

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MARCH 12, 2001 AT 1:30 P.M.**

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

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of Mar. 5, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. FOR A CLASS C LIQUOR LICENSE AT 4100 N. 84TH ST.;

MAN. APPLICATION OF LEON ERVIN MEYER FOR THE LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. AT 4100 N. 84TH ST. - Bill Austin, Erickson & Sederstrom, 301 S 13th St., took oath: I'm appearing today on behalf of the Lancaster County Agricultural Society doing business as the Lancaster Event Center. The Agricultural Society has made application for a Class C Liquor License at the new Event Center at 4100 N 48th Street and as a 501 C-3 organization. This C License would, of course, be an on sale only license. I have today with me Leon Meyer. He is the manager of the Event Center and would be the corporate manager under the license and we're here to answer any questions that you may have.

Jerry Shoecraft, Council Member: Talk a little bit about the staff, any type of internal training for the staff besides the management in regards to events and serving?

Leon Meyer, no address given, took oath: We have met, I have met, excuse me, with Officer Mike Bassett and he has offered when we get our staff, our bartender staff, fully in to come in and train all of our people. At this time we have been asking that only bartenders that have had some experience while we're operating our temporary licenses be on staff.

Richard Halvorsen, 6311 Inverness Road: I'd like to ask some questions to the attorney that was just up here.

Chairman Shoecraft: Just direct your questions to us and then if we

...
Mr. Halvorsen: Well, according to the public notice we have the right to cross examine the applicant.

Chairman Shoecraft: Is that correct Dana? Well, specifically ask your questions while Dana is checking on that.

Mr. Halvorsen: Oh OK. Well, first I can start with the summary rather than a question. I don't believe they gave us a whole lot of information here. They didn't give any information on how many, what type of event this license is going to be used for? How many events? Is this going to be used during the County Fair? Is this for conventions? So, I don't think it's enough information that, to act on this. I would not want to see liquor served at the County Fair for example. I don't believe in 4-H that one of the H's stands for hootch. I mean, I would like to see more information about what events this liquor license is going to be used for. We've denied it for Parks, the Pioneer's Bowl, so I don't see if for one public facility ...

Mr. Shoecraft: I think it would be similar to Pershing Auditorium from what they do. But, Bill do you want to ...?

Mr. Austin: Mr. Meyer would be happy to answer what type of events they'd be using it for.

Mr. Meyer: We will not serve during County Fair, number one. Number two, it's a type of a license that we have so that if you're coming out there and having some type of an event at my facility, our facility, then we have that option to serve liquor. We will not serve when youth are involved like if it's a 4-H program or Boy Scouts or anything like that. It's got to be, of course it has to be adults, that really only makes sense. But, our intention is to do this as a service to the people that do come out there and do require to have alcohol. It allows us to very much control the alcohol usage out there. If I allow you to bring

your own in then I have no way to control it. If I am selling it, then between myself and my trained bartenders we can control how much is drank and it makes us just feel a whole lot better about the matter.

Mr. Halvorsen: Another question, the membership of Lancaster Agricultural Society is made up of what every tax paying adult in the County of Lancaster I believe?

Mr. Meyer: Uh, yes sir.

Mr. Halvorsen: So, that means every, every adult is technically a member of this or owner of this bar. There might be some people in this community due to moral or religious reasons that don't want to have any part of being the ownership of a bar.

Mr. Meyer: I wouldn't disagree with that statement.

Jeff Fortenberry, Council Member: If I could summarize what I think your intent is, you want the ability to have this for sale at special events that would require it or request it. It would not be an on going sale of alcohol at the facility at all times.

Mr. Meyer: That's true.

Mr. Halvorsen: Then we wouldn't have any advance notice? Like say Special Designated Licenses there wouldn't be any?

Mr. Meyer: No.

Mr. Halvorsen: OK. Alright.

This matter was taken under advisement.

APPLICATION OF SPEAKEASY, INC. DBA SPEAKEASY FOR A CLASS C LIQUOR LICENSE AT 3233 ½ S. 13TH ST.;

MAN. APPLICATION OF BRENT B. SHORE FOR SPEAKEASY INC. DBA SPEAKEASY AT 3233 ½ S. 13TH ST. - Brent Shore, 4310 S. 38th St., took oath, & came forward to answer any questions:

Cindy Johnson, Council Member: Brent, you've got an extensive criminal history do you want to talk a little bit about some of the things that have occurred? You've got several minors in possession, DWI's, you had one DWI, disturbing the peace. How do you, how do you feel about managing a liquor license when you've got a history of this yourself? Kind of where you at on this?

Mr. Shore: I'm, this is more of, definitely more of a business venture. A lot of that stuff was, you know, quite a long time ago. You know, it was just kind of a bad time in my life back then. I've done a lot of different things since then.

Ms. Johnson: Thank you.

Mr. Shore: Thank you.

This matter was taken under advisement.

APPLICATION WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO FOR A CLASS I LIQUOR LICENSE AT 2918 PINE LAKE RD. (SOUTH POINTE PAVILLIONS);

MAN. APPLICATION OF JEFF LYNN DALEY FOR WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO AT 2918 PINE LAKE RD. (SOUTH POINTE PAVILLIONS) - Jeff Daley, 15710 Rolling Ridge Rd., Omaha, NE, took oath & came forward to answer any questions:

Coleen Seng, Council Member: Did I read in there you're doing this now and then there will be someone later who will be coming in for a another application?

Mr. Daley: Right. I'm the Regional Manager for the area.

Mr. Shoecraft: So there will be someone again on site who will have a license?

Mr. Daley: Uh-huh.

Mr. Shoecraft: Do you anticipate when?

Mr. Daley: Anticipate it opening?

Mr. Shoecraft: When yeah?

Mr. Daley: Well, I'd say the end of summer. Late August.

Mr. Shoecraft: End of summer? OK.

This matter was taken under advisement.

AMENDING SECTION 26.19.031 OF THE LINCOLN MUNICIPAL CODE TO ADD LANGUAGE REQUIRING THE NAME & NUMBER OF THE PRELIMINARY PLAT UPON WHICH THE FINAL PLAT IS BASED TO BE SHOWN ON THE FINAL PLAT - Ray Hill, Planning Dept.: Just here to answer any questions.

This matter was taken under advisement.

APPROVING THE ESTABLISHMENT OF A DECOMMISSIONING FUND TO ALLOW LES TO DESIGNATE & ACCOUNT FOR THE COSTS ASSOCIATED WITH DECOMMISSIONING GENERATION PLANTS & ELECTRICAL FACILITIES - Keith Brown, Division Manager of Finance & Accounting, Lincoln Electric System: I'd be happy to address any further questions you may have.

Ms. Seng: I think you ought to just say what decommissioning means for the general public.

Mr. Brown: Decommissioning is a requirement of many generating facilities, not only nuclear, but coal fired also. But, because of the cost of decommissioning a nuclear plant and this decommissioning is related to the Cooper Nuclear, we establish a fund that is invested over time so that when the decommissioning actually takes place there are adequate monies to cover all of the expense of dismantling and properly handling all of the potential radio active material.

Danny Walker, 427 E Street: I would like to know if there is a law suit in relationship to this proposal. I think it might be of importance to the City Council before you take action on it. It seems to me like I read that there's a law suit going back and forth from the power plant to LES. Want to run them back up here and see what they say about that?

Mr. Brown: There is. Because an 8th Circuit Court hearing and legal opinion that decommission was not a required part of the contract, only the decommission at the end of the life, Lincoln Electric System has chosen to keep the funds, invest them ourselves versus sending them off to NPPD and having them invest the funds. They filed a lawsuit in Platte County and it is being contested as we believe it does not have standing. But, yes there is minor action regarding that particular action.

