

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, MARCH 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, Fortenberry, Johnson, McRoy, Seng; Joan Ross, City Clerk; Members Absent: None.  
The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

CAMP Having been appointed to read the minutes of the City Council proceedings of Mar. 19, 2001, reported having done so, found same correct.

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

**PUBLIC HEARING**

TO SHOW APPRECIATION FOR SUPPORT OF HOMESTEAD NATIONAL MONUMENT OF AMERICA & HOMESTEAD EXPRESSWAY PORTION OF HWY 77 - Lorene Reidelso: I'm the President of Friends of Homestead in Beatrice, Nebraska and we're here tonight to say thank you to you for help and support over a period of time particularly last years assistance with the Homestead Expressway and we're very pleased when we see that name and we're thrilled that it does connect our two communities in the way that it does and we see this as a beginning point of the kind of support that it's going to take, for not just Beatrice, but all of southeast Nebraska and certainly the community that we realize is the most growing and the one that has the most significant population in our area, Lincoln. So, we do really appreciate all the help and support you've been to us to date. Last year we were fortunate in having Congressman Regulia come and visit Homestead National Monument thanks to the invitation of Congressman Beureuter. And, for that event a special series of five posters were created. Afterwards those were made into the poster combination you're seeing right now. There's five individual posters that are there together and Mr. Scully who's handing those out was the corporate underwriter, the volunteer who made this all possible for us. This year we are presenting them to people who helped make that Homestead Expressway. Before you put these away I have to tell you he's going to ask you for a photo-op so you might as well just hold on to them a minute. As a thank you, these are not for sale so when you get them you're not going to be able to go buy them somewhere else. The Nebraska State Historical Society was kind enough to allow us to use the photographs and so we are not able to sell them, but we are able to donate them to people who are part, and a very positive part, of the process as you were. I do want to point out, we've started handing those out earlier and it was African American History Month when we began and you'll notice we do have some homesteaders who were people who moved here from the south. You'll also notice this is Women's History Month and you'll see the Christman sisters, series of sisters who all went out and homesteaded together. So, it gives some idea of the variety of people that were able to homestead. If you were a citizen or you had the intent of becoming a citizen you were able to homestead this land. And of course, for many people that was truly the start of the American dream of having land of your very own. Of course, the corollary is when it became someone new, their home, someone else left and so we also have the story and are more aware all the time of this story of the people who were forced to leave the land so that there was an opportunity for others. And that's, all of that is part of homesteading and part of the story. And, so I do want to say thank you again, we hope that you will enjoy these. We hope that you will put them up in a prominent place and help us tell the story. Do you want to take the picture?

Bill Scully: I thought I'd just mention that, I thought I would just mention, I'm Bill Scully from Beatrice, Nebraska, and I'm a Friend as well, and a lot of people don't realize this, but there was 270 million acres in America that was homesteaded and in fact as the economic basis for the reason you're probably here today. And, the first homestead was in Beatrice, Nebraska and the last one was actually in Alaska on the 5th of May, 1988. So, that's the bracket that we dealt with and dealt with all sorts of, there were several different types of issues that went on. There was the, it caused the industrial revolution. It was very negative of Native Americans. Big, big impact on agriculture, so I thought, but with that I'd like to take a picture of all of you holding up your posters

and we'll get out of your way and thank you very much.

Ms. Reidelso: I will also mention this, you were bragging Bill, so I will brag on your behalf that this poster did win an Addie. It was a silver award winner, so when you have that you have a truly award winning poster. Thanks again.

Jeff Fortenberry, Council Member: Ma'am, we really appreciate all you've done. You guys have been just extra special nice to us for our very small part in all of this and thanks for coming down & giving us this.

Ms. Reidelso: Your welcome. Come and visit anytime, and you know the way.

Mr. Fortenberry: Very well marked. Thank you.

Mr. Shoecraft: Thank you again, appreciate it.

This matter was taken under advisement.

APPLICATION OF GJR L.L.C. DBA "RANDY'S GRILL & CHILL" FOR A CLASS "C" LIQUOR LICENSE AT 4947 HOLDREGE STREET;

MANAGER APPLICATION OF RANDY A. WILSON, JR. FOR GJR L.L.C. DBA "RANDY'S GRILL & CHILL" AT 4947 HOLDREGE STREET - Randy Wilson, 1630 Prairie Lane, took oath, came forward to answer questions:

Coleen Seng, Council Member: I saw on your marquee today that you're going to have your opening soon right? Have you got a date?

Mr. Wilson: We hope for a couple of weeks.

Ms. Seng: About two weeks?

Mr. Wilson: Yeah.

Ms. Seng: Ok, looking good.

This matter was taken under advisement.

APPLICATION OF EXPO INC. DBA "IGUANA'S PUB & GRILL" TO DELETE AN AREA MEASURING APPROXIMATELY 140' X 23' TO THE EAST OF THE LICENSED PREMISES AT 1430 O STREET - Becky Smith, 1424 O Street, took oath, came forward to answer questions:

Jerry Shoecraft, Council Member: Are you just like, what's going on with ...

Ms. Smith: Just downsizing a little bit going back to where we originally started 10 years ago and ..

Mr. Shoecraft: Yeah, I remember that.

Ms. Smith: ... there'll be somebody else probably coming before you here before too long to request a liquor license for that area. I didn't think there'd be too many questions for a deletion.

Mr. Shoecraft: No, no, thanks.

This matter was taken under advisement.

MANAGER APPLICATION OF MATTHEW HERMAN FOR NAMREH INC. DBA D & D DISTRIBUTOR LOCATED AT 5840 NORTH 70<sup>TH</sup> STREET - Matt Herman, 6424 Thunderbird Circle, took oath, came forward to answer any questions:

This matter was taken under advisement.

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. - Jennifer Dam, Planning Dept.: We have received an E-mail from Jill Bazell of Qwest wireless. We received this last Friday requesting a one week delay of the Public Hearing and Action on this item so that additional information could be submitted to Planning Staff. Staff concurs. My contact is, the neighbors & informed them that Qwest would be asking for a deferral. I don't know if anyone is here tonight or not.

Mr. Shoecraft: And for the record so that we are mindful of this, as part of the ordinance if we are required, the City, to go out and have to hire a consultant, which we are doing to look at those numbers, that we recoup that cost.

Ms. Dam: Yes that is in the ordinance.

Mr. Shoecraft: And so, and the applicant is aware of that, that that is what will occur.

Ms. Dam: That is in the ordinance.

Mr. Shoecraft: OK, so everybody knows that.

City Clerk: Did anyone wish to make a motion to delay the action for one week?

Jonathan Cook, Council Member: Before we make that motion can I ask Jennifer one other thing? Are you satisfied that one week is long enough

for us to have time to look over all the materials Qwest submitted or might we be facing another delay next week?

Ms. Dam: It's potential we might be facing another delay next week. Qwest is submitting some structural information to us. I understand we should receive that by tomorrow as Jerry alluded. We are in the process of having a contract signed with an engineer to review the coverage data or the radio frequency data. I understand that Mr. Huggenberger was overnighting the contract back to that company who's in Virginia and that they can do a pretty short two day turnaround if we have all of the required information. So, our hope is that you would have all of the information and able to make an informed decision at this time next week.

City Clerk: Do we have a motion?

Ms. Seng: Yes, so moved.

Mr. Cook: This would be for public hearing and action next week.

Mr. Shoecraft: We haven't decided whether or not we're going to reopen it up for public hearing. That will be up to this body if you want to reopen it back up for public hearing. In this particular case I would think it would probably be wise because of the additional information coming in and data that needs to be analyzed and then allow the neighbors a chance of rebuttal. And it wasn't too bad last time.

Ms. Seng: I want to ask Jennifer again, because you're memo to us really said you were asking till April 2nd and that's what Jonathan was asking you too, right? For one week. Is that plenty do you think?

Ms. Dam: Right, because they have asked for one week and ...

Ms. Seng: And that is what my motion is, for one week.

Ms. Dam: Right, and we would recommend that the public hearing would remain open so that the neighbors and Qwest and stuff can present information.

Mr. Shoecraft: And so, Jonathan, and so the process is going to be as it was in the first public hearing. The neighbors are up first, Qwest, and the neighbors get the last word as far as the rebuttal. That will be the process next week.

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

This matter was taken under advisement.

VACATING THE SOUTH 40' OF X ST. ADJACENT TO LOT 1, BLOCK 6, NORTH LINCOLN ADD., GENERALLY LOCATED AT N. 9TH & X STS. - Frank Sidles, Capital Contractors: I am the president & owner of Capital Contractors which is located down the intersection of 9th & X Street. Our address, if you want that, is 1001 North 9th here in Lincoln. Capital petitioned the City to vacate the 40' of the south 40' of X Street adjacent to Lot 1, Block 6 North Lincoln. The City Planning Dept. has recommended that 34' be vacated. Now, I want to clearly state that the petitioner will gladly, will accept 34', but we would like an additional 6'. And, in support, not only of the vacation of 34' and of the additional 6', I would just like to present the following documentation for you to see. (showing picture on the Elmo) This is, this is X Street right here and with the material that you received I sent out, sent you kind of a brief and a resume of what has taken place, but this is X Street right here. And, the top of this is to the east. The north is over this direction over here. The parcel of ground that we're talking about is this yellow, this little yellow area. The darker ground is property that is owned by Capital at this present time. This, the 40' is in the 100' right-of-way of X Street. I just want to acquaint you with this area, where it is, and then I want to show you what this is like. First of all, this is X Street. These two huge power poles sit right in the middle of this ditch. Those are LES power poles that have been there for some time. They stand about 70' in the air. The area that we are trying to have the City vacate is this area right in here. There's a little line right there and it goes down to just the point where the alley comes in. That part of the ground is located, number one there used to be a railroad track over here, and this ditch has become a real eyesore for the neighborhood. The City has to maintain, although, they haven't done much of that in the past few years. And, because there was a railroad right in the middle of X Street which has now been removed, the traffic pattern for X Street is over here what would be the north side. I'll show you a picture of that. Here is X Street what is used. That is the traffic pattern that is north of this ditch. There used to be this railroad line in here and that railroad line had been there for many, many years probably since the turn of the century. So, the traffic has really been on the very north 30 or 33rd part of this ground. So, number one there was a railroad which has been taken out. The ditch is there which is an eyesore. The LES power poles there really prevent any use of this ground for traffic purposes. The traffic pattern has been to the north of

the railroad track, is probably on 25 to 30' as it is right now and the vacation of this parcel will not interfere with any traffic at all in this area. Number one, this is a gravel and dirt road. The other roads in the area are all asphalt. So, there's very, there's not a great deal of use of this property. As I say the parcel is located, the parcel that we're trying to vacate is not going to be used for any traffic purposes in the future because of the ditch and because of those power poles. Now, the Planning Dept. recommended that 34' be vacated. Why? Because they wanted a 66' right-of-way. So, I said X Street is a 100'. If they take 34, obviously that leaves 36 and the City Planning Dept. says that that 66 will accommodate 33' of paving. Now, they've been using that street, which is substantially less than 33', certainly isn't paved and it's been in an older industrial area for, well Capital has been located there for almost 70 years or practically more than 70 years. So, we're not new to this neighborhood. But, the point, the point is that if they ever pave that street all the way through that is going to encourage traffic from the ball diamond down to the North Bottoms area. And one of the things that the North Bottoms area has been very insistent with the development of the baseball diamond is not encouraging traffic into that area, so the conclusion is that this road should not be paved. So, a 66' right-of-way is really not necessary. A 66' right-of-way would be more than adequate to take care of all of the traffic. So, the benefits are, the ditch will be closed, we'd fence in the area and rock it, the whole area that we are vacating would look much better than what it does right now, the City wouldn't have the maintenance of that, and also the City would have the benefit of revenue coming in from the street that is, or the parcel that is being put back onto the tax rolls. I hope you look favorably upon this. If anybody has any questions I'd be happy to answer them.

Mr. Shoecraft: So, you're expanding it for industrial purposes. From the picture, obviously we recognize it, it looks like an eyesore. I'm just trying to find a way, even more a way of enhancing that area for the North Bottoms area. So, and I don't know if what you have planned will do that just with the gravel and the fence.

Mr. Sidles: Number one if we don't do something with it Mr. Chairman chances are nothing's going to be done with it. If you think the City's going to go down there and close up that ditch and enhance that area just for the sole purposes of making that area look better I have to tell you that in the North Bottoms area people, I think, can tell you that 50 years of frustration have come out with various things and the City hasn't done anything down there for a long period of time. I don't anticipate that that's going to happen.

Mr. Shoecraft: I'm going to ask Staff to come forward to address the 34' versus the 40 and if there is some compelling reason as why they're requesting 34' could you live with that?

Mr. Sidles: We definitely could live with 34', but 34' ends up right in the middle of that ditch and an additional 6' just takes it almost to the north edge of the ditch. That's what the 6' does. Sure we can live with 34' and we're going to have to work with the City to close the ditch and make those improvements. But, the fact of the matter is that 6' just takes it just a touch further. The City isn't, the traffic way is never going to be able to be used because of the power poles.

