

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, MAY 7, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:33 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

CAMP Having been appointed to read the minutes of the City Council proceedings of May 7, 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.

MAYOR'S AWARD OF EXCELLENCE

Mayor Wesely presented the April Mayor's Award of Excellence to Jack Bruns and Chuck Schweitzer of the Bureau of Fire Prevention in the category of Productivity.

PUBLIC HEARING

APPLICATION OF TWISTED STEELE, INC. DBA "THE BAR" TO EXPAND THEIR PRESENTLY LICENSED PREMISES FOR AN OUTDOOR AREA APPROXIMATELY 45' BY 34' TO THE SOUTH AT 1644 P STREET - Matt Vrzal & Neil Drummer, 1644 P St, took oath & came forward to answer any questions, discussion followed.

This matter was taken under advisement.

APPLICATION OF BDLs, INC. DBA "J. FINNEGAN'S" FOR A CLASS "C" LIQUOR LICENSE AT 201 N. 8TH STREET;

MANAGER APPLICATION OF TROY J. FALK FOR BDLs, INC. DBA "J. FINNEGAN'S" AT 201 N. 8TH STREET - Troy Falk, 201 N. 7th St., took oath & came forward to answer any questions, discussion followed.

This matter was taken under advisement.

MANAGER APPLICATION OF RYAN G BIRKETT FOR LA SOCIETE DES 40 HOMMES DBA "AMERICAN LEGION 3 CLUB" AT 5630 P STREET - Ryan Birkett, 5630 P Street, took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF HRC, INC. DBA "CHEERLEADERS" FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN AREA MEASURING APPROXIMATELY 60' BY 75' IN THE SOUTH PARKING LOT AT 5560 S. 48TH STREET, #4 ON MAY 20, 2001 FROM 12:00 NOON TO 10:00 P.M. - Russ Fosler, Police Dept., came forward to state this was an annual event and Capt. Kim Kolach of this team area has no problems with this event being held.

This matter was taken under advisement.

SPECIAL PERMIT 1165B - APP. OF RAY LINEWEBER TO PRESERVE THE LAND-MARK NOBLE-DAWES HOUSE (DBA BILLY'S RESTAURANT) TO INCREASE THE PROPERTY COVERED TO INCLUDE ALL OF LOTS 5 AND 6, BLOCK 150, ON PROPERTY GENERALLY LOCATED AT 1301 H STREET - Ray Lineweber, 2942 Stratford Ave., owner of the property, proposed to put wrought iron fencing, trees, & greenery to border Lot 5.

Jon Camp, Council Member, expressed concern with any negative implications to adjacent office building.

Ed Zimmer, Planning Dept., stated the Historic Preservation Committee said the fence would look well with the landmark, but the parking situation will be less efficient than the joint plan.

Mark Hunzeker, appearing on behalf of Mark Becker, owner of the office building east of Billy's Restaurant, gave a history of the permit & discussed the loss of parking & trees.

Terry King, 3901 S 27th St., Unit15, a tenant in the affected office building, disapproved of the removal of the trees & the loss of parking.

This matter was taken under advisement.

APPROVING THE EXECUTION AND DELIVERY BY THE CITY OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY ON BEHALF OF LINCOLN ELECTRIC SYSTEM, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ESTABLISHING THE

NEBRASKA UTILITY CORPORATION, FOR THE PURPOSES OF PURCHASING, LEASING, CONSTRUCTING, AND FINANCING FACILITIES AND ACQUIRING SERVICES IN ORDER TO FURNISH ENERGY REQUIREMENTS, UTILITY AND INFRASTRUCTURE FACILITIES AND RELATED ENERGY, UTILITY AND INFRASTRUCTURE SERVICES TO THE CITY AND THE REGENTS; AND APPROVING THE RELATED ARTICLES OF INCORPORATION AND BYLAWS OF THE CORPORATION - Shelly Sahling, Policy Analysis Director & Assistant Counsel at Lincoln Electric System, came forward in favor, discussion followed.

This matter was taken under advisement.

ADOPTING A SEWER CONNECTION FEE FOR THE SOUTH SALT CREEK TRUNK SEWER AS REQUIRED BY THE CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR YANKEE HILL ROAD VICINITY - James Drake, 7900 S. 14th St., came forward in favor.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN BIG RED KENO AND CORPORATE GOLF MARKETING INC. DBA "BUNKERS" FOR THE OPERATION OF A KENO SATELLITE SITE AT 8901 AUGUSTA DRIVE - John Hewitt for Big Red Keno & Bunkers, came forward to answer any questions.

This matter was taken under advisement.

ORDINANCES - 3RD 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 third time.

SENG 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 **#17844**, is recorded in Ordinance Book 24, Page

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 third time.

SENG 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 **#17845** is recorded in Ordinance Book 24, Page

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 third time.

SENG 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 **#17846**, is recorded in Ordinance Book 24, Page

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 third time.

SENG 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 **#17847**, is recorded in Ordinance Book 24, Page

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 third time.

SENG 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 **#17848**, is recorded in Ordinance Book 24, Page

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 third time.

SENG Moved to pass ordinance as read.

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

The ordinance, being numbered **#17849**, is recorded in Ordinance Book 24, Page

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 third time.

SENG 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 **#17850**, is recorded in Ordinance Book 24, Page

AMENDING SECTION 17.10.080 OF THE LINCOLN MUNICIPAL CODE TO ALLOW INDIVIDUAL METERS IN A MULTI-DWELLING COMPLEX - PRIOR to reading:

COOK Moved to place Bill No. 01-75 on Pending.
Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

COOK Moved to amend the Pending motion to include the formation of a committee & bring forward in 8 to 10 weeks.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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 third time.

CHANGE OF ZONE 3134B - APP. 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 READ AN ORDINANCE, INTRODUCED BY JEFF FORTENBERRY, APPROVING AMENDMENT NO. 2 TO THE DEVELOPMENT PLAN AND AGREEMENT FOR THE WILLOW SPRINGS PLANNED UNIT DEVELOPMENT TO ADD A SIX BED HEALTH CARE FACILITY ON LOTS, 7, 8, AND 9, BLOCK 4, WILLOW SPRINGS ADDITION, FOR THE THIRD TIME - CLERK read an ordinance, introduced by Jeff Fortenberry, approving Amendment No. 2 to the Development Plan and Agreement for the willow Springs Planned Unit Development to add a six bed health care facility on Lots, 7, 8, and 9, Block 4, Willow Springs Addition, for the third time.

FORTENBERRY Moved to reconsider & re-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 #17829, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMAL CONTROL REGULATIONS GENERALLY TO ALLOW THE DIRECTOR OF THE HEALTH DEPT. 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, THE THIRD TIME.