This matter was taken under advisement.

APPEAL OF HEARTLAND INSURANCE POOL, INC. FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1896 FOR AUTHORITY TO OPERATE A SALVAGE YARD ON PROPERTY GENERALLY LOCATED AT N. 1ST & CHARLESTON STS. - Mark Hunzeker, 530 S. 13th St., Suite B: Appearing on behalf of Heartland Insurance Pool. If I could I may need about 8 minutes if that would be alright. Mr. Chairman, Heartland Insurance Pool is an organization that is a seller of vehicles owned by insurance companies that are acquired by insurance companies after they have been totaled out in an accident, flooded, stolen and recovered or any other way that you can have a vehicle transferred to an insurance company in exchange for full payment. Those vehicles are then consigned to Heartland Insurance Pool. They're stored for approximately two weeks and then sold. The sales that Heartland conducts are for licensed dealers only either automobile dealers or salvage operators. There is no removal of parts or anything like that. No sale of parts that takes place on premises. But we're here for a Special Permit for a salvage yard because the definition in our ordinance of salvage material includes the storage of inoperable vehicles for more than 30 days. And, occasionally we will have vehicles that will be stored here for more than 30 days. So, we are, we are by definition required to get a Salvage Yard Special Permit even though this is not a salvage yard in the ordinary sense of the word. Vehicles are brought into this site, they are lined up in rows with space between vehicles not only for convenience of buyers to look at what they're buying, but also to avoid further damage. These vehicles are to be sold to people who will either rebuild them and resell them or to people who will remove parts and sell them as a salvage yard that you would most ordinarily think of as a salvage yard operator would. So, a Special Permit is required and we are here appealing the denial of the Special Permit by the Planning Commission. The Planning Department has recommended approval. The salvage yard permit itself requires a 100 foot setback from the industrial zoning district line which in this case is at our east property line only because the property which abuts our east property line is the City's impound lot and that's zoned P public use. Anyone else operating the impound lot on a contract basis, for example, would have to have industrial zoning and a salvage permit just like ours. We worked out arrangements with the City to share access with the impound lot to take access to the water line that serves the impound lot. And, we've had generally very good cooperation from both Planning Staff and Public Works Staff as well as the City Finance Dept. in siting this project. We have just a couple of issues that have come up in the context of the Staff recommendations that have caused us some concern. We didn't particularly like the 100 foot setback requirement, but we found it could not be waived because of the P Public Use designation on the City's property. But we would like you, if you would, to refer to the third page of, excuse me, I guess it would be page, the third page of the ordinance Item 2, Roman Numeral small 12 which is a requirement that we not only have no salvage material stored outside buildings within 500 feet of

Highway 6, but that we also observe a 500 foot setback from Highway 6 as it is to be relocated in the future. I've prepared an amendment of that which I would ask you to consider to eliminate that setback requirement because the entire, virtually the entire City impound lot will be within that 500 foot setback and the relocation of Highway 6 will require, I think, some cooperation between the City and this property owner when it occurs. In addition the handout that I've given you, also, adds some language to Item No. 1 simply to clarify that we are not a disassembly and crushing type facility. That language would simply address a concern that was raised at the planning commission to eliminate the possibility of removal or sale of parts or crushing of vehicles on this site. As you may know this site is in the flood plain. It is on a former City landfill which has some environmental problems associated with it. There are wetlands at the west edge of the site which extend further on to the property to the west. And, there's an earthen cap on the landfill which generally is not to be disturbed. We think this is a good use for this site for those reasons. We think that it is doubtful that there is an alternative use that would enable us to have a reasonable return on an investment for this site that would not involve substantial fill or disturbing the cap in which case the City may need to be involved in dealing with the environmental consequences of that. We think that this is a very good site in that there are very few other places, if any, in Lincoln where you can locate a 10 to 20 acre industrially zoned site that is as far away from residential uses as this site that has as few uses within any reasonable proximity that will be adversely affected in which serve the convenience and necessity of the public such as this. It is important to have this site near the impound lot. Cars that are wrecked in the City of Lincoln are taken to the impound lot. Once the insurance adjustment is made and the check cut to the order and title transferred the insurance company has it transferred to the pool. Having it close by is very important, not only to the economics of that transaction, but also to the possibility that if we are forced to move this operation out of town because the existing site is too small there may be a number of vehicles which simply cannot economically be moved out of the impound lot and they'll be sold at auction by the impound lot to the public as opposed to being sold to dealers or salvage operators. I will just stop there and answer any questions. I'm sure there will be other testimony.

Ms. Seng: Where is this operation now?

Mr. Hunzeker: 2035 Yolande, just off Cornhusker Highway.

Ms. Seng: The area's too small?

Mr. Hunzeker: Yeah, it's on about a 3, 3 ½ to 4 acre site right now and the volume of business that they're doing is simply too great for that site. We need more area.

Ms. Seng: So there'll be no parting?

Mr. Hunzeker: I'm sorry?

Ms. Seng: There'll be no taking of parts?

Mr. Hunzeker: That's correct. This is a, you know, it's basically if you have an accident, your car gets towed into the impound lot, most of the time. As soon as the insurance people confirm that it's a total loss, they give you check for the value of the vehicle, you give them the title, the company consigns the vehicle to Heartland Insurance pool, it's towed to their lot where they line it up and prepare for a sale.

Mr. Shoecraft: Would this cut down on the potential tow traffic through that neighborhood? I got a call from Mrs. McKnob, 704 Charleston, regarding a separate issue, a sidewalk issue she wants me to help her on, and she said one other thing the number of tow trucks that come through the neighborhood has just been increasing. Would this decrease that?

Mr. Hunzeker: Well, I would think so. I mean, I don't know where the trucks are going as they traverse that neighborhood. Some of them may be going to the impound lot, but certainly in leaving the impound lot they would not be required to get back on a street. If we're able to locate here we can simply go out the exit to the impound lot and into this property and, you know, it's a very, easy, quick trip. Wouldn't even get out on a public street.

Jonathan Cook, Council Member: Well, related question then. Currently what route is taken from the impound lot to the Yolande site? Sun Valley?

Mr. Hunzeker: To be honest I don't know. My guess is they take Sun Valley.

Mr. Cook: To Cornhusker.

Mr. Hunzeker: That would be my guess. I don't know.

Mr. Cook: Do you know what percentage of vehicles that end up in this lot come from the City impound lot versus are towed from elsewhere?

Mr. Hunzeker: Did you hear that? 30 to 40%.

Mr. Cook: And, last thing was just a clarification on your amendment. The way you stated it to us sounded different from the way I see it here that you are indicating that you wouldn't be able to put anything, any storage of cars outside of buildings within 500' of the existing or future. This says the future once it's constructed. There is a difference. I mean it will be some years before the construction takes place and in that time the restriction on spacing to the future right-of-way will not be there. You just want to eliminate that restriction altogether so that when it is constructed you still won't have to meet a 500' spacing.

Mr. Hunzeker: That's correct and it's my understanding that that relocation is on a relatively short track. That's what I've been told anyway. I could be wrong about that.

Mr. Fortenberry: The permit covers about 30 acres, is that correct?

Mr. Hunzeker: It covers I think 23 acres.

Mr. Fortenberry: 23?

Mr. Hunzeker: 23 1/3.

Mr. Fortenberry: Now, the current auction site has about 3 to 4 acres you said?

Mr. Hunzeker: I think that's right.