Jeff Fortenberry, Council Member: Before you sit down & Staff answers, what is your primary purpose or the reason that you desire to have this?

Mr. Sidles: We own the four lots that are immediately south of this area. I think it shows on your seat there that I passed out there. There's Lots 1, 2, 3, & 4, Block 6. Capital owns those. We use those for storage purposes right now. We want to increase the size of our storage area. We, also, want to fence it in. We also have to rock it because it's right at this particular moment it isn't all rock and it's dirt. We've been waiting to see what will develop with this vacation before we go ahead and do something,

Mr. Fortenberry: Those structures immediately to the south are your structures?

Mr. Sidles: There are no structures on those four lots to the south. I can put this back on here and show you. This, as you look at this these are the four lots right here. There's nothing on those lots right now, they are all vacant. Your map may show a house there, but that's been removed.

Mr. Fortenberry: I think I have an old photo.

Mr. Sidle: Yeah, you do.

Nicole Fleck-Tooze, Public Works Dept.: The photograph is old and those two structures have been removed. To respond to the question about the right-of-way widths, I guess, we would continue to recommend that we

keep the 66' of right-of-way with the vacation so that the vacation would be a vacation of only 34' versus 40'. 66' is the standard for industrial streets in subdivisions through the Subdivision Ordinance, so we will continue to recommend that we maintain that amount of right-of-way.

Jon Camp, Council Member: Nicole, I've always been an advocate of not selling some of this right-of-ways, especially on 8th Street and all, however, when you look at this particular area and the fact that you've got this ditch and as I understand it you'd be making improvements on the drainage there, I guess I find it hard to think that we're ever going to have any major traffic through there.

Ms. Fleck-Tooze: I would agree that we wouldn't anticipate that it would ever be more than a local street in that area. But, in terms of anticipating whether at some future date it might, there might be a request to pave that area. It's hard to anticipate and so, again, just in terms of trying to meet that standard that will be the standard that we would have in a subdivision today for industrial use.

Mr. Camp: How would you ever pave on the 6' where the LES power poles are located?

Ms. Fleck-Tooze: Well, I don't know exactly where those fall within those dimensions. One alternative that was discussed for the ditch was to place that ditch under ground instead of having an open ditch.

Mr. Camp: Bud, you'd still have those LES power poles which are substantial items. You're never going to move those I wouldn't think.

Mr. Sidles: There's the power poles.

Ms. Fleck-Tooze: Correct.

Mr. Camp: But, can you show us again the 6' on there how that relates to the power poles.

Mr. Sidles: The additional 6' goes about 3' to the north of that first power pole. The 34' is to the south of the power pole. The 40' is 3' to, about 3', to the north of that power pole.

Mr. Camp: Nicole, would we ever pave within 3' of a power pole?

Ms. Fleck-Tooze: I don't know that we would. I think that the 66' of right-of-way is intended to accommodate not only the street paving, but if there are other things within that public right-of-way other utility functions. They are intended to accommodate those as well. We'd have to design wise. I wouldn't be able to answer dimensionally whether paving would fall within 3'.

Mr. Camp: Would there, I guess another thought when I looked at this, and this may be a legal question, but what about the idea if, if there is just a Council desire not to include that 6' what about doing some type of an easement? As I understand it, Bud, it's the idea then that Capital could use it for storage there in cleaning up the ditch and so if you did some type of easement that would allow that and yet keep your right-of-way would that be an agreeable compromise so that for the foreseeable future, you know, there's nothing going to happen and yet this would help encourage Capital to more efficiently conduct it's operation?

Ms. Fleck-Tooze: I guess I'm not certain what the precedence for that is and I'd probably defer to our Law Dept. to respond.

Mr. Shoecraft: Before Annette talks, Jon, point number twelve of the Staff report indicates that the easement over the area of the drainage ditch would be required unless Frank would be willing to construct a public storm sewer. So, something has to occur in regards to this issue.

Ms. Fleck-Tooze: Correct. That's right. If the right-of-way is vacated there would need to be an easement maintained by the City over the open drainage ditch if it stays open.

Mr. Sidles: I'm familiar with that and I know that we would have to do some ...work with the City in providing for the easement and doing something for the drainage ditch. We just can't go fill in the drainage ditch and close that up, you know. And, we also know that the power lines they're going to want a right of ingress and egress to take care of the power lines. So, ...

Annette McRoy, Council Member: First of all the North Bottoms neighborhood is working on their focus area plan. They started it last year. I think they took the winter off and they're going to gear back up again real shortly, I think, actually sometime next week or this week the 27th I think they're starting meetings again. So, they haven't solidified what they want for that area yet because they're still working on those plans. So, any thoughts of future developments is a little bit premature. I know I've talked to one resident consistently that lives within 1/2 a block of this area and her concern is, not so much Capital Steel, but that a vacation will lead to people using the alley along Y Street as a city street. That's, you know, I think her concern wasn't about Capital Steel so much, but that the traffic would be moving over to an alley that's already overused under constructed as it is now. And, so we have to think

about that that this vacation, not that it will cause it, but there is concern in the neighborhood about the alley's that are adjacent to this area that will become more heavily used.

Mr. Sidles: Would you like me to address that?

Ms. McRoy: Sure if you would.

Mr. Sidles: I'm familiar with the comments of the woman that owns that lot that is, (showing map) that's where the lot is that the woman who's house is located right on the alley. In actuality, the vacation of this parcel of ground will in no way affect that traffic. It's not going to affect the traffic going north or south on X Street. It is not going to increase the traffic. It is not going to decrease the traffic. All we're asking, that area is, the traffic pattern on X Street is to the north of what would have been the center line. That line right there which is the former railroad track. And, that's this mud road that is located right in here. So, there's not going to be, we're not putting in houses, we're not adding any facilities that are going to have more people coming in or going out. And, the idea that more people are going to go down this because, down this alleyway because we're vacating this piece of ground right here to me makes no sense. That's not to say that there won't be an increase of traffic once you start ball games or in the fall when there's football games. But, that has nothing to do with the vacation on this parcel of ground.

Ms. Fleck-Tooze: I might be able to clarify that a little bit also. I think that ...

Mr. Fortenberry: Could I interrupt you a second? If you could work off of that photo because that's what I have and it's a little bit confusing to figure out directions. I think your map is turned the other way.

Mr. Sidles: Well, I may have turned it so it's north and south.

Ms. Fleck-Tooze: I'd be glad to. I think that perhaps one concern that had been expressed was if this ditch were enclosed underground I believe the conditions as it reads in the staff report is to do so from the west side of this alley east. And, I think one concern may have been that if, if that were true it would have opened up access from this alley to X Street and there was concern about traffic movement through this area. One alternative would be to revise the condition so that it's from the east side of the alley east and it would continue to keep that connection separate from X Street.

Mr. Sidles: We never wanted, I mean we only wanted it from the lot line to the lot line. It was never to go over the alley. Any other questions?

Mr. Cook: And, I remember that discussion. My question is that if you don't fill it in to where the alley is located, is it still possible for traffic to get around and go over an area that has been filled in or would there be something to impede that. Just in case traffic were to try to cut through there find that they ...

Ms. Fleck-Tooze: Currently the ditch impedes that.

Mr. Cook: Right. Currently it does, but if the ditch was filled even from the lot line to lot line and not over the area that is directly that is in line with the alley, would it still be possible to just jog out of their way and still drive over it and what would impede that.

Ms. Fleck-Tooze: Well, today there's a barricade there?

Mr. Cook: I guess that if that we were to try to make sure we address this concern we might have to consider that type of thing making sure there is a barricade or something up to prevent traffic from even jogging and finding that they can still drive over.

Mr. Sidles: There is definitely a barricade there and nobody could drive straight through.

Mr. Shoecraft: And, you have no problem with filling in the ditch?

Ms. Fleck-Tooze: No. Well, it wouldn't be filled in it would be piped underground. But, either would be acceptable. I think the condition reads that either an easement's provided for the open ditch that is there today or it's enclosed in a storm sewer. And, either way is acceptable to Public Works.

Mr. Shoecraft: I think you're testimony is you intend to fill in the ditch.

Mr. Sidles: Well, we would work with the City to either fill it in or provide the easement, do whatever we needed to do that, to take care of it. I don't have any problem with that.

Mr. Fortenberry: Do you anticipate just utilizing chain link type fencing, you'd suggest that you're going to fence this in for storage structures?

Mr. Sidles: We would have a chain link fence that would be 5 or 6' high.

Mr. Shoecraft: What about the visibility then we're talking about?

Mr. Fortenberry: Yeah, the deeper issue is, in general, the aesthetics and what we try to do in the area along with the Urban Development Depts. ongoing process into ... if the City was to go along with this it would be helpful to see yourself as a part of that focused planned area in terms of community aesthetics?

Mr. Sidles: Number one, I believe in moving in things that'll make it look nicer. Number one we think that closing up the ditch and rocking it ...

Mr. Fortenberry: It's a tough argument to make, I know, right now because of the way it looks, but if we've got some opportunities ...

Mr. Sidles: And we could show you pictures of what it was like when the weeds were 10' tall and go from there. So, would we fence it and put around a bunch of tall trees, I doubt that. You know, we might fence it and put around some little bushes and some things of this nature. But I mean, number one, we're probably going to fence off, if the vacation doesn't go through, we own four lots there right now. We've been waiting for the, to see what develops with this before we actually go in and fence it. So, we can go in right now and put a fence down and rock it just to protect our equipment which is what truly we're interested in doing. And, the material and supplies we store out there.

Mr. Shoecraft: But, I guess the driving point is, we're working on the focus plan in that area, we're trying to improve that neighborhood from aesthetic standpoint, just putting up a fence from a visibility standpoint of seeing a certain type of equipment.

Mr. Sidles: I'm not sure where we are at this particular point. Are you saying as part of this whole thing that as part of this whole thing that there's some mandatory landscaping that goes with it?

Mr. Fortenberry: I don't think we can do that.

Mr. Shoecraft: Cooperation.

Mr. Sidles: Oh, yeah, I mean we're willing to do that. I'm not, you know, we're trying to, we've been down there long enough we want the area looking as nice as we can, but you've got to understand this is an industrial business and, you know, we have big trucks running through there. The City has been very cooperative with us as far as the street planning and everything so our trucks can get in and get out. But, we are interested in making the neighborhood look as good as possible, doing what we do which isn't easy I must say.

Mr. Cook: Well, at this point I don't think we have any feedback from the Urban Development Dept. have you spoken with them, discussed anything about the focus area?

Mr. Sidles: No, I have not.

Mr. Cook: Well, and of course, there were quite a few neighbors who showed up who were concerned about this at Planning Commission. I guess it would be nice to have this be looked at as part of the whole plan that they're working on and I know that it's in the early stages, but it seems like it would be appropriate to have that contact with Urban Development and work with the neighbors in that regards. This might end up being just fine and it might be that there are some particular issues with landscaping or fencing or whatever that would be worked out as part of the discussion with Urban Development. or there might be some other plan that they come up with that supercedes what you're looking at here and be more appropriate. I guess it's a little premature given what's going on, given the discussion that's going on.

Mr. Sidles: It may be. I, I guess I'm not exactly sure what they're going to do with a 40' piece of ground that is really right in the midst of a ditch right now and if nothing is done, my attitude is, we'll make it look better than what it does right now. And, if something doesn't happen now it's going to be a long time before I think something does happen.

Cindy Johnson, Council Member: Frank, if we were to support this and allow you to do all of that with the idea that the neighborhood association's are working on that area, if they were to come back and say we're looking at doing a landscaping improvement in all areas of this neighborhood would you be a real partner with them in helping this occur there in that area?

Mr. Sidles: For our parcels of the ground?

Ms. Johnson: For your particular area.

Mr. Sidles: Sure.

Ms. Johnson: OK, so you would be a partner to them in helping them and not opposing them coming back and saying (inaudible).

Mr. Sidles: As long as everybody's treated equal. There's a lot of places down there that need a lot of help.

Mr. Shoecraft: So Frank, this is an ordinance which we obviously

won't vote on until next week.

Mr. Sidles: Exactly.

Mr. Shoecraft: So, during this time perhaps we could have some communication with Urban Development this week. Council obviously appears to be amiable to some degree of working something out here. Annette is representative of that area and I don't know if the Council wants your suggestion to be some type of condition or not to insure that it happens for the neighborhood and also in helping your business out.

Ms. McRoy: (inaudible) and ask them is this included in your future plans for the area or if, you know, you have no opposition then we'll move forward on it. We know it's not fair to come back and say we want you to do this, this, and this, you know, as a condition of vacating your street when if it's not necessary and not of the future plans 'cause, you know, I don't want to saddle you with, you know, things that, you know, aren't going to be fair for you neither. We talked to, you know, the neighborhood and said, you know, this vital, this is a vital piece to the future focus area plan.

