

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 23, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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

MCROY Having been appointed to read the minutes of the City Council proceedings of Apr. 16, 2001, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely presented the Mayor's Award of Excellence to Ray Ryan, Ron Erickson, Peter Crawford, Greg Trook and Nicholas Zabka of the Communication Center in the category of Productivity & Team Work.

PUBLIC HEARING

APPLICATION OF DENIS M. VONTZ DBA "PIONEERS GOLF COURSE" FOR A ADDITION TO ITS PRESENTLY LICENSED PREMISES OF AN AREA MEASURING APPROXIMATELY 23' BY 34' TO THE WEST AT 3404 W. VAN DORN STREET - Denis M. Vontz, 7514 Brummond Dr., took oath, came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF KIRK J. SCHOLTEN FOR EXPO, INC. DBA "IGUANA'S PUB & GRILL" AT 1426 O STREET - Kirk J. Scholten, 1426 O Street, took oath, came forward to answer any questions.

This matter was taken under advisement.

AMENDING SECTION 8.32.150 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE ANNUAL OCCUPATION TAX FOR REFUSE VEHICLES WITH OR WITHOUT PACK UNITS USED TO HAUL AND COLLECT REFUSE FROM \$50 TO \$100 - Scott Holmes, Chief of Environmental Health, came forward and gave a brief overview of the increase.

This matter was taken under advisement.

AMENDING COUNTRY MEADOWS FINAL PLAT TO REDUCE THE BUILDING SETBACK FROM 50 FEET TO 20 FEET ON LOTS ABUTTING OUTLOT F ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD - Rick Krueger, appearing on behalf of himself & Jim & Kathy Schulz came forward in favor; also, requested to suspend the rules to have 3rd reading & action this date. Discussion followed.

Camp moved to have 3rd Reading & action this date.

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

This matter was taken under advisement.

CHANGE OF ZONE 3315 - APPLICATION OF PHIL AND MARY DURST FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 1ST AND L STREETS. (REQUEST OF APPLICANT TO PLACE ON PENDING.) - Mike Merwick, Building & Safety came forward & gave a brief overview.

Terri Pope Gonzalez, 349 South 1st St., came forward against it; concerned with drainage. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3316 - APPLICATION OF LANCASTER COUNTY BOARD OF COMMISSIONERS FOR A CHANGE OF ZONE FROM O-3 OFFICE PARK TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT 601 NORTH 46TH STREET NORTH OF R STREET - Kerry Eagan, Chief Administrative Officer for Lancaster County Board of Commissioners, came forward & gave a brief overview of site for new Election Commission Building.

This matter was taken under advisement.

APPROVING A WAIVER OF DESIGN STANDARDS FOR CONSTRUCTION OF TWO DRIVEWAYS ALONG FRONTAGE OF COMMERCIAL BUSINESS LOCATED AT 2001 SOUTH 1ST STREET - Steve

Rexroth, Miracle Workers Auto Collision Center, 1st & South, came forward & gave a brief overview of the request. Discussion followed.
This matter was taken under advisement.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3307 - AMENDING SECTION 27.69.044 OF THE LINCOLN MUNICIPAL CODE RELATING TO PERMITTED SIGNS IN THE 0-1, 0-2, AND 0-3 ZONING DISTRICTS TO ADJUST THE PERMITTED SIGN REGULATIONS IN THE 0-3 OFFICE PARK DISTRICT TO BETTER REFLECT A TRANSITIONAL DISTRICT - PRIOR to reading:

COOK Moved to amend Bill No. 01-53 on page 3 between lines 10 & 11, add a new paragraph d to read as follows: (d)Electronic changeable copy signs area prohibited on buildings. Then on page 3, line 11, re-designate subsection (d) as subsection (e); & insert the words: and in subsection (d) in front of the word "may".

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

CLERK Read an ordinance amending Section 27.69.044 of the Lincoln Municipal Code relating to permitted signs in the 0-1, 0-2, and 0-3 zoning districts to adjust the permitted sign regulations in the 0-3 Office park District to better reflect a transitional district; and repealing Section 27.69.044 of the Lincoln Municipal Code as hitherto existing, the third time.