COOK 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 #17851, is recorded in Ordinance Book 24, Page

SPECIAL PERMITS, USE PERMITS & PRELIMINARY PLATS

SPECIAL PERMIT 1165B - APP. OF RAY LINEWEBER TO PRESERVE THE LAND-MARK NOBLE-DAWES HOUSE (DBA BILLY'S RESTAURANT) TO INCREASE THE PROPERTY COVERED TO INCLUDE ALL OF LOTS 5 AND 6, BLOCK 150, ON PROPERTY GENERALLY LOCATED AT 1301 H STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80819 WHEREAS, Ray Lineweber has submitted an application designated as Special Permit No. 1165B for authority to revise the site plan for the landmark Noble-Dawes House (dba Billy's Restaurant) and to increase the property covered by the special permit to include all of Lots 5 and 6, Block 150, Original Plat on property generally located at the southeast corner of 13th and H Street, and legally described to wit:

Lots 5 and 6, Block 150, Original Plat, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this revised landmark designation will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Ray Lineweber, hereinafter referred to as "Permittee", to revise the site plan for the landmark Noble-Dawes House (dba Billy's Restaurant) and to increase the property covered by the special permit to include all of Lots 5 and 6, Block 150, Original Plat,

on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.400 of the Lincoln Municipal Code upon condition that the increase in the property covered of said landmark designation be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an increase in the area of Special Permit 1165 to include all of Lots 5 and 6, Block 150, Original Plat.
2. Revise the site plan to show (a) a handicapped accessible parking stall; (b) a raised, curbed planting strip (turf or other low plantings) at least three feet wide for installation and protection of the fence; and (c) a one-way circulation system with angle parking within the lot, and reduction of the driveway width from 25 feet to 15 feet.
3. The construction plans must conform to the approved plans.
4. All privately owned improvements shall be permanently maintained by the Permittee.
5. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, his successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
6. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

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

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

A-80832 WHEREAS, Noel Chadd has submitted an application designated as Special Permit No. 1905 for authority to develop Garber Pointe Community Unit Plan on property located at North 1st Street and Garber Avenue, and legally described to wit:

Lot 81 I.T. located in the Northwest Quarter of Section 14, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Noel Chadd, hereinafter referred to as "Permittee", to develop Garber Pointe Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 22 dwelling units.
2. The City Council must approve Change of Zone 3317.
3. Before receiving building permits:
 - a. The Permittee must submit five copies of a revised and reproducible final site plan as approved.
 - b. The construction plans must conform to the approved plans.
4. Before occupying this development all development and construction must conform to the approved plans.
5. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, its successors and assigns.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution

shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

Seconded by Johnson & 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:

COOK Moved to accept Amendments Nos. 2 & 4 on Bill No. 01R-92 as follows:

1. On page 4, between lines 10 & 11, insert a new condition 3 to read as follows:

3. Revise the site plan as follows: (a) Renumber 19th Street, south of Ryley Lane to 18th St.; (b) Renumber 22nd as 21st St.; (c) Change 21st St. to a non-numbered street name; and (d) provide a non-numbered street name for 20th St., south of Scotch Pines Pass to the intersection with Ryley Lane; (e) Realign South 19th St. to a location generally across from Executive Woods Drive as it interacts Yankee Hill Road approximately 1130 feet east of South 14th St. to the satisfaction of the Director of Planning and the Director of Public Works.

2. On pages 4 & 5, renumber existing conditions 3, 4, 5, 6, 7, & 8 as conditions 4, 5, 6, 7, 8, & 9 respectively.

and
1. On page 3, line 15, delete "992" and insert "982". 2. On page 4, line 4, delete 23.6 and insert 22.3. 3. On page 4, between lines 10 & 11, insert a new condition 3 to read as follows: 3. Revise the site plan as follows: (a) Increase the setback of the apartments on the east end of the two lots designated as Lot 11, Block 21, and Lot 1, Block 22, on the preliminary plat for Vavrina Meadows 1st from 38 feet to 80 feet; and (b) Add a note prohibiting balconies on the east end of the apartments located on said Lot 11, Block 21 and Lot 1, Block 22. 4. On pages 4 & 5, renumber existing conditions 3, 4, 5, 6, 7, & 8 as conditions 4, 5, 6, 7, 8, & 9 respectively.

Seconded by Johnson & 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-80833 WHEREAS, Krueger Development Inc. has submitted an application designated as Special Permit No. 1753B for authority to develop Vavrina Meadows 1st Addition Community Unit Plan on property located at South 14th Street and Yankee Hill Road, and legally described to wit:

Lots 2-23, Block 1; Lots 2-8 and 10-18, Block 2; Lots 1-7 and 11-15, Block 3; Lots 2-6, Block 4; Lots 1-4, Block 5; Lots 1 and 2, Block 6; Lots 1 and 2, Block 7; Lots 1-11, Block 8; Lot 1, Block 9; Lot 1, Block 10; Lots 1-18, Block 11; Lots 1-8, Block 12; and Outlots B, C, and D, Vavrina Meadows Addition; Lots 1 and 2, Vavrina Meadows 1st Addition; Lots 1-3, Vavrina Meadows 3rd Addition; Lots 1-9, Block 1; Lots 1-18, Block 2; Lots 1-18, Block 3; Lots 1-16, Block 4; Lots 1-8, Block 5; Lots 1-14, Block 6; and Outlot A, Vavrina Meadows 3rd Addition; Lots 1 and 2, Vavrina Meadows 4th Addition; Lots 1 and 2, Block 1; and Lots 1 and 2, Block 2, Vavrina Meadows 5th Addition; Lots 1-3, Block 1; Lots 1 and 8, Block 2; a portion of Lots 1-12 Block 3; and a portion of Outlot A; and all of Outlots B and C, Vavrina Meadows 6th Addition; a portion of Irregular Tract Lots 14, 18, 20-25, 67, 68, and 75, and the remaining portion of Irregular Tract Lot 74, all located in the West Half of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly

described as follows:

Commencing at the west corner of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and extending north 01 degrees 56 minutes 43 seconds west, 358.04 feet; thence north 88 degrees 03 minutes 17 seconds east, 50.00 feet to the point of beginning; thence north 01 degrees 56 minutes 44 seconds west, 154.49 feet; thence north 02 degrees 08 minutes 34 seconds east, 140.28 feet; thence north 01 degrees 56 minutes 41 seconds west, 80.00 feet; thence north 06 degrees 01 minutes 42 seconds west, 140.45 feet; thence north 01 degrees 56 minutes 42 seconds west, 256.82 feet; thence north 88 degrees 03 minutes 18 seconds east, 10.00 feet; thence north 01 degrees 56 minutes 42 seconds west, 130.00 feet; thence north 06 degrees 11 minutes 06 seconds east, 70.71 feet; thence north 88 degrees 33 minutes 17 seconds east, 2563.00 feet; thence south 01 degrees 59 minutes 29 seconds east, 2627.48 feet; thence south 88 degrees 29 minutes 47 seconds west, 171.11 feet; thence north 01 degrees 30 minutes 10 seconds west, 41.40 feet; thence south 88 degrees 29 minutes 47 seconds west, 115.00 feet; thence north 01 degrees 30 minutes 09 seconds west, 611.99 feet; thence south 88 degrees 29 minutes 51 seconds west, 320.00 feet; thence south 01 degrees 30 minutes 09 seconds east, 611.99 feet; thence north 88 degrees 29 minutes 48 seconds east, 30.00 feet; thence south 01 degrees 30 minutes 09 seconds east, 60.00 feet; thence south 88 degrees 29 minutes 47 seconds west, 29.34 feet; thence south 01 degrees 30 minutes 10 seconds east, 225.00 feet; thence south 16 degrees 20 minutes 16 seconds west, 120.14 feet; thence south 36 degrees 05 minutes 35 seconds west, 80.75 feet; thence south 01 degrees 40 minutes 13 seconds east, 890.60 feet; thence south 88 degrees 19 minutes 47 seconds west, 454.46 feet; thence north 01 degrees 46 minutes 39 seconds west, 572.27 feet to the point of curvature of a curve to the right having a central angle of 2 degrees 45 minutes 03 seconds, a radius of 300.00 feet and whose chord bears north 00 degrees 24 minutes 07 seconds west (14.40 feet); thence along the arc of said curve 14.40 feet; thence north 66 degrees 29 minutes 59 seconds west, 358.27 feet to the point of curvature of a curve to the right having a central angle of 35 degrees 47 minutes 36 seconds, a radius of 330.00 feet and whose chord bears north 48 degrees 36 minutes 11 seconds west (202.82 feet); thence along the arc of said curve 206.15 feet; thence north 30 degrees 42 minutes 23 seconds west, 816.41 feet to the point of curvature of a curve to the right having a central angle of 28 degrees 45 minutes 39 seconds, a radius of 431.88 feet and whose chord bears north 16 degrees 19 minutes 33 seconds west (214.53 feet); thence along the arc of said curve 216.79 feet; thence north 01 degrees 56 minutes 43 seconds west, 857.78 feet; thence north 88 degrees 30 minutes 08 seconds east, 50.00 feet; thence north 01 degrees 56 minutes 42 seconds west, 322.85 feet; thence south 88 degrees 03 minutes 18 seconds west, 566.47 feet to the point of beginning, containing 152.28 acres;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Krueger Development Inc., hereinafter referred to as "Permittee", to develop Vavrina Meadows 1st Addition Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict

compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a total of ~~992~~ 982 dwelling units.
2. This permit approves the following adjustments:
 - a. An adjustment to Section 27.15.080(a) of the Lincoln Municipal code to reduce the front yard setback along South 14th Street for the apartment area from 20 feet to 8 feet to reflect the acquisition of additional right-of-way.
 - b. An adjustment to Section 27.15.080(a) of the Lincoln Municipal Code to increase the building height from 35 feet to 38 feet in height for the apartment area at 19th and Yankee Hill Road.
 - c. An adjustment to Title III Chapter 3.35 Section 1.1(B) of the City of Lincoln Design Standards relating to Design Standards for Community Unit Plans to increase the cluster density from 15 to ~~23.6~~ 22.3 dwelling units per acre for the apartments at South 19th Street and Yankee Hill Road.
 - d. An adjustment to Section 27.15.080(a) of the Lincoln Municipal Code to reduce the front yard, side and rear yard setbacks for the dwelling units west of South 16th Street for the main buildings and accessory units for the lots with access from the rear lot line.
3.
 - a. Renumber 19th Street, south of Ryley Lane to 18th St.
 - b. Renumber 22nd as 21st St.
 - c. Change 21st St. to a non-numbered street name.
 - d. Provide a non-numbered street name for 20th St., south of Scotch Pines Pass to the intersection with Ryley Lane.
 - e. Realign South 19th St. to a location generally across from Executive Woods Drive as it intersects Yankee Hill Road approx. 1130 feet east of South 14th St. to the satisfaction of the Director of Planning and the Director of Public Works.
 - f. Increase the setback of the apartments on the east end of the two lots designated as Lot 11, Block 21, and Lot 1, Block 22, on the preliminary plat for Vavrina Meadows 1st from 38 feet to 80 feet.
 - g. Add a note prohibiting balconies on the east end of the apartments located on said Lot 11, Block 21 and Lot 1, Block 22.

4.3. Before receiving building permits the Permittee must submit a permanent reproducible final site plan as approved.

~~5.4.~~ Before occupying this development all development and construction must conform to the approved plans.

~~6.5.~~ All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, its successors and assigns.

~~7.6.~~ The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

~~8.7.~~ The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

~~9.8.~~ The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a

copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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:

COOK Moved to accept Amendment No. 2 of Bill No. 01R-93 in the following manner: 1. On page 1, line 10, after the word "to" insert a "colon" and the letter "(a)". 2. On page 1, line 12, after the word "verbatim" insert the following: ", and (b) Revise the preliminary plat as follows: (1) Renumber 19th St., South of Ryley Lane, to 18th St.; (2) Renumber 22nd as 21st St.; (3) Change 21st St. to a non-numbered street name; and (4) Provide a non-numbered street name for 20th St., south of Scotch Pines Pass to the intersection with Ryley Lane; (5) Realign South 19th St., to a location generally across from Executive Woods Dr. as it intersects Yankee Hill Road approximately 1130 feet east of South 14th Street to the satisfaction of the Director of Planning and the Director of Public Works." 3. On page 1 between lines 12 & 13, insert the following paragraph; "BE IT FURTHER RESOLVED that the revised preliminary plat be submitted to the Director of Planning within 30 days from the approval of this preliminary plat, provided, however, said 30-day period may be extended up to six months by administrative amendment".

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80834 WHEREAS, Krueger Development Inc. has submitted the preliminary plat of Vavrina Meadows 1st Addition 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 March 12, 2001, 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 Vavrina Meadows 1st Addition, located generally northeast of South 14th Street and Yankee Hill Road as submitted by Krueger Development Inc. is hereby accepted and approved, subject to: (a) 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, and (b) Revise the preliminary plat as follows: (1) Renumber 19th St., south of Ryley Lane, to 18th St.; (2) Renumber 22nd as 21st St.; (3) Change 21st St. to a non-numbered street name; and (4) Provide a non-numbered street name for 20th St., south of Scotch Pines Pass to the intersection with Ryley Lane; (5) Realign south 19th St. to a location generally across from Executive Woods Dr. as it intersects Yankee Hill Road approximately 1130 feet east of South 14th Street to the satisfaction of the Director of Planning and the Director of Public Works.

BE IT FURTHER RESOLVED that the revised preliminary plat be submitted to the Director of Planning within 30 days from the approval of this preliminary plat, provided however, said 30-day period may be extended up to six months by administrative amendment.

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. A waiver of Section 26.23.140(g) of the Lincoln Municipal Code requiring each lot front upon a public street or private roadway for the apartment units as provided for in Section 26.31.015 "Coordinating Subdivision and Community Unit Plan".

2. A waiver of Section 26.23.140(g) of the Lincoln Municipal Code requiring each lot to have access to public street for the lots west of and fronting on 16th Street but with access from the rear lot line.

3. A waiver of Section 26.23.140(a) of the Lincoln Municipal Code requiring commercial lots have a minimum width of 100 feet and a maximum depth of five times its width and residential lots to have a maximum of three times its width.

4. A waiver of Section 26.23.095 of the Lincoln Municipal Code requiring sidewalks on the south side of Vavrina Boulevard, due to the slope of the adjacent drainage way.

5. A waiver of Section 26.23.140(g) of the Lincoln Municipal Code requiring lots to have access to a public street to permit the temporary access from the end of a public street to provide access to the two lots in the preliminary plat, outside the CUP, (Lot 28, Block 15 and Lot 10, Block 20) until such time as either lot is further subdivided.