Joe Kosiski, Heartland Insurance Pool: There's about 3 to 4 (inaudible) We're asking for 13 right now ...

Mr. Fortenberry: Why don't you come forward.

Mr. Hunzeker: I think the entire site, if you're looking at page 21 of your fact sheet is that what you're looking at?

Mr. Fortenberry: Yes.

Mr. Hunzeker: The entire site is 23 acres. The area that we are intending to utilize right now is about half of that site. The west 10 acres is designated for Phase 2 which is not our, it's not the intention to use that immediately. But, it does provide for expansion there.

Mr. Fortenberry: I think we need some, perhaps this is not a question for you, but for more information on the potential relocation of the roadway. But, talk about the roadway and lighting as well on the site.

Mr. Hunzeker: Well, we are required to screen this and use, I believe, an 8 foot metal fence. Is it six?

Mr. Kosiski: I believe it's 6'.

Mr. Hunzeker: We are required to have it 100% screened from 0 to 6', I believe it is. You know, if it needed to be a little bit taller it could be, but ...

Mr. Fortenberry: What is the City's screen on the City's lot on the west side?

Mr. Hunzeker: That's a good question. I'm not sure there is one. Is there a fence on the west side? There's a 6' fence.

Mr. Fortenberry: It's 6' all the way around.

Mr. Kosiski: They basically match up to the height of the impound lot.

Ms. McRoy: Aren't the City's fence wooden around the tow lot? I think it's a wooden fence.

Mr. Kosiski: We have no problem if that's ... we're, we asked that it could be metal or wood. That's not a problem either way if that's what we have to do.

Mr. Fortenberry: In terms of lighting, is this lit 24 hours or brightly lit? How is that ...?

Mr. Kosiski: Right now our location is not lit at all.

Mr. Fortenberry: Explain to me the mechanics of how a salvage auction works. Is this like a public auction where a group of people comes in and bids on vehicles at set auction times during the week or is it just where your area, is this for storage?

Mr. Hunzeker: Two auctions a month. One every other, excuse me, I guess there would be 26 a year. I guess once every two weeks there's an auction. And, there are probably, there is a group of people who routinely come to those auctions to bid on these salvage vehicles. Some of them are dealers who buy cars to be rebuilt and sold with salvage titles. Others are dealers who, I suppose, depending on what the

inventory is if they are theft recoveries or what vehicles, those types of things possibly some used car dealers would simply buy those outright. The rest are salvage operators who take those vehicles, remove the usable parts, crush the rest of it and sell it to recycling firms.

Mr. Fortenberry: I guess I'm just trying to get an idea, again, of the size of the crowd that would be at that. Is it dozens of people or

hundreds of people?

Mr. Kosiski: There's probably somewhere around 80 buyers. 80 to maybe as many as 100 would probably be at our biggest buyer sale.

Mr. Fortenberry: Is there a parking lot in the front or on the north side here? Is that what I'm looking at?

Mr. Hunzeker: If you look at page 21, basically, we've got this area divided into three fenced off areas. And, as I understand it, the plan would be to simply rotate where vehicles are brought in and where they're then sold. So you'd have one area that is being filled with inventory during the week while in another area there was preparation ongoing for the sale. The third would be available for parking for bidders.

Mr. Fortenberry: All within this Phase I, Parcel A where it's (inaudible).

Mr. Hunzeker: That's correct.

Mr. Fortenberry: Yes. It is not lit you said?

Mr. Kosiski: It's not lit, no. All of our sales start at 10:00 in the morning and they're pretty well done by, I mean, we have regular open hours at 8:00 to 5:30 so ...

Mr. Fortenberry: Thank you.

Mr. Hunzeker: Thanks.

Ms. Seng: Can I have a copy of that amendment?

Mr. Hunzeker: Oh, sure.

Ms. Seng: Mark, we had some discussions earlier today when we were talking about this, about whether it was possible to build something on this property and I, we were a little confused as to which piece of property one could build on. And, then there was some talk about some apartments or housing of some sort, student housing or something like that. Now, is it possible to build like a huge apartment structure on this property.

Mr. Hunzeker: Well, the apartment proposal that is apparently under consideration, or at least one that was previously, and as I understand it there is another entity now interested in doing something is on the property to the west of this site. If you look at this west boundary of our Special Permit and follow that line up to Charleston there is a property line that runs all the way to Charleston. The property that's being discussed for residential is to the west is the BMX track, I believe. I don't think it shows up here.

Ms. Seng: Where is it on the dark map?

Mr. Hunzeker: It would be right in this area.

Mr. Shoecraft: Just as a reminder, if you're going to talk away from the mike use the hand held mike. Could anybody who's thinking down the line that they want to build student housing in this area would obviously have to, as testimony states, have to manipulate this site even more so than what, than any other type of use?

Mr. Hunzeker: Well, let's put it this way, right now it is zoned Industrial. It would have to be rezoned for some form, some sort of residential use. It is, I hesitate to give you an exact number, but it is more than three feet below flood elevation so there would have to be more than three feet below flood elevation so there would have to be a substantial amount of fill placed for each building and probably for some of the parking as well. There are wetlands on that site which would have to be avoided and or filled and mitigated. I did have a client who was interested in doing the same thing, who basically determined that it's not very feasible to do that. That's not to say that somebody might not have a different evaluation of it, but it's quite a bit to do and at least in the configuration that, as I understand, that student housing market to be building in would probably require text amendments as well.

Ms. McRoy: I have a question for Planning Dept. Jason, I know we'd just been talking this morning and recently about putting the flood plain regulations on hold because you want to take a look at that with the business community, do you think that those changes that we might make in the future as far as building in the flood plain will have any impact on industrial sites because we have a lot of industrial zoned areas in the

flood plain currently. While this project doesn't require much fill, you know per se as many of the projects, but what's the likelihood of needing changes down the road that would maybe benefit this piece of land to other uses?

Nicole Fleck-Tooze, Public Works Dept.: I'll try to address that for you. If I understand your question correctly, how would potential future regulations that we've talked about impact this particular site or ...?

Ms. McRoy: For industrial flood plain, industrial zoned land, you know and so, because the uses are limited right now and so what we're going to do down the road with the Task Force and what we'll be talking about, you know, do you think in your opinion those changes may make the use for this a little bit different and then something more viable could come about? I don't want to take my chances today.

Ms. Fleck-Tooze: Sure. This particular development that's proposed with the Insurance Pool, I think because there's a single structure proposed and they're not evaluating technically a no net rise which is something we discussed, but they are compensating for, they're either taking the fill from the site or if that fill is not usable for the foundation of the building we'll excavate a similar amount as I understand it. That's pretty compatible with the type of standards that we've talked about. So, I think it's difficult to say what we might, what we might arrive at down the line. I think the purpose of giving ourselves a little bit more time for discussion is exactly that to talk about all the different alternatives. But, this particular site, I think, starts to try to meet that type of standard.

Ms. McRoy: Do you think with this site, because it does have some contamination, the use for it wouldn't change even down the road if we changed our flood plains for industrial zoning site in of itself. The use could go on here because of the underlying history of it it wouldn't have?

Ms. Fleck-Tooze: Well, I think because they're able to, they don't have to elevate the area that the cars would be stored in. It certainly, from strictly a flood storage perspective, probably, lends itself a little bit more flexible in terms of flood plain looking at those kinds of issues. The bigger question long term of what types of zoning is appropriate for flood plain and where we might look elsewhere for industrial zoning. The broader question is difficult to answer at this type, but we'll have to look at through the next year in the Comprehensive Plan.

