

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

The Meeting was called to order at 5:33 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, City Clerk.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

SENG Having been appointed to read the minutes of the City Council proceedings of Apr. 23, 2001, reported having done so, found same correct.

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

**PUBLIC HEARING**

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 - Danay Kalkowski, Atty, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, on behalf of the applicant, Pine Lake Heights Apartments, LLC, in favor of modifying the CUP parking requirements.

Jennifer Dam, Planning Dept.: Supported the fact that the Council should grant these changes.

This matter was taken under advisement.

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;

SPECIAL PERMIT NO. 1905 - APPLICATION OF NOEL CHADD TO DEVELOP GARBER POINTE COMMUNITY UNIT PLAN FOR 22 DWELLING UNITS IN 4 STRUCTURES ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND GARBER AVENUE - Brian Carstens, 2935 Pine Lake Rd., Ste. H, on behalf of Noel Chadd, came forward in favor of the zoning changes.

This matter was taken under advisement.

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;

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;

SPECIAL PERMIT 1753B - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP VAVRINA MEADOWS 1ST COMMUNITY UNIT PLAN CONSISTING OF 517 SINGLE FAMILY UNITS, 34 SINGLE FAMILY ATTACHED UNITS, 355 MULTI-FAMILY DWELLING UNITS, AND 86 UNITS FOR SINGLE FAMILY, SINGLE FAMILY ATTACHED OR DUPLEX USE, WITH WAIVERS OF CLUSTER DENSITY, FRONT, REAR AND SIDE YARD SETBACKS AND BUILDING HEIGHT, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD;

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VAVRINA MEADOWS 1ST ADDITION FOR 517 SINGLE FAMILY LOTS, 34 SINGLE FAMILY ATTACHED LOTS, 15 OUTLOTS FOR OPEN SPACE AND ROADS, FIVE LOTS FOR MULTI-FAMILY USES, AND 54 COMMERCIAL LOTS, AND WAIVERS OF BLOCK LENGTH, LOT FRONTAGE, LOT WIDTH, LOT DEPTH-TO-WIDTH RATIO, AND SIDEWALK FOR VARIOUS STREETS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD;

USE PERMIT 129A - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP 134,865 SQUARE FEET OF COMMERCIAL USES, WITH WAIVERS OF SIDEWALKS, SPECIFIC SITE PLANS, AND FRONT AND REAR YARD SETBACKS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD;

SPECIAL PERMIT 1895 - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP 361,200 SQUARE FEET OF COMMERCIAL USES, WITH WAIVERS TO THE FRONT AND REAR YARD SETBACKS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD;

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND R. C. KRUEGER DEVELOPMENT COMPANY OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO

THE ANNEXATION OF APPROXIMATELY 150.7 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD - Rick Krueger, President Krueger Development Company, came forward in favor of amending the corporate limits to Annexation, for the Change of Zone, Special Permits, Pre-liminary Plat, Use Permit and the Annexation Agreement. His company would like to request to exempt two lots out for apartment buildings, so they can move ahead with their preliminary plat. Also requested clear direction on moving the roadway to Yankee Hill Road to the west to line up with the neighbors to the south.

Rob Otte, 201 North 8th Street, Suite, 300, representing Gretchen & James Drake, who oppose the Special Permit 1753B. Requested that staff prepare an amendment for consideration on Lot 11, Block 21 and Lot 1, Block 22. We would like to have denial on the height waiver, the clustered density waiver and remove apartments from that lot. We would like the lot designated as RT-zoned property.

Nancy & Dave Alder of 2000 Yankee Hill Road, came forward to support the RT changes proposed to the Vavrina 1st Addition Plan, and questioned the type of intersection to be located at 19th Street and Yankee Hill Road.

Nicole Fleck-Tooze, Public Works Dept.: The 19th Street intersection will be at the quarter mile mark, so will meet the design standards for median opening.

Don Bowman, Attorney for Dale & Shirley Alder, who are immediately adjacent to the property. They are in support of the RT-zoning. They area also concerned about the median cut of the intersection.