Mr. Shoecraft: I don't want to hold you up because the focus area plan could potentially could take six months, year, year and a half whatever the time table. I would agree, obviously, anything you do initially would be an improvement obviously with the fencing and the graveling of the area. I'm really, you know, and we can take that into consideration. But, again your immediate impact would be positive from an aesthetic standpoint, but I'm very interested in what Cindy said and whether we make that a condition then that would, although you do an initial improvement that would force also the communication, or the cooperation I should say, with the neighborhood association as they go through the focus area plan. So, and you obviously had said, indicated you were willing to work with them, but we would have to decide whether we want that to be a condition. So I guess we can discuss it this week.

Mr. Fortenberry: The Urban, I don't think that Urban Development is here this evening, but, Wynn Hjermsstad probably she's coordinated that focus area setting. Just as the mechanism to implement what's being suggested here I think a conversation with here is the starting point that would potentially allow you to see what other visions are out there that might be completely compatible with what you're suggesting and be an improvement to your facility as well and compatible with the larger desires for the neighborhood. The Council's in a difficult position trying to accommodate a good industrial business that is against a neighborhood which is trying to upgrade and improve itself because of all the various pressures that are going on around there, so ...

Mr. Sidles: Yeah, I have had conversation, not recently with Wynn, but in the past when we had another petition that we were trying to get discussed in the Planning Dept., but I'd be happy to call Wynn and see what the situation is. I don't know that we'll know anymore after I get through talking with Wynn as to what you know right now. And, but I'd be happy to talk with her and tell her what our plans are, what we'd like do and, you know, work with the neighborhood.

Glen Cekal, 1420 C Street: In a way this seems very superfluous, but I kind of set her listening to this, Glen Cekal, 1420 C. From a distance I've know Frank Sidles for 500 years. I don't think he remembers me, but he's a very good citizen of the City of Lincoln. He knows business. He's a good person to have in our city. He's a man of his word far beyond average. So, I think the thing to do is when you have people that are this high thinking, high purpose type individuals and of long many years of standing, he should be given all the courtesy's and help possible and the North Bottoms should be given the same thing because obviously they have been put upon in many, by many things over many years. And so, the parties involved need to get together. It would seem to me like Urban and the Planning Dept., Public Works, LES, and Mr. Sidles. And, I, this isn't something you can settle up here. And, get at it and get it done. I think there's a lot, there's some problems here that's why there's great opportunities. And it's certainly anything that happens here is going to be better than what's there now because Frank Sidles is involved. Thank you.

Danny Walker, 427 E Street: I think Mr. Cekal's right. I think what he's talking about, basically, is togetherness and I think all of you will agree somewhat to the extent when I state the North Bottoms have been shortchanged for years, one shot right after another I might add. And, I think if we sit back Capital is a very large property owner down there, and I think if they can get together with Urban Development and the neighborhood I think it could turn into a very good positive and that way, hopefully, there wouldn't be any hard feeling in the long run. Any questions?

Karen Blessen, 705 Y Street: I own a home a 705 Y Street and I own three other properties on Y Street, 701 Y, 714 Y, & 722 Y. Well, I hate to throw a damper on this love-in that's going on, but Capital Steel and our neighborhood residents have been neighbors co-existing for many years and I think the gentleman's idea of us working together is a good one. However, as the proposal stands now I am opposed to the vacation of X Street. What I, what the gentleman from Capital Steel sees as an eyesore I see as potential green space. There's no insurance that what will replace this mud now will be any less of an eyesore. So, we in the neighborhood are working very hard as the focus plan has been brought up a number of time. I'm one of the members of the focus plan. We're working very hard with Urban Planning Dept. to try to bring improvements to this neighborhood to make it a vital asset to the City and to the State. This is a neighborhood that many people see when they come into the City of Lincoln to go to football games. If there's a way that we can all work together since we are all neighbors, but as it stands now unless there are provisions written into it to allow for green space to make this less of an eyesore than just a chain link fence and more steel then I'm opposed to it. Thank you for hearing me.

Ed Kadel, 1223 N 9th Street: I own a condo in the Hayward, the old Hayward school building and I have eight others that I own there that I rent. I'm also on the focus group working with Urban Development seeing what we can do to keep this neighborhood from deteriorating. The problem I think that we have is illustrated by the photograph where there's two houses missing now. And, we have residences over there. We have people living in these homes and we don't want to see these homes keep disappearing. I'm all for neighbors getting along and us all cooperating with each other, but I'm real leery of hugging a 1000 pound bear. They, both Capital Steel and the neighbors have co-existed for 75 years, but they seem to be growing now and it's a real concern for us trying to develop this plan and figure out how we're going to keep this neighborhood from being ate away with some of the things that are going on in the City. So, I really do not want to see the City give up a foot of land right now that belongs to the City. Let's finish this plan. Let's see where we're going, what we might be able to do over there before we go giving away or selling this land. Any questions?

This matter was taken under advisement.

VACATING THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE WEST SIDE OF STADIUM DR. FROM THE SOUTH LINE OF U ST. TO THE NORTH LINE OF LOT 4, BLOCK 10, NORTH LINCOLN ADD., & VACATING U ST. FROM THE EAST LINE OF 10TH ST. TO A POINT 12 FEET EAST OF THE WEST LINE OF STADIUM DR. - Tom Huston, 233 S 13th Street: I'm here on behalf of the Alumni Association. The Alumni Association of the University of Nebraska is working with the University on a new expanded parking facility adjacent to Memorial Stadium and that, the two petitions that are before you today are really to accommodate that design. This was on the consent agenda before the Planning Commission and I did want to publicly thank not only the Public Works Dept., but also the City Real Estate Dept. in working with us to try to get this project underway. The University has moved up the start of the football season for us which kind of puts additional pressure on getting construction underway and we are working with the Building and Safety Dept. to allow that and this is just the final piece of the puzzle to let this project go forward. I'd be happy to answer any questions that you may have.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORP. FOR THE PROMOTION OF ECONOMIC DEVELOPMENT IN LINCOLN - Danny Walker, 427 E St.: I don't know how many residents of the City of Lincoln actually know how much this agreement cost the taxpayers. It's in the proximity of a quarter million dollars a year. If this agreement is so necessary I don't know why we have a Planning Director, Planning Dept, Building and Safety, Planning Commission and or City Council. Where's the necessity for that if we're going to have this economic Development tracking staff?

Mr. Shoecraft: Well simply, Danny, the creation of additional economic development opportunities in the community expands the tax base and lowers your taxes.

Mr. Walker: Oh, is that why right now we're at least four million dollars in the hole on the next budget, and then probably that's going to increase. Now, I don't buy this crap, Jerry, that you know new development just, oh it just tremendously helps the City on the whole. It does not. That's an out and out flagrant lie. In the long run it cost every citizen in the City of Lincoln. If that wasn't the case why do we

have a phony infrastructure financial study team. It's all set up and self appointed and handpicked pro-business and development. Like I say I don't see where this so called committee is worth any quarter million dollars of taxpayers money for a year. I think it's a farce mockery and it's a political deal. Are there any questions? A few of you signed it. You should have thought twice before you signed it for a little agreement like that. Thank you.

Glen Cekal, 1427 C Street: When I was a real estate man, realtor, and they come up with the pact deal at the time I was working with Gateway Realty, I didn't like it. I still don't like it. I don't want somebody donating money to some, excuse the term politician, unless I approve it. I don't want somebody to do my thinking for me in this regard. Now, that's what I think we have here. That's not to say there's many good, great things. In fact, but when you have a republic, we are having nothing but trouble in this country today with government for sale. I can give you a, cite you a bunch of examples of how this is so and I'm fed up with it. I get tired of politicians posturing. Do what looks good. I'm interested in somebody that cares enough to touch the wall and make the difference. Not just use phony words and action and jump up and down and clap their hands, but that actually accomplishes something that puts their wisdom and their hard work and their, hopefully, spiritual awakening to work to accomplish something for themselves and for the people. This to me, and, I've been sick for a few months. I'm having a hard time breathing. Getting excited about stuff like this gives me a problem, gives me asthma. I had the wrong, picked the wrong parents, ok? But, there's a lot more at stake here. I'm not criticizing the Chamber of Commerce as such. I think it's great. I'm all for them, but when somebody starts telling me and doing for me beyond reasonableness I object. I don't care who they are. I do not want to live... I have seen committees appointed in this City of Lincoln. I have seen committees appointed by the Mayor on subjects of extreme importance. I'm thinking of especially one which I won't name at this time. And, I have seen very important members of that committee intimidated because of the financial threat and destruction that one or more people on that committee could have done this other party or parties. Intimidation of all sorts, lack of knowledge, quick shifting meeting times, not full disclosure, pushing the envelope beyond what it's designed, you end up having your own attorney as a, as a citizen advisory on a, being a citizen on an advisory committee, bringing in your own lawyer, in this case one thing I'm speaking of is Kent Seacrest, I thought it was unethical, bad taste & in my own opinion illegal. This is what I would call in my nomenclature a fast track document. I don't like it. It's, it's, the people are not being represented appropriately as per law the way this city government is set up and you are going to be in law suits in the near future if you don't straighten up your act. Fast track is like anything else it depends who's in control of the knife. And, these committees are stacked with people that represent only the basic and majority of selfish interest, not the peoples interest of whole in the City of Lincoln. I was hoping somebody would have some questions.

Mr. Camp: What are you addressing, Glen? Are you addressing the subarea plan or the Economic Development?

Mr. Cekal: I'm addressing this contract that originally ...

Mr. Camp: I just wanted to know which because it sounded like you were hitting two different issues.

Mr. Cekal: I'm against this contract.

Mr. Camp: And that being?

Mr. Cekal: And, I got a copy of it by hook or crook.

Mr. Camp: I just want to know what you're addressing.

Mr. Cekal: Yes, and I think that this City has gone so far so bad they hide things like this. The public doesn't know this is around. Just like they hid things out at Wilderness Park. And, they hid things on, whether it's good or bad, the ballpark. We've got to quit taking shortcuts. You've been warned. Thank you.

Mark Bowen, Mayor's Chief of Staff: We are talking about the Lincoln Partnership contract. It is a three year extension with the revisions to it. It extends to change the dates from Sept. 1, 2001, Aug. 31, 2004. The contract extends up until the end of Aug. this year. The dollar contribution by the City remains the same, \$250,000, as Glen referenced. The changes in it primarily are more direction, more coordination between the City through Help Ed ...

Glen Cekal: We can't hear.

Mr. Bowen: Sorry Glen, I'll speak closer to the mike. It emphasizes more communication and more coordination with the partnership and with the Chamber and the other business associations. Some of the

emphasis that are changing in it are more coordination with the Comp Plan, more direction with how the Partnership and the City and the Chamber have interacted before to make sure that there is more constant communication which gives to the more Staff coordination. We think it strengthens it. It does identify some areas that we're continuing to work on. Help Ed has already participated and continues to participate more in the Comp Plan. One note which I think Paul may mention is that there is an Economic Development component of the Comp Plan which Help Ed through Paul is serving on. You also know the Mayor has named two co-chairmans of the Mayors Technology Council. Help Ed is also assisting with that and so it's in that sense it is expanding. With that I'll stop there and if you have any questions for me I'll be glad to answer them. If not I think Paul's going to make a couple of comments.

Paul McQue, 6520 Lone Tree Dr.: And, I'm the Administrator of the Partnership Contract. We have learned a lot. This is our 6th year of operation. The City has put, of late, \$250,000 a year into it. The first year was \$200,000. So, you can multiply that out. In the same time the private sector has raised and invested \$2,000,000 in economic development in this community. The notion initially was that we could more effectively apply our resources working together. We think that this has been a more affective association. I think if you read through our annual report and some of you have spent more time looking at this than others, I think you'll agree this has been a period of extraordinary economic growth in Lincoln and I think that we can demonstrate it has saved the taxpayers of this community considerable money. I have to go back and look 6 and 7 years ago to see what our Economic Development Dept. in the City and the Chamber was costing, but I can tell you it was more than the aggregate here. So, we think it's been a good investment. There's been good news. I wish that we could assure you that all of that was due to our efforts, but like all of the things you do and we do all we can do is give it our best effort and hope that together we can bring these things about. Perhaps the strongest thing that's come out of this aside from the real growth and jobs an opportunity and economic activity has been the working relationships with the City departments and departments. We're working to strengthen that as Mark just referred to. And, I see Kathleen here and others and Allen Abbott and so forth, we have developed a daily working relationship to come through some of our problems together. We think that's one of the best things that's come out of that. The City now has as part of its Comprehensive Plan an economic development component which we are participating in. We think that is a very good way to look at this comprehensively. That's something the City learned. That's something we've learned. That is, after all, our comprehensive land use plan and we should be working in coordination with that. And, we've had some struggles as you all know with projects that get outside of our box and we're going to work hard to see that development happens within those perimeters, but we're also going to have to find new ways to define those perimeters. I'll give you some examples of things that we've worked through successfully without getting out the boxing gloves: East O Street widening. That started out to be a very contentious issue and working together we have resolved that, I would say, amicably with almost everybody out there. Not everybody. The beltway thing is under way. I know we've been working with on that with you for 10 years. It precedes the partnership. Antelope Valley is something we have come to support very strongly. We have got a challenge before us over at the State Legislature to make the Urban Development, a part of that thing, work. I think some of you are aware of that. We're working with the Mayor & his administration and the City Lobbyist to accomplish that with our people over there. We've got a challenge in front of us now called no net rise. We recognize the challenge to us with development in the flood plain. I think you all recognize that for 100 years we've been forcing industry and commerce into the flood plain. So, we have to find some way for these property owners to work their way through this, at the same time recognizing though, we do have a large portion of the City in the flood plain. Again, there's an annual report there. I won't bore you with too many more details, but to remind you that on the 16th of April you have, I think, all received or will receive an invitation soon to the ribbon cutting of the Nebraska Center for Excellence and Electronics which is a product of the City and the Chamber and Partnership working together. We went to the State Legislature and obtained a \$5,000,000 grant to Southeast Community College. We have built and are opening a state of the arc electronics testing facility. There are only 12 others in this nation and we'll be competitive on a 12 state basis. We have almost all of the testing time leased up. We're building a new building out at the test park working in cooperation with the University Foundation to bring those

companies or keep those companies in Lincoln that are merging from the incubators. So, we think we've got a lot successes. We've had one or two disappointments, but that's life. What is the, is there any measurable standard here? Well, that's just not a part of this kind of work. We win some, we lose some. But, I'll put it to you like this, in spite of all the phenomenal growth we've seen in Lincoln and in the 25 years I've been here I haven't seen anything like it. We all just got the population numbers, the census numbers, that was a shock to all of us. We still have 2% unemployment in this community. We still have 1500 jobs that are looking for staff, which we are assisting through our workforce development department. But, the fact is we have been able to almost continually maintain full employment in this city. Now, if that isn't definition of economic development I don't know what it is. It is called the quality of life for everybody, good jobs. I'd be happy to answer any questions.