FORTENBERRY 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 **#17836**, is recorded in Ordinance Book 24, Page

DECLARING PORTIONS OF THE HIGHLANDS SOUTH PARK AS SURPLUS PROPERTY, GENERALLY LOCATED AT N.W. FAIRWAY DRIVE AND W. HARVEST DRIVE - CLERK read an ordinance, introduced by Cindy Johnson, authorizing the sale of a surplus tract of land generally located at N.W. Fairway Drive and W. Harvest Drive and legally described in Attachment "A", for the third time.

JOHNSON Moved to pass ordinance as read.

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

The ordinance, being numbered **#17837**, is recorded in Ordinance Book 24, Page

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 110 ACRES OF PROPERTY GENERALLY LOCATED AT FLETCHER AVENUE AND TELLURIDE DRIVE. (IN CONNECTION W/01-63, 01R-80, 01R-81) -CLERK read an ordinance, introduced by Cindy Johnson, amending Section 18 of Ordinance no. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17623, passed February 28, 2000; amending Section 20 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 or Ordinance No. 17683, passed June 5, 2000, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; repealing Section 18 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17623, passed February 28, 2000, as hitherto existing; and repealing Section 20 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17683, passed June 5, 2000, as hitherto existing, the third time.

JOHNSON Moved to pass ordinance as read.

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

The ordinance, being numbered **#17838**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3260 - APPLICATION OF NORTH CREEK L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, H-3 HIGHWAY COMMERCIAL, AND H-4 GENERAL COMMERCIAL, AND FROM R-3 RESIDENTIAL TO H-4 GENERAL COMMERCIAL AND H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT FLETCHER AVENUE AND TELLURIDE DRIVE. (IN CONNECTION W/01-62, 01R-80, 01R-81) - CLERK read an ordinance, introduced by Cindy Johnson amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln

Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

JOHNSON Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered #17839, is recorded in Ordinance Book 24, Page

AMENDING COUNTRY MEADOWS FINAL PLAT TO REDUCE THE BUILDING SETBACK FROM 50 FEET TO 20 FEET ON LOTS ABUTTING OUTLOT F ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to suspend the rules to have 3rd Reading & Action this date.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending the paragraph designated as Section 2.h. of Ordinance No. 14784 passed by the City Council on November 2, 1987 which accepted and approved the final plat of Country Meadows Addition, on property generally located at South 66th Street and Pine Lake Road, the third time.

MCROY Moved to pass ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered #17840, is recorded in Ordinance Book 24, Page

PRELIMINARY PLATS

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF NORTH CREEK TRADE CENTER WITH WAIVERS TO THE REQUIRED BLOCK LENGTHS, SIDEWALKS, STREET NAMES, AND WIDTH OF PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT FLETCHER AVENUE AND TELLURIDE DRIVE. (IN CONNECTION W 01R-81, 01-62, 01-63)- CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80804 WHEREAS, **Lincoln North Creek L.L.C.** has submitted the preliminary plat of **NORTH CREEK TRADE CENTER** for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated December 19, 2000, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **NORTH CREEK TRADE CENTER**, located as submitted by **Lincoln North Creek L.L.C.** is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block lengths shall not exceed 1,320 feet between cross streets is waived in Blocks 1 and 2.

2. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision is hereby waived along Fletcher Avenue between the frontage road entrances.

3. The requirement of § 26.27.110 of the Lincoln Municipal Code requiring names on private roadways is hereby waived for the frontage road along Fletcher Avenue.

Introduced by Annette McRoy

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

CHANGE OF ZONE 3321 - APP. OF WEST GATE, INC. FROM R-7 TO B-4 AT 1729 M STREET.
SPECIAL PERMIT 1020G - APP. OF BRYANLGH MEDICAL CENTER EAST FOR AN EXPANSION OF EXISTING HEALTHCARE FACILITY AT 16TH & SOUTH STREET.

SPECIAL PERMIT 1219J - APP. OF BRYANLGH MEDICAL CENTER EAST FOR AN EXPANSION OF EXISTING HEALTH CARE FACILITY AT 48TH & SUMNER.