Mr. Fortenberry: Nicole, maybe you can help with this since you may have had a hand in the events perhaps this is a question you might be able to answer. When we located the City impound lot we had a lot of discussing about fencing (inaudible) east side of that property line what, I would like to see what was developed there.

Ms. Fleck-Tooze: Vince Mejers from Purchasing is here so he may be able to better address that for you.

Vince Mejer, City County Purchasing Dept.: What was finally developed there was we put the wood fence. We discussed putting trees along the outside of the wood fence, but with the relocation putting trees in now and then having to pull them out five years from now seemed a little waste of dollars. So, we've delayed that until Sun Valley's moved.

Mr. Fortenberry: And, why don't you speak to that issue if that, the relocation of Sun Valley.

Mr. Mejer: The best I know ...

Mr. Fortenberry: Impacts us and potentially this project.

Mr. Mejer: We will, when Sun Valley's moved it's my understanding it's going to take 50 to 75 feet of the east portion of the City's present impound lot. At that point, beings the City had to buy some land anyway, we're looking at going further south. Leave the lot where it is, just pull the fences back.

Scott Opfer, Public Works & Utilities Dept.: I might be able to answer the question on the relocation of Sun Valley. When the tow lot was initially planned to move over to this area it was a tentative concept lining grade for the future Sun Valley. We actually hired Olsson's to come in and give us somewhat of a concept and right now it is just a concept. The State has hired another consulting firm to do a study on where exactly to relocate it. So, that's not defined right now. We did it based on what we felt was, at the time, identified in the Comprehensive Plan a realignment of 1st Street. So, it could very well not follow that alignment when the State ultimately builds it. It could stay on the same alignment for instance, but if it does follow that alignment the tow lot is essentially sitting in what we preserve as a 140' right-of-way for Sun Valley Boulevard. When the roadway would come through on that alignment Vince has agreed to move that tow lot back to that 140' line or 70' from the center line and at that time landscape everything for screening.

Mr. Cook: To follow up on something Mr. Hunzeker said that he felt that the Sun Valley relocation was on sort of a fast tract, what's your opinion as to the time line?

Mr. Opfer: I would agree with that. We show it currently, I think, in our Comp Plan, in the current Comp Plan the 1-20 year. The State shows it, I believe, in there 2007, but I believe are planning to move it forward. Put it on a little faster tract to get it done. A lot having to

do with the baseball and everything going on along there because they anticipate more traffic so ... And then with, also, you've got I-180 and Cornhusker projects starting this summer. I think once that's complete the State will probably push that thing ahead a little bit. A few years anyway.

Mike Grieger, 2645 Van Dorn Street: We presently have a contract in place to sell 20 acres to a company out of Houston, Texas to build student housing. Those people are here right now doing their due diligence. The contract has been signed since December. We're trying to deal with the methane gas and the zero net rise. We are opposed to this not only because it's in our front yard, but it's also because it's in the front yard of the corridor from the west coming to the baseball stadium. You can sit up in the sky boxes or even any general reception area of the Nebraska Football Stadium and you look over and you see the smashed windshields of the City Impound Lot. Mark a smashed car is a smashed car. My son totaled his car. It was towed to Lincoln Land Towing Lot and then Heartland Salvage Pool came and got it. There's another site. Northwest Metals is for sale that already has the permits that he can put those cars on 14 acres. The way I am told, I've got to commend the Planning Commission because they recognized that the redesigning of West O Street, Sun Valley Boulevard, Highway 6 is the traffic flow that they want our guests to come to the baseball stadium, from the west to the east and not through the Russian Bottoms and Charleston. I'm strongly opposed to the impound lot that we already have. I'm strongly opposed to the pool. It's unsightly. There's no fence in town that's going to cover it when you come over Sun Valley Boulevard or on I-80 from the north to the south to come into Lincoln from two different places you still see the smashed automobiles. I'm not here to bite the city's ankle. The City of Lincoln doesn't even drag all of it's junked cars inside the impound lots. They're laying out there now. The City of Lincoln doesn't even stake down the cars in case of a flood now. And you can't tell me 500 junked cars don't displace water. I don't know what else to say, but I, once again our due diligence team is here. They represent a substantial firm in Houston, Texas that has built student housing sites throughout the country. They like the site. They put up their money and they're here to deal with the City to try to comply to build that site. Thank you.

Mr. Shoecraft: What's the likelihood, Planning, we've been wrestling with that issue about the likelihood of student housing in that it wasn't well received in the past. Is that correct?

Jason Reynolds, Planning Dept.: Student housing on that specific site, there were never any applications brought forward to the Planning Dept. for review, so I can't really comment on how close it was to being accomplished.

Mr. Shoecraft: What type of manipulation would have to occur with that site in order for that even a possibility to happen, Ray?

Ray Hill, Planning Dept.: Well, I think we're premature. That's part of our Comprehensive Plan. We will be reviewing that. At the present time, as was mentioned earlier, it would have to be re-zoned something other than I-1 because I-1 does not permit residential uses. Again, I'm sure that the Comprehensive Plan now shows this area as industrial. We could not find that it's in conformance with the present Comprehensive Plan. So, I think it's, let us go ahead, review it as part of our Comprehensive Plan and then we'll have an answer for you.

Mr. Shoecraft: Will it take re-zoning?

Mr. Grieger: Last year Mark Hunzeker's firm represented us and there is some contamination issues there. Our goal is to take a site, clean it up, and put a useful purpose there, a pretty purpose. Our other choice is to ask the City to come clean it.

Danny Walker, 427 E Street: Hello Mr. Shoecraft. During previous testimony the remark was made there's no tie downs in the City Impound Lot. I can't believe that to be a true statement. City Staff stated to the City Council that they would put tie downs in at that impound lot. Now, who's right and who's wrong, who's lying and who isn't. Now, if any of you City Council members have any doubt about that I do have it in black and white where the agreement was made. So, let's, we'll go on to the new proposed salvage yard, but before we pass onto another subject matter let's see who's lying and who isn't lying on these tie downs, OK? And, if any of you want to doubt it I can trot right home real quickly and get the literature and the paper work that says that there will be tie downs put in that impound lot. Moving on, as far as vehicular traffic decreasing because of the salvage yard in the north bottoms, that's a smoke screen. I don't know how many of you have been around salvage yards, generally speaking there's an increase in traffic. In the fringe area of my neighborhood we've had trouble with transporters. Some very

large transporters. Some can haul two vehicles, some can haul three vehicles, and some can haul four vehicles. I guarantee you I don't know what their exit plans are going to be from that salvage yard, but if they try going through those north bottom those streets aren't built for vehicles of that size. Secondly, as far as wrecked, crushed, demolished, whatever vehicles that's going to be there, there's going to be leakage. Radiator, transmission, engine blocks, gas tanks, etc, & etc, & etc. Now, how can the Planning Dept. go along with the structure and an establishment such as this in the middle of flood plain when it's against your very own flood plain regulations. I haven't heard anything about tie downs. Whose pot is going to be greased. This is a little too convenient to be coincidental. You know, why do we want to get right next to the City Impound Lot? Come on let's get serious. Next thing, well, we're going to take fill out of the area. Well, Nicole can correct me, I might be wrong, but I would think that would take at least probably a little over 32 inches of fill to get above that one foot. Now, how are they going to get that fill out of that area there when there's a cap on all that contaminant, pollutants that's left there from the old landfill? What are they going to do? Where they going to get it? I think that's a very good question. Like I say I'd like to have some kind of an answer on the tie downs and the impound lots. I think you should give this some very careful, serious consideration. This is no place for a salvage yard. The City lot looks bad enough and I think it should end there. That area looks good. Directly adjacent across the street from this property you've got storage buildings sitting right on top of Oak Creek and I mean on top of Oak Creek. You can't get any closer unless you put the buildings right in the creek. Please, consider this and consider this very closely. Any questions?