Mr. Fortenberry: Thank you for your testimony, Mr. McQue. I had one question and you began to answer it and you pulled back because you might not have the date on the top of your head, but it was in reference in consideration to some of the earlier objections. I was hoping you might give a little presentation on the genesis of this partnership and what the City previously spent on its own in doing economic development prior to the partnership. I can't honestly answer that. I would have to take a guess, Mr. Fortenberry, but I'd have to go back to the City Finance Director and ask. But, at one time we added up the Chambers expenditures, LCDC's expenditures in the City and I think it was in the neighborhood of \$5 to \$600,000 and we fundamentally really had only two full time staffers working on it. We're spending a lot of time chasing each other around, but I can't answer that directly, I don't know.

Mr. Fortenberry: Coleen, do you recall? I don't recall the number either ...

Ms. Seng: I don't recall a number, but I do recall that we felt there was a need to do what we're now doing. We had the department, we had an Economic Development Department and they did work with the Chamber, but we felt it was better to do what we're now doing. We spent a lot of time giving birth to this.

Mr. McQue: It was not easy because, and this is not a negative comment, but there's a little cultural gap here between folks working for the City and folks working in the private sector and we've had to learn to accommodate each other. That, as I said earlier, that may have been one of the greater strengths of this. It's fine we've raised a couple of million bucks and relieved the tax burden here, whatever, but the real key thing is that together we've, and I point to the East O Street widening, we can work through these thorny things because we can get people in the room, lower the temperature and talk it out. That's worth a lot. Anything else? Thanks for your time.

This matter was taken under advisement.

REAPPOINTING RANDY BOLDT TO THE EMS, INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2004;

APPOINTING REV. LAUREN EKDAHL TO THE EMS, INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2004 - Annette McRoy: Mr. Chair, I would like to move that we delay items 12 & 13 because they're both related. I had some questions and I'm getting some information and I'd like a week to look at that.

Mr. Shoecraft: For how much time?

Ms. McRoy: For two weeks.

Mr. Shoecraft: Two weeks.

Ms. McRoy: I don't want to go into it publicly, but I would like to look at some more information on one of the applicants.

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

Norm Leach, 1720 SW 17th St.: I come to speak in favor of the appointment of the Rev. Lauren Ekdahl to the EMS Board. I do so because I've been made aware that there is some opposition that's been made to Pastor Ekdahl's membership on the Planned Parenthood Board of Directors and his leadership in the ad campaign that took place a year ago in an attempt to bring some peace to the besieged Westminister Presbyterian Church. Pastor Ekdahl has the necessary qualifications for services on the EMS Board and that, I think, is all that the Council should consider when looking at this appointment. Whether somebody is pro-life or pro-choice must not become a divisive litmus test for public service in our

community. There's no correlation between that particular issue or set of issues in service on the EMS Board. Paster Ekdahl has served six years on the Dakota City Fire and Ambulance Committee a similar board. He's served over ten years in other church ministries in Nebraska and a statewide health committee. And, he served two years as the President of the Nebraska Rural Health Association. He's also been the president of the Lincoln Interfaith Council and has otherwise demonstrated his commitment to our total community by his leadership with his own congregation and his service in many other settings within this community.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 94-56 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE "SOUTHEAST LINCOLN/HIGHWAY 2 SUBAREA PLAN" FOR THE AREA GENERALLY FROM S. 56TH TO S. 98TH STREET, FROM OLD CHENEY ROAD TO ½ MILE SOUTH OF YANKEE HILL ROAD, INCLUDING ANY ASSOCIATED AMENDMENTS TO THE LAND USE, PHASING, UTILITY AND/OR COMMUNITY FACILITIES SECTIONS OF THE PLAN - Steve Henrichsen, Planning Dept.: I just want to very quickly go over a few things. This particular subarea plan has been the result of about six months of public participation. We've had numerous meetings from last September and November, earlier through January and February of this year with many members of the public on this so I won't go into extensive details over the 41 page subarea plan. But, I thought I would just very briefly note some of the themes and then talk about two proposed amendments that have been in process for the last several months and that with the details have been worked out so those can be forwarded to you today. Generally, the themes of the subarea plan and we have a copy of the land use map that is in front of you which is just one part of the subarea plan. Certainly, the themes have been one to look at. What is the existing residences, the existing character of the area, and how to have future development and changes in this subarea be consistent with the existing residences and existing character of the area. The second thing that we've certainly been looking at is that with any changes in land use in this area that those land uses have a direct connection to the transportation network. The planned improvements that we have in this area for 70th Street, Pine Lake Road, 84th and other streets that any land use decisions in regards to commercial or residential take into account those transportation impacts. And, then certainly another important theme of the entire subarea plan has been one to take into account the affect the development in this area would have on Highway 2 as an important entryway into Lincoln. So, while there's certainly been a lot of other facets to the subarea plan those three themes have really gone throughout the subarea plan itself. To go into the two amendments, first the very first motion to amend, this is for a specific area of the subarea plan. This is for the area generally west of 84th Street. 84th Street is shown on the east side of the map here, right hand side, Highway 2. Here is the current location of Pine Lake Road today and as this map shows there's a revised location of a through street in this area. To the north is the Pine Lake Association. To the east is the Andermatt regional commercial center. Generally, this first motion to amend is one that revised some language that the Planning Commission put in when they had recommended approval of this in March 7th. And, that language generally noted that a compromise was underway between the property owners in the Pine Lake Association. We had also been working with City Staff to address several issues. Since the Planning Commission approval the applicant has shown that, in general, the road as shown, actually even with this area which previously had been shown for urban residential, even with this area being designated for approximately 200,000 sq. ft. of office that with this adjacent, with this new road network through the site it actually may have some ability to improve some of the turning movements that might occur at 84th and Highway 2 some of those movements instead coming through this triangular shaped of area, but with those traffic movements would be done in such a way not to exist, excuse me, not to impact the existing Pine Lake Association. The site plan includes nearly a quarter of the site, about eleven acres to be remained in wetlands and open space through the site and approximately one acre of land was shown at the new entrance to the site in terms of landscaping for both the neighborhood, but also as part of the overall entryway. And, an idea, er part of this that would be additional landscaping and setback would be offered along Highway 2 and in addition just to the open spaces in regards of addressing the entryway impact and that all of this use would be shown for office instead of some of the retail and the 300,000 sq. ft. that the property owners had initially proposed. I definitely would like to say that I think this is due certainly to a large degree to the hard work and some compromises have

been made both by the Pine Lake Association and the various property owners in this area. I believe they are here to more specifically address any questions you may have in regard to this. But, I think this amendment is very much in keeping with the overall theme for the area. They have addressed the impact and the entryway. They have shown that even with the additional commercial space. That they have a road network that we'll be able to address the transportation impacts of that land use change and have worked out an agreement with the existing residential area to address the impact of this proposal both through landscaping buffers and residential buffers over in here on the adjacent residential area. So, we would recommend approval of the first motion to amend which is very much in keeping with what the Planning Commission had approved. The second motion to amend is also very similar to some of the facts of the first area. It's a substantially smaller area directly on the southeast corner of Highway 2 and Old Cheney. To give you some idea of where the Trade Center is to the southwest. To the north is Edgewood. I believe there's a bank in Lazlo's which is directly north of this site. To the east of this site is an existing low density residential neighborhood. The subarea plan currently shows this area for a special residential uses with the idea that it might be a domiciliary, some type of facility like that, however, the subarea plan also noted that this area may be appropriate for transitional office uses. If this, about five to six acre site, if the traffic impact of that can be addressed. The applicant for this area had submitted traffic study to Public Works which was reviewed during the last month. They submitted additional information that would show what the entrance to this site how that would affect the entrance to Edgewood and addressed if there was going to be any significant impact at the point. And, last week Public Works generally felt that this proposal for transitional office use, about 50,000 sq. ft., would be acceptable to Public Works in terms of the traffic impact. The site additionally, the part of the amendment would be to show open spaces again along Highway 2. There are some existing trees along the south and east line of this. The applicant has agreed to preserve some of the existing trees to provide a buffer to the existing low density residential to the east. And again, instead of just strictly retail which might have been for offices or, excuse me, for hotels or restaurants instead to develop the site with office uses to provide an appropriate transition to the east as well as part of the Highway 2 entryway. This also includes some language similar to the other amendment which describes basically what I have talked about here in terms of preserving some open space and providing a buffer to the east. Except for motion No. 2, again, very much keeping with the Planning Commission recommendation we would recommend approval of the motion No. 2 to clarify that. Certainly, when you go back to the overall subarea plan we've heard from many different property owners in terms of other commercial proposals specifically, the site is owned by Shopko immediately east of the Trade Center had proposed for 50 acres which could have accommodated nearly half a million square feet of commercial space. Some other commercial proposals including on the north side of Cheney, all of these proposals we had extensive discussion on this part of public participation process. We continue to recommend these other sites be developed for future urban residential uses based on their impact not only on the existing neighborhoods, but their impact on the Highway 2 road network and the road network overall and potential to (inaudible) on the entryway. The final item that I think is worth noting is the area of Cheney which is 84th Street, Highway 2 here. Generally at 91st Street I've had a lot of discussion with the residents of Cheney specifically focusing on the areas of not only land uses I previously mentioned, but also on issues of potential annexation. The subarea plan notes that there's a lot of work that would have to be done before the Cheney annexation be completed specifically to address providing urban services, water and sewer to this site. There's issues to be resolved with the rural water district and also very importantly the impact on the Cheney School District. So, the subarea plan in this regards, more or less items that need to be addressed in the future than providing specific solutions on the Cheney annexation. And, I think starts to note some of those issues that can be resolved in the future. With that I'd be happy to answer any questions if you have them.

Mr. Camp: Do we first of all need to adopt those amendments before we discuss or ...?

Mr. Shoecraft: For them to be part of the discussion from the public they would need to be adopted and then anybody can come up and address any aspects of the legislation.

Mr. Camp: Do you need a motion first?

Mr. Shoecraft: So, right. So, we've got two amendments here though

so let's just take them one at a time. Can we combine them Dana?

Dana Roper, City Attorney: Sure.

Mr. Shoecraft: We can? OK. Put those on the floor.

Mr. Camp: I'll make the motion then for both of them.

Ms. Seng: Second.

Mr. Shoecraft: There's been a motion and a second for both amendments. Discussion in regards to the amendments?

Mr. Camp: Well, I had one question, if I may, on the south of Edgewood. Where would the proposed access be on, I assume, onto Old Cheney?

Mr. Henrichsen: Generally on this particular site this point right in here aligns up with the Vandervoort Drive. Vandervoort Drive being the main entry now to Edgewood just to the east of Lazlo's.

Mr. Camp: The question I would have then, of course we've had concerns on Edgewood in the past, are we going to run into traffic problems or is this, this is where the proposed light would be as well?

Mr. Henrichsen: That's correct. A matter of fact the specific traffic study that was submitted by the applicant took a look at the turning movements coming off of Highway 2 onto Old Cheney, and also the stacking distance along Old Cheney Road waiting to come to Vandervoort Drive. This will be the new location of a new light when Old Cheney Road is widened to four lanes. And, it was the opinion of Public Works looking at both the traffic study and a very specific Engineering drawing as to how those turn lanes I would be accommodated in addition to a signal, the signal switching from a three-way intersection to a four-way intersection. In talking with Dennis Bartels last week, Public Works felt comfortable that particularly since this is only about 50,000 square feet of office space that those turning movements could be accommodated to this site without impacting significantly the turning movements into Edgewood.