SPECIAL PERMIT 1906 - APP. OF QWEST WIRELESS, LLC TO REPLACE A PARKING LOT LIGHT WITH ONE THAT IS DESIGNED FOR CELLULAR ANATENNAS ON TOP AT 2601 N. 70TH STREET.

SPECIAL PERMIT 1908 - APP. OF ANDERSON FORD, ROGER ANDERSON, TO ALLOW STORAGE OF

VEHICLES FOR SALE & RESALE WITHIN THE FRONT YARD SETBACK TO WITHIN 15' FROM THE PROPERTY LINE AT 27TH & WILDCAT.
SPECIAL PERMIT 1912 - APP. OF MICHAEL D. RAASCH TO SELL ALCOHOL AT BUGGY BATH WEST CONVENIENCE STORE/CAR WASH AT 1502 W. O STREET

PETITION TO VACATE PUBLIC WAY AT S. 22ND STREET FROM THE NORTH LINE OF J ST. TO THE SOUTH LINE OF THE ALLEY BETWEEN S. 21ST ST. & 22ND ST., BLOCK 4, LAVENDERS ADDITION SUBMITTED BY LANCASTER COUNTY SCHOOL DIST. 001, SHIRLEY DOAN, PRESIDENT - CLERK presented said petition which was referred to the Law Dept.

INFORMAL PETITION FOR PAVING AT 67TH ST., X TO Y ST. SUBMITTED BY RESIDENTS ABUTTING 1000 BLOCK OF N. 67TH ST. - CLERK presented said petition which was referred to the Public Works Dept.

INFORMAL REQUEST FOR A WATER MAIN EXTENSION FOR NW 27TH STREET FROM WEST O STREET NORTH 750 FEET & TO THE EXISTING I-80 BRIDGE & PAVING FOR NW 27TH ST. FROM WEST O ST. NORTH TO THE EXISTING I-80 BRIDGE (APPROX. 870 FT.) SUBMITTED BY ROBERT L. DEAN - CLERK presented said petition which was referred to the Public Works Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON April 9, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

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

A-80803 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 April 9 to 13, 2001.)

Introduced by Coleen Seng

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

REPORT OF CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF MARCH, 2001 FROM UTILICORP UNITED - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT OF CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF JAN.-MAR. 2001: MATARIX, OPEX COMM.; FEB., 2001: AFFINITY CORP.; MAR., 2001: ONE CALL, NEXTEL WEST, BUSINESS TELECOM., OPERATOR COMM., VARTEC TELECOMM. PHOENIX NETWORK, WORKING ASSETS, TOUCH AMERICA, TELIGENT SERVICES, PRIMUS, QWEST, VIATEL, TRANS NATIONAL, ATLAS - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS MARCH 30, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY LAW DEPARTMENT OF ALL CIVIL SUITS INSTITUTED & PENDING IN THE COURTS OF RECORD WITH CITY AS PLAINTIFF OR DEFENDANT - CLERK presented said report which was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 16 - 31, 2001 - PRIOR to reading:

McRoy Moved to adopt resolution as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

JOHNSON Moved to reconsider Bill No. 01R-83.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

JOHNSON Moved to place Bill No. 01R-83 on Pending until the annexation agreement comes forward.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APPLICATION OF DENIS M. VONTZ DBA "PIONEERS GOLF COURSE" FOR A ADDITION TO ITS PRESENTLY LICENSED PREMISES OF AN AREA MEASURING APPROXIMATELY 23' BY 34' TO THE WEST AT 3404 W. VAN DORN STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80794 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 Denis N. Vontz dba "Pioneers Golf Course" to expand its licensed premises by the addition of an area measuring approximately 23 feet by 34 feet to the west and 9 feet by 12 feet to the door on the clubhouse of the presently licensed premises located at 3404 W. Van Dorn 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 KIRK J. SCHOLTEN FOR EXPO, INC. DBA "IGUANA'S PUB & GRILL" AT 1426 O STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80795 WHEREAS, Expo, Inc. dba "Iguana's Pub & Grill" located at 1426 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Kirk J. Scholten be named manager;