Ms. McRoy: Danny, on your second point about the, regarding the direction of tow lots, the trucks going through the neighborhood. I find myself agreeing with you because when we were negotiating in the original tow lot location there we wanted to discourage them from going through that neighborhood and so far, even though it's a City contract, we haven't been able to discourage tow truck drivers that we control under contract from driving through that neighborhood excessively and so I can't, you know, I would have to agree that I can't see a company the City does not have a contract with. You know, will we have any type of control to punish them? How we can stop them from using the residential streets?

Mr. Walker: Well, I think the only way, the only way they could do they could put an air strip in there. Maybe buy some old army surplus cargo planes or something, load their salvage vehicles in there and fly them out.

Ms. McRoy: I agree with your point because we can't control the (inaudible) contract was, so I don't know see how we're going to have much influence with those we don't ...

Mr. Walker: But, look around a little bit. Look at, look at 1st and O and the problems down there on auction days. Look out on North 56th. Vehicles parked illegally. Roadside parking on a major highway is an absolute no, no. There's laws against it, but they do it because of the simple fact they don't have proper room to park out there. It's as simple as that. First street, South 1st Street well we're going to fence. Well, that's fine, yeah the fence looks good, but you go down on South 1st Street there's salvage going on inside that fence. There's salvage going on outside that fence. South 1st was no sooner paved, looking good and then what happens. There they are salvaging outside on the street, loading and loading crushed vehicles.

R.W. White, no address given: I'm the former owner of the property that you're discussing about this afternoon. I'm pretty well known around the City of Lincoln and I'm known as a man of my word. We had a gentleman's agreement with the present owner of this property that he wouldn't do anything as far as development or use of this property for a period of two years from the time of the transaction. That was done last summer of 2000 and the reason we had this gentleman's agreement was that we had been negotiating for the student housing project. We're still negotiating and have things pretty well in some of the final stages right now and we feel that, as have been mentioned before, that the development of a salvage yard would add additional unsightly scene to the surrounding area which would probably have some detrimental effect on this student housing project that we're dealing with in addition to the ball park and all the other things. As I say I'm a man of my word and I hope that the new, the owner of the present property which we sold to him, well his word would be as good as mine. Thank you.

Rich Wiese, 730 Pier 3: We have our business located in Westgate Park of business and industry at 540 West Industrial Lake Dr. The West O

Business Assn., which I chair, we are opposed to this, also. We don't feel like that is the right business to put in the particular place over there, because I have visited with Doc White several times and he is trying desperately. There was a company from the southeastern part of the states that's coming up here to build the student housing. That didn't go through, Doc told me because of the methane gas there. The University come along and he was near a contract with them, but they backed out when the amount of methane gas was there. And, it's just not proper to put it there to downgrade. I worked hard, and our association worked hard to get the ball park down in the area. We knew it well before it was ever announced, but that's OK. We promised we'd keep our word. We've been working with the City Council personnel and with you people above all, Annette above all, on West O to get it cleaned up, particularly to make West O appealing as a gateway coming into the City. We also want the Sun Valley Boulevard and the area down that way. This would really distract from what we are intending to do in the western part of the City. This does fall within our jurisdiction of the West O business Assn. We have a letter that came from the present owner of the property and he's a neighbor of mine and he did not know I was going to appear, but nevertheless, he asked me, in our business as a general contractor, if we had excess dirt, clean dirt, to bring it over there. He had 23 acres of ground that he said he had a flood plain permit for from the Corp of Engineers to fill. Well, if he fills 23 acres of ground there folks, this if and when, Oak Creek floods because there's no dikes on either side of Oak Creek that's going to put more water onto our property and the Capitol Beach area and it's going to give us problems there, too. We really would like to see the salvage yard or this type of business that they're proposing to be in another part of town that's suitable for that type out of the flood plain. And, I think it would be a great asset to us in the western part of the City to have that run that way. Doc White is planning to develop that property. You heard him just say what he was planning out there. We support that very much so. If you have any questions I'd be happy to answer them.

Mr. Hunzeker: Mr. Chairman, several questions have been asked and I want to try and address as many of them as I can. First of all, with respect to tie downs for the vehicles, it's my understanding that the City has installed, in fact, tie downs. Some of them are concrete posts and some are wood in anticipation in having to move when Sun Valley Boulevard moves. We are required by the terms of the resolution before you to put in the same type of tie downs that were required of the City. With respect to fill, a couple of things the question was asked how can we remove the fill from this site to compensate for fill that we were going to place on this site. I think it's probably helpful to take again a look at page 21 of your agenda and notice the size of the area that we intend to fill. We will be filling a very small area just around the building in order to get the building up out of the flood plain and we will be able to remove a few inches of dirt from the balance of some of this site to more than compensate for any fill we need for that building. So, in terms of having no increase in the amount of fill or no loss of flood storage we're confident we can make that and we can take an equivalent amount of fill off the balance of the site to more than compensate what we bring in for the building. With respect to the leakage of gasoline, radiator fluid, and so forth from vehicles. That leakage occurs either at the accident site or at the impound lot where it is first towed and by the time it reaches our property there isn't much to leak. We don't remove those parts. We don't do anything that will cause anything to leak and anything that is already leaking as a result of the accident has generally leaked dry before it reaches our site. It's been interesting to note that there's some concern about the placement of vehicles out here in the flood plain and that they might displace water. Certainly, enough fill to bring major buildings out of the flood plain will displace water as well. The amount would be displaced by these vehicles is very small by comparison to what would be placed in here if we were putting major buildings in. Mr. Wiese mentioned that there's a fill permit on this site, that's not for this site. The owner of this property owns land both to the north and to the south of our site where he will be placing fill pursuant to a permit that he holds. But, the fill that was referred to in the letter Mr. Wiese received does not refer to this site. So, oh, and finally the view from both the baseball and the football stadium, the last time I checked the view to the football field from the sky box was to the east not to the west although there are windows on the west side. The main attraction is usually on the east side. The same is true of the baseball field where I believe if you're standing at home plate as a batter you are facing northeast. So, you're not going to be sitting in the upper level seating

of the box seats at the baseball diamond overlooking this site either. So, I guess we're, we think this is a good site for this. It's very, very hard to locate a site of this size that's zoned industrial in Lincoln anywhere. And, if you look around, if you look at your zoning map and look at where your industrial districts are located we don't have a lot of very large areas that are zoned industrial. Those areas, for the most part, are relatively narrow and they are almost invariably abutting residential districts. So, to the extent that we have industrial land that is available that is of sufficient size that allows for this kind of use without excessive fill in a flood plain, we think this is a great spot for this, particularly in proximity to the City's impound lot. If you've been to Rosenblat Stadium, you know that you don't exactly follow a parkway into Rosenblat. I don't think this will keep people from going to the baseball stadium. This is a use that is, that is not only necessary, but socially beneficial. It will have and does have a positive affect of keeping a certain number of wrecked cars off the street of Lincoln out of neighborhoods. Whereas, if it's driven out of town the impound lot sales will be open to the public and you will have a certain number of those vehicles find themselves into your neighborhoods where you're trying to get rid of them. I'll answer any questions.