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

Mr. Fortenberry: One other brief question, at the end of your summary you were talking about Cheney, I'm sorry I missed exactly what you were saying. There was a constituent here earlier who had a concern about movement in and out of Cheney.

Mr. Henrichsen: Oh, yes I'm sorry we, had, that was probably one of the three issues that was most discussed with Cheney, one being the annexation and two being the land uses north of Cheney. The subarea plan specifically states that the full turning movements into Cheney at 91st Street should be preserved and that prior to any commercial change of zone on the south side of Cheney as part of the Andermatt proposal that that entrance needs to be addressed to show that any commercial use will not impact that entryway or that entrance point to Cheney. It is envisioned that that will probably be with a new light at a joint four way intersection that would provide access to the Andermatt on the north side and at Cheney on the south side. Specific drawings are actually underway on that. Andermatt has included that in their traffic study and showed Public Works some preliminary information showing that they felt there was enough movement or enough distance there for stacking and all the other issues, but that hasn't been concluded. So, we left that as an item that needed to be addressed prior to the Andermatt rezoning on the south side of Highway 2.

Jeanette Stull, 233 S. 13th St., #1400: I represent Bonnie Shafer and Ernest Sturzenegger. They are the owners of the property right along here (showing a map), if you can see that to the east of the intersection of Highway 2, the Old Cheney Road the property that's a subject of Amendment 2. And, we do support the subarea plan as amended with Amendment 2. The property was originally designated for the special residential use, but we have requested the commercial transition use. We have the support of the Public Works Dept. as well as Planning Staff. We do believe it's appropriate in light of the fact that we are right across the street from very dense commercial development with a trade center in Edgewood. This would serve as a good transition between those areas and the residential uses to the east. We believe that we have satisfied any concerns that the City may have had about traffic issues. Steve mentioned we did have the traffic study conducted show that there is not going to be any significant impact on Highway 2 as far as traffic goes. We did also submit some plans as far as how the lanes would be configured and that met with the approval of the Public Works Dept. Finally, we've agreed to sufficient setbacks and landscaping that will complete the whole Highway 2 corridor concerns and make sure that everything still looks good as you're coming into Lincoln. We have the approval of the Planning Dept. as well as the Public Works Dept. and we do support the area, subarea plan as amended. Any questions?

Mark Hunzeker, 530 S. 13th St., Suite B: I'm appearing on behalf of Hampton's Development Services and Stan and Grace Portsche. Hampton Development Services and Stan and Grace Portsche both are property owners in the triangle located between Highway 2, Pine Lake Road, and 84th Street. We made tremendous progress in discussing the issue of how this property is going to be used over the last 60 days. We have been meeting with the Planning Dept. Steve Henrichsen and the Public Works Dept., several people including Allen Abbott and Roger Figard, for quite some time now trying to work out how to deal with the issue of this particular piece of land. We made most progress, however, when we began to meet with the Pine Lake Homeowners Association. And, I wanted to say we've had a very good experience working with Deb and Alvy who is the president of that association and his lawyer Allen Slattery, and also, Chuck Sanderford of the 7th Day Adventist Church and Charlie Humble. We've had more meetings than I care to remember over the last 60 days or so, but basically we came down to a common understanding that it was unlikely that single family residential uses were going to be proposed for this triangle because of the amount of traffic that was going by both on 84th Street and on Highway 2. And, that it was necessary in order for all of the transportation plans that have been worked up to operate to end up with a roadway running through from east to west as Steve showed you. In order for the owners of property in that triangle to be able to support that roadway economically we needed to be able to find some way to use it that would justify that expense. So, we worked at that and we came up with some transitional uses along Pine Lake Road which would be residential and or open space in character and the balance in site would be developed approximately 200,000 sq. ft. of office space. And, we still had to persuade Public Works that the transportation plan would work, but having done that we are now here, I think, altogether agreeing that this is a good plan for the use of this property. So, I would ask that you approve this document as you've amended it now and say to you that it's been hard work, but we're really glad that we got this worked out and we think it's going to be a good plan. I'll try to answer any questions.

Linda Spanel, 8440 S. 91st St., Cheney, NE: And, I am here representing the SID which is the Sanitary Improvement District #5 of Cheney. And, the board of officers and trustees of Sanitary Improvement District #5 in Cheney, Nebraska would like to submit the following information to the Lincoln City Council. It has been the expressed opinion of all board members that strong consideration be given to the annexation of the Village of Cheney into the City of Lincoln. SID has reached it's maximum capacity for hookups to our sewer system and until such time as annexation to Lincoln goes through there will be no new growth available to our community. With Lincoln Planning it's new service boundaries to be so close to ours we feel that annexation would benefit the community and many other aspects. We are very proud of our community and want our growth to be a successful one. Because the SID is made up of a board of residents and landowners we have looked at annexation from all directions. The want of growth to our community and the benefits that would come from joining the City of Lincoln as a whole would be a welcome opportunity for all. We have had several conversations and a meeting with the Planning Commission on this subject to make us wait until the year 2005 to be annexed to the City would be a disservice to our community. We feel that many quick changes are coming to the City of Lincoln. The fact that they betrust our community by Yankee Hill Road and exclude us as a community would be unfair in our eyes. We want to have input on how we will be included into the big picture especially since we will be on the line of Lincoln's new gateway. Please don't exclude us, include us. It is also a unanimous concern of the SID #5 Board that the property within the boundaries of Cheney which are 91st, 1st and Highway 2 remain as Urban Residential as is shown in the Comprehensive Plan. We feel that any type of commercial zoning would not be in the best interest of our community. Please leave it urban residential for our community to grow. Thank you. And, I would also like to show you on here (map), as you can see Cheney's not that big of a community and this area right here is what it has been proposed to be commercial you can see that that almost equals half the area of our community. Thank you.

Ms. Seng: Point that out again.

Ms. Spanel: Point that out again? This is Cheney right here and they would like to commercialize this part for you right here and we would like you to leave urban development.

Julie Southwick, 8301 S. 91st Street: I'm the president of the Cheney Community Organization. Is there anyway we can bring this map a little bit closer?

Mr. Shoecraft: Ma'am if you are going to speak in reference to that

grab the cordless mike there so the audience can hear you if you go away from the mike.

Ms. Southwick: I'm kind of new at all this, so bear with me here. We're just, basically, we do really like this proposal of the subarea plan and we are really in favor of it, but we do have some issues that we need to discuss about, our direct area of the town of Cheney. Basically, I'm going to be talking about this triangle right here. This is 1st Street, Highway 2, and 91st Street. We've had, been working with, not really working with, but Brian Carstens has brought some proposals to us and what they would like to do is change that area to a H-4 zoning. To do that we went out and did a petition, we collected a 109 signatures plus on the signature that would like to leave this as urban residential. We don't want to see commercial growth in our town. We will let Andermatt's property go ahead and grow around us before we'd like to have commercial come into our town. And, the reason being, this is 20 acres right here. If you come over here there's another property owner right there that has five acres, and she's 90 years old. There's other properties. So, what we will start to see is a fallout affect coming clear around because we already have. So, therefore Cheney will be in a circle of commercial zoning, that's why we'd like to leave it as urban residential. We, the citizens of Cheney, totally agreed that we must have a full, safe access in and out of our community. We ask that the County and City Engineers work with the residents of the Cheney village with the details of the intersection at 91st and Yankee Hill Road. This is going to be our gateway to our community. The annexation I want to discuss a little bit also. Ladies and gentlemen we're at a very unique moment in our history here. I think the last time we've annexed in a community has been Air Park. And so, we really need to discuss and we need to get all these City and government departments together with us to discuss this annexation. You know, there's going to be major and minor issues that we've talked about and Steve already mentioned the SID, the water, the school, but we've got traffic, roads, police, fire department. You know, the annexation comes right up to my backdoor on my property on the city limits. So, we're going to have a flow over of things, you know, with the County and with the City so we really need to discuss a lot of stuff. Jensen Park's going in down over here. You know, that's going to be a big, big impact on our community. We really want to keep our identity as a village and we would appreciate you leaving Cheney as a urban residential development.

Mr. Fortenberry: Ma'am if you'd like to stay up for a moment I'm going to ask Planning Staff some questions that are relevant to what you said. Steve clarify something for me, the subarea plan as proposed is showing that portion to the northwest of the Village of Cheney as urban, is it urban residential or low density residential?

Mr. Henrichsen: Generally what the subarea plan is showing here, here's the main area of the Village of Cheney right in here existing, also, residences along 91st Street here as part of Cheney, some other large lot uses in this area here. To the northeast here, generally, is future urban residential land currently owned by Andermatt, but would be developed as residential, I'll zoom out slightly a little bit here, and actually see here is Yankee Hill Road coming up to 91st Street, 91st Street then bends throughout the site, comes back up to Pine Lake Road and over to 98th. This, everything east of this new 91st St. would all be urban residential. It would be commercial in this area. Also, to the west of Cheney would have Jensen Park and also to the northwest you'd also have urban residential as well. There's just a little area that had been previously designated for low density residential just to the east of Cheney. But the main area in question and discussion has been this area in here where we did have a proposal for 20 acres of commercial use, but we are, the subarea plan is recommending this area remain to be shown for urban residential uses.

Mr. Fortenberry: That's what I was hoping to clarify since the Highway designation is not before us.

Marlyn Schwartz, 10445 Dawn Avenue: And, I am here representing some property owners and myself as a property owner on what's referred to as a triangle. The same piece of property as was previously discussed. Yeah, this area right here (referring to map) represents about 21 acres out of 81 acres and the entire area there of Cheney. And, our objection is to call it residential is that it presently is mixed use. There is some area that is shaded in here that is grandfather'd and used as commercial and there are no plans to vacate that. Farther west on 91st Street there is some I industrial. It is already mixed use and the concern that we have as property owners, there's a lot of vacant ground there. If it's

residential it's not going to be developed by residences for two reasons: 1. The highway noise. The trucks coming up and down the highway residences will not want to be that close to the highway. And, 2. Since it already is mixed use we would like to propose that the final use of this property be reviewed at the time that Cheney is annexed into the City and not decide today that it has to be residential. The partition that was submitted to the Planning Commission on March 7 by the Cheney community organization clearly stated that the signatures of the 109 people were citizens of Cheney. I would like to clarify that. There were 30 signatures that were not citizens for Cheney. Some of them, 18 of them that lived more than one mile from Cheney. Now, I'm assuming that those people that signed probably are working or are employee, or employed in Cheney. But, I just want to make sure that you don't get the picture that there's 109 to 0 in favor of calling this residential at this point in time. We would like to distribute a new petition starting immediately and if this Comprehensive Plan is not voted on today we would start circulating this petition asking for mixed use. Now mixed use would not mean H-4 necessarily. It would mean mixed use. Some residential, some commercial as it's now already being developed. So, we would like to have this note added to suburban plan regarding the property stating the final use of this property bounded by South 91st Street, Yankee Hill Road, 1st Street. Highway 2 shall be further reviewed at the time Cheney is annexed into the City of Lincoln and the roadway connection at relocated South 91st Street and Yankee Hill Road is completed.

Charlie Humble, Erickson, Sederstrom Law Firm: Representing the Mid-America Association of Seventh Day Adventists. We're the other property owners involved in the Amendment 1, motion to amend before you and I would like to echo what Mark said in terms of the cooperation of working with the City, the other private property owners within the so called triangle and of course the Pine Lake Association, Beven Alvey, the Board and the membership toward the compromise agreement. As you well know the Church campus is extremely attractive and we have a tremendous interest in what goes on in the remainder of the triangle to enhance what has been, I think, a most attractive addition to that area. The idea behind working together was to fix the uses within the triangle. And, that's for the good of everyone because if it doesn't go, if it has an unreal comprehensive plan designation then you know and I know what will happen several years from now, other folks will be appearing before you saying that nothing happened and therefore we ought to put in some commercial pad sites and the like. By making the decision now, by taking a realistic approach to what ought to happen in the triangle you then cement the uses for the future that gives you certainty. That gives the Association members certainty. It gives our church certainty. And I think everyone is very happy. Now, as Mark indicated, the road network works which will also enhance the Andermatt development across the street. It works for their benefit. It works for the benefit of the residences of the Association by keeping traffic out of the neighborhood and looks to me like one of those win win situations which has come as a result of a lot of hard meetings, a lot of negotiations, but I think the end result is worth it. So, we would urge you to go forward and vote for Amendment 1 and the rest of the subarea plan. Please vote tonight. Keep the things moving and I think we'll have a good Comp Plan. Thank you.

