

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 4, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:35 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Teresa Meier-Brock, Deputy City Clerk.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

SENG Having been appointed to read the minutes of the City Council proceedings of May 21, 2001, reported having done so, found same correct.

Seconded by Svoboda carried by the following vote: AYES: Camp, Cook, Friendt, Seng, Svoboda, Werner; NAYS: None.

**PUBLIC HEARING**

APPLICATION OF HAVELOCK BUSINESS ASSOCIATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA LOCATED ON HAVELOCK AVE. FROM APPROXIMATELY 10 FEET WEST OF 62ND STREET TO APPROXIMATELY 15 FEET WEST OF THE INTERSECTION AT 63RD STREET AND ½ BLOCK NORTH AND SOUTH ON 62ND STREET ON JUNE 9, 2001 FROM 4:00 P.M. TO 1:00 A.M. - Denise Otto, 2320 N. 52nd Street, took the oath and came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF JOHN CRAW FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING THE ENTIRE HOLMES PARK GOLF COURSE AND PARKING LOT AT 3701 S. 70TH STREET ON JUNE 9, 2001 FROM 7:00 A.M. TO 2:00 P.M. - John Craw, 3600 Holmes Park Road, took the oath and came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF B&R STORES INC. DBA "RUSS'S MARKET #21" FOR A CLASS D & K CATERING LICENSE AT 1550 S. CODDINGTON STREET;  
MANAGER APPLICATION OF TODD DEAN SCHUMACHER FOR B&R STORES INC. DBA "RUSS'S MARKET #21" AT 1550 S. CODDINGTON STREET - Todd Schumacher, 1920 Sewell Street, took the oath and came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3319 - APPLICATION OF RICHARD AND ANN HUDSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND VAN DORN STREET;

SPECIAL PERMIT 1386B - APPLICATION OF RICHARD AND ANN HUDSON TO AMEND THE WINDHOEK 4TH COMMUNITY UNIT PLAN TO ADD ONE LOT AND TO WAIVE SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS AND STORMWATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 112TH STREET AND VAN DORN STREET. (IN CONNECTION W/01-85)- Gary Bredehoff, 1111 Lincoln Mall, representing the applicant came forward in favor of the Application for Change of Zone. Ray Hill and Mike Dekalb came forward to answer questions posed by Council Members. Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc. to question why the City is still waiving storm diversion. Discussion followed.

This matter was taken under advisement.

VACATING A PORTION OF SOUTH 16TH STREET FROM THE NORTH LINE OF LAKE STREET TO THE SOUTH LINE OF THE PREVIOUSLY VACATED SOUTH 16TH STREET;

SPECIAL PERMIT 1020G - APPLICATION OF BRYANLGH HEALTH SYSTEM TO EXPAND THE HOSPITAL AND MEDICAL OFFICES AND TO ADD A PARKING STRUCTURE AT BRYANLGH MEDICAL CENTER WEST, AND TO INCREASE THE BUILDING COVERAGE ABOVE 35%, ON PROPERTY GENERALLY LOCATED AT 16TH AND SOUTH STREETS;

SPECIAL PERMIT 1219J - APPLICATION OF BRYANLGH HEALTH SYSTEM TO EXPAND THE HOSPITAL AND MEDICAL OFFICES AND TO ADD A PARKING STRUCTURE AT BRYANLGH MEDICAL CENTER EAST, AND TO INCREASE THE BUILDING COVERAGE ABOVE 35%, ON PROPERTY GENERALLY LOCATED AT 48TH AND SUMNER STREETS - Bill Lewis, Counsel for Bryan LGH, R. Lynn Wilson, CEO of BryanLGH and Wynn Mehlhaff, Davis Design, all came forward to present the hospital's position on the Special Permits and Street Vacation before Council on this date.

Dennis Bartels of Public Works Dept. came forward to discuss the City's position on the right turn lanes needed at each hospital location.

Glenn Cejkal, 1420 "C" Street came forward to point out the City's lack of qualified Traffic Engineers.

Lois Newman, 601 S. 18th Street came forward to question why there

hasn't been a public hearing regarding this matter.

Jim Swinehart, 1854 Ryons Street and member of Irvingdale Neighborhood Association expressed opposition to the right turn lane for the West campus site.

Clint Thomas, Real Estate Div. of Urban Development came forward to answer Council questions.

The Council discussed these permits at length.

This matter was taken under advisement.

**\*\* 3:20 P.M. TOOK BREAK \*\***

**\*\* 3:38 P.M. RECONVENED \*\***

AMENDING SECTION 10.06.120 OF THE LINCOLN MUNICIPAL CODE TO INCREASE NON-MOVING TICKET FINES AND ADMINISTRATIVE FEES FOR TRAFFIC VIOLATIONS -

Steve Hubka, City Budget Officer, presented information for the public regarding this ordinance.

Glenn Cejkal, 1420 "C" Street asked if this ordinance would cover tickets on expired licenses.

Richard Halverson, 6311 Inverness Road, came forward in opposition to the increase in parking fines.

Scott Miller, representing the Historic Haymarket Association came forward in opposition to the ordinance.

Discussion followed by Council Members.

This matter was taken under advisement.

SPECIAL PERMIT 1887 - APPLICATION OF WEST POINT, L.L.C. TO DEVELOP 230,000 SQ. FT. OF COMMERCIAL USES, WITH WAIVERS OF PUBLIC SIDEWALKS ON THE NORTH SIDE OF WEST O STREET AND THE EAST SIDE OF N.W. 40TH STREET, AND REDUCTION OF THE FRONT AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N.W. 40TH STREET AND WEST O STREET -

Brian Carstens, 5815 S. 58th St., Suite D, came before Council requesting a one week continuance on this hearing.