Kent Seacrest, representing Southview, Inc., Ridge Development Company and Large Partnership Limited. We would like to suggest a reduction of conflict points on Yankee Hill Road and consolidate them to one place. He also presented a motion to amend to Special Permit 1753B.

Richard Halverson, 6311 Inverness Road, came forward and expressed concern about the amount of commercial space in this area.

Steve Henrickson, Planning Dept., presented a list of uses of H-4 district.

This matter was taken under advisement.

APPROVING A SUB-SUBLEASE AGREEMENT BETWEEN THE CITY OF LINCOLN AND DYNAMIC EDUCATION SYSTEMS, INC. FOR 124 SQUARE FOOT OF SPACE AT THE ONE STOP CENTER AT GOLD'S GALLERIA;

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 - Marc Wullschleger, Urban Development Dept.: One clarification, that Dynamic Educational Systems, Inc. is Job Corp. They provide occupational training and GED for low-income youth, 16-24 years of age.

This matter was taken under advisement.

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;

USE PERMIT 138 - APPLICATION OF KREIN REAL ESTATE TO DEVELOP SIX 5,000 SQ. FT. ONE-STORY, OFFICE/MEDICAL BUILDINGS AND ASSOCIATED PARKING, WITH A WAIVER TO REDUCE THE PRIVATE ROADWAY WIDTH AND WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAY; ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF SOUTH 56TH STREET AND WALTZ ROAD - Brian Carstens, 2935 Pine Lake Rd., Ste. H, appearing on behalf of Krein Real Estate came forward in favor of change of zone and the use permit. He noted the the Planning Commission had unanimous approval of this as well.

This matter was taken under advisement.

AMENDING SECTION 17.10.080 OF THE LINCOLN MUNICIPAL CODE TO ALLOW INDIVIDUAL METERS IN A MULTI-DWELLING COMPLEX - Gene Roschewski, owner of Somerset Apartments at 84th and Van Dorn came forward to support the individual meter plan. He suggested a waiver of the surcharge that is applied to individual multi-family units in apartment complexes that presently have a single meter.

Margaret Remmenga, Business Manager of Public Works confirmed the fact that there is a \$2.00 per month water charge and a \$2.00 per month charge for sanitary services.

Allan Abbott, Director of Public Works, came forward upon council request to explain the technology used to calculate water usage.

AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR WATER USE CHARGES;

AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR

SANITARY USE CHARGES - Peter Katt, 1045 Lincoln Mall, who has been working with Mr. Roschewski in connection with this matter and was supportive of these three items, #8, #18 and #19. He suggested some middle ground in the City of Lincoln's public policy, that would recognize that there are efficiencies and cost savings that accrue to the city of Lincoln by having master metering and reducing the number of billings.

Mary Jo Bousek, 2001 S. 24th, rental property owner, came forward to oppose the current rate structure of the Water Dept, where one service charge is charged per unit, rather than per meter.

William Wood, 808 D Street, President of Real Estate Association came forward to express concern that multi-unit property owners be treated as a commercial user, thus seeking one monthly charge, instead of being charged per unit.

Earl Visser, 3615 N. 44th Street, member of Real Estate Owners and Managers Assoc. and 30 year owner and manager of residential rental property, came forward. He is in favor of individual metering. He suggested the evaluation of usage and how the Water Dept. is operated and how it's collection policies are benefitting the city of Lincoln.

David Anderson, 1834 G Street, member of board of directors of Real Estate Owners and Managers Assoc., came forward in favor of the individual meters in multi-dwelling complexes.

Danny Walker, 427 "E" Street, questioning a \$27 million dollar surplus in the water department and the necessity of having a storm sewer bond issue.

Allan Abbott, Director of Public Works, came forward to clarify that there is not a \$27 million dollar surplus in his budget. We do not collect a storm water sewer fee. We fund storm water improvements through the bond issues.