Beven Alvey, 5950 Vandervoort Dr. , Ste C: I'm the president of the Pine Lake Association. I will just take a minute to endorse the Subarea Plan and the Amendments as proposed by the Planning Staff. We do support the Amendment in particular in the triangle, Hampton Triangle. We appreciate the cooperation, the support of the Hampton Development people, the Seventh Day Adventist people, the Porsche's. This is getting to feel like a real love fest prepared to the last time I was involved with this, of course. I and Mark Hunzeker even, can you believe I'm saying that? Of course. And, it really was good working with them. We got things worked out to our satisfaction. We got what we felt like we needed to protect the Pine Lake Association and we hope that they got what they needed in developing that property. As, of course you know, we did this really just as Charlie was saying was to have certainty in terms of the development and have what we think works out in everybody's best interest. This shouldn't be interpreted as a, as an approval of obviously heavy commercial development in the future. We do support the Comprehensive Plan the way it's set up right now. We support very much Steve Henrichsen's efforts and we appreciate his support all the way through this as well. Thank you.

Bill Rentschler, 8200 S. 91st: I live at the north end of Cheney and I want to talk to you a little, this is where we're talking here(referring to map). This is where I live right here and this is the

triangle that we've talked about. I'll tell you exactly what I want right up front so you're not confused. I'd like to have that area, that 21 acres that we talked about, some type of note in the Comp Plan that at the time of the annexation that we can re-review the zoning in that area. And, there's several reasons for that. First of all right now it's urban residential that they'd like us to do that and it actually fits in real well. It all sort of this orange color (on map) comes around and it looks real nice, but from a practical point of view on the north side it's a four lane highway and potentially at some point a six lane highway. On the south side it's a gravel road with a, with homes on the south side in the \$75 to \$85,000 range. You're not going to put Vintage Height type of homes in that area. And, the other thing is in the area that's to the north, they pointed out that it was the Aldermatt project. And, these people, you know, they have, they can go 80 to 100 acres at a time and they can go in and they can put in roads and they can put in sewers and then they can have their plots and go ahead and develop those and they can do that to the west of Cheney also. But, there's six landowners that own the land in that 21 acres and it's going to be much more difficult. I think anything will develop eventually, but you sort of have to ask yourself, you know, how easy is it going to be. And, I've lived in the north end of Cheney for almost 10 years. I'm not in, this is not a money making deal for me. I hope I do make some money if something happens, but that's not the purpose and I certainly want Cheney to have something nice on the north. If that 21 acres can develop at one time you can get a developer in there to sit there and they can plan the roads in there. They can plan the roads in there. They can plan the sewer in there and then they can communicate with the residents of Cheney on what kind of things can go in there that would be acceptable. It's my fear that if there's many delays over a period of time that any one of these individual landowners through here could decide to sell or to develop it in some other fashion that actually would ruin that and, for example, of myself and the neighbor to the south of me were to, to enter into some agreement and do something appropriate there we'd block access into the rest of Cheney for you know, who knows, 40, 50 years until you get to this point again. First of all, Andermatt has had, this project has been going on since the early 1990's. I don't know when it actually even started, but I was out there and I heard about it a long time ago in the early 90's. But, north into Cheney would not have developed unless the Andermatt project goes ahead. But, if the Andermatt project goes ahead, which it sounds like it will and I'm certainly for that, that's the kind, that's the time and this probably kicked in a few months ago, that you started to look at what was going into the north part of Cheney. So, we've not had near the opportunity to communicate with the community, with the neighborhood association or anybody like that to talk to them. I think the petition that you signed has given sort of a skewed point of view. We've not had a chance to talk to people and say what kind of things would you like to see in the north side of town? Would this be something that would be acceptable? I've addressed the Planning Commission. I've seen people on the Planning Commission that have given applause to people who've stuck with projects over time because it's been something that, as difficult as it was, probably was good for the community. And, it's certainly my point of view that this would be good for Cheney. And, I think all you have to do is put that amendment in, or just that paragraph in where that asterisk is there to say nothing will be developed until the town of Cheney is annexed and that's there now and then if you add it on and at that time we will review the zoning in that area. And, that would give us time to meet as a community more and in a non-confrontative manner in that we can work out some of these issues. This is not going to be something that happens, I'm guessing, in a real short period of time. This should give us time as a community to come together with more of a unifying point of view. And, I'd be happy to answer any questions.

Lonnie Athey, 10701 Dawn: My home address is 9400 Yankee Hill Road, but I have a business that I operate out of 9400, I'm sorry I just turned it around there, 1701 Dawn is my home address. My address there is 9400 1st Street & Old Cheney and I operate a painting business out of there I employ. I've been there five years and I have no plans of moving, you know. I'm under grandfather's clause there, whatever anyway, to operate my business. I feel that it should be left open so there can be something done with the, you know, that could be beneficial to everyone including, but I do say there is going to be business there because I'm going to be there for at least another 10 years, the good Lord willing. So, I thank you.

Christine Kiara, President of Country Meadows Home Owners Assn.: And, I wanted to say our Home Owners Assn. also supports the subarea plan.

We see it as a protection plan for our neighborhood and for the entryway into Southeast Lincoln. And while we do also support the two amendments that you're considering now I'd like you to take very seriously this plan and not think because you're amending it now that it will be chipped out away more in the near future. But I think there's two circumstances that surround these amendments that are worth noting and that I hope will be considered before any further amendments or this plan would be reconsidered later on and those are that the surrounding neighborhood associations and individual homeowners agree and support the developers plans for this property and that also the traffic concerns have been addressed so as to not add to the pressure of widening Highway 2. That's all I need to say. Do you have any questions?

Mark Southwick, 8301 S. 91st.: I'm pretty new at this because as a resident and not representative of the neighborhood association which I left about six years ago. My wife would like the Council to have that from the new organization we're involved in. At any rate some things have been said about the triangle and my house is the first property probably that's going to be affected by the new 91st Street as it turns into Cheney off of Yankee Hill Road. And, when I bought my property six years ago we were shown a map by the county as to how the new 91st Street was going to turn and wasn't quite so close to my house. Now, it looks like it's going to be within a 100 feet instead 300 feet. I have some concerns with that. And, if you guys go ahead and leave that triangle open, of currently it's at urban residential. If you leave it open like they're asking for then potentially that roadway that comes into Cheney could turn into a four lane which would put it even closer to my house and that isn't why I moved there. I got tired of conflict being within the City. Color used to be a hot bed. I guess I'm into a bigger one. At this point, I guess what I really want to put the emphasis on is leaving it as the Planning Dept. has put it and the Planning Commission has approved, urban residential, keep it that way. And, when annexation does come about then we will be open, but I think it has to go through the total process to change anything over there. Now, currently there is one piece of property in the triangle that is zoned I. And, currently there is one piece of property within that triangle with a use permit. And, if you recall a few years ago, I as a person who didn't live in Cheney watched it all on TV. I came down here and watched it. But, Jan & Charlie came here and tried to move Good Life Tour out there along with LTR and there was a lot of discussion about that in that triangle and they didn't get the job done. And, there's a reason for it. The community of Cheney would like to be a residential community. And, I would like to remain residential, also. Thank you for your time.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: Representing Andermatt who is the landowner of that area, large area designated red along with Iger who is the developer of the property. We want to just stand up here in support. We have worked hard for many months with the administration and we've reached an agreement on about 5800 and 50pm trips which is the magic mark now that we are shooting for to accommodate the network out here and still get the level of service to be what the City wants and not widen Highway 2. We want to thank Public Works, Planning, Steve Henrichsen, Kathleen Sellman, Allan Abbott, Roger Figard, Kelly, everybody because they've worked hard on this effort. We saw the map tonight on the Hampton Triangle solution. We see that the open space is now shown on the westside of the Andermatt tract. Steve tells me that that's supposed to be 50' of green area and we support that. The Highway 2 corridor setback is 100' to make it an attractive entryway. We also want to thank Pine Lake Neighborhood. Over two months ago we were able to reach agreement with them on what was best to try to buffer them from the proposed regional center and they were delightful to work with and we got a good win win out of that one. And, finally the Village of Cheney has been very helpful to supporting our project as well and master planning with us and we hope to work closely with them to get them their proper entrance along 91st Street. So, with that I'd be glad to answer any questions you might have.

7:40 TOOK BREAK

8:03 RECONVENED

Steve Henrichsen, Planning Dept.: I'll be very quick. I just wanted to address a few items that were mentioned during the public testimony. First, in regards to the setback along 84th Street, the motion No. 1 does include a note that the setbacks along 84th Street, north or Highway 2 would be addressed at time of use permitting. In general Andermatt had shown 100' setback when the area to the west was residential, now that it would be a mixed or commercial it's probably more appropriate just to go with the standard B-5 50' front yard setback. No. 2, certainly I do take

the comment from the County Meadows in regards to concern about future chipping away of the plan. That's why we have spent six months on the subarea plan to have a subarea plan that meets the transportation goals, the entryway goals for the community and that, generally, we have heard from numerous property owners as to their proposals. So, we've had at one time or another, generally, most property owners along the way contact us along Highway 2 to hear from their proposals and to try to make a determination as to what is the best land use for the future. So, we are looking at, very much, this subarea plan has addressed most of those issues and it'd be something we'd look to implement in the future. Very specifically just on the Cheney items that were remarked, I had passed along, passed around a memo from Building & Safety when we had a public meeting in regards to this triangular area at the Berean Church. We heard several concerns from property owners about uses in this particular area, and the mixed use comment was brought up. One thing that I should note, this area here in gray is the area that Mr. Athey owns and he was correct he has a grandfather'd commercial nonconforming use. It is not zoned for commercial use as a nonconforming use. The other properties in the area that are noted as mixed use, the Twiehous property here is Item A under the memo of Building and Safety. There's an illegal salvage yard on that site. The City is currently in court trying to have the illegal salvage yard removed. The second item that was brought up was some property that is owned by Velma Snyder and the City is working to have that building condemned. The site is quite unsafe and Building and Safety has been working with Velma Snyder to have the buildings removed from that site. It is also currently residential or agricultural zoned. The other item I should also note is right here in the middle is property that is owned by St. Michael's Church of Cheney. There is a church on the southern side of the site and a residential use immediately adjacent to it. All the rest of the properties along in here are in residential use, residential uses in here. The reason we continue to recommend that this is urban residential is that as this property subdivides in the future as we get development proposals it is quite appropriate this may not necessarily be an area of single family immediately adjacent to Highway 2, but a mix of different kinds of urban residential uses. We have shown the property immediately adjacent to Yankee Hill Road where Mr. Rentschler resides that this might be an area appropriate for some type of special residential uses, child care centers, domiciliary care facilities, elderly retirement, other kinds of uses in that area. And, certainly one of the major issues we have with 21 acres commercial zoning in this area would be the very issue that Cheney residents have expressed their concern about. A large amount of mixed use, even commercial uses in here may affect the turning movements into the site and may make it very difficult for the City to maintain this access. So, for all those reasons concerned about the impact on the existing Cheney area at all of the meetings that I have attended with Cheney residents I heard very much support for retaining the residential character of the Cheney area. We continue to recommend that this area be shown as urban residential. Now, we've had considerable discussion over the past several months about this site and so we, that's why we have, continue to show it as urban residential in the subarea plan.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Danny Walker, 427 E St.: He asked for the number of tie downs & pictures to show proof of the tie downs in the City impound lot. He heard there were only 18 tie downs. There should be one for each vehicle. During potential flooding there will be only one hour notice on a storm water system to get the tie downs in place.

Ms. McRoy: Stated she inspected the tow lot & verified there are tie downs.

Mr. Shoecraft: Stated he will ask how many & how long it would take to hook all of the tie downs up.

Glen Ceval, 1420 C Street: He spoke about the possibility of oil, gas, brake fluids that could cause contamination in the impound lots & asked if the City was going to honor the flood plain regulation. He suggested that Danny Walker be invited to look at the tie downs situation himself.

Rich Wiese, West "O" Area Business Assn.: He thanked the City Council and the Code Dept. for their help in cleaning up the vicinity of West O and West P Street

Mr. Shoecraft: Asked if West O Street would generate enough traffic in the future to support other businesses.

This matter was taken under advisement.

Bob Valentine, 2660 Park Avenue: He came forward expressing concern about the \$4.7 million deficit in the City budget as reported in the newspaper.

This matter was taken under advisement.

#### ORDINANCES - 3RD READING

APPROVING A LEASE AGRMT. BETWEEN THE CITY, AT&T, & TOUCH AMERICA FOR THE PLACEMENT OF TELECOMMUNICATIONS CONDUITS AT THE CITY'S ASHLAND WELLFIELD PROPERTY - CLERK Read an ordinance, introduced by Jon Camp, the City of Lincoln desires to lease property in its Platte River wellfield, generally located near Ashland Nebraska, to AT&T Corp. and Touch America, Inc. for the placement of a conduit and fiber optic lines, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.  
The ordinance, being numbered #17815, is recorded in Ordinance Book 24, Page

#### SPECIAL PERMITS, USE PERMITS

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. - PRIOR to reading:

SENG Moved to delay Action on Bill No. 01R-44 for one week with Public Hearing to 4/2/01.

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

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:

MCROY Moved to delay Action on Bill No. 01R-50 for two weeks w/Public Hearing reopened to 4/9/01.

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

#### PETITIONS & COMMUNICATIONS

##### THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Change of Zone 3306 - App. of Krein Real Estate, Inc. from R-1 to R-T on property at S 56<sup>th</sup> St. & Waltz Rd.