Rich Wiese, 730 Pier I, came forward in opposition.

This matter was taken under advisement.

SPECIAL PERMIT 1908 - APPLICATION OF ANDERSON FORD TO ALLOW THE STORAGE OF VEHICLES FOR SALE WHERE PARKING IS PERMITTED IN THE FRONT AND REAR YARDS AND WAIVING THE DESIGN STANDARDS TO ALLOW STORAGE OF VEHICLES FOR SALE ON RAISED ISLANDS, ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND WILDCAT DRIVE - Robert Ott, 201 N. 8th Street, representing Anderson Ford, came forward in favor of this Special Permit.

Roger Anderson, Owner of Anderson Ford came forward in favor of this permit and to answer additional Council questions.

Rich Wiese, 730 Pier I, came forward in opposition.

This matter was taken under advisement.

#### **MISCELLANEOUS BUSINESS PUBLIC HEARING**

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc. spoke to Council concerning recent alcohol consumption in the public parks.

Mike also mentioned that when amendments are brought forward after public hearing the public doesn't have any time to respond accordingly.

Glenn Cejkal, 1420 "C" Street, voiced concern over the lack of automobiles with expired licenses, lack of license plates in general and hand written in transit stickers.

**\*\* END OF PUBLIC HEARING \*\***

## **COUNCIL ACTION**

### **LIQUOR RESOLUTIONS**

APPLICATION OF HAVELOCK BUSINESS ASSOCIATION FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA LOCATED ON HAVELOCK AVE. FROM APPROXIMATELY 10 FEET WEST OF 62ND STREET TO APPROXIMATELY 15 FEET WEST OF THE INTERSECTION AT 63RD STREET AND ½ BLOCK NORTH AND SOUTH ON 62ND STREET ON JUNE 9, 2001 FROM 4:00 P.M. TO 1:00 A.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80872 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 Havelock Business Association for a Special Designated License to cover a portion of Havelock Avenue from approximately 10 feet west of 62nd Street to approximately 15 feet west of the intersection at 63rd Street and ½ block north and south on 62nd Street, as shown on the attached drawing, on June 9, 2001, between the hours of 4:00 p.m. and 1:00 a.m., be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Ken Svoboda

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

APPLICATION OF JOHN CRAW FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING THE ENTIRE HOLMES PARK GOLF COURSE AND PARKING LOT AT 3701 S. 70TH STREET ON JUNE 9, 2001 FROM 7:00 A.M. TO 2:00 P.M. - CLERK read the following resolution, introduced by Ken Svoboda, who moved its denial and motion died for lack of a second.

CAMP Moved for approval:

A-80873 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 John Craw d/b/a Holmes Park Golf Course for a Special Designated License to cover the entire golf course and parking lot at 3701 S. 70th Street, Lincoln, Nebraska, on the 9th day of June, 2001, between the hours of 8:00 a.m. and 3:00 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Werner; NAYS: Friendt, Svoboda.

APPLICATION OF B&R STORES INC. DBA "RUSS'S MARKET #21" FOR A CLASS D & K CATERING LICENSE AT 1550 S. CODDINGTON STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80874 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 B&R Stores Inc. dba Russ's Market #21" for a Class D & K catering liquor license at 1550 S. Coddington Street, Lincoln, Nebraska, for the license period ending April 30, 2002, 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 Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF TODD DEAN SCHUMACHER FOR B&R STORES INC. DBA "RUSS'S MARKET #21" AT 1550 S. CODDINGTON STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80875 WHEREAS, B&R Stores Inc. dba "Russ's Market #21" located at 1550 S. Coddington Street, Lincoln, Nebraska has been approved for a Retail Class "D and K" liquor license, and now requests that Todd Dean Schumacher be named manager;

WHEREAS, Todd Dean Schumacher 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 Todd Dean Schumacher 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 Ken Svoboda

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

#### ORDINANCES - 2ND READING

CREATING PAVING DISTRICT NO. 2621 IN 7TH STREET FROM O TO N STREETS - CLERK read an ordinance, introduced by Annette McRoy, creating Paving District No. 2621, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CHANGE OF ZONE 3319 - APPLICATION OF RICHARD AND ANN HUDSON FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 112TH STREET AND VAN DORN STREET - CLERK read an ordinance, introduced by Coleen Seng, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING CHAPTER 2.62 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN A TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - PRIOR to reading:

CAMP Moved to continue Public Hearing to 6/11/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Coleen Seng, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan - Plan B by amending Section 2.65.040 to establish a date for commencement of benefit payments; amending Section 2.65.180 to establish limitations upon the use of plan assets; adding a new section numbered 2.65.210 to establish provisions for the amendment, termination, and discontinuance of the Plan; adding a new section numbered 2.65.220 to establish the City's intention that the Plan be a qualified plan pursuant to the Internal Revenue Service Requirements; and repealing Sections 2.65.040 and 2.65.180 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.65 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN B TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - PRIOR to reading:

CAMP Moved to continue Public Hearing on 6/11/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Coleen Seng, amending Chapter 2.65 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan - Plan B by amending Section 2.65.040 to establish a date for commencement of benefit payments; amending Section 2.65.180 to establish limitations upon the use of plan assets; adding a new section numbered 2.65.210 to establish provisions for the amendment, termination, and discontinuance of the Plan; adding a new section numbered 2.65.220 to establish the City's intention that the Plan be a qualified plan pursuant to the Internal Revenue Service Requirements; and repealing Sections 2.65.040 and 2.65.180 of the Lincoln Municipal Code as hitherto existing, the second time.