WHEREAS, Kirk J. Scholten 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 Kirk J. Scholten 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 A WAIVER OF DESIGN STANDARDS FOR CONSTRUCTION OF TWO DRIVEWAYS ALONG FRONTAGE OF COMMERCIAL BUSINESS LOCATED AT 2001 SOUTH 1ST STREET. (4/16/01 - DELAYED PUBLIC HEARING ONE WEEK) - PRIOR to reading:

SENG Moved to delay Action on Bill no. 01R-76 for one week to 4/30/01.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING THE ANNUAL PLAN PURSUANT TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY AND LANCASTER COUNTY TO PROVIDE FOR WEED CONTROL AND WEED ABATEMENT WITHIN THE CITY - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80796 WHEREAS, the City of Lincoln and Lancaster County have entered into an Interlocal Agreement to provide for noxious weed control and weed abatement within the City of Lincoln, which Agreement was approved by City

Council Resolution No. A-77437 on June 17, 1996; and

WHEREAS, pursuant to said Interlocal Agreement the Lancaster County Noxious Weed Control Authority is required to annually submit a plan for the combined weed control program to the County Board, the City Council, and the Mayor; and

WHEREAS, the Lancaster County Noxious Weed Control Superintendent has submitted a plan for 2001, a copy of which is attached hereto, marked Attachment "A", and made a part hereof by reference.

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

That the combined weed control plan for calendar year 2001 attached hereto, marked as Attachment "A" is hereby approved and the Mayor is authorized to execute said plan on behalf of the City.

The City Clerk is directed to return one executed copy of the Combined Weed Control Plan for the year 2001 to Earleen Ladd in the Records Division of the County Clerk's Office for retention in their files.

Introduced by Coleen Seng

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

AMENDING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY RELATING TO THE TRANSPORT AND HOUSING OF CITY OFFENDERS IN COUNTY CORRECTIONAL FACILITIES TO ESTABLISH A TEMPORARY HOUSING RATE OF \$54.00 FOR THE PERIOD OF JANUARY 1, 2001 TO JUNE 30, 2001 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80797 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Amendment to the Interlocal Agreement between the City of Lincoln and the County of Lancaster relating to the transport and housing of City offenders in County correctional facilities to establish a temporary housing rate of \$54.00 from January 1, 2001 to June 30, 2001, 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 Amendment on behalf of the City.

The City Clerk is directed to transmit the executed copies of said revised Interlocal Agreement to Susan Starcher, Lancaster County Clerk's Office, for execution by the County.

Introduced by Coleen Seng

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

APPOINTING MICHAEL ECKERT TO THE URBAN DESIGN COMMITTEE TO FILL AN UNEXPIRED TERM EXPIRING FEBRUARY 1, 2002 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80798 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Michael Eckert to the Urban Design Committee to fill an unexpired term expiring February 1, 2002 is hereby approved.

Introduced by Coleen Seng

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

APPOINTING PATRICK J. O'DONNELL TO THE NEBRASKA CAPITOL ENVIRONS COMMISSION FOR A THREE-YEAR TERM EXPIRING JANUARY 9, 2004 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80799 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Patrick J. O'Donnell to the Nebraska Capitol Environs Commission for a three-year term expiring January 9, 2004 is hereby approved.

Introduced by Coleen Seng

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

REAPPOINTING CAROL WALKER TO THE HISTORIC PRESERVATION COMMISSION FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2004 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80800 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Carol Walker to the Historic Preservation Commission for a three-year term expiring April 15, 2004 is hereby approved.

Introduced by Coleen Seng

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

APPOINTING TERRY YOUNG TO THE HISTORIC PRESERVATION COMMISSION FOR A THREE-YEAR TERM EXPIRING APRIL 15, 2004 - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80801 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Terry Young to the Historic Preservation Commission for a three-year term expiring April 15, 2004 is hereby approved.

Introduced by Coleen Seng

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE STATE FOR CONTRACTUAL AGREEMENT HAZARD MITIGATION GRANT PROGRAM TO PRESERVE CONSERVATION EASEMENTS WITHIN THE SALT CREEK PLAIN GENERALLY SOUTH OF WILDERNESS PARK - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption:

A-80802 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the State-Local Contractual Agreement Hazard Mitigation Grant Program between the State of Nebraska and the City of Lincoln, Nebraska attached hereto and marked as Attachment "A" is hereby approved and execution of said Agreement by the Mayor is hereby ratified.