Mike Dennis, 1845 S. 48th St., owner of a property management firm. He explained the history of the water issues. He suggested two different options of 1) to separately meter everyone in town; or 2) go on commercial plan with one meter.

Jean Page, 3531 N. 11th Street, came forward and was in opposition to individual meters.

Glen Cekal, 1420 "C" Street, expressed concern for the lack of prepared documents for the council.

Kyle Martin, 1227 Lincoln Mall, owner of a 24 unit complex. He was opposed to the charge of a service fee to each unit.

Jerry Boyce, 4631 So. 67th Street, Boyce Construction; in favor of individual metering for his tenants. Suggested a cost savings of joint meter reading being done by one meter reader to collect data from water and electric.

Alice Coleman, 2301 Essex Rd., residential real estate owner and manager for past 30 years. She was in favor of individual metering.

Mr. Abbott stated Public Works is opposed to the two resolutions before the Council because it will create a mirage of different rates for different water users.

This matter was taken under advisement.

7:57 p.m. - COUNCIL TOOK A BREAK

8:15 p.m. - COUNCIL RECONVENED

#### MISCELLANEOUS BUSINESS

Danny Walker, 427 "E" Street came forward to present council with the copies of the ads that are in the Lincoln Journal Star regarding the Storm Sewer Bond Issue that is on the present ballot for May 1st. Listed in the ad was the fact that it was paid for by Lincoln Liaisons and Danny questioned who this group of people are who pay for these ads. Coleen Seng replied that she didn't know who the specific group was, but that every time a storm sewer issue comes up there are people in the private sector who generally foot the bill on these types of ads.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to present the council with a letter from the Department of Natural Resources. He feels it is necessary to inform the public about the flood plain areas and that people should be required to have flood insurance.

#### ORDINANCES - 3RD READING

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 third time.

MCROY 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 #17842, is recorded in Ordinance Book 24, Page

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 third time.

MCROY 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 #17843, is recorded in Ordinance Book 24, Page

#### SPECIAL PERMITS, USE PERMITS & PRELIMINARY PLATS

SPECIAL PERMIT NO. 1905 - APPLICATION OF NOEL CHADD TO DEVELOP GARBER POINTE COMMUNITY UNIT PLAN FOR 22 DWELLING UNITS IN 4 STRUCTURES ON PROPERTY GENERALLY LOCATED AT NORTH 1ST STREET AND GARBER AVENUE - PRIOR to reading:

JOHNSON Moved to delay Action on Bill No. 01R-91 for one week to 05/07/01.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1753B - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP VAVRINA MEADOWS 1ST COMMUNITY UNIT PLAN CONSISTING OF 517 SINGLE FAMILY UNITS, 34 SINGLE FAMILY ATTACHED UNITS, 355 MULTI-FAMILY DWELLING UNITS, AND 86 UNITS FOR SINGLE FAMILY, SINGLE FAMILY ATTACHED OR DUPLEX USE, WITH WAIVERS OF CLUSTER DENSITY, FRONT, REAR AND SIDE YARD SETBACKS AND BUILDING HEIGHT, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to delay Action on Bill No. 01R-92 for one week to 05/07/01.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VAVRINA MEADOWS 1ST ADDITION FOR 517 SINGLE FAMILY LOTS, 34 SINGLE FAMILY ATTACHED LOTS, 15 OUTLOTS FOR OPEN SPACE AND ROADS, FIVE LOTS FOR MULTI-FAMILY USES, AND 54 COMMERCIAL LOTS, AND WAIVERS OF BLOCK LENGTH, LOT FRONTAGE, LOT WIDTH, LOT DEPTH-TO-WIDTH RATIO, AND SIDEWALK FOR VARIOUS STREETS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to delay Action on Bill No. 01R-92 for one week to 05/07/01.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 129A - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP 134,865 SQUARE FEET OF COMMERCIAL USES, WITH WAIVERS OF SIDEWALKS, SPECIFIC SITE PLANS, AND FRONT AND REAR YARD SETBACKS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to delay Action on Bill No. 01R-92 for one week to 05/07/01.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1895 - APPLICATION OF KRUEGER DEVELOPMENT COMPANY TO DEVELOP 361,200 SQUARE FEET OF COMMERCIAL USES, WITH WAIVERS TO THE FRONT AND REAR YARD SETBACKS, ON PROPERTY GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to delay Action on Bill No. 01R-92 for one week to 05/07/01.  
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 138 - APPLICATION OF KREIN REAL ESTATE TO DEVELOP SIX 5,000 SQ. FT. ONE-STORY, OFFICE/MEDICAL BUILDINGS AND ASSOCIATED PARKING, WITH A WAIVER TO REDUCE THE PRIVATE ROADWAY WIDTH AND WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAY; ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF SOUTH 56TH STREET AND WALTZ ROAD - PRIOR to reading:  
CAMP Moved to delay action on Bill No. 01R-98 for one week to 05/07/01.  
Seconded by Seng & 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 3254 - App. of Lincoln Airport Authority, for a text change amendments to LMC Sections 27.59.020 AND 27.59.050.  
Change of Zone 3322 - App. of Planning Director, for various text change amendments to Title 27.  
Special Permit 277H - App. of John E. Sinclair, to decrease front yard set back in community unit plan at 84th & Pine Lake Rd.  
Special Permit 1901 - App. of Michael Thomalla & Marty Fortney, to develop a 22 unit community unit plan/Special Permit for elderly or retirement housing at South 56th Street & Elkcrest Drive.  
Special Permit 1907 - App. of Lezlie Patton, to enlarge an existing structure at SW 30th & West "A" Streets.