AMENDING CHAPTER 2.66 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE POLICE AND FIRE PENSION PLAN - PLAN C TO ESTABLISH A DATE FOR COMMENCEMENT OF BENEFIT PAYMENTS; TO ESTABLISH LIMITATIONS UPON THE USE OF PLAN ASSETS; TO ESTABLISH PROVISIONS FOR THE AMENDMENT, TERMINATION, AND DISCONTINUANCE OF THE PLAN; TO ESTABLISH THE CITY'S INTENTION THAT THE PLAN BE A QUALIFIED PLAN PURSUANT TO THE INTERNAL REVENUE SERVICE REQUIREMENTS - - PRIOR to reading:

CAMP Moved to continue Public Hearing on 6/11/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK read an ordinance, introduced by Coleen Seng, amending Chapter 2.66 of the Lincoln Municipal Code relating to the Police and Fire Pension Plan - Plan C by amending Section 2.66.040 to establish a date for commencement of benefit payments; amending Section 2.66.140 to establish limitations upon the use of plan assets; adding a new section numbered 2.66.190 to establish provisions for the amendment, termination, and discontinuance of the Plan; adding a new section numbered 2.66.200 to establish the City's intention that the Plan be a qualified plan pursuant to the Internal Revenue Service Requirements; and repealing Sections 2.66.040 and 2.66.140 of the Lincoln Municipal Code as hitherto existing, the second time.

VACATING A PORTION OF SOUTH 16TH STREET FROM THE NORTH LINE OF LAKE STREET TO THE SOUTH LINE OF THE PREVIOUSLY VACATED SOUTH 16TH STREET - PRIOR to reading:

CAMP Moved to waive Council Rules to have 2nd & 3rd reading on this date with action.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK read an ordinance, introduced by Coleen Seng, vacating a portion of South 16th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time. **(See Council Action Under Ordinances - 3rd Reading)**

AMENDING SECTION 10.06.120 OF THE LINCOLN MUNICIPAL CODE TO INCREASE NON-MOVING TICKET FINES AND ADMINISTRATIVE FEES FOR TRAFFIC VIOLATIONS - Prior to reading:

SENG Moved to Amend Bill 01-90 with effective date being Aug. 20, 2001.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK read an ordinance, introduced by Coleen Seng, amending Section 10.06.120 of the Lincoln Municipal Code to increase non-moving ticket fines and administrative fees for traffic violations; and repealing Section 10.06.120 of the Lincoln Municipal Code as hitherto existing, the second time.

#### RESOLUTIONS

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2001 AT 1:30 P.M. FOR RFOX INC, DBA RED FOX STEAK HOUSE FOR A SPECIAL PERMIT TO RECONSTRUCT THEIR LICENSE PREMISE AT 1339 WEST "O" STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80881 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 18, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City

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Building, 555 S. 10th St., Lincoln, NE for the purpose of considering the App. of RFOX, INC., dba Red Fox Steak House for a special permit to reconstruct their license permit at 1339 West "O" Street.

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

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2001 AT 1:30 P.M. FOR B&B-Q, INC., DBA CHEERLEADERS BAR & GRILL, FOR A CLASS I LIQUOR LICENSE AT 5560 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80882 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 18, 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&B-Q, Inc., dba Cheerleaders Bar & Grill for a Class I Liquor License at 5560 South 48th Street.

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

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2001 AT 1:30 P.M. FOR SYDRAN FOOD SERVICES, III LP, DBA CHILI'S SOUTHWEST GRILL FOR A CLASS I APPLICATION CHANGE IN PARTNERSHIP AT 6730 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80883 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 18, 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 Sydran Food Services, III LP, dba Chili's Southwest Grill for a Class I Application Change in Partnership at 6730 South 27th Street.

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

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, JUNE 18, 2001 AT 1:30 P.M. FOR MAN. APP. OF JAMES E. BEAM FOR LOYAL ORDER OF MOOSE, INC., DBA MOOSE LODGE 175 AT 4901 N. 56TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-80884 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., June 18, 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 Man. App. of James E. Beam for Loyal Order of Moose, Inc., dba Moose Lodge 175 at 4901 N. 56th Street.

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

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1887 - APPLICATION OF WEST POINT, L.L.C. TO DEVELOP 230,000 SQ. FT. OF COMMERCIAL USES, WITH WAIVERS OF PUBLIC SIDEWALKS ON THE NORTH SIDE OF WEST O STREET AND THE EAST SIDE OF N.W. 40TH STREET, AND REDUCTION OF THE FRONT AND SIDE YARD SETBACKS ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N.W. 40TH STREET AND WEST O STREET - PRIOR to reading:

CAMP Moved to delay action to 6/11/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 1 - 15, 2001 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-80876 BE IT RESOLVED by the City Council of the City of Lincoln,

Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated May 16, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>		<u>ALLOWED</u>
Sharon Mitchell		NAS*	Wayne H. Hahn \$808.20
Alan & Gretchen Morrison	\$945.46		Duane J. Ourada 47.00
Scott A. Horky	289.56		
James D. Watts	101.30		
Jennifer L. Berner	740.96		

\* No Amount Specified

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

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1386B - APPLICATION OF RICHARD AND ANN HUDSON TO AMEND THE WINDHOEK 4TH COMMUNITY UNIT PLAN TO ADD ONE LOT AND TO WAIVE SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS AND STORMWATER DETENTION, ON PROPERTY GENERALLY LOCATED AT 112TH STREET AND VAN DORN STREET. (IN CONNECTION W/01-85) - PRIOR to reading:

COOK Moved to delay action on Bill 01R-125 to 6/11/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1908 - APPLICATION OF ANDERSON FORD TO ALLOW THE STORAGE OF VEHICLES FOR SALE WHERE PARKING IS PERMITTED IN THE FRONT AND REAR YARDS AND WAIVING THE DESIGN STANDARDS TO ALLOW STORAGE OF VEHICLES FOR SALE ON RAISED ISLANDS, ON PROPERTY GENERALLY LOCATED AT N. 27TH STREET AND WILDCAT DRIVE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-80877 WHEREAS, Anderson Ford has submitted an application designated as Special Permit No. 1908 for authority to allow the storage of vehicles for sale where parking is permitted in the front and side yards on property located at N. 27th Street and Wildcat Drive, and legally described to wit:

Lot 1, Block 1, High Pointe North Commercial Park 3rd Addition located in the Northeast Quarter of Section 36, Township 11 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 vehicle storage 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 Anderson Ford, hereinafter referred to as "Permittee", to allow storage of vehicles where parking is permitted in the front and rear yards, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.700 of the Lincoln Municipal Code upon condition that the vehicle storage be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the storage of vehicles for sale or resale within the rear yard and in the front yard along Wildcat Drive front yard, as shown on the approved site plan. If the use of the premises is changed from vehicle sales, this special permit shall not be considered an adjustment or waiver of the standards for a parking lot, nor shall the area be considered a non-conforming parking lot.

2. A waiver of the parking lot design standards to allow vehicles to be displayed on "vehicle display pads" in the front yard along Wildcat Drive is hereby approved. The display pads shall not exceed six inches in height and shall be constructed of concrete material.

3. Before receiving building permits the construction plans

must be in conformance with the approved plans.

4. Before storing vehicles for sale or resale in the front or rear yard, 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.

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.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda; NAYS: Seng, Werner.

SPECIAL PERMIT 1020G - APPLICATION OF BRYANLGH HEALTH SYSTEM TO EXPAND THE HOSPITAL AND MEDICAL OFFICES AND TO ADD A PARKING STRUCTURE AT BRYANLGH MEDICAL CENTER WEST, AND TO INCREASE THE BUILDING COVERAGE ABOVE 35%, ON PROPERTY GENERALLY LOCATED AT 16TH AND SOUTH STREETS - PRIOR to reading:  
FRIENDT Moved to place 3 amendments on the table for discussion.

Motion #1:

1. On Page 3, after line 7, insert a new paragraph 2 to read as follows:
2. Revise the site plan to show a right turn lane in South Street from 16th to 17th Street.
2. On page 3, after line 13, insert a new paragraph d. to read as follows:
  - d. The Permittee must receive an Executive Order to construct a right turn lane in South Street east of 16th to 17th Street.
3. Renumber the subsequent paragraphs accordingly.

Motion #2:

1. On Page 1, line 5, delete the number 37% and insert in lieu thereof the number 37.9%.
2. On Page 3, line 7, delete the number 37% and insert in lieu thereof the number 37.9%.
3. One page 3, after line 13, insert a new paragraph e. to read as follows:
  - e. Prior to issuance of a demolition permit for the building at 1650 Lake Street known as the Independence Center, formerly the Nurses' Residence (located on Lots 4 and 5 of Meeses Subdivision and Lots 4-6 of Johnson's Second Addition) the Historic Preservation Committee shall review the eligibility of the building for designation as a Lincoln Landmark in accordance with LMC 27.57.120 and make a recommendation to the City Council. If the recommendation is affirmative that the building meets the criterion for landmark designation, the site plan for Bryan LGH West shall be amended to reflect retention of the building and the Planning Director may approve the amended plan administratively.

Motion #3:

1. On Page 3, after line 16, insert a new paragraph 4 as follows:
  4. Should the City Council determine, a right-turn lane in South Street east of 16th to 17th Streets is needed, the Permittee will pay to the City the cost of construction of a right-turn lane as well as up to \$50,000 for the cost of any land acquisition and associated damages prior to receiving an occupancy permit.
2. Renumber the subsequent paragraphs accordingly.

Seconded by Svoboda. No vote.

SENG Moved to delay public hearing for one more week until the departments could workout details.



Seconded by Cook & LOST by the following vote: AYES: Cook, McRoy, Seng, NAYS: Camp, Friendt, Svoboda, Werner.

COOK Moved to withdraw all the amendments on the table.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SVOBODA Moved to approve Bill 01R-127 as it is written.  
Seconded by Cook. No vote.

CAMP Moved to amend in the following manner: Page 3, Line 16, New Paragraph 4:  
The Permittee shall deposit in escrow to the City \$125,000 for Street Improvements, to be approved by the City Council and to be constructed on or before December 31, 2003, within 450 feet of the Permittee's property perimeter.  
Seconded by Werner & carried by the following vote: AYES: Camp, Friendt, McRoy, Werner, NAYS: Cook, Seng, Svoboda.

COOK Moved to amend Bill 01R-127 as shown above in Motion to Amend #2.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner, NAYS: None.

CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-80878 WHEREAS, BryanLGH Health System has submitted an application designated as Special Permit No. 1219J for authority to expand the hospital and medical offices and to add a parking structure at BryanLGH Medical Center West with a waiver of Section 27.63.080(b)(1) of the Lincoln Municipal Code which restricts the building coverage to 35% to allow a building coverage of ~~37%~~ 37.9% on property located at South 16th Street and South Street, and legally described to wit:  
Lots 1 - 6, Johnson's 2nd Subdivision; Lots 1 - 4, Jennings Addition; the northeast quarter of Lot 6, State Subdivision; Lots 1 - 6, Meese's Subdivision; Lots 1 - 14, Betz and Crawford Addition; Lots 4 - 22, Block 1, Central Park Subdivision; Lots 1 - 24, Gould's Subdivision; Lots 1 - 3, Betz Addition; Lots 1 - 6, Johnson's Addition; a portion of Lots 9 and 10, Lots 11 - 16, a portion of Lots 17 and 36, Lots 31 and 37 - 43, a portion of Lots 44 - 47, and Lots 48 - 51, Davis Subdivision; a portion of Lot 52, Davis Subdivision; all of vacated Marion Street from the east right-of-way line of S. 15th Street to the west right-of-way line of vacated S. 16th Street; all of vacated Park Avenue from the east right-of-way line of vacated S. 16th Street to the west right-of-way line of vacated St. Mary's Avenue; vacated S. 16th Street from the north line of Lot 4, Block 1, Central Park Subdivision, to the south line of Lot 11, Gould's Subdivision of Lot 5; vacated St. Mary's Avenue from the north line of Lot 31, Davis Subdivision, to the north right-of-way of Lake Street; all of the vacated north-south alley lying between the north line of vacated Park Avenue and a point located 3.6 feet north of the north lines of Lots 36 and 43, Davis subdivision; all of the vacated north-south alley lying between the south lines of Lots 31 and 48 and the north lines of Lots 29 and 50, Davis Subdivision; the west half of the vacated north-south alley abutting Lot 51, Davis Subdivision; all of vacated north-south alley from the north lines of Lot 1, Jennings Addition and Lot 1, Betz Addition, to the south line of Lots 3 and 4, Johnson's Addition; all of vacated alley in Johnson's 2nd Addition; all of the vacated north-south alley from the north lot line of Lot 4, Block 1, Central Park Subdivision, to the south lot lines of Lots 12 and 13, Block 1, Central Park Subdivision; all of the vacated alley from the north lot lines of Lots 1 and 24, Gould's Subdivision, to the south lot line of Lot 13, Gould's Subdivision; the vacated north-south alley lying between the south line of Lots 13 and 14 and a point located 21.5 feet north of the north lines of Lots 11 and 16, all in Davis Subdivision; the west 54 feet of Lots 29 and 30, Davis Subdivision; proposed vacated S. 16th Street right-of-way abutting Lot 12, Gould's Subdivision; and from the south line of previously vacated S. 16th Street right-of-way to the north line of Lake Street right-of-way;

all located in the Southwest Quarter of Section 36, Township 10 North, Range 6 East, Lancaster County, Nebraska, generally located at S. 16th Street and South Street;

WHEREAS, the real property adjacent to the area included within the site plan for this expansion of the hospital and medical offices 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 BryanLGH Health System, hereinafter referred to as "Permittee", to expand the hospital and medical offices and to add a parking structure at BryanLGH Medical Center West with a waiver of Section 27.63.080(b)(1) of the Lincoln Municipal Code which restricts the building coverage to 35% to allow a building coverage of 37%, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of said expanded hospital, medical offices, and parking structures be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
  - a. An expansion of the facility to a total of 358 beds;
  - b. An additional 100,000 square feet of medical office floor area;
  - c. A parking structure;
  - d. An increase of the building coverage to ~~37%~~ 37.9%.
2. Before receiving building permits:
  - a. The Permittee must submit a revised and acceptable final plan along with five copies.
  - b. The construction plans must conform to the approved plans.
  - c. The parking lot and parking structure must be designed to the satisfaction of the Public Works & Utilities Department.
  - e. Prior to issuance of a demolition permit for the building at 1650 Lake Street known as the Independence Center, formerly the Nurses' Residence (located on Lots 4 and 5 of Meeses Subdivision and Lots 4-6 of Johnson's Second Addition) the Historic Preservation Commission shall review the eligibility of the building for designation as a Lincoln Landmark in accordance with LMC 27.57.120, and make a recommendation to the City Council. If the recommendation is affirmative that the building meets the criterion for landmark designation, the site plan for BryanLGH West shall be amended to reflect retention of the building, and the planning Director may approve the amended plan administratively.
3. Before occupying the structures all development and construction must be completed in conformance with the approved plans and as indicated on the Construction/Occupancy Schedule.
4. All privately-owned improvements must be permanently maintained by the Permittee.
5. 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.
6. 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.
7. 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.
8. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions

approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Seng.

SPECIAL PERMIT 1219J - APPLICATION OF BRYANLGH HEALTH SYSTEM TO EXPAND THE HOSPITAL AND MEDICAL OFFICES AND TO ADD A PARKING STRUCTURE AT BRYANLGH MEDICAL CENTER EAST, AND TO INCREASE THE BUILDING COVERAGE ABOVE 35%, ON PROPERTY GENERALLY LOCATED AT 48TH AND SUMNER STREETS - PRIOR to reading:

FRIENDT Moved to place 2 amendments on the table for discussion.

Motion #1:

1. On page 2, after line 16, insert a new paragraph 2 to read as follows:
2. Revise the site plan to show a right turn lane in Sumner Street east of S. 48th Street.
2. On page 2, after line 22, insert a new paragraph d. to read as follows:
- d. The Permittee must receive an Executive Order to construct a right turn lane in Sumner Street east of S. 48th Street.
3. Renumber the subsequent paragraphs accordingly.

Motion #2:

1. On page 3, after line 3, insert a new paragraph 4 to read as follows:
  - "4. Should the City Council determine a right-turn lane in Sumner Street east of South 48th Street needed, the Permittee will pay to the City the cost of construction of a right-turn lane as well as up to \$15,000.00 for the cost of any land acquisition and associated damages prior to receiving an occupancy permit."
2. Renumber the subsequent paragraphs accordingly.