BE IT FURTHER RESOLVED that the Department of Public Works and Utilities is authorized to acquire conservation easements to preserve flood storage capacity of the 100 year floodplain by voluntary negotiation and not by condemnation within the Salt Creek Flood Plain located generally south of Wilderness Park.

BE IT FURTHER RESOLVED that the transfer and designation of funds from Disaster Recovery (FEMA) Fund 00195 97 Storm Recovery/Business Unit 18029 in the amount of \$183,333.50 to the Grants in Aid/Wilderness Park Conservation Easements/ Business Unit 240801 is hereby approved and the Finance Director is hereby authorized to make said transfer and designation.

Introduced by Coleen Seng

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

APPROVING THE NORTH CREEK TRADE CENTER CONDITIONAL ANNEXATION AND ZONING AGREEMENT BETWEEN THE CITY AND LINCOLN NORTH CREEK, L.L.C. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARD TO THE ANNEXATION OF PROPERTY GENERALLY LOCATED AT FLETCHER AVENUE AND TELLURIDE DRIVE. (IN CONNECTION W/01R-80, 01-62, 01-63) - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80805 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the agreement titled Northcreek Trade Center Conditional Annexation and Zoning Agreement ("Annexation Agreement"), which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and the Lincoln North Creek, L.L.C. (Owner) outlining certain conditions and understandings between the City and said Owners relating to the annexation of land generally located at Fletcher Avenue and Telluride Drive is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Annette McRoy

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

ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3308 - AMENDING SECTION 27.65.090 OF THE LINCOLN MUNICIPAL CODE TO ALLOW A MODIFICATION OF THE PARKING REQUIREMENTS FOR MULTI-FAMILY DWELLINGS WITHIN A COMMUNITY UNIT PLAN TO ALLOW A PERCENTAGE OF PARKING SPACES LOCATED ON A DRIVEWAY BEHIND A GARAGE ATTACHED TO A DWELLING UNIT TO BE CONSIDERED AS REQUIRED PARKING - CLERK read an ordinance, introduced by Coleen Seng, amending Section 27.65.090 of the Lincoln Municipal Code to provide that the City Council may modify the parking requirements for

multi-family dwellings within a community unit plan to allow a percentage of parking spaces located on a driveway behind a garage attached to a dwelling to be considered as required parking; and repealing Section 27.65.090 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3317 - APPLICATION OF NOEL CHADD FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND GARBER AVENUE. (IN CONNECTION W/01R-91) - CLERK read an ordinance, introduced by Coleen Seng, 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.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 150.7 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/01-71, 01R-92, 01R-93, 01R-94, 01R-95, 01R-96) - CLERK read an ordinance, introduced by Coleen Seng, amending Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17749 passed October 23, 2000, and amending Section 7 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17488, passed April 12, 1999, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17749, passed October 23, 2000, and Section 7 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17488, passed April 12, 1999, as hitherto existing, the first time.

CHANGE OF ZONE 3301 - APPLICATION OF KRUEGER DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL, B-2 PLANNED NEIGHBORHOOD BUSINESS AND H-4 GENERAL COMMERCIAL; AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD. (IN CONNECTION W/01-70, 01R-92, 01R-93, 01R-94, 01R-95, 01R-96) - CLERK read an ordinance, introduced by Coleen Seng, 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 SUB-SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DYNAMIC EDUCATIONAL SYSTEMS, INC. FOR 124 SQUARE FEET OF SPACE AT THE ONE STOP CENTER AT GOLD'S GALLERIA - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Sublease Agreement between the City of Lincoln and Dynamic Educational Systems, Inc. for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2000 through July 31, 2001 whereby the City of Lincoln is subleasing space to Dynamic Educational Systems, Inc. at the One Stop Center for providing Job Corps youth job training services under the Workforce Investment Act, the first time.