Introduced by Jon Camp

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

A-80835 WHEREAS, Krueger Development Inc. has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 129A for authority to develop 134,865 square feet of commercial uses, with waivers to sidewalks, specific site plan requirements, and front and rear yard setbacks on property generally located northeast of South 14th Street and Yankee Hill Road and legally described to wit:

Lots 2-7, Block 2, Lots 1-7, Block 3, Vavrina Meadows 6th Addition, and a portion of Lot 24 Irregular Tract, all located in the West Half of Section 24, Township 9 North, Range 6 East, of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the west corner of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and extending north 01 degrees 56 minutes 43 seconds west, 39.53 feet; thence north 88 degrees 03 minutes 17 seconds east, 60.00 feet to the point of beginning; thence north 06 degrees 00 minutes 59 seconds west, 140.82 feet; thence north 01 degrees 56 minutes 44 seconds west, 178.04 feet; thence north 88 degrees 03 minutes 18 seconds east, 566.47 feet; thence south 01 degrees 56 minutes 42 seconds east, 322.85 feet; thence south 88 degrees 30 minutes 08 seconds west, 50.00 feet; thence south 01 degrees 56 minutes 43 seconds east, 795.03 feet; thence south 88 degrees 30 minutes 08 seconds west, 227.00 feet; thence south 01 degrees 56 minutes 43 seconds east, 51.68 feet; thence south 88 degrees 29 minutes 50 seconds west, 278.33 feet; thence north 02 degrees 01 minutes 36 seconds west, 145.01 feet; thence south 88 degrees 29 minutes 50 seconds west, 10.00 feet; thence north 02 degrees 01 minutes 36 degrees west, 482.20 feet; thence north 02 degrees 04 minutes 26 seconds east, 139.80 feet; thence north 01 degrees 59 minutes 11 seconds west, 80.00 feet to the point of beginning, containing 13.85 acres;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial space will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Krueger Development Inc., hereinafter referred to as "Permittee", to develop 134,865 square feet of commercial uses on the property legally described above be and the same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal Code upon condition that construction and operation of said commercial space be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 134,865 square feet of commercial space.
2. This permit hereby approves the following adjustments:
 - a. An adjustment to Section 27.31.090(a) of the Lincoln Municipal Code to reduce the front yard setback along Infinity Road and the north side of Vavrina Boulevard from 50 feet to 25 feet for the buildings only, and from 50 feet to 40 feet along South 14th Street.
 - b. An adjustment to Section 27.31.090(a) of the Lincoln Municipal Code to reduce the rear yard setback adjacent to the residential area from 50 feet to 0, 5, or 10 feet as shown on the site plan.
 - c. A waiver to the standard required specific use permit site plan information except for drive thru facilities, convenience store/gas pumps and car washes which will be submitted as a request for an administrative amendment.

3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan as approved along with five copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
 - c. Final plats within Vavrina Meadows 1st Addition must be approved by the City.
 - d. Revise the traffic study to the satisfaction of Public Works and Utilities Department.
4. Before operating and occupying each commercial use all development and construction must be completed in conformance with the approved plans.
5. All privately-owned improvements including landscaping and private roadways shall be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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 - PRIOR to reading:

COOK Moved to accept Amendment No. 2 for Bill No. 01R-95 in the following manner: 1. On page 3, between lines 13 & 14, insert a new condition 3 to read as follows: 3. Revise the site plan as follows: (a) renumber 19th St. south of Ryley Lane, to 18th St.; (b) Renumber 22nd as 21st St.; (c) Change 21st St. to a non-numbered street name; & (d) provide a non-numbered street name for 20th St., south of Scotch Pines Pass to the intersection with Ryley Lane; (e) Realign South 19th St. to a location generally across from Executive Woods Drive as it intersects Yankee Hill Road approximately 1130 feet east of South 14th Street to the satisfaction of the Director of Planning & the Director of Public Works. 2. On pages 3 & 4, renumber existing conditions 3, 4, 5, 6, 7, & 8 as conditions 4, 5, 6, 7, 8, & 9 respectively.

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80836 WHEREAS, Krueger Development Inc. has submitted an application designated as Special Permit No. 1895 for authority to develop a Planned Service Commercial Center consisting of 361,200 square feet of commercial uses, with waivers of the required front and rear yard setbacks, on property generally located northeast of South 14th Street and Yankee Hill Road, and legally described to wit:

A portion of Lots 14, 18, 20-25, 67 and 68, all Irregular Tracts located in the Southwest Quarter of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the southwest corner of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and extending north 02 degrees 01 minutes 37 seconds west, 649.22 feet; thence north 87 degrees 68 minutes 23 seconds east, 50.00 feet to the point of beginning; thence north 02 degrees 01 minutes 37 seconds west, 200.00 feet; thence north 11 degrees 40 minutes 32 seconds west, 101.43 feet; thence

north 02 degrees 01 minutes 37 seconds west, 682.35 feet; thence north 87 degrees 58 minutes 23 seconds east, 27.00 feet; thence north 02 degrees 01 minutes 36 seconds west, 208.09 feet; thence north 88 degrees 29 minutes 50 seconds east, 278.33 feet; thence north 01 degrees 56 minutes 43 seconds west, 51.68 feet; thence north 88 degrees 30 minutes 08 seconds east, 227.00 feet; thence south 01 degrees 56 minutes 43 seconds east, 62.75 feet to the point of curvature of a curve to the left having a central angle of 28 degrees 45 minutes 39 seconds, a radius of 431.88 feet and whose chord bears south 16 degrees 19 minutes 33 seconds east (214.53 feet); thence along the arc of said curve 216.79 feet; thence south 30 degrees 42 minutes 23 seconds east, 816.41 feet to the point of curvature of a curve to the left having a central angle of 35 degrees 47 minutes 36 seconds, a radius of 330.00 feet and whose chord bears south 48 degrees 36 minutes 11 seconds east (202.82 feet); thence along the arc of said curve 206.15 feet; thence south 66 degrees 29 minutes 59 seconds east, 358.27 feet to a curve to the left having a central angle of 02 degrees 45 minutes 03 seconds, a radius of 300.00 feet and whose chord bears south 00 degrees 24 minutes 07 seconds east (14.40 feet); thence along the arc of said curve 28.19 feet; thence south 01 degrees 46 minutes 39 seconds east, 572.27 feet; thence south 88 degrees 19 minutes 47 seconds west, 10.03 feet; thence north 01 degrees 40 minutes 13 seconds west, 17.00 feet; thence south 88 degrees 19 minutes 47 seconds west, 195.79 feet to the point of curvature of a circular curve to the right having a central angle of 44 degrees 25 minutes 20 seconds, a radius of 798.83 feet and whose chord bears north 69 degrees 17 minutes 02 seconds west (603.95 feet); thence along the arc of said curve 619.34 feet to the point of tangency; thence north 47 degrees 04 minutes 22 seconds west, 348.97 feet to the point of curvature of a circular curve to the left having a central angle of 44 degrees 57 minutes 15 seconds, a radius of 450.00 feet and whose chord bears north 69 degrees 32 minutes 59 seconds west (344.08 feet); thence along the arc of said curve 353.07 feet; thence south 87 degrees 58 minutes 23 seconds west, 100.19 feet to the point of beginning, containing 33.65 acres;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial center will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Krueger Development Inc., hereinafter referred to as "Permittee", to develop a Planned Service Commercial Center, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said commercial center be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a total of 361,200 square feet of commercial space.