Seconded by Svoboda. No vote.

SENG Moved to delay public hearing for one more week until the departments could work out details.

Seconded by Cook & LOST by the following vote: AYES: Cook, McRoy, Seng, NAYS: Camp, Friendt, Svoboda, Werner.

COOK Moved to withdraw all the amendments on the table.

Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SVOBODA Moved to approve Bill 01R-127 as it is written.

Seconded by Cook. No vote.

CAMP Moved to amend in the following manner: Page 3, Line 16, New Paragraph 4:

The Permittee shall deposit in escrow to the City \$80,000 for Street Improvements, to be approved by the City Council and to be constructed on or before December 31, 2003, within 300 feet of the Permittee's property perimeter.

Seconded by Werner & carried by the following vote: AYES: Camp, Friendt, McRoy, Werner; NAYS: Cook, Seng, Svoboda.

CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-80879 WHEREAS, BryanLGH Health System has submitted an application designated as Special Permit No. 1219J for authority to expand the hospital and medical offices and to add a parking structure at BryanLGH Medical Center East with a waiver of Section 27.63.080(b)(1) of the Lincoln Municipal Code which restricts the building coverage to 35% to allow a building coverage of 38.2% on property located at South 48th Street and Sumner Street, and legally described to wit:

Lots 116, 117, and 259 of Irregular Tracts in the Northwest Quarter of the Northeast Quarter of Section 32, Township 10 North, Range 7 East of the 6th P.M., Lincoln, Lancaster County, Nebraska; Lots 1 - 33, inclusive, Block 3, Shurtleff's Piedmont Park; the vacated portion of Washington and Everett Streets west of the west line of 50th Street, including the cul-de-sac at the west intersection of said streets, a triangle area of property bounded on the east by 50th Street, Everett Street on the south and Washington Street on the north, the vacated portion of 51st Street from the north line of Sumner Street to the south line of Everett Street, and Lots 1 - 24, inclusive, Block 6, Shurtleff's Piedmont Park, all

property being in Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this expansion of the hospital and medical offices 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 BryanLGH Health System, hereinafter referred to as "Permittee", to expand the hospital and medical offices and to add a parking structure at BryanLGH Medical Center East with a waiver of Section 27.63.080(b)(1) of the Lincoln Municipal Code which restricts the building coverage to 35% to allow a building coverage of 38.2%, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.080 of the Lincoln Municipal Code upon condition that construction and operation of said expanded hospital and medical offices be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
  - a. A parking structure, two new main entrances to the hospital, a two-floor hospital addition, and a four-floor medical office addition.
  - b. An increase of the building coverage to 38.2%
2. Revise the site plan to show a right turn lane in Sumner Street east of South 48th Street.
- ~~2.3.~~ Before receiving building permits:
  - a. The Permittee must submit a revised and acceptable final plan along with five copies.
  - b. The construction plans must conform to the approved plans.
  - c. The parking lot and parking structure must be designed to conform to City Code and Design Regulations.
- ~~3.4.~~ Should the City Council determine a right-turn lane in Sumner Street east of South 48th Street needed, the Permittee will pay to the City the cost of reconstruction of a right-turn lane as well as up to \$15,000.00 for the cost of any land acquisition and associated damages prior to receiving an occupancy permit.

construction must be completed in conformance with the approved plans and as indicated on the Construction/Occupancy Schedule.

~~4.~~ 5. All privately-owned improvements must be permanently maintained by the Permittee.

~~5.~~ 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.

~~6.~~ 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.

~~7.~~ 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.

~~8.~~ 9. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Ken Svoboda

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Seng.

APPROVING AN AMENDMENT TO RESTRICTIVE COVENANTS TO ALLOW BUSINESS OR COMMERCIAL ENTERPRISE USES WITHIN THE NORTH PARK SUBDIVISION AND NORTH PARK SUBDIVISION 2ND ADDITION - CLERK read the following resolution, introduced by Ken Svoboda, who moved for its adoption:

A-80880 WHEREAS, the City of Lincoln is the owner of Lots 1, 2, 3, 4, and 14, Block 1, North Park Subdivision; and

WHEREAS, the lots within North Park Subdivision and North Park Subdivision 2nd Addition are subject to Restrictive Covenants dated October 26, 1964 and filed of record on October 26, 1964; and

WHEREAS, paragraph 9 of said Restrictive Covenants restricts the use of the lots to single-family residential purposes and prohibits any business or commercial enterprise use upon the lots; and

WHEREAS, the owners of lots in North Park Subdivision and North Park Subdivision 2nd Addition have are seeking to amend said Restrictive Covenants as set forth in the Amendment to Restrictive Covenants attached hereto marked as Attachment "A" to allow business or commercial enterprise uses upon the lots as allowed and authorized by the applicable zoning provision of the Lincoln Municipal Code; and

WHEREAS, the City of Lincoln has no objection to amending the Restrictive Covenants as provided for in the Amendment to the Restrictive Covenants (Attachment "A").

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

That the Amendment to Restrictive Covenants, attached hereto as Attachment "A", is hereby approved and the Mayor is authorized to execute said amendment on behalf of the City of Lincoln.

Introduced by Ken Svoboda

Seconded by Werner & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Werner; NAYS: Cook, Svoboda.