Change of Zone 3314 - App. of D & R Development, Inc. from AG to H-3 & I-3 at N.W. 56<sup>th</sup> & West O Sts.

Change of Zone 3315 - App. of Phil Durst from R-4 to I-1 at 1<sup>st</sup> and L Street.

Change of Zone 3316 - App. of Lancaster County Board of Commissioners from O-3 to P at 46<sup>th</sup> & R Streets.

Change of Zone 3317 - App. of Noel Chadd from R-2 to R-4 at N. 1<sup>st</sup> St. & Garber Ave.

Use Permit 138 - App. of Krein Real Estate, Inc. to develop office/medical space as per 27.28.090 of the Lincoln Municipal Code at S. 56<sup>th</sup> St. & Waltz Rd.

Special Permit 1447A - App. of Capitol Sports Foundation for baseball fields with associated parking at 70<sup>th</sup> & Arbor Rd.

Special Permit 1665A - App. of Chateau Development, Stefan Gaspar, to add 13 units & request height variance to 40' at 72<sup>nd</sup> & Van Dorn Blvd.

Special Permit 1808A - App. of NEBCO, Inc. to develop duplex units at N. 1<sup>st</sup> & Fallbrook Blvd.

Special Permit 1904 - App. of Todd J. Corliss for a liquor license for a reception hall, sale of alcoholic beverages for on & off sale at 4538 N. 62<sup>nd</sup> & 6221 Burlington. **(WITHDRAWN BY APPLICANT)**

Special Permit 1905 - App. of Noel Chadd to develop a Community Unit Plan containing 2-4 plex units, 3-6 plex units & associated parking areas at N. 1<sup>st</sup> Street & Garber Ave.

Special Permit 1906 - App. of Alltel to add three antennas to existing tower at 400 S. 84<sup>th</sup> St.

Special Permit 1907 - App. of Alltel to add three antennas to existing tower at 7<sup>th</sup> & Fletcher.

Change of Zone 3308 - App. of Pine Lake Heights Apartments, L.L.C. to change

Lincoln Municipal Code Sec. 27.67.03 reference Parking for multi-family dwellings in any zoning district.

**REPORTS TO CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON Mar. 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-80753** 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 March 12 to 16, 2001.)

Introduced by Jonathan Cook

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

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF FEBRUARY, 2001: VIATEL, QWEST COMM., TOUCH AMERICA, LCI INT'L. TRACFONE WIRELESS, PRIMUS, TRANS NATIONAL, WORKING ASSETS FUNDING, TELIGENT SERVICES, D & D COMM., ONE CALL, ATLAS, NPCR INC./NEXTEL, NEXTEL WEST, ATS MOBILE, PHOENIX NETWORK, OPERATOR COMM., RSL COM USA, TRI-M, INCOMNET, NOSVA, LIGHTYEAR, ATT WIRELESS PCS, TELCO, WESTERN UNION, MCLEODUSA, ASSN. ADM., LONG DISTANCE OF MICHIGAN, XO LONG DISTANCE, COMDATA, GLYPHICS, NEBRASKA TECHNOLOGY, USA PAGING, SPRINT SPECTRUM, EXCEL, BIG PLANET, I-LINK, ZONE TELECOM., EQUALITY, GST NET, NOS, GLOBALCOM, SINGLE BILLING SERVICES - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**OTHER RESOLUTIONS**

APPLICATION OF GJR L.L.C. DBA "RANDY'S GRILL & CHILL" FOR A CLASS "C" LIQUOR LICENSE AT 4947 HOLDREGE STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

**A-80743** 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 GJR L.L.C. dba "Randy's Grill & Chill" for a Class "C" liquor license at 4947 Holdrege 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: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF RANDY A. WILSON, JR. FOR GJR L.L.C. DBA "RANDY'S GRILL & CHILL" AT 4947 HOLDREGE STREET -CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

**A-80744** WHEREAS, GJR, L.L.C. dba "Randy's Grill & Chill" located at 4947 Holdrege Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Randy A. Wilson be named manager;

WHEREAS, Randy A. Wilson 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 Randy A. Wilson be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

APPLICATION OF EXPO INC. DBA "IGUANA'S PUB & GRILL" TO DELETE AN AREA MEASURING APPROXIMATELY 140' X 23' TO THE EAST OF THE LICENSED PREMISES AT 1430 O STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80745 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 including Neb. Rev. Stat. § 53-132, the pertinent City ordinances, and Resolution No. A-66729, the City Council recommends that the application of Expo Inc. dba "Iguana's Pub & Grill" to delete an area measuring approximately 140' by 23' to the east from their presently licensed premises located at 1426 - 1430 "O" Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MANAGER APPLICATION OF CHARLES R. SALEM FOR SALEM OIL COMPANY DBA "SOUTH STREET AMOCO" AT 1648 SOUTH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80746 WHEREAS, Salem Oil Company dba "South Street Amoco" located at 1648 South Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Charles R. Salem be named manager; WHEREAS, Charles R. Salem 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 Charles R. Salem be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

MANAGER APPLICATION OF MATTHEW HERMAN FOR NAMREH INC. DBA D & D DISTRIBUTOR LOCATED AT 5840 NORTH 70<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80747 WHEREAS, Nemreh. Inc. dba "D & D Distributor" located at 5840 N. 70th Street, Lincoln, Nebraska has been approved for a Retail Class "W" liquor license, and now requests that Matthew Herman be named manager;

WHEREAS, Matthew Herman 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 Matthew Herman be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND LINCOLN CHAMBER ECONOMIC DEVELOPMENT CORP. FOR THE PROMOTION OF ECONOMIC DEVELOPMENT IN LINCOLN - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80748 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the Economic Development Agreement between the City of Lincoln and L.C.E.D.C. for the promotion of economic development in Lincoln, 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 Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Agreement to the Lincoln Chamber Economic Development Corporation.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COUNTY FOR THE PAVING OF NORTH 70TH STREET FROM INTERSTATE 80 NORTH TO WAVERLY ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80749 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 paving of North 70th Street from Interstate 80 north to Waverly Road and to fund the asphalt paving equally among the City and the County, upon the terms and conditions as set forth in said Agreement, 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 Jonathan Cook

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

AUTHORIZING THE APPLICATION TO THE FEDERAL TRANSIT ADMINISTRATION FOR FINANCIAL ASSISTANCE ASSOCIATED WITH THE PLANNING, RESEARCH CAPITAL, AND OPERATING COSTS FOR STARTRAN DURING FY 2001 - 2002 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80750 A resolution authorizing the filing of applications with the United States Department of Transportation for financial assistance during Fiscal Year 2001-2002 (September 1, 2001 - August 31, 2002) under the Urban Mass Transportation Act of 1964, as amended.

RECITALS

I

The Secretary of Transportation is authorized to make grants for mass transportation projects.

II

A contract between the City of Lincoln and the United States Department of Transportation for financial assistance will impose certain obligations upon the City of Lincoln as an applicant for funding, including the provision by it of the local share of project costs.

III

It is required by the United States Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Urban Mass Transportation Act of 1964, as amended, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder.

IV

It is the goal of the City of Lincoln, Nebraska, as an applicant, that minority business enterprises be utilized to the fullest extent possible in connection with these projects, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

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

1. That the Mayor is authorized to execute and file applications on behalf of the City of Lincoln with the United States Department of Transportation for financial assistance to aid in the financing of planning and technical studies, research, capital or operating assistance projects, or both, pursuant to Sections 3, 3(a) (1) (c), 4(1), 6, 8 and 9 of the Urban Mass Transportation Act of 1964, as amended.

2. That the Mayor is authorized to execute and file with such applications an assurance or any other document required by the United States Department of Transportation effectuating the purposes of Title VI of the Civil Rights Act of 1964.

3. That the Mayor is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.

4. That the City's Director of Public Works & Utilities is authorized to furnish such additional information as the United States Department of Transportation may require in connection with the application for the financial assistance.

5. That the Mayor is authorized to execute grant agreements, and amendments and addendums thereto, on behalf of the City of Lincoln with the United States Department of Transportation, and such other documents as may be necessary, for aid in the financing of the planning, capital, and operating assistance program of projects.

Introduced by Jonathan Cook

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

REAPPOINTING RANDY BOLDT TO THE EMS, INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2004 - PRIOR to reading:

MCROY Moved to delay action on Bill No. 01R-60 for two weeks to 4/9/01.

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

APPOINTING REV. LAUREN EKDAHL TO THE EMS, INC. BOARD OF DIRECTORS FOR A THREE-YEAR TERM EXPIRING MARCH 28, 2004 - PRIOR to reading:

MCROY Moved to delay action on Bill No. 01R-61 for two weeks to 4/9/01.

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

COMP. PLAN AMENDMENT 94-56 - APPLICATION OF THE PLANNING DIRECTOR TO AMEND THE 1994 LINCOLN-LANCASTER COUNTY COMPREHENSIVE PLAN TO ADOPT THE "SOUTHEAST LINCOLN/HIGHWAY 2 SUBAREA PLAN" FOR THE AREA GENERALLY FROM S. 56TH TO S. 98TH STREET, FROM OLD CHENEY ROAD TO ½ MILE SOUTH OF YANKEE HILL ROAD, INCLUDING ANY ASSOCIATED AMENDMENTS TO THE LAND USE, PHASING, UTILITY AND/OR COMMUNITY FACILITIES SECTIONS OF THE PLAN - PRIOR to reading:

CAMP Moved to adopt Amendments #1 & #2 to Bill No. 01R-59 as follows:

On page 1, between lines 11 and 12, insert the following language:

That the Southeast Lincoln/Highway 2 Subarea Plan, marked as Attachment A, attached hereto and incorporated herein by this reference, is hereby approved, except as follows:

1. Delete the text in subparagraph 6 under Additional Requests for Commercial Use on pages 11 and 12 and insert in lieu thereof the following:

An alternative land use plan for the northwest corner of 84th and Highway 2 was developed between property owners and the Pine Lake Association. The approved alternative plan provides for approximately 11 acres of open space, wetlands, buffer and entryway landscaping, residential uses and approximately 200,000 square feet of office space. This land north of Highway 2, south of Pine Lake Road and west of 84th Street is now designated for a mix of commercial (office), residential and open space uses in the subarea plan.

Future specific site plans will preserve open space, trees, and wetlands, provide landscaped and other buffers to the Pine Lake neighborhood, enhance the Highway 2 entryway, provide a local road network to address the potential impact on the Pine Lake neighborhood, limit access at Pine Lake Road and Highway 2, and mitigate the traffic impact of the potential office use on a portion of the property. While it appears that the alternative plan will not significantly impact road improvement plans for this area, a traffic study will be required with future development proposals to verify the impact of the office use.

2. Amend the existing Figure 2 -- Proposed Southeast Lincoln/Highway 2 Subarea Plan -- as shown on Exhibit 1 attached hereto.

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

On page 1, between lines 11 and 12, insert the following language:

That the Southeast Lincoln/Highway 2 Subarea Plan, marked as Attachment A, attached hereto and incorporated herein by this reference, is hereby approved, except as follows:

1. Delete the text in subparagraph 2 under Additional Requests for Commercial Use on page 11 and insert in lieu thereof the following:

A proposal by Jeanette Stoll for a small area of transitional office use on the southeast corner of Highway 2 and Old Cheney Road is appropriate since the impacts on the network and local intersections have been addressed. The approved alternative plan provides for open space, residential buffer and entryway landscaping.

This land is now designated for transitional office and open space uses in the subarea plan. Future specific site plans will preserve open space, trees, provide landscaped buffer to the adjacent neighbors, enhance the Highway 2 entryway, and provide for transportation improvements required by the office use.

2. Amend the existing Figure 2 -- Proposed Southeast Lincoln/Highway 2 Subarea Plan -- as shown on Exhibit 1 attached hereto.

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

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

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80751 WHEREAS, the Planning Director has made application to amend the Lincoln City-Lancaster County Comprehensive Plan (1994) to adopt the Southeast Lincoln/Highway 2 Subarea Plan (hereinafter "Subarea Plan") as an approved subarea plan in an area generally located from South 56th Street to South 98th Street, from Old Cheney Road to ½ mile south of Yankee Hill Road, and to add text to the Comprehensive Plan regarding land use, infrastructure, and resources for the Southeast Lincoln/Highway 2 Subarea (hereinafter "Subarea"); and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That the Lincoln City-Lancaster County Comprehensive Plan (1994) be amended as follows:

1. Amend Figure 16, "Lincoln's Future Land Use Plan," page 39, and Figure 17, "Lancaster County's Land Use Plan," page 41, to revise the land uses and future service limit as shown on Figure 2 of the Subarea Plan.

2. Amend Figure 38, Lincoln Area Current and Future Trails Network, page 120 to add trails as shown on Figure 7 of the Subarea Plan.

3. Amend page 197, Figure 65, "Lincoln Service Limit and Phasing Plan" to

a. Change the designation of land within the Subarea which is currently inside the city limits to Phase I.

b. Change the designation of land within the Subarea which is currently shown as Phase III to Phase II for near term development.

c. Amend the "Lincoln's Future Service Limit" to reflect the future service limit as shown on the Subarea Plan.