2. This permit approves the following adjustments:

a. An adjustment to Section 27.45.070(a) of the LMC to reduce the front yard setback along Dahlberg Drive from 50 feet to 25 feet for the buildings only, and from 50 feet to 40 feet along South 14th Street and Yankee Hill Road.

b. An adjustment to Section 27.45.070(a) of the LMC to reduce the rear yard setback adjacent to the residential area from 50 feet to 5 feet for parking and to 10 feet for buildings.

3. Revise the site plan as follows:

a. Renumber 19th Street, south of Ryley Lane, to 18th Street;

- b. Renumber 22nd as 21st Street;
- c. Change 21st Street to a non-numbered street name; and
- d. Provide a non-numbered street name for 20th Street, south of Scotch Pines pass to the intersection with Ryley Lane.
- e. Realign South 19th Street to a location generally across from Executive Woods Drive as it intersects Yankee Hill Road approximately 1130 feet east of South 14th Street to the satisfaction of the Director of Planning and the Director of Public Works.

4.3- Before receiving building permits the Permittee must submit a permanent reproducible final site plan as approved.

5.4- Before occupying this development all development and construction must conform to the approved plans.

6.5- All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, its successors and assigns.

7.6- The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

8.7- The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

9.8- The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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

A-80838 WHEREAS, Krein Real Estate has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit No. 138 for authority to construct six 5,000 sq. ft., one-story, office/medical buildings and associated parking, and legally described to wit:

A portion of Lot 43 I.T., located in the Northeast Quarter of Section 17, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described by metes and bounds as follows:

Commencing at the East One Quarter of Section 17, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska; thence north 00 degrees 00 minutes 00 seconds west (an assumed bearing) on the east line of the Northeast Quarter of said Section 17, a distance of 285.00 feet; thence south 89 degrees 53 minutes 46 seconds west, a distance of 33.00 feet to the point of beginning; thence south 89 degrees 58 minutes 09 seconds west, a distance of 530.21 feet; thence north 00 degrees 00 minutes 33 seconds east, for a distance of 130.00 feet; thence north 89 degrees 58 minutes 09 seconds east, for a distance of 130.00 feet; thence north 00 degrees 00 minutes 33 seconds east, for a distance of 105.00 feet; thence south 89 degrees 58 minutes 09 seconds west, for a distance of 130.00 feet; thence north 00 degrees 00 minutes 33 seconds east, for a distance of 1072.33 feet; thence north 89 degrees 53 minutes 46 seconds east, for a distance of 288.53 feet; thence south 00 degrees 04 minutes 02 seconds west, for a distance of 548.15 feet; thence south 16 degrees 53 minutes 42 seconds west, for a distance of 142.43 feet; thence south 00 degrees 04 minutes 02 seconds west, for a distance of 134.22 feet; thence south 49 degrees 59

minutes 19 seconds east, for a distance of 348.16 feet; thence south 00 degrees 00 minutes 00 seconds east, for a distance of 150.00 feet; thence north 90 degrees 00 minutes 00 seconds east, for a distance of 17.00 feet; thence south 00 degrees 00 minutes 00 seconds east, for a distance of 115.06 feet to the point of beginning and containing a calculated area of 436,878.29 square feet or 10.029 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for these office/medical buildings will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

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

That the application of Krein Real Estate, hereinafter referred to as "Permittee", to construct six 5,000 sq. ft., one-story, office/medical buildings and associated parking on the property legally described above be and the same is hereby granted under the provisions of Section 27.28.090 of the Lincoln Municipal Code upon condition that construction and operation of said be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 30,000 total square feet of floor area in six buildings.
 - b. A waiver to the private roadway design standards to allow 21' pavement width.
 - c. A waiver of the sidewalk requirements to allow sidewalks on only one side of the private roadways.
2. The site plan as approved with this resolution voids and supercedes all previously approved site plans.
3. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan and five copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
 - c. The City must approve final plats within this Use Permit 138.
4. Before occupying the buildings, all development and construction must be completed in conformance with the approved plans.
5. All privately owned improvements must be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Coleen Seng

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON April 23, 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 Jonathan Cook, who moved its adoption:

A-80828 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 23 to 27, 2001.)

Introduced by Jonathan Cook

Seconded by Seng & 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 MARCH 2001: EXCEL TELECOMMUNICATIONS, INC.; TELCO DEVELOPMENT GROUP DE INC.; COAST INTERNATIONAL INC.; NEBRASKA TECHNOLOGY & TELECOMMUNICATIONS, INC.; USA PAGING LLC DBA LONG DISTANCE USA; MCLEOD USA TELECOMMUNICATIONS SERVICES, INC.; LINCOLN CELTELCO C/O WESTERN WIRELESS CORPORATION; REPORTING FOR THE QUARTER ENDED MARCH, 2001: ONESTAR LONG DISTANCE, INC.; PNG TELECOMMUNICATIONS, INC.; GLOBAL CROSSING, VERIZON SELECT, IBM GLOBAL, GE CAPITAL COMM., AMERICAN FARM BUREAU, THE FURST GROUP, INTELLECALL OPERATOR, BROADWING - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

SETTING HEARING DATE OF MAY 14, 2001 AT 1:30 FOR APP. OF LINCOLN SPORTS COMMISSION TO CONDUCT A RAFFLE FROM MAY 15, 2001 TO JUNE 17, 2001 - CLERK requested a motion to set the hearing date of May 14, 2001 at 1:30.

COOK So moved.

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

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLES FUNDS FOR THE MONTH ENDED MARCH 31, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80829 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That during the month ended March 31, 2001, \$394,998.21 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance to the total of all fund balances.

Introduced by Jonathan Cook

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

SETTING HEARING OF MONDAY, MAY 21, 2001, 5:30 P.M. TO ASSESS THE COST INCURRED BY THE CITY FOR SNOW REMOVAL FOR THE 2000-20001 WINTER SEASON AGAINST THE BENEFITTED PROPERTIES - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80830 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The City Clerk be and she is hereby instructed to give five days' notice by publication according to law that the City Council will, at a

regular meeting to be held on the 21st day of May, 2001 at 5:30 p.m., assess against the benefitted properties the cost of snow removal incurred by the City for the 2000 - 2001 winter season.

Introduced by Jonathan Cook

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

OTHER RESOLUTIONS

APPLICATION OF TWISTED STEELE, INC. DBA "THE BAR" TO EXPAND THEIR PRESENTLY LICENSED PREMISES FOR AN OUTDOOR AREA APPROXIMATELY 45' BY 34' TO THE SOUTH AT 1644 P STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80809 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 Twisted Steele, Inc. dba "The Bar" for a Class "C" liquor license at 1644 P Street, Lincoln, Nebraska, for the license period ending October 31, 2000, 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.