SPECIAL PERMIT 1903 - APPEAL OF MOHAMED DAHAB AND DEBRA DAHAB FROM THE PLANNING COMMISSION APPROVAL OF SPECIAL PERMIT 1903 FOR AUTHORITY TO CONSTRUCT A 68' TALL WIRELESS COMMUNICATIONS FACILITY ON PROPERTY GENERALLY LOCATED AT SOUTH 37TH STREET AND HIGH STREET - PRIOR to reading:

COOK Moved to delay action on Bill 01R-20 for two weeks to 6/18/01.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

#### PETITIONS AND COMMUNICATIONS

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

Combined Special Permit and Use Permit 18 - App. of Michael McKeeman, President of McKeeman Consulting for outdoor seasonal sales at 70th & A Streets.

Special Permit No. 286G - App. of Saint Elizabeth Regional Medical Center to expand the Medical campus as a Permitted Special Use Health Care Facilities pursuant to 27.63.080 of the Lincoln Municipal Code at 70th & L Streets.

Special Permit No. 692K - App. of Al Sward, President of Tabitha to amend Tabitha New Community C.U.P. and obtain a Special Permit to allow two of the six buildings constituting Walter Apartments to be used as Domiciliary Care Facilities.

Change of Zone 2531(bb) - App. of Hampton Enterprises, Inc. to amend the Williamsburg Village final planned unit development to increase the maximum allowable square footage.

Three (3) Informal Paving Petitions for paving and storm sewers, for 7th Street North from New Hampshire, New Hampshire Street from 7th Street to the West and the alley back on North of listed property submitted by Alice Coleman - CLERK presented said petition which was referred to Public Works.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON May 14, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON May 21, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNING ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED APRIL 30, 2001 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-80885 BE IT RESOLVED by the City Council of the City of Lincoln,

**REGULAR MEETING**

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Nebraska: That during the month ended April 30, 2001, \$440,406.98 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 bears to the total of all fund balances.

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

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

A-80886 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 May 14 - May 18, 2001.)

Introduced by Ken Svoboda

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF APRIL,

2001: Excel Telecommunications, Inc.; ATT Wireless PCS, LLC, ATT Wireless Services; TracFone Wireless, Inc., Western Union Communications, Inc.; VarTec Telecom, Inc.; USA Paging LLC; ATS Mobil Telephone, Inc.; Nextel West Corp.; ATT Wireless PCS, LLC; Winstar Wireless; LCI International Telecom Corp; Teligent Services, Inc.; Touch America Services, Inc.; Qwest Communications, Corp.; Primus Telecommunications, Inc.; Trans National Communications International, Inc.; Working Assets Funding Service, Inc.; EquaNet Corporation; Atlas Communications, Ltd.; One Call Communications, Inc.; Operator Communications, Inc.; D & D Communications, Inc.; XO Long Distance Services, Inc.; Comdata Telecommunications Services, Inc.; Globalcom, Inc.; Nosva Limited Partnership; GTC Telecom; Glyphics Communications, Inc.; RSL Com USA, Inc.; Tri-M Communications, Inc; Lightyear Communications, Inc.; Incomnet Communications Corp.; Single Billing Services, Inc.; Teleco Development Group DE, Inc.; NOS Communications, Inc.; Long Distance of Michigan, Inc.; Zone Telecom, Inc.; Association Administrators, Inc. and Affinity Network, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

LES QUARTERLY FINANCIAL REPORT FOR THE PERIOD OF JANUARY 1, THROUGH MARCH 31, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (40)

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

REPORT OF FRANCHISE TAX FOR THE MONTH OF APRIL, 2001 FROM PEOPLES NATURAL GAS CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT OF TELECOM EXCISE TAX FROM I-LINK COMMUNICATIONS, INC., AND BIG 8 PLANET, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

**ORDINANCES - 1ST READING**

CHANGE OF ZONE 3324 - APPLICATION OF PIONEER GREENS, L.L.C. FOR A CHANGE OF ZONE FROM 0-3 OFFICE PARK TO R-3 RESIDENTIAL AND FROM R-3 RESIDENTIAL TO 0-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED AT S. 68TH STREET AND PIONEERS BLVD. - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

VACATING LOTS 1 THROUGH 6, LEAVITT'S SUBDIVISION, GENERALLY LOCATED AT S. 14TH STREET AND DAIRY DRIVE - CLERK read an ordinance, introduced by Ken Svoboda, vacating a portion of the final plat of Leavitt's Subdivision as previously approved by the City of Lincoln on August 9, 1886, the first time.

VACATING A PORTION OF THE RIGHT-OF-WAY STUB ADJACENT TO THE SOUTH AND WEST LINES OF LOT 3, 48TH AND SUPERIOR ADDITION, AND THE SOUTH AND EAST LINE OF LOT 2, H.J.B. INDUSTRIAL PARK 1ST ADDITION, GENERALLY LOCATED AT N. 48TH AND SUPERIOR STREETS - CLERK read an ordinance, introduced by Ken Svoboda, vacating a 75' by 80' portion of right-of-way stub adjacent to the south and west lines of lot 3, and Superior Addition, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

APPROVING AN ACCESS AGREEMENT WITH QWEST WIRELESS TO CO-LOCATE ON AN EXISTING ALLTEL TOWER IN ANTELOPE PARK - CLERK read an ordinance, introduced by Ken Svoboda, whereas the City of Lincoln desires to provide access in Antelope park, generally located at 30th & "A" Streets, to Qwest Wireless, LLC, to co-locate their facilities on an exiting Alltel tower, the first time.

**ORDINANCES - 3RD READING**

VACATING A PORTION OF SOUTH 16TH STREET FROM THE NORTH LINE OF LAKE STREET TO THE SOUTH LINE OF THE PREVIOUSLY VACATED SOUTH 16TH STREET - PRIOR to reading:

CAMP Moved to waive Council Rules to have 2nd & 3rd reading on this date with action.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK read an ordinance, introduced by Coleen Seng, vacating a portion of South 16th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska.

