAL BUSINESS & R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & FROM R-3 RESIDENTIAL TO AGR AGRICULTURAL RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. VAN DORN ST. (IN CONNECTION W/00-67);

CHANGE OF ZONE 3247 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL & R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS, ON PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF S. CODDINGTON AVE. & W. VAN DORN ST. (IN CONNECTION W/00-65) - CLERK requested to removed from Pending for Action on 3/05/01.

CAMP So moved.

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

CHANGE OF ZONE 3245 - APP. OF MANETTE KIDNEY FOR A CHANGE FROM AG AGRICULTURAL TO O-2 SUBURBAN OFFICE ON PROPERTY GENERALLY LOCATED AT S. 84TH ST. & OLD CHENEY RD. - CLERK requested to indefinitely postpone Bill No. 00R-182.

SENG So moved.

CHANGE OF ZONE 3206 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AGR AGRICULTURAL RESIDENTIAL TO B-1 LOCAL BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 70TH ST. & PINE LAKE RD.;

ORD. 17727 - CHANGE OF ZONE 3207 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 84TH ST. & OLD CHENEY RD. - CLERK requested to indefinitely postpone Bill No. 00-159 & 00-160.

COOK So moved.

Seconded by McRoy & LOST by the following vote: AYES: Cook; NAYS: Cook, Johnson, McRoy, Seng, Shoecraft; ABSENT: Fortenberry.

APPROVING A CONSERVATION EASEMENT AGRMT. BETWEEN THE CITY & TMCO INVESTMENTS TO PRESERVE THE FLOOD STORAGE CAPACITY IN AN AREA GENERALLY LOCATED AT 6TH & H STS. (IN CONNECTION W/01-36)- CLERK requested to removed Bill No. 00R-328 from Pending for Public Hearing on 3/05/01.

SENG So moved.

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

COOK Moved to extend the Pending List for 1 week.

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

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on March 5, 2001.

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

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ADJOURNMENT

7:55 P.M.

COOK Moved to adjourn the City Council Meeting of Feb. 26, 2001.
 Seconded by Seng & carried by the following vote: AYES: Camp, Cook
 Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Fortenberry.

So ordered.

Joan Ross, City Clerk

Judy Roscoe, Office Assistant III