Mr. Shoecraft: I've got a comment or question from Staff and Nicole and Planning both come forward. I'm just sort of perplexed, and I guess out of all due respect I direct this to Staff and to Rich based on your comments about concerns about runoff. To Danny who has always been cognizant about flood plain issues and R.W. We're sort of being presumptuous. I'm faced here deciding whether to help a business in this particular area or being awfully presumptuous that we're going to support or the Comp Plan will support student housing in this area. When I see so much manipulation that has to occur to this land in the flood plain, and fill, but that doesn't seem to be an issue versus this. And, I'm not, and Danny's always trying to keep us mindful of flood plain issues and fill and, but everybody's being presumptuous that this is going for student housing again, when there's more, much more manipulation that has to occur in the flood plain besides change of zone, fill, buildings, potential runoff versus this. And so, although we're not dealing with student housing right now, testimony has come before us in opposition to the current projects because of potential we're trying to get student housing here. Now, then you ask me then decide this is not here which, unless I'm convinced otherwise, I don't know if we're going to vote on this today that this will have less impact than student housing. Right now I can't see it. I mean I think student housing would, but I don't have that before me, but everybody's being presumptuous that boy we're working for student housing and we know how much manipulation is going to occur in this flood plain area that no one else seemed to be addressing about that versus this. And am I, so this sort of makes this very perplexed situation and everybody's being presumptuous, but no one's addressing the concerns or the issues in regards to student housing which will have much more manipulation than this. Am I seeing this wrong or what?

Mr. Hill: I think maybe so. I did not want to misdirect anyone to make you think that we are thinking that student housing is good out here. What I was trying to get across was that as part of the Comprehensive Plan I don't think we should be changing the land use out here until we've finished the Comprehensive Plan. I did not mean or imply that we we're

looking for student housing out here that was not what I was saying. I was saying that we need to go through the Comprehensive Plan and see what we come up with for this particular piece of property. I was not trying to imply that student housing was good out here.

Mr. Shoecraft: No, OK then based on the testimony we've heard today of why people are in opposition to this particular project and they're being presumptuous or ...

Mr. Hill: They may be.

Mr. Shoecraft: yeah, being presumptuous student, the work of student housing to go here would that, what type of impact or analysis would that have upon this particular zoned area and being in the flood plain? That's what I'm trying to get at, not necessarily maybe staff is being presumptuous, but I said the testimony that's been in opposition to this particular project.

Mr. Hill: We have to respond to the present Comprehensive Plan and until that plan is amended after it goes through the public hearing process the plan that we will be following is the one that we have before us now.

Mr. Shoecraft: Then I guess that's why I mentioned, Rich which I know he has been supportive of the issues on West O in the business area and Danny, I mentioned Danny's name because I'm trying to figure out, you know, everything I've heard today is because are in opposition because of this for this reason. And my comment again was because hearing that why wouldn't that potentially have even more devastating affect in this flood plain area than this particular proposal. That's what I was trying to get everybody to think about not necessarily to say that Staff is being presumptuous just based on the testimony I've heard. That's why I'm a little perplexed from what I'm hearing today, so ...

Ms. Fleck-Tooze: I guess just from a flood plain perspective certainly if you had residential housing go into an area all of those structures would have to be elevated one foot above, so you would certainly have challenges if you're trying to meet a no loss of flood storage. You would have greater challenges than, for example, this use in trying to make that happen. Whether or not that could be accomplished on the site that's being discussed we don't know and we have no way of evaluating it at that point, but that would be a consideration.

Mr. Shoecraft: And that stuff's going to offer some challenges. That's why I was just trying to get everybody to think about as they're coming up with their testimony of opposition not necessarily disagreeing with them.

Ms. McRoy: Nicole, then we would want to integrate our, any flood plain things we do, ordinances and new standards. We want to integrate those into the Comp Plan update that we're working on.

Mr. Fleck-Tooze: Absolutely.

Ms. McRoy: And so, I know we have a tight time line to get this current update done. I would think that Planning and Public Works, yourself, would want to make sure these interims, well not interim standards, but the new standards that we're thinking about adopting would become part of the newest Comp Plan.

Ms. Fleck-Tooze: Yeah, I think that ...

Ms. McRoy: That's what I was trying to say earlier, you know, how will this work with what we're doing?

Ms. Fleck-Tooze: Sure. I think there's a real commitment to look at land use issues relative to flood plain and the kind of issues that we've been talking about through both the Comprehensive Plan process and then ultimately through any new standards that we might look at down the road.

Mr. Cook: I have a question for Mark Hunzeker. How long has Heartland been running the current lot?

Mr. Hunzeker: A year?

Mr. Kosiski: And (inaudible) has been loading approximately 4 or 5 years before that.

Mr. Cook: OK. And before that time where were vehicles towed?

Mr. Hunzeker: Before five years ago?

Mr. Cook: Yeah.

Mr. Hunzeker: I am not sure.

Mr. Cook: Alright. I'm not sure I would agree with you about leakage from cars since I drove an old car for a while. It managed to leak everywhere. Maybe a lot runs out, but you can never be sure. But,

I'm sure, maybe major leaks occur, but I would always be a little concerned about continuous slow leaks occurring from vehicles, even ones that run normally. This is a comment, I'm sorry.

Mr. Hunzeker: I suppose this could be said for every parking lot in town.

Mr. Cook: Possibly. I want to ask Vince a question. Mark had mentioned that the tie downs were in place and you were shaking your head. Could you explain what the circumstances are in the City lot?

Mr. Mejer: Yup. Mark's comments that some of them are wooden is wrong. We hired Olsson's and Assoc. to design concrete tie downs and we had them installed by Leifert's. They are all permanent. We do realize that when the road moves we will have to take out about five of them. So, you know there is no temporary tie downs. They are all permanent.

Mr. Shoecraft: And tie downs do exist today?

Mr. Mejer: Yes they do.

Mr. Cook: Do you attach the tie downs to the vehicles normally or only in the case of a flood alert would you go out and take some action?

Mr. Mejer: In the pending flood alert, if there's a pending flood then, by agreement, we're suppose to tie those down with metal cable, tie the vehicles to those brown tie downs.

Mr. Fortenberry: Question for Planning Staff. Two issues have been raised today. One is potential development to the west that could be considered incompatible with issues, presuming that would become part of their Comprehensive Plan, then a set of zoning changes by the Council. The other issue is, basically, how do you make this a site potentially for compatible in terms of visual impact. Again, the City went to fairly extensive managers on the east side of it's impound lot, but I don't see much discussion of the same type of requirement on this lot to, again, appropriately screen this use from it's surrounding public uses.

Mr. Reynolds: Currently, the site has adjacent existing impound lot. The screening, as proposed, meets the design standards as set forth in the ordinance. They're not going to be stacking scrap material as tends to happen in other types of scrap yards. It would be basically a parking lot for wrecked vehicles. So, the six foot fence meets the design standards.

Mr. Fortenberry: Did you give any consideration to the planting of trees (inaudible) to break up the expanse of cars as you're looking at it from various view corridors that are important to the surrounding area?

Mr. Reynolds: Right. The applicant hadn't shown any sort of landscaping. They had proposed to use fencing to mitigate the impact of the cars. Council could request that screening be used.

Mr. Fortenberry: As you suggested. I think the fence has the immediate, has a good impact on things that are immediate but, given the problem is more of a long distance view in this area, I'm wondering if there might be some trade-off's that could be discussed in that regard that might meet everyone's beautification concerns here.

Mr. Reynolds: Right.

Mr. Fortenberry: The other issue is Phase 2. This permit is, Phase 1 is all that's land drawn being utilized in the next certain number of years or can you answer that?