APPLICATION OF BDLS, INC. DBA "J. FINNEGAN'S" FOR A CLASS "C" LIQUOR LICENSE AT 201 N. 8TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80810 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 BDLS, Inc. dba "J. Finnegan's" for a Class "C" liquor license at 201 North 8th 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 TROY J. FALK FOR BDLS, INC. DBA "J. FINNEGAN'S" AT 201 N. 8TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80811 WHEREAS, BDLS, Inc. dba "J. Finnegan's" located at 201 North 8th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Troy J. Falk be named manager;

WHEREAS, Troy J. Falk 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 Troy J. Falk 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 RYAN G BIRKETT FOR LA SOCIETE DES 40 HOMMES DBA "AMERICAN LEGION 3 CLUB" AT 5630 P STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80812 WHEREAS, La Societe Des 40 Hommes dba "American Legion 3 Club" located at 5630 P Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Ryan G. Birkett be named manager;

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

Introduced by Cindy Johnson

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

APPLICATION OF HRC, INC. DBA "CHEERLEADERS" FOR A SPECIAL DESIGNATED LIQUOR LICENSE FOR AN AREA MEASURING APPROXIMATELY 60' BY 75' IN THE SOUTH PARKING LOT AT 5560 S. 48TH STREET, #4 ON MAY 20, 2001 FROM 12:00 NOON TO 10:00 P.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80813 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 HRC Inc. d/b/a Cheerleaders Bar for a Special Designated License to cover an area measuring 80 feet by 50 feet at 5560 South 48th Street, Lincoln, Nebraska, on the 5th day of August, 2000, between the

hours of 10:00 a.m. and 10:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations and with the following requirements:

1. Identification to be checked, wristbands required on all parties wishing to consume alcohol.
2. Adequate security shall be provided for the event.
3. The area requested for the permit shall be separated from the public by a fence or other means.
4. Responsible alcohol service practices shall be followed.

BE IT FURTHER RESOLVED 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.

APPOINTING CARA POTTER TO THE TAXICAB REVIEW BOARD FOR A THREE-YEAR TERM EXPIRING FEBRUARY 24, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80814 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Cara Potter to the Taxicab Review Board for a three-year term expiring February 24, 2004 is hereby approved.

Introduced by Jonathan Cook

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

REAPPOINTING KAREN HAND AND MIKE SEACREST TO THE PARKS AND RECREATION ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 27, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80815 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Karen Hand and Mike Seacrest to the Parks and Recreation Advisory Board for three-year terms expiring April 27, 2004 is hereby approved.

Introduced by Jonathan cook

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

APPOINTING ROBERT RIPLEY AND TAMI ROBINSON TO THE PARKS AND RECREATION ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING APRIL 27, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80816 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Robert Ripley and Tami Robinson to the Parks and Recreation Advisory Board for three-year terms expiring April 27, 2004 is hereby approved.

Introduced by Jonathan Cook

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

APPOINTING KATE KULESHER, DR. DONNA HOWE, AND DR. LISA PETERSON TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2004 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80817 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Kate Kulesher, Dr. Donna Howe, and Dr. Lisa Peterson to the Lincoln-Lancaster County Board of Health for three-year terms expiring April 15, 2004 is hereby approved.

Introduced by Jonathan Cook

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

APPROVING THE REASSIGNMENT OF THE POSITION OF INTERNET SUPPORT SPECIALIST FROM INFORMATION SERVICES/FINANCE DEPT. TO C.I.C./MAYOR'S OFFICE EFFECTIVE JUNE 7, 2001 AND TRANSFERRING THE ASSOCIATED BUDGET AMOUNT OF \$6,096.15 FOR THE FUNDING OF SAID POSITION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80818 WHEREAS, the Director of Finance has requested that the Internet Support Specialist position in Information Services be reassigned to the Citizen Information Center to assist in the coordination of information dissemination; and

WHEREAS, it is necessary to authorize the transfer of appropriations and funds in an amount not to exceed \$6,096.15 to reimburse the Citizen Information Center for such employee's wages and benefits.

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

That a transfer of unencumbered appropriations in the amount of \$6,096.16 from the Finance/Information Services/System Development

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(Account No. 060904 - 06028) to Mayor's Department/C.I.C. (Account No. _____) is approved.

The Finance Director is authorized to make such transfers from and after the passage of this Resolution.

Introduced by Jonathan Cook

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

APPROVING THE EXECUTION AND DELIVERY BY THE CITY OF AN INTERLOCAL COOPERATION AGREEMENT BY AND BETWEEN THE CITY ON BEHALF OF LINCOLN ELECTRIC SYSTEM, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA ESTABLISHING THE NEBRASKA UTILITY CORPORATION, FOR THE PURPOSES OF PURCHASING, LEASING, CONSTRUCTING, AND FINANCING FACILITIES AND ACQUIRING SERVICES IN ORDER TO FURNISH ENERGY REQUIREMENTS, UTILITY AND INFRASTRUCTURE FACILITIES AND RELATED ENERGY, UTILITY AND INFRASTRUCTURE SERVICES TO THE CITY AND THE REGENTS; AND APPROVING THE RELATED ARTICLES OF INCORPORATION AND BYLAWS OF THE CORPORATION - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80820 A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL COOPERATION AGREEMENT FOR AND ON BEHALF OF LINCOLN ELECTRIC SYSTEM WITH THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA PROVIDING FOR THE ESTABLISHMENT OF THE "NEBRASKA UTILITY CORPORATION," A NEBRASKA NONPROFIT CORPORATION; APPROVING THE ARTICLES OF INCORPORATION AND BYLAWS THEREOF; AND RELATED MATTERS.

WHEREAS, Lincoln Electric System ("LES") and the University of Nebraska-Lincoln ("UN-L") have determined that UN-L's electric distribution, generation and other campus utility infrastructure is in need of significant upgrading at considerable cost; and

WHEREAS, LES and UN-L have explored various options for operating the UN-L utility infrastructure and financing the necessary upgrades; and

WHEREAS, District Energy Corporation, a Nebraska nonprofit corporation organized pursuant to an interlocal cooperation agreement by and among the City, LES and Lancaster County, Nebraska (the "County"), under the management and direction of LES administration and staff, has provided economic and efficiency benefits to LES, the City, the County and the State of Nebraska; and

WHEREAS, UN-L and LES, through the City, seek to establish the Nebraska Utility Corporation, a Nebraska nonprofit corporation, pursuant to an interlocal cooperation agreement, for the ownership, operation, maintenance and financing of the utility infrastructure required on the UN-L campus.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Lincoln, Nebraska as follows:

Section 1. The Interlocal Cooperation Agreement (the Agreement"), by and between the City, acting for and on behalf of LES, and The Board of Regents of the University of Nebraska (the "Regents"), providing for the establishment of the Nebraska Utility Corporation, a Nebraska nonprofit corporation (the "Corporation"), in the form attached hereto as Exhibit "A" and made a part hereof by reference, is hereby approved. The Mayor and the City Clerk be and they hereby are authorized, empowered and directed to execute, attest to the execution of, seal with the official seal of the City and deliver the Agreement for and on behalf of the City and LES, including necessary counterparts.

