

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, JUNE 18, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:33 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

WERNER Having been appointed to read the minutes of the City Council proceedings of June 11, 2001, reported having done so, found same correct.

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

**PUBLIC HEARING**

APP. OF B & B - Q INC. DBA CHEERLEADERS BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 5560 S. 48TH ST., SUITE 4;

MAN. APP. OF DEAN LEE BORGMANN FOR B & B - Q INC. DBA CHEERLEADERS BAR & GRILL AT 5560 S. 48TH ST., SUITE 4 - Daryl Stock, Attorney, 1115 "K" Street, and Dean Borgmann, took the oath and came forward to answer any questions.

This matter was taken under advisement.

APP. OF SYDRAN FOOD SERVICES III LP DBA CHILI'S SOUTHWEST GRILL FOR A CLASS I LIQUOR LICENSE AT 6730 S. 27TH ST.;

MAN. APP. OF JOHN ROBERT MORRIS FOR SYDRAN FOOD SERVICES III LP DBA CHILI'S SOUTHWEST GRILL AT 6730 S. 27TH ST. - Rob Morris, 3218 Wilamena Ave., Bellevue, NE, took the oath and came forward to answer any questions.

This matter was taken under advisement.

MAN. APP. OF JAMES E. BEAM FOR LOYAL ORDER OF MOOSE INC. DBA MOOSE LODGE 175 AT 4901 N. 56TH ST. - James Beam, 2712 Ammon Ave., took the oath and came forward to answer any questions.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 270 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF YANKEE HILL RD. BETWEEN S. 14TH ST. & S. 27TH ST. - Jason Reynolds, Planning Staff and Dana Roper, City Attorney came forward to answer questions posed by Council.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 227.19 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 27TH ST. & HWY. 34. (IN CONNECTION W/01R-151);

COMP. PLAN AMENDMENT 94-61 - AMENDING THE COMPREHENSIVE PLAN TO DESIGNATE LAND NEAR NW 27TH ST. & W. FLETCHER AS INSIDE THE "FUTURE SERVICE LIMIT & TO INCLUDE W. FLETCHER AVE. FROM NW 12TH ST. TO NW 31ST ST. & A NEW INTERCHANGE AT NW 27TH ST. & HWY. 34 IN THE FUTURE ROAD NETWORK & TRANSPORTATION PLANS. (IN CONNECTION W/01-99);

APPROVING AN ANNEXATION AGRMT. BETWEEN THE CITY & KAWASAKI MOTORS MANUFACTURING CORP. OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROX. 227 ACRES OF PROPERTY GENERALLY LOCATED AT NW 27TH ST. & HWY. 34. - Steve Henrichsen, Planning Staff came forward to present the city's position on these three bills.

Peter Katt, Attorney for Kawasaki came forward in favor of the annexation agreement for Kawasaki and the potential for better traffic access to the plant. Discussion followed.

This matter was taken under advisement.

CHANGE OF ZONE 3252 - APP. OF RIDGE DEVELOPMENT CO. FOR A CHANGE FROM I-1 INDUSTRIAL DIST. TO B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. & FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DIST. TO I-1 INDUSTRIAL DIST. ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. (IN CONNECTION W/01R-148, 01R-149);

USE PERMIT 103B - APP. OF RIDGE DEVELOPMENT CO. FOR 705,660 SQ. FT. OF RETAIL, COMMERCIAL, FINANCIAL, & RESTAURANT USES, ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. (IN CONNECTION W/01-100, 01R-149);

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF KING RIDGE 2ND ADD. WITH WAIVERS TO THE REQUIRED BLOCK LENGTH, SIDEWALKS, DESIGN STANDARDS FOR PRIVATE

ROADWAYS, & A REDUCTION IN THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. (IN CONNECTION W/01-100, 01R-148) - DaNay Kalkowski, Attorney, 1111 Lincoln Mall, Suite 350, came forward representing her client, Ridge Development Company in favor of these two items.

This matter was taken under advisement.

CHANGE OF ZONE 69H - APP. OF RAPE/SPOUSE ABUSE CRISIS CENTER FOR A LANDMARK DESIGNATION FOR THE PACE-WOODS HOUSE LOCATED AT 2545 N ST. (IN CONNECTION W/01R-150);

SPECIAL PERMIT 1914 - APP. OF THE RAPE/SPOUSE ABUSE CRISIS CENTER FOR AUTHORITY TO USE A DESIGNATED LANDMARK AS A CRISIS CENTER ON PROPERTY GENERALLY LOCATED AT 2545 N ST. (IN CONNECTION W/01-101) - Ed Zimmer, Historic Preservation Div. of the Planning Dept., came forward in favor of Special Permit 1914.

Marcia Metzger, Director of the Rape Spouse Center, came forward in favor. Discussion followed.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16 - 31, 2001 - Lyman Taylor, 1721 Westland Circle, came forward to protest the City Attorney denying his claim. He shared photos with the Council members of the damage that his fence incurred.

This matter was taken under advisement.

ADOPTING CHANGES TO THE LINCOLN LANCASTER COUNTY AIR POLLUTION PROGRAM REGULATIONS & STANDARDS TO INCORPORATE NEW FEDERAL REQUIREMENTS, TO CORRECT ERRORS & INCONSISTENCIES IN THE EXISTING TEXT, TO ADOPT EXISTING FEDERAL REGULATIONS PERTAINING TO THE COMPLIANCE ASSURANCE MONITORING PROGRAM & MAXIMUM AVAILABLE CONTROL TECHNOLOGY (MACT) STANDARDS, & TO UPDATE CURRENTLY ADOPTED MACT STANDARDS TO REFLECT THE MOST RECENT VERSIONS AVAILABLE - Scott Holmes, Division Chief of Environmental Health, came forward in favor of the changes in the Air Pollution Program.