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON April 16, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

A-80808 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 16 to 20, 2001.)

Introduced by Jon Camp

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

REPORT OF CITY TREASURER OF TELECOMM. OCC. TAX FOR THE MONTH OF MAR., 2001: ALIANT CELLULAR INC., DBA ALLTEL; ALIANT COMMUNICATIONS CO., DBA ALLTEL; RSL COM., USA; TRI-M COMMUNICATIONS, INC., DBA TMC COMMUNICATIONS; LIGHTYEAR COMMUNICATIONS, INC.; XO LONG DISTANCE SERVICES, INC.; D&D COMMUNICATIONS, INC.; GLOBALCOM, INC.; INCOMNET COMMUNICATIONS CORP.; COMDATA TELECOMMUNICATIONS SERVICES, INC.; GTC TELECOM; GLYPHICS COMMUNICATIONS, INC.; OSVA LIMITED PARTNERSHIP; NOS COMMUNICATIONS, INC.; GST NET, INC.; AFFINITY NETWORK, INC.; ATS MOBIL TELEPHONE INC.; TOUCH 1 COMMUNICATIONS, INC.; ZENEX LONG DISTANCE, INC.; LCI INTERNATIONAL TELECOM CORP.; AT&T COMMUNICATIONS OF THE MIDWEST, INC.; CLARICOM NETWORKS, INC.; WESTERN UNION COMMUNICATIONS, INC.; BIG PLANET, INC.; I-LINK COMMUNICATIONS, INC. SPRINT COMMUNICATION COMPANY LIMITED PARTNERSHIP; SINGLE BILLING SERVICES, INC. DBA ASIAN AMERICAN ASSOC.; NETWORK BILLING SYSTEMS; SPRINT SPECTRUM, L.P.; LONG DISTANCE OF MICHIGAN, INC.; ZONE TELECOM, INC.; ASSOC. OF ADMINISTRATORS, INC.; AND WINSTAR WIRELESS, INC.- CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER OF FRANCHISE FEES FOR THE QUARTER ENDING MARCH 31, 2001 OF TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF APRIL 1 - 15, 2001 - CLERK read the following resolution, introduced by Jon Camp, who moved it adoption for approval:

A-80806 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the claims listed in the attached report, marked as Exhibit "A", dated April 16, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of,

are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

|                            | <u>DENIED</u> |      |  | <u>ALLOWED</u> |
|----------------------------|---------------|------|--|----------------|
| Missy Vanicek              |               | NAS* | Brigit Wemhoff   | \$55,000.00    |
| Eric Clark (Clark Rentals) | \$75.00       |      | Rick Menke   | 737.58         |
|                            |               |      | Davidson Insurance (Daren & Paula Fleischman, Insured) | 1,780.84       |

\* No Amount Specified

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

Introduced by Jon Camp

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

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, MAY 21, 2001 AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

01-79 To provide authority to create an Alley Paving District in the East/West alley, Ballard to Morrill, 62nd to 63rd Streets.

01-80 To provide authority to create a Paving District in 7th Street, between "O" and "N" Streets.

CAMP Moved approval.

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

#### OTHER RESOLUTIONS

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND R. C. KRUEGER DEVELOPMENT COMPANY OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 150.7 ACRES OF LAND GENERALLY LOCATED NORTHEAST OF SOUTH 14TH STREET AND YANKEE HILL ROAD - PRIOR to reading:

CAMP Moved to delay Action on Bill No. 01R-96 for one week to 05/07/01.

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

APPROVING A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF \$5,000 FROM GENERAL FUNDS ACCOUNT 01001.5628 (DISCRETIONARY FUNDS - FORTENBERRY) TO ACCOUNT 413313 TO BE USED BY THE URBAN DEVELOPMENT DEPARTMENT FOR A STREETSCAPE DESIGN ON THE ENTRYWAY CORRIDOR, AND \$1,200 FROM GENERAL FUNDS ACCOUNT 01001.5628 (DISCRETIONARY FUNDS - JOHNSON) TO ACCOUNT 409369 TO BE USED BY THE CITY PARKS AND RECREATION DEPARTMENT AS PART OF THE WILDERNESS PARK BRIDGE FUNDING - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80807 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That a transfer of appropriations in the amount of \$5,000.00 from General Fund, Account 01001.5628 (Discretionary Funds of Jeff Fortenberry) to General Fund 413313, Urban Development Department, for the purpose of Streetscape Design on the Entryway corridor starting at I-180 at 9th and S Street to 9th and O Streets; and a transfer of appropriations in the amount of \$1,200.00 from General Fund, Account 01001.5628 (Discretionary Funds of Cindy Johnson) to General Fund 409369, City Parks and Recreation Department, for the purpose of funding the Wilderness Park Bridge, are hereby approved and the Finance Director is authorized to make such transfers upon passage of this resolution.

Introduced by Jon Camp

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

AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR WATER USE CHARGES - PRIOR to reading:

JOHNSON Moved to delay Action on Bill 01R-100 for one week to 05/07/01.

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

AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR SANITARY USE CHARGES - PRIOR to reading:

JOHNSON Moved to delay Action on Bill 01R-101 for one week to 05/07/01.

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 - PRIOR to reading:

JOHNSON Moved to delay action on Bill 01R-76 for one week to 05/07/01.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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

CHANGE OF ZONE 3318 - APPLICATION OF JOHN AND PATSY PITTMAN FOR A CHANGE OF ZONE FROM H-3 HIGHWAY COMMERCIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT 3035 N. 35TH STREET - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning District Maps attached to and made apart 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 ORDINANCE 17704 RELATING TO THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CHANGING THE PAY RANGE OF THE JOB CLASSIFICATION OF "TRAFFIC ENGINEER" - CLERK read an ordinance, introduced by Jon Camp, amending Section 5 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by amending the pay range of the job classification "Traffic Engineer", the first time.

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 second 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 second 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 second 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 second time.

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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 second 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 second 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 second 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 second time.

**PENDING LIST -**

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 that Bill 01-52 be removed from Pending for action on 05/07/01.

JOHNSON So moved.

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

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 May 7, 2001.

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

**ADJOURNMENT**

**8:35 p.m.**

CAMP Moved to adjourn the City Council Meeting of April 30, 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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Glenna Graupmann, Office Assistant III