APPROVING A SUB-SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND LINCOLN ACTION PROGRAM FOR 114 SQUARE FEET OF SPACE AT THE ONE STOP CENTER AT GOLD'S GALLERIA - CLERK read an ordinance, introduced by Coleen Seng, accepting and approving a Sub-Sublease Agreement between the City of Lincoln and Lincoln Action Program for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of April 1, 2001 through July 31, 2001 whereby the City of Lincoln is subleasing space to Lincoln Action program at the One Stop Center for providing youth job training and employment services under the Workforce Investment Act, the first time.

CHANGE OF ZONE 3306 - APPLICATION OF KREIN REAL ESTATE FOR A CHANGE OF ZONE FROM R-1 RESIDENTIAL AND R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF SOUTH 56TH STREET AND WALTZ ROAD. (IN CONNECTION W/01R-98) - CLERK read an ordinance, introduced by Coleen Seng, 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.

AMENDING SECTION 17.10.080 OF THE LINCOLN MUNICIPAL CODE TO ALLOW INDIVIDUAL

METERS IN A MULTI-DWELLING COMPLEX - CLERK read an ordinance, introduced by Coleen Seng, amending Section 17.10.080 of the Lincoln Municipal Code relating to water service to mobile home courts, campgrounds, shopping centers, office parks, multiple dwellings, townhouses, and condominiums to allow individual meters in a multi-dwelling complex; and repealing Section 17.10.080 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING SECTION 8.32.150 OF THE LINCOLN MUNICIPAL CODE TO INCREASE THE ANNUAL OCCUPATION TAX FOR REFUSE VEHICLES WITH OR WITHOUT PACK UNITS USED TO HAUL AND COLLECT REFUSE FROM \$50. TO \$100., - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 8.32 of the Lincoln Municipal Code (Solid Wastes) by amending Section 8.32.150, Occupation Tax, to increase the annual occupation tax for refuse vehicles with or without pack units used to collect and haul refuse from \$50.00 to \$100.00, thereby establishing one fee for all refuse vehicles; and repealing Section 8.32.150 of the Lincoln Municipal Code, the second time.

AMENDING COUNTRY MEADOWS FINAL PLAT TO REDUCE THE BUILDING SETBACK FROM 50 FEET TO 20 FEET ON LOTS ABUTTING OUTLOT F ON PROPERTY GENERALLY LOCATED AT SOUTH 66TH STREET AND PINE LAKE ROAD - PRIOR to reading:

CAMP Moved to suspend the rules to have 3rd Reading & Action this date.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending the paragraph designated as Section 2.h. of Ordinance No. 14784 passed by the City Council on November 2, 1987 which accepted and approved the final plat of Country Meadows Addition, on property generally located at South 66th Street and Pine Lake Road, the second time. **(See Council Action under "ORDINANCES - 3RD READING".)**

CHANGE OF ZONE 3315 - APPLICATION OF PHIL AND MARY DURST FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 1ST AND L STREET - PRIOR to reading:

SENG Moved to place Bill No. 01-66 on Pending w/Public Hearing Continued.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to an made a part of Title 27 of the Lincoln Municipal Code, as provided in Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3316 - APPLICATION OF LANCASTER COUNTY BOARD OF COMMISSIONERS FOR A CHANGE OF ZONE FROM 0-3 OFFICE PARK TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED AT 601 NORTH 46TH STREET NORTH OF R STREET - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided in Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

MISCELLANEOUS BUSINESS

CHANGE OF ZONE 3134B - APPLICATION OF CHRISTIAN RETIREMENT HOMES, INC. DBA EASTMONT TOWERS TO ADD AND OPERATE A SIX BED HEALTH CARE FACILITY IN THE WILLOW SPRINGS FINAL PLANNED UNIT DEVELOPMENT ON PROPERTY GENERALLY LOCATED AT SOUTH 78TH STREET & PIONEERS BLVD. - CLERK requested to have Ordinance No. 17829 reconsidered.

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

SENG Moved to place Ordinance 17829 on Pending until the developer's signatures are obtained.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
Seconded by Johnson & carried by the following vote: AYES: Camp,

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

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on April 30, 2001.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

3:01 p.m.

CAMP Moved to adjourn the City Council Meeting of April 23, 2001.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III