Mr. Hunzeker: Phase 2 is basically an expansionary that we have no immediate plans to use, but as the growth in that market demands that we expand the area to make sure that we've got room, for example when we have, when we have an auction that we have room for people to park. We have, one of the big problems that we have right now is that when we have a sale there are cars parked up and down both sides of the street for a long way over on Yolande really congesting that area. We really need off-street parking. So, to the extent that we end up with a situation where we have enough cars that it makes it difficult to get people in to park, then we'll have to expand into that area. And, so we don't really have a time line for that, but I'm, you know, the discussions that I've heard have been, you know, five years and beyond.

Mr. Fortenberry: Is the western boundary of the Phase 2, the 100 foot, does that have a 100 foot setback, as well, on that side?

Mr. Hunzeker: As it exists today it does not, because it's all zoned industrial. The requirement of a setback, it's a 100 foot setback from the industrial zoning district line. So, it's a zoning district setback. It's not a property line setback. If the property to the west is re-zoned I think we would probably automatically pickup a requirement of a setback that is in the ordinance. I'm not sure how the Staff would interpret that, but it seems likely that if we expand into that area that they would expect us to observe that setback.

Mr. Reynolds: If the zoning to the west, for example, were residential of some form or anything other than I-1 ...

Mr. Fortenberry: At a 100 feet.

Mr. Reynolds: Yeah. They need to keep salvage material, outdoor storage of salvage material, a 100 feet away from that boundary line.

Mr. Hunzeker: And if there's, you know, we're not opposed to the idea of planting some trees if that is a desire on your part. It's simply, as it stands right now, the east boundary of this site is the City's impound lot and so there wasn't a great deal of need perceived to screen it, but I can understand from a distance it may make some sense to plant some trees along there.

Ms. Johnson: What was there a long time ago? How realistic is it for vegetation to live out there?

Mr. Hunzeker: That's a good question I don't know the answer to.

Mr. Fortenberry: There's special varieties that grow in methane I believe. (laughter)

Ms. Johnson: Is there?

Mr. Hunzeker: I really don't know.

Ms. Johnson: I guess, the question I'm saying ...

Mr. Hunzeker: I mean methane is generally generated by decomposing organic material which ordinarily you wouldn't think would be unhealthy for plant life, but I'm not sure what the methane does to it.

Ms. Johnson: I guess I just, really this whole discussion is what is the best use of this land with the understanding of what was there prior to today. And, we didn't have the standards we had before in our landfills and so there's some concerns there that we have to keep in mind. And, the question is what's the best land use, how is it going to affect us in our flooding issue that we are really trying to take very seriously and is it realistic for the area. And, that's why I'm putting more requirements on landscaping if it's possible, you know. I'm for that but, if what has been going on before this particular time let's not put mandates on that they cannot keep.

Mr. Hunzeker: Like I said, we're not opposed to trying it.

Ms. Seng: I suggest you talk to some people that have been dealing with filling out on North 70, Highway 77 and the landfill out there. There are some, there is some vegetation that's growing there, but there are some problems, too.

Mr. Hunzeker: OK, I'm not familiar with those.

Ms. Seng: Yes, it probably would be really great to have some trees there, but I would not require that because I'm not sure that we can require that.

Mr. Hunzeker: Well, I'm not, I'm not sure that legally it's something that you necessarily can do, but I can tell you that we are willing to voluntarily do that if that's something you're interested in doing.

Mr. Cook: Yeah, a question for Jason. You've seen Mark's amendment to delete the requirement that the salvage material stay 500 feet from the future Highway 6, you're recommendation was for conditional approval, but this is an amendment to the conditions. How would you feel about your approval recommendation if this language were put in?

Mr. Reynolds: We would like to see that language remain in. The purpose of that is we know where the Highway 6 realignment is going to be taking place. We know that it is going to be happening and we have an opportunity to insure that this scrap process and operation follows the requirements of the ordinance so we don't grandfather in something that's essentially non-conforming under the conditions of the Special Permit.

Mr. Cook: So, your recommendation would not be for conditional approval with this amendment? That's what you're saying?

Mr. Reynolds: Approval subject to that condition.

Mr. Cook: OK, thanks.

Mr. Hunzeker: Could we take a minute to put this exhibit on and show you what that does?

Mr. Reynolds: The green area, indicated on here, would be the area where outdoor storage of scrap materials would not be allowed if the alignment is indeed as was proposed to us, you know the alignment we had on file, so it would, in essence cause them to have to use the two-thirds of the site for the storage of scrap materials.

Mr. Hunzeker: In essence it wipes out more than half of Phase 1 and forces us to use Phase 2 which to the extent there may be some other land use on the area west is a big concern because in addition to the area that is shown in green we'd end up with another setback of about that much to the property line because of a different zoning district. So, with that condition it really wipes out the site. And, as I said before I'm very concerned on behalf of this property owner as to what reasonable use this property can be put to if it can't be used for this purpose, because this is about as minimal amount of flood plain manipulation, disturbance of the cap on the landfill. No disturbance of the existing wetlands. It's industrially zoned, folks. There's a point here where this property owner has some reasonable expectation to be able to use it.

Mr. Fortenberry: What's the total number of cars that will be kept in this initial phase of this?

Mr. Hunzeker: I don't know that I have a number. I don't think we ... Do you know how many cars, Joe?

Mr. Kosiski: It depends a lot of times on your winter time, if there's a lot more accidents than summer time.

Mr. Fortenberry: What's the peak usage of the site? Why don't you come forward please.

Mr. Kosiski: We're estimating that the peak usage would be around 600 cars.

Mr. Fortenberry: And, Vince how many does the impound lot carry?

Mr. Mejer: Peak 500.

Mr. Hunzeker: Just for reference purposes, Jeff, when you, just a rule of thumb for parking lots to have driving aisles and reasonable sized parking spaces and so forth, you get about a 100 cars per acre. So, with the area that we're setting aside for parking and setbacks and so forth that's about right. I mean to have good spacing and not having them

stacked on top of each other.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 E St.: In 1998 the Problem Resolution Team met in regards to records on single family dwellings and duplexes. It seems nobody on this Problem Resolution Team did not have a copy of this report. On Feb. 27th Mr. Merwick was given a copy of this report & then again at the Mayor's Round Table he was given another copy of this report at which time he stated he had never seen this report before.

Second issue was on the no net rise issue. The Mayor stated this has been put on the back burner because of developers which leaves their neighborhood on the back burner as well.

This matter was taken under advisement.

ORDINANCES - 3RD READING

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 third time.

JOHNSON Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp. The ordinance, being numbered #17805, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp. The ordinance, being numbered #17806, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp. The ordinance, being numbered #17807, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Cook,

Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#17808**, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#17809**, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#17810**, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#17811**, is recorded in Ordinance Book 24, Page

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 third time.

JOHNSON Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#17812**, is recorded in Ordinance Book 24, Page

APPROVING THE ESTABLISHMENT OF A DECOMMISSIONING FUND TO ALLOW LES TO DESIGNATE & ACCOUNT FOR THE COSTS ASSOCIATED WITH DECOMMISSIONING GENERATION PLANTS & ELECTRICAL FACILITIES - CLERK read an ordinance, introduced by Annette McRoy, a Supplemental Ordinance adopted under and pursuant to Ordinance No. 16416 of the City providing for the establishment of an Electric System Revenue Decommissioning Fund; and taking other action in connection with the foregoing, the third time.