4. Amend Appendix A, Part I, "Approved Subarea Plans" to add the following Subarea Plan to the list of approved subarea plans:

The Comprehensive Plan Amendment 94-56 Southeast Lincoln/Highway 2 Subarea Area Plan - approved by the City Council Resolution No. A- \_\_\_\_\_ on \_\_\_\_\_, 2001.

5. Amend Appendix A, Part I, "Approved Subarea Plans" to delete Exhibit A through E of the conceptual subarea plan for 84th and Highway 2 and to amend the text as follows:

~~Also included in this section is a "conceptual" subarea plan for the commercial area around South 84th Street and Highway 2. The conceptual plan requires further refinement but will be guided by the information contained here.~~ Additionally, a subarea plan for the N1-N2 Planning Zones should be developed prior to further development actions in the area. (Amendment 94-30)

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, and they hereby are amended to conform with such specific amendments.

Introduced by Jonathan Cook

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

SETTING HEARING DATE OF MONDAY, APRIL 16, 2001 AT 1:30 P.M. ON THE MAN. APP. OF MATTHEW J. KEMPSTON FOR B & R STORES INC. DBA SUPER SAVER #17 AT 2525 PINE LAKE RD. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80752 BE IT RESOLVED by the City Council, of the City of Lincoln, that a

hearing date is hereby fixed for Mon., April 16, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE, for the purpose of considering the Man. App. of Matthew J. Kempston for B & R Stores, Inc. dba Super Saver #17 at 2525 Pine Lake Road.

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

Introduced by Jonathan Cook

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

#### ORDINANCES - 1ST & 2ND READING

DECLARING APPROXIMATELY .91 ACRES OF PROPERTY GENERALLY LOCATED IN LOT 2, FAIRVIEW CEMETERY 1ST ADDITION, GENERALLY LOCATED NEAR N. 84TH STREET AND ADAMS STREET, AS SURPLUS AND AUTHORIZING THE SALE THEREOF - CLERK read an ordinance, introduced by Jonathan Cook, declaring a tract of City-owned property generally located near North 84th and Adams Streets as surplus and authorizing the sale thereof to Wyuka Cemetery, the first time.

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL CONTROL REGULATIONS GENERALLY TO AMEND DEFINITIONS; TO INCREASE IMPOUNDMENT FEES; TO MAKE IT UNLAWFUL TO OWN ANIMAL HYBRIDS; TO PROVIDE RESTRICTIONS RELATING TO ACTIVITIES OF PET SHOPS; AMENDING CRUELTY TO ANIMALS TO PROVIDE A SEPARATE SECTION RELATING TO ANIMAL NEGLECT; TO PROVIDE EXCEPTIONS TO VIOLATIONS; AMENDING PROVISIONS REGARDING SELLING OR GIVING AWAY ANIMALS; AND TO PROVIDE ADDITIONAL PENALTIES FOR VIOLATIONS - CLERK read an ordinance amending Chapter 6.04 of the Lincoln Municipal Code relating to Animal Control Regulations Generally by amending Section 6.04.010 to add definitions for "adequate shelter", "animal exhibit", "boarding", "exotic animal", "hybrid", "shade" and "wild animal" and to amend the definitions of "large animal" and "unusual animal"; amending Section 6.04.150 to increase impoundment fees; adding a new Section 6.04.155 to make it unlawful to own animal hybrids; adding a new Section 6.04.165 to provide restrictions relating to activities of pet shops; amending Section 6.04.310 relating to cruelty to animals; adding a new Section 6.04.315 to provide a separate section relating to animal neglect by amending provisions previously contained 6.04.310, Cruelty to Animals; adding a new section numbered 6.04.317 to provide exceptions to the violations set forth in Section 6.04.310; amending Section 6.04.350 regarding selling or giving away animals; amending Section 6.04.440 to provide additional penalties for violations of Chapter 6.04 of the Lincoln Municipal Code; and repealing Sections 6.04.010, 6.04.150, 6.04.310, 6.04.350, and 6.04.440 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL CONTROL REGULATIONS GENERALLY TO ALLOW THE DIRECTOR OF THE HEALTH DEPARTMENT TO IMPOUND UNUSUAL ANIMALS; TO PROVIDE PERMIT PROVISIONS FOR ANIMAL EXHIBITS OR RIDES; TO MAKE IT UNLAWFUL TO PROVIDE FOR UNUSUAL CARNIVOROUS MAMMALS TO BE RESTRAINED BY THE PUBLIC FOR ENTERTAINMENT PURPOSES; AND TO PROVIDE AN APPEAL PROCESS FOR DENIED, NON-RENEWED AND REVOKED ANIMAL EXHIBIT OR RIDE PERMITS - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 6.04 of the Lincoln Municipal Code relating to Animal Control Regulations - Generally by amending Section 6.04.020 to allow the Director of the Health Department to impound unusual animals; amending Section 6.04.210 to provide permit provisions for animal exhibits or rides; adding a new section numbered 6.04.215 to make it unlawful to provide for young unusual carnivorous mammals to be held by the public for entertainment purposes; adding a new section numbered 6.04.225 to provide an appeal process for denied, non-renewed and revoked animal exhibit or ride permits; and repealing Sections 6.04.020 and 6.04.210 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 6.12 OF THE LINCOLN MUNICIPAL CODE RELATING TO CATS TO ADD A DEFINITION FOR "CAT HOBBY KENNEL" AND AMENDING THE DEFINITION OF "KENNEL"; TO PROVIDE THE WORD "LINCOLN" BE ENGRAVED ON ALL CAT TAGS; TO PROVIDE THAT ALL MONEY RECEIVED BY THE DIRECTOR UNDER CHAPTER 6.12 SHALL BE CREDITED TO THE ANIMAL CONTROL FUND; TO MAKE IT UNLAWFUL FOR CATS THAT ARE NOT SPAYED

OR NEUTERED TO RUN AT LARGE; TO REPEAL THE CURRENT PROVISIONS RELATING TO CATS RUNNING AT LARGE WHILE IN HEAT; TO DELETE REFERENCES TO SECTIONS BEING REPEALED; TO MAKE IT UNLAWFUL TO MAINTAIN A CAT KENNEL; TO PROVIDE EXCEPTIONS TO HAVING A CAT KENNEL; TO CREATE A PERMIT PROCESS TO OBTAIN A CAT HOBBY KENNEL; TO PROVIDE RESTRICTIONS RELATING TO A CAT HOBBY KENNEL; TO REPEAL THE CURRENT PROVISIONS RELATING TO HOBBY KENNEL OR CATTERY PERMITS; AND TO INCREASE THE MINIMUM FINE FOR FIRST OFFENSE VIOLATIONS OF CHAPTER 6.12 FROM \$25 TO \$35 - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 6.12 of the Lincoln Municipal Code relating to Cats by amending Section 6.12.010 to add a definition for "cat hobby kennel" and amending the definition of "kennel"; amending Section 6.12.050 to provide the word "Lincoln" be engraved on all cat tags; adding a new section 6.12.055 to provide that all money received by the Director under Chapter 6.12 shall be credited to the Animal Control Fund; amending Section 6.12.070 to make it unlawful for cats that are not spayed or neutered to run at large; repealing Section 6.12.080 relating to cats running at large while in heat; amending Section 6.12.100 to delete a reference to Section 6.12.080 which is being repealed; adding a new Section 6.12.123 to make it unlawful to maintain a cat kennel; adding a new Section 6.12.125 to provide exceptions to having a cat kennel; adding a new section numbered 6.12.127 to create a permit process to obtain a cat hobby kennel; adding a new section numbered 6.12.129 to provide restrictions relating to a cat hobby kennel; repealing Section 6.12.130 relating to hobby kennel or cattery permit; and amending Section 6.12.290 to increase the minimum fine for first offense violations of Chapter 6.12 from \$25.00 to \$35.00; and repealing Sections 6.12.010, 6.12.050, 6.12.070, 6.12.100, and 6.12.290 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS TO ADD A DEFINITION FOR "DOG HOBBY KENNEL" AND TO AMEND THE DEFINITION OF "KENNEL"; TO PROVIDE THE WORD "LINCOLN" BE DIE-STAMPED ON DOG TAGS; TO PROVIDE THAT OWNERS OF DOGS SHALL DISPOSE OF WASTE MATERIAL ACCUMULATING FROM THEIR DOGS AT LEAST ONCE EVERY FIVE DAYS; TO INCLUDE DOG HOBBY KENNEL PERMIT HOLDERS AS EXCEPTIONS TO DOG KENNEL PROHIBITION; TO CREATE AN EXCEPTION TO HAVING A DOG KENNEL FOR PERSONS ON LAND THAT IS ANNEXED BY THE CITY; TO REQUIRE PERMITS FOR DOG HOBBY KENNELS; TO PROVIDE RESTRICTIONS RELATING TO DOG HOBBY KENNELS; TO PROVIDE THAT MONEY RECEIVED PURSUANT TO CHAPTER 6.08 SHALL BE CREDITED TO THE ANIMAL CONTROL FUND; AND TO INCREASE THE MINIMUM FINE FOR FIRST OFFENSE VIOLATIONS OF CHAPTER 6.08 FROM \$25.00 TO \$35.00 - CLERK read an ordinance, introduced by Jonathan Cook, amending Chapter 6.08 of the Lincoln Municipal Code relating to Dogs by amending Section 6.08.010 to add a definition for "dog hobby kennel", and to amend the definition of "kennel"; amending Section 6.08.040 to provide the word "Lincoln" be die-stamped on dog tags; amending Section 6.08.150 to provide that owners of dogs shall dispose of waste material accumulating from their dogs at least once every five days; amending Section 6.08.310 to include dog hobby kennel permit holders as exceptions to dog kennel prohibition; adding a new section numbered 6.08.311 creating an exception to having a dog kennel for persons on land that is annexed by the City; adding a new section numbered 6.08.313 to require permits for dog hobby kennels; adding a new Section 6.08.315 to provide restrictions relating to dog hobby kennels; adding a new Section 6.08.317 to provide that money received pursuant to Chapter 6.08 shall be credited to the Animal Control Fund; amending Section 6.08.350 to increase the minimum fine for first offense violations of Chapter 6.08 from \$25.00 to \$35.00; and repealing Sections 6.08.010, 6.08.040, 6.08.150, 6.08.310, and 6.08.350 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3263 - APPLICATION OF PIONEER WOODS, L.L.C. FOR A CHANGE OF ZONE FROM B-1 LOCAL BUSINESS AND R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF 70TH AND PIONEERS BLVD. - 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 first time.

APPROVING A REDEVELOPMENT AGRMT. BETWEEN THE CITY & TJK INVESTMENTS, INC. FOR THE REDEVELOPMENT OF THE WEST SIDE OF N. 27<sup>TH</sup> ST. BETWEEN S & T STS. TO BE KNOWN AS "STERLING VILLAGE" OFFICE/RETAIL SITE - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the North 27th and "S" to "T" Streets Redevelopment Agreement (Redevelopment Agreement) between the City of Lincoln and TJK Investments, Inc., a Nebraska

corporation, 105 S.W. 92nd Street, Lincoln, NE 68532 (Redeveloper), the first time.

VACATING THE SOUTH 40' OF X ST. ADJACENT TO LOT 1, BLOCK 6, NORTH LINCOLN ADD., GENERALLY LOCATED AT N. 9TH & X STS. - CLERK read an ordinance, introduced by Jon Camp, vacating the south 40' of X Street adjacent to Lot 1, Block 6, North Lincoln Addition, generally located at N. 9th & X Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, for the second time.

VACATING THE PUBLIC RIGHT-OF-WAY ADJACENT TO THE WEST SIDE OF STADIUM DR. FROM THE SOUTH LINE OF U ST. TO THE NORTH LINE OF LOT 4, BLOCK 10, NORTH LINCOLN ADD., & VACATING U ST. FROM THE EAST LINE OF 10TH ST. TO A POINT 12 FEET EAST OF THE WEST LINE OF STADIUM DR. - CLERK read and ordinance, introduced by Jon Camp, vacating the public right-of-way adjacent to the west side of Stadium Drive from the south line of U Street to the north line of Lot 4, Block 10, North Lincoln Addition, and U Street from the east line of 10th Street to a point 12 feet east of the west line of Stadium Drive, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, for the second time.

APPROVING A LEASE AGRMT. BETWEEN THE CITY, AT&T, & TOUCH AMERICA FOR THE PLACEMENT OF TELECOMMUNICATIONS CONDUITS AT THE CITY'S ASHLAND WELLFIELD PROPERTY - CLERK read an ordinance, introduced by Jon Camp, whereas, the City of Lincoln desires to lease property in its Platte River wellfield, generally located near Ashland Nebraska, to AT&T Corp. and Touch America, Inc. (hereinafter "AT&T") for placement of a conduit and fiber optic lines, the second time. (See Council Action under "ORDINANCES - 3RD READING")

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

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

##### UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April 2, 2001.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

#### ADJOURNMENT

8:49 p.m.

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

So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Office Assistant III