SENG Moved to pass ordinance as read.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#17856**, is recorded in Ordinance Book 24, Page

CREATING ALLEY PAVING DISTRICT NO. 361 IN THE EAST-WEST ALLEY, FROM BALLARD TO MORRILL, 62ND TO 63RD STREETS - CLERK read an Ordinance, introduced by Annette McRoy, creating Alley Paving District No. 361, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the third time.

SENG Moved to pass ordinance as read.  
Seconded by Camp & **LOST** by the following vote: AYES: None; NAYS: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner.

The ordinance, having **LOST**, was assigned File **#38-4362** & was placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3322 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO CHANGE "CITY DATA" AND "CITY DATUM" TO "NAVD 1988" TO MAKE THE ZONING ORDINANCE CONSISTENT WITH TITLE 26, AND LAND SUBDIVISION ORDINANCE - CLERK read an ordinance, introduced by Annette McRoy, amending Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.58.060, 27.60.035, 27.65.070 and 27.70.050 of the Lincoln Municipal Code to change "city data" and "city datum" to "NAVD 1988" and to make the Zoning Ordinance consistent with Title 26, the Land Subdivision Ordinance; and repealing Sections 27.27.080, 27.28.090, 27.31.100, 27.37.070, 27.51.100, 27.58.060, 27.60.035, 27.65.070, and 27.70.050 of the Lincoln Municipal Code as hitherto existing, the third time.

SENG Moved to pass ordinance as read.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#17857**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3245 - APP. OF MANETTE KIDNEY FOR A CHANGE FROM AG AGRICULTURAL TO 0-2 SUBURBAN OFFICE ON PROPERTY GENERALLY LOCATED AT S. 84TH & OLD CHENEY RD. - PRIOR to reading:

CAMP Moved to **WITHDRAW** the ordinance.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File **#38-4363** & was

placed on file in the Office of the City Clerk.

CHANGE OF ZONE 3206 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AGRICULTURAL RESIDENTIAL TO B-1 LOCAL BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 70TH ST. & PINE LAKE RD. - PRIOR to reading:

CAMP Moved to leave Bill. No. 00-72 on Pending Indefinitely.  
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.

SENG Moved to approve ordinance as read.  
Seconded by Cook & **LOST** by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, McRoy, Seng, Werner.

The ordinance, having **LOST**, was assigned File #38-4364 & was placed on file in the Office of the City Clerk.

ORD. 17727 - CHANGE OF ZONE 3207 - APP. OF REALTY TRUST GROUP FOR A CHANGE FROM AG AGRICULTURAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. ON PROPERTY GENERALLY LOCATED AT S. 84TH ST. & OLD CHENEY RD. - PRIOR to reading:

CAMP Moved to leave Bill. No. 00-160 on Pending Indefinitely.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.

SENG Moved to pass ordinance as read.  
Seconded by Cook & **LOST** by the following vote: AYES: Camp; NAYS: Cook, Friendt, McRoy, Seng, Svoboda, Werner.

The ordinance, having **LOST**, was assigned File #38-4365 & was placed on file in the Office of the City Clerk.

#### MISCELLANEOUS BUSINESS

##### PENDING LIST -

RE: SPECIAL PERMIT 1165A - TO SHOW CAUSE WHY SAID SPECIAL PERMIT SHOULD NOT BE REVOKED FOR FAILURE TO COMPLY WITH THE CONDITIONS OF THE SPECIAL PERMIT (1301 "H"):

COOK Moved to remove Special Permit 1165A from Pending & **Withdraw**.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4366 & was placed on file in the Office of the City Clerk.

RESOLUTION A-80486 - USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-272, 00-173):

SENG Moved to remove Use Permit 131 from Pending and **INDEFINITELY POSTPONE**.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, having been **INDEFINITELY POSTPONED**, was assigned File #38-4367 & was placed on file in the Office of the City Clerk.

ACCEPTING & APPROVING THE PRE. PLAT OF WILDERNESS PARK ESTATES INCLUDING WAIVERS FOR CURB & GUTTERS, SIDEWALKS, STORMWATER DETENTION, & STREET TREES, ON PROPERTY GENERALLY LOCATED WEST OF S. 14TH ST. & MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-309, 00-209):

SENG Moved to remove Bill 00R-308 from Pending for Public Hearing & action on 6/25/01.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1832 - APP. OF GEORGE & KATHY MECHLING TO DEVELOP WILDERNESS PARK ESTATES C.U.P. CONSISTING OF 19 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE. (IN CONNECTION W/99-93, 00R-308, 00-209):

SENG Moved to remove Bill 00R-309 from Pending for Public Hearing &



action on 6/25/01.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 45 ACRES OF PROPERTY GENERALLY LOCATED AT S. 14TH ST. & MOCKINGBIRD LANE NORTH. (IN CONNECTION W/00R-308, 00R-309, 00-209):

SENG Moved to remove Bill 99-93 from Pending for Public Hearing & action on 6/25/01.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

VACATING A PORTION OF PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION WEST TO THE RAILROAD RIGHT-OF-WAY, GENERALLY LOCATED WEST OF S. 14TH ST. & PINE LAKE RD. (IN CONNECTION W/00R-308, 00R-309, 99-93):

SENG Moved to remove Bill 00-209 from Pending for Public Hearing & action on 6/25/01.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June 11, 2001.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

**7:14 p.m.**

CAMP Moved to adjourn the City Council Meeting of May 21, 2001.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
So ordered.

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Joan E. Ross, City Clerk

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Glenna Graupmann, Office Assistant III

REGULAR MEETING  
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