Section 2. The proposed Articles of Incorporation of the Corporation in the form attached here to as Exhibit "B" and made a part hereof by reference, and the proposed Bylaws of the Corporation in the form attached here to as Exhibit "C" and made a part hereof by reference, are hereby approved.

Section 3. The Mayor, Finance Director, City Clerk, Deputy City Clerk, City Treasurer, Deputy City Treasurer, City Attorney and any Assistant City Attorney be and they are hereby authorized to execute and deliver for and on behalf of the City the Agreement and all additional certificates, documents, opinions or other papers and to perform all other acts as they may deem necessary or appropriate in order to implement and carry out the matters herein authorized.

Section 4. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the City Council hereby (a) authorizes and directs the Mayor, Finance Director, City Treasurer, City Clerk, City Attorney, City Controller and all other officers, officials, employees and agents of the City to carry out or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any of them in consultation with the City Attorney, LES and its counsel and the Regents and their counsel, shall consider necessary, advisable, desirable or appropriate in connection with this Resolution, including without limitation the execution and delivery of all

related documents, instruments, certifications and opinions. The execution and delivery by the Mayor, the Finance Director of the City Controller or by any such other officers, officials, employees or agents of the City of any such documents, instruments, certifications and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Resolution, shall constitute conclusive evidence of both the City's and his or her approval of the terms, provisions and contents thereof and of all changes, modifications, amendments, revisions and alterations made therein and shall conclusively establish his or her absolute, unconditional and irrevocable authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments, certifications and opinions so executed and the actions so taken.

Section 5. If any provisions of this Resolution shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 6. This Resolution shall be construed and interpreted in accordance with the laws of the State. All suits and actions arising out of this Resolution shall be instituted in a court of competent jurisdiction in the State except to the extent necessary for enforcement, by any trustee or receiver appointed by or pursuant to the provisions of this Resolution, or remedies under this Resolution.

Section 7. Any resolution of the City, and any part of any resolution, inconsistent with this Resolution is hereby repealed to the extent of such inconsistency.

Section 8. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

Introduced by Jonathan Cook

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

ADOPTING A SEWER CONNECTION FEE FOR THE SOUTH SALT CREEK TRUNK SEWER AS REQUIRED BY THE CONDITIONAL ANNEXATION AND ZONING AGREEMENT FOR YANKEE HILL ROAD VICINITY - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80821 WHEREAS, Resolution No. A-79281 approved the Conditional Annexation and Zoning Agreement for Yankee Hill Road Vicinity, hereinafter "Agreement"; and

WHEREAS, said Agreement provided for the City and the owners of the land within the boundaries of the preliminary plat of Wilderness Ridge Addition to construct certain South Salt Creek sanitary sewer trunk lines (hereinafter Sewer A and Sewer B) to sewer approximately 725 acres of land within the preliminary plat of Wilderness Ridge Addition; and

WHEREAS, Sewer A and Sewer B can also sewer approximately 312 acres of land outside said boundaries; and

WHEREAS, the City agreed to charge other owners of land outside said boundaries a fair share of the cost of said Sewer A and Sewer B based upon a per acre formula or some other "fair share" formula approved by the City; and

WHEREAS, Lincoln Municipal Code § 24.52.010 authorizes the City to charge the owner of any property desiring to connect to Sewer A and Sewer B a connection fee not to exceed the equivalent cost of the construction of Sewer A and Sewer B as they pertain to such property or to an assessment had the property been assessed for such construction in accordance with City standards; and

WHEREAS, the total cost of providing Sewer A and Sewer B to Wilderness Ridge Addition Preliminary Plat (725 acres) and the other sewerable land (312 acres) was approximately One Million One Hundred Fifty-One Thousand Dollars (\$1,151,000) or \$1,100 per acre; and

WHEREAS, those other property owners outside of the boundaries of the Wilderness Ridge Addition Preliminary Plat who benefit especially, not from the maintenance of the sanitary sewer system but from the extension of the trunk sewer system into an entirely new area, should bear their proportionate cost of that extension through the use of a connection fee; and

WHEREAS, the owners of the land within the preliminary plat of Wilderness Ridge paid approximately Three Hundred Sixty Four Thousand Two Hundred Fifty Dollars of the cost of Sewer A and Sewer B or \$351.25 per

acre.

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

That the City Council does hereby establish and approve a one-time connection fee of \$351.25 per acre for those other property owners whose land is included within the approximately 312 acres of land outside the preliminary plats for Wilderness Ridge Addition and is sewerable by Sewer A and Sewer B.

Introduced by Jonathan Cook

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

APPROVING AN AGREEMENT BETWEEN BIG RED KENO AND CORPORATE GOLF MARKETING INC. DBA "BUNKERS" FOR THE OPERATION OF A KENO SATELLITE SITE AT 8901 AUGUSTA DRIVE - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80822 WHEREAS, the City of Lincoln and the County of Lancaster, Nebraska have entered into an Interlocal Agreement for the purposes of providing for joint City-County keno lottery; and

WHEREAS, the City has entered into a contract for the operation of keno type lottery with Lincoln's Big Red Keno, Ltd., a Nebraska limited partnership; and

WHEREAS, Section 5 of the Interlocal Agreement and Section 3(b) of the Keno contract grant the City the authority to approve all satellite locations within the corporate limits of Lincoln; and

WHEREAS, all requirements under the Interlocal Agreement and the Keno contract governing the establishment and location of keno satellite sites have been met.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that a keno satellite site is hereby authorized at the location of Corporate Golf Marketing Inc. dba "Bunkers", 8901 Augusta Drive, Lincoln, NE 68516.

The City Clerk is directed to return an executed copy of this Resolution to Bunkers, and a copy to Lincoln's Big Red Keno, Ltd.

Introduced by Jonathan Cook

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

SETTING HEARING DATE OF 5/21/01, 5:30 P.M. ON THE MANAGER APPLICATION OF MATTHEW C. KIMMERLING FOR LPG CORP. DBA BUSTER'S BARBECUE & BREW, AT 2435 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-80823 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 21, 2001, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Matthew C. Kimmerling for LPG Corp. dba Buster's Barbecue & Brew at 2435 S. 48th St.

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.

SETTING HEARING DATE OF 6/4/01, 1:30 P.M. ON THE APPLICATION OF B & R STORES, INC. DBA "RUSS'S MARKET #21" FOR A CLASS D & K CATERING LICENSE AT 1550 SOUTH CODDINGTON - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-80824 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 4, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of B & R Stores, Inc. dba "Russ's Market #21" for a Class D & K Catering license at 1550 S. Coddington.

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.

APPROVING A WAIVER OF DESIGN STANDARDS FOR CONSTRUCTION OF TWO DRIVEWAYS ALONG FRONTAGE OF COMMERCIAL BUSINESS LOCATED AT 2001 SOUTH 1ST STREET - CLERK read the following substitute resolution #2, introduced by Cindy Johnson, who moved its adoption:

A-80831 WHEREAS, Section 2.3 of Chapter 4 (Driveway Design Standards) of the City of Lincoln Design Standards provides:
Guidelines for the number of driveway approaches to be permitted are as follows. . .