MCROY Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, being numbered **#17813**, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS

APPEAL OF HEARTLAND INSURANCE POOL, INC. FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1896 FOR AUTHORITY TO OPERATE A SALVAGE YARD ON PROPERTY GENERALLY LOCATED AT N. 1ST & CHARLESTON STS. - PRIOR to reading:
FORTENBERRY Moved to delay action on Bill No. 01R-50 for one week to 3/19/01.

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone 3307 - App. of Planning Director for a text amendment to LMC 27.69.044 permitted signs for O-3.
Change of Zone 3310 - App. of Owner Group to create a "Haymarket Park Sign District" .
Special Permit 1165B - App. of Ray Lineweber to include Lot 5 on Special Permit 1165A with a fence on property at 1301 N Street.
Special Permit 1902 - App. of God Shepherd Lutheran Church to exceed the maximum 35' height, per Section 27.63.220, for the church steeple to be approx. 60' above grade at the sanctuary area.
Special Permit 1903 - App. of Qwest Wireless for a light pole replacement with cellular antennae's attached to the top at 3700 Sheridan Blvd.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON FEB. 26, 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 Coleen Seng, who moved its adoption:

A-80732 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments from Feb. 25, 2001 to March 2, 2001)

Introduced by Coleen Seng

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

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF JANUARY, 2001 AS FOLLOWS: GLOBAL CROSSING, IBM GLOBAL, WORLDCOM, COAST INT'L., BROADWING, INTELICALL, WESTERN WIRELESS, LINCOLN CELTELCO - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF FEB. 16 - 28, 2001 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80730 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated March 1, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Eileen E. Rich	\$91.42	Larry P. Scott	\$360.00
Tesfaye W. Alibe	87.50	Melissa Hurst	45.00
Jeffrey W. Hayes	NAS*		

*No Amount Specified

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

Introduced by Coleen Seng

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

OTHER RESOLUTIONS

APPLICATION 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 for approval with a diagram excluding an outdoor area:

A-80724 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" for a Class "C" liquor license at 4100 North 84th Street, Lincoln, Nebraska, for the license period ending October 31, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APPLICATION OF LEON ERVIN MEYER FOR THE LANCASTER COUNTY AGRICULTURAL SOCIETY, INC. AT 4100 N. 84TH ST. - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80725 WHEREAS, Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" located at 4100 North 84th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Leon Ervin Meyer be named manager;

WHEREAS, Leon Ervin Meyer 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 Leon Ervin Meyer 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 Coleen Seng

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

APPLICATION 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 for approval:

A-80726 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Speakeasy, Inc. dba "Speakeasy" for a Class "C" liquor license at 3233 ½ S. 13th Street, Lincoln, Nebraska, for the license period ending October 31, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APPLICATION 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 for disapproval:

A-80727 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Brent B. Shore as manager of Speakeasy, Inc. dba "Speakeasy" located at 3233 ½ S. 13th Street, Lincoln, Nebraska, be denied. 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: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.

APPLICATION WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO FOR A CLASS I LIQUOR LICENSE AT 2918 PINE LAKE RD. (SOUTH POINTE PAVILLIONS) - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80728 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Wadsworth Old Chicago, Inc. dba "Old Chicago" for a Class "I" liquor license at 2918 Pine Lake Road, Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MAN. APPLICATION OF JEFF LYNN DALEY FOR WADSWORTH OLD CHICAGO INC. DBA OLD CHICAGO AT 2918 PINE LAKE RD. (SOUTH POINTE PAVILLIONS) - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-80729 WHEREAS, Wadsworth Old Chicago, Inc. dba "Old Chicago" located at 2918 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Jeff Lunn Daley be named manager;

WHEREAS, Jeff Lunn Daley 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 Jeff Lunn Daley 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 Coleen Seng

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

SETTING HEARING DATE OF MON., MARCH 26, 2001 AT 5:30 P.M. ON THE APP. OF EXPO, INC. DBA "IGUANA'S PUB & GRILL" FOR A REQUEST TO DELETE AN AREA APPROX. 140' X 23' TO THE EAST AT 1426-1530 "O" STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80731 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., March 26, 2001, at 5:30 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 Expo, Inc. dba "Iguana's Pub & Grill" for a request to delete an area approximately 140' x 23' to the east at 1426-1530 "O" Street.

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

Introduced by Coleen Seng

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

ORDINANCES - 1ST & 2ND READING

AMENDING SECTION 26.19.031 OF THE LINCOLN MUNICIPAL CODE TO ADD LANGUAGE REQUIRING THE NAME & NUMBER OF THE PRELIMINARY PLAT UPON WHICH THE FINAL PLAT IS BASED TO BE SHOWN ON THE FINAL PLAT - CLERK read an ordinance, introduced by Annette McRoy, amending Sec. 26.19.031 of the LMC relating to data required on a final plat to require the name & number of the preliminary plat upon which the final plat is based to be shown on the final plat; & repealing Sec. 26.19.031 of the LMC as hitherto existing, the second time.

APPROVING THE ESTABLISHMENT OF A DECOMMISSIONING FUND TO ALLOW LES TO DESIGNATE & ACCOUNT FOR THE COSTS ASSOCIATED WITH DECOMMISSIONING GENERATION PLANTS & ELECTRICAL FACILITIES - CLERK read an ordinance, introduced by Annette McRoy, a supplemental ordinance adopted under & pursuant to Ordinance 16416 of the City providing for the establishment of an Electric System Revenue Decommissioning Fund; & taking other action in connection with the

foregoing, the second time. (See Council Action under "ORDINANCES - 3RD READING".)

MISCELLANEOUS BUSINESS

PENDING LIST -

VACATING N. 40TH ST. FROM THE JOHN DIETRICH TRAIL NORTH TO THE TERMINUS OF N. 40TH ST., GENERALLY LOCATED AT THE NORTH END OF 40TH ST., NORTH OF ADAMS ST. (11/6/00 - PLACED ON PENDING) - CLERK requested to remove Bill NO. 00-199 from Pending for Action & Indefinitely Postpone.

SENG So moved.
Seconded by Johnson & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.
The ordinance, having been **Indefinitely Postponed**, was assigned File #38-4356, & was placed on file in the Office of the City Clerk.

APPEAL OF ARLON E. & CORRINE D. BARTELS, DALE & JENINE M. MEINER, DEANNA MUMGAARD, MARY MUMGAARD, DAVID WATTS, DRENNEN WATTS, M. LAIMONS IESALNIEKS, & LARRY & 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 & A WAIVER OF THE FALL ZONE REQUIREMENT ON PROPERTY GENERALLY LOCATED AT N. 7TH ST. & FLETCHER AVE. (2/26/01 - PLACED ON PENDING FOR 2 WEEKS TO 3/12/01) (3/5/01 - TO REMAIN ON PENDING UNTIL 3/19/01) - CLERK requested to remove Bill No. 01R-44 from Pending for Action on 3/19/01.

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

ADOPTING A SUPPLEMENTAL BUDGET FOR LES AMENDING THE 2001 LES OPERATING & CAPITAL BUDGET. (3/5/00 - PLACED ON PENDING UNTIL 3/19/01) - CLERK requested to remove Bill No. 01R-51 from Pending to have Public Hearing & Action on 3/19/01.

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

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

UPCOMING RESOLUTIONS -

COOK Moved to approve the resolutions to have Public Hearing on March 19, 2001.
Seconded by Seng & carried by the following vote: AYES: Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.

ADJOURNMENT

3:32 p.m.

COOK Moved to adjourn the City Council Meeting of March 12, 2001.
Seconded by Seng & carried by the following vote: AYES: Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Camp.

So ordered.

Teresa Meier-Brock, Deputy City Clerk

Judy Roscoe, Office Assistant III