4. For property located on a corner commercial driveway, access should be limited to one driveway approach. If the property is located at the intersection of a major street and local or collector street, the driveway approach should be located on the local or collector street to reduce potential conflicts. If desirable horizontal separation of the driveway approach from the intersection and other approaches is attainable the land use warrants additional access then access to both streets may be permitted.; and

WHEREAS, Steven Rexroth has requested a waiver of Chapter 4 Section 2.3.4 to allow construction of an additional driveway along the South 1st Street frontage of a commercial business located on a corner lot at 2001 South 1st Street, Lincoln, Lancaster County, Nebraska; and

WHEREAS, pursuant to Section 2.3 of Chapter 1 (Request for Waiver, Procedure) of the City of Lincoln Design Standards any request for deviation from the Driveway Design Standards for commercial lots was submitted to the Director of Public Works and Utilities for his report and recommendation; and

WHEREAS, pursuant to said Section 2.3 the Director of Public Works and Utilities has filed a written report on the requested deviation recommending denial for the reason that the owner has an approved curb cut on Harwood Court also providing access to this property and that the requested waiver of driveway design standards to relocate the approved curb cut on Harwood Court to South 1st Street would increase the number of conflict points on South 1st Street, a through street, and that the existing South 1st Street curb cut and approved Harwood Court curb cut will serve the property adequately; and

WHEREAS, the Director of Public Works has reconsidered his recommendation of denial and is now recommending approval upon condition that the southern and northern curb cuts on South 1st Street serve as customer entering and exiting one-way commercial driveway approaches respectively except that the southern driveway approach may serve as a two-way commercial driveway approach for deliveries.

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

That the application of Steven Rexroth for a waiver of the driveway design standards to allow two driveways along the South 1st Street frontage of his commercial business at 2001 South 1st Street is approved provided that the southern and northern curb cuts shall serve as customer entering and exiting one-way commercial driveway approaches respectively except that the southern driveway curb cut may serve as a two-way commercial driveway approach for deliveries.

Introduced by Cindy Johnson

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

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND R.C. KRUEGER DEVELOPMENT CO. 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. (IN CONNECTION W/01-70, 01-71, 01R-92, 01R-93, 01R-94, 01R-95,)- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80837 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled 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 Krueger Development Inc. (Owner) outlining certain conditions and understandings between the City and said Owner relating to the annexation of land generally located northeast of South 14th Street and Yankee Hill Road 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 Jon Camp

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

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AUTHORIZING THE CITY TO CHARGE INDIVIDUALLY METERED MULTI-DWELLING UNITS FOR WATER USE CHARGES. (IN CONNECTION W/01-75, 01R-101) - PRIOR to reading:

COOK Moved to place Bill No. 01R-100 on Pending.

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

COOK Moved to amend the Pending motion to include the formation of a committee & bring forward in 8 to 10 weeks.

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 SANITARY USE CHARGES. (IN CONNECTION W/01-75, 01R-100) (4/30/01 - ACTION DELAYED TO 5/7/01) - PRIOR to reading:

COOK Moved to place Bill No. 01R-101 on Pending.

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

COOK Moved to amend the Pending motion to include the formation of a committee & bring forward in 8 to 10 weeks.

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

SETTING HEARING DATE OF MAY 21, 2001 AT 5:30 P.M. FOR A SPECIAL DESIGNATED LICENSE FOR SHILAR INC. DBA "SPEAKEASY" AT 3233 ½ S. 13TH ST. ON FRIDAY, MAY 25, 2001 FROM 6:00 P.M. TO 12:00 P.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80825 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 21, 2001, at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for a Special Designated License for Shilar Inc. dba "Speakeasy" at 3233 ½ S. 13th St. n Friday, May 25, 2001 from 6:00 p.m to 12:00 p.m.

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.

SETTING HEARING DATE OF JUNE 4, 2001 AT 1:30 P.M. FOR A SPECIAL DESIGNATED LICENSE FOR JOHN CRAW, HOLMES PARK GOLF COURSE AT 3701 S. 70TH ST. ON JUNE 9, 2001 FROM 8:00 A.M. TO 3 P.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80826 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 4, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for a Special Designated License for John Crow, Holmes Park Golf Course at 3701 S. 70th St. on June 9, 2001 from 8:00 a.m. to 3:00 p.m.

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.

SETTING HEARING DATE OF JUNE 4, 2001 AT 1:30 P.M. FOR A SPECIAL DESIGNATED LICENSE FOR HAVELOCK BUSINESS ASSN. AT HAVELOCK AVE. APPROXIMATELY 10' WEST OF 62ND ST. TO APPROXIMATELY 15' WEST OF THE INTERSECTION OF 63RD ST. & ½ BLOCK NORTH & SOUTH ON 62ND ST. ON SAT., JUNE 9, 2001 FROM 4:00 P.M TO 1:00 A.M. - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80827 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing dat is hereby fixed for Mon., June 4, 2001, at 1:30 p.m or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for a Special Designated License for Havelock Business Assn. at Havelock Ave. approx. 10' west of 62nd St. to approx. 15' west of the intersection of 63rd St. & ½ block north & south on 62nd St. on Sat., June 9, 2001 from 4:00 p.m. to 1:00 a.m.

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

APPROVING THE STREET NAME FOR THE STREET EXTENDING SOUTH FROM FLETCHER AVENUE TO THE UNION PACIFIC RAILROAD (WEST OF HIGHLANDS GOLF COURSE) AS N.W. 20TH STREET - CLERK read an ordinance, introduced by Jonathan Cook, naming the street which extends south from Fletcher Avenue to the Union Pacific Railroad, west of Highlands Golf Course, as N.W. 20th Street, as recommended by the Street Name Committee, the first time.

AMENDING SECTION 1.08.010 OF THE LINCOLN MUNICIPAL CODE TO DELETE THE WORDS "PROFILE BUST" WHEN REFERRING TO THE REPRESENTATION OF ABRAHAM LINCOLN ON THE CITY SEAL AND TO INCLUDE THE WORD "INCORPORATED APRIL 7, 1869" IN A HALF-CIRCLE AROUND THE BOTTOM OF THE FIGURE - PRIOR to reading:

CAMP Moved to Withdraw Bill No. 01-82.

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

The ordinance, having been **WITHDRAWN**, was assigned File #38-4359, & placed on file in the Office of the City Clerk.

AMENDING TITLE 4 OF THE LINCOLN MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS BY REPEALING CHAPTER 4.12, ECONOMIC DEVELOPMENT COMMISSION, CHAPTER 4.32, SPORTS INDUSTRY COMMISSION, AND CHAPTER 4.44, CIVIL DEFENSE PROGRAM, WHICH COMMISSIONS AND PROGRAMS ARE OBSOLETE - CLERK read an ordinance, introduced by, Jonathan Cook, amending Title 4 of the Lincoln Municipal Code relating to Boards and Commissions by repealing Chapter 4.12, Economic Development Commission, Chapter 4.32, Sports Industry Commission, and Chapter 4.44, Civil Defense Program, as said commissions and program are obsolete, the first time.

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 second 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 second time.

MISCELLANEOUS BUSINESS

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 May 14, 2001.

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

ADJOURNMENT

3:35 p.m.

CAMP Moved to adjourn the City Council Meeting of May 7, 2001.

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

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So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III