This matter was taken under advisement.

USE PERMIT 137 - APP. OF MICHAEL RAASCH TO DEVELOP 56,000 SQ. FT. OF COMMERCIAL USES, WITH WAIVERS OF THE REQUIRED SIDEWALKS, ALLOWING THE SANITARY SEWER TO RUN AGAINST THE STREET GRADE, & ADJUST THE REAR YARD SETBACK ON THE EASTERN EDGE OF THE PROPERTY, ON PROPERTY GENERALLY LOCATED AT S. 16TH ST. & OLD CHENEY RD. - Brian Carstens, 2935 Pine Lake Rd., Ste. H, came forward in support of Use Permit 137.

This matter was taken under advisement.

WAIVING THE DESIGN STANDARDS FOR STREET PAVEMENT WITH CURB & GUTTER, SIDEWALKS, STREET LIGHTS, STREET TREES, & TO ALLOW PRIVATE WELLS, ON PROPERTY GENERALLY LOCATED AT 82ND & MANDARIN CIR. - Brian Carstens, 2935 Pine Lake Rd., Ste. H, came forward for Roger & Rosanna Schneider in favor.

Richard Spiedel, 3820 J Street, came forward in protest.

Roger Schneider, 1241 Mandarin Circle, came forward in favor.

This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS PUBLIC HEARING

Danny Walker, 427 "E" Street, explained that the traffic on 8th & "P" Streets is not yielding to the right-of-way. He also discussed that he was not happy with the financial situation regarding the present Ambulance billing service. Jonathan Cook assured Mr. Walker that steps are being taken to monitor this matter. Jon Camp also advised him that the problem is being investigated.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to discuss the Ambulance situation as well. He advised Council that a video had been prepared by the billing company to assist the Fire Dept. with the new process. He suggested that the rotation problem with the hospital emergency rooms could be solved with more staff.

Craig Groat, 4935 Huntington Ave., came forward to request that the city hire a qualified Traffic Engineer.

These matters were taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

APP. OF B & B - Q INC. DBA CHEERLEADERS BAR & GRILL FOR A CLASS I LIQUOR LICENSE AT 5560 S. 48TH ST., SUITE 4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80911 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 & B - Q Inc. dba "Cheerleaders Bar & Grill" for a Class "I" liquor license at 5560 South 48th Street, Suite 4, 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 Jon Camp

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

MAN. APP. OF DEAN LEE BORGMANN FOR B & B - Q INC. DBA CHEERLEADERS BAR & GRILL AT 5560 S. 48TH ST., SUITE 4 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80912 WHEREAS, B & B - Q Inc. dba "Cheerleaders Bar & Grill" located at 5560 South 48th Street, Suite 4, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Dean Lee Borgmann be named manager;

WHEREAS, Dean Lee Borgmann 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 Dean Lee Borgmann 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 Jon Camp

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

APP. OF RFOX INC DBA RED FOX STEAK HOUSE TO RECONSTRUCT THEIR PRESENTLY LICENSED PREMISES BY ENCLOSING THE OUTDOOR BEER GARDEN AREA AT 1339 W. "O" ST.

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

A-80913 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 RFox Inc. dba "Red Fox Steak House" to reconstruct its licensed premises by enclosing the outdoor beer garden area measuring 34 feet by 16 feet to the northeast of the presently licensed premises located at 1339 West O Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

APP. OF SYDRAN FOOD SERVICES III LP DBA CHILI'S SOUTHWEST GRILL FOR A CLASS I LIQUOR LICENSE AT 6730 S. 27TH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80914 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 Sydran Food Services III, L.P. dba "Chili's Southwest Grill" for a Class "I" liquor license at 6730 South 27th 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 Jon Camp

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

MAN. APP. OF JOHN ROBERT MORRIS FOR SYDRAN FOOD SERVICES III LP DBA CHILI'S SOUTHWEST GRILL AT 6730 S. 27TH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80915 WHEREAS, Sydran Food Services III, LP dba "Chili's Southwest Grill" located at 6730 South 27th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Robert J. Morris be named manager;

WHEREAS, Robert J. Morris 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 Robert J. Morris 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 Jon Camp

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

MAN. APP. OF JAMES E. BEAM FOR LOYAL ORDER OF MOOSE INC. DBA MOOSE LODGE 175 AT 4901 N. 56TH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80916 WHEREAS, Loyal Order of Moose Inc. dba "Moose Lodge 175" located at 4901 N. 56th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that James E. Beam be named manager;

WHEREAS, James E. Beam 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 James E. Beam 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 Jon Camp

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

APP. OF DENNIS VONTZ FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING THE ENTIRE PIONEERS GOLF COURSE AT 3403 W. VAN DORN ST. ON JUNE 30, 2001 FROM 7:30 A.M. TO 7:00 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80917 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 Dennis Vontz d/b/a Pioneers Golf Course for a Special Designated License to cover the entire golf course at 3403 W. Van Dorn Street, Lincoln, Nebraska, on the 30th day of June, 2001, between the hours of 7:30 a.m. and 7:00 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. 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 Jon Camp

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

**ORDINANCES - 2ND READING**

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE STREET CONSTRUCTION FUND OF \$988,000 FROM PROJECT NO. 541831, SOUTH 70TH STREET, OLD CHENEY ROAD TO PINE LAKE ROAD; \$275,000 FROM PROJECT NO. 542816, 66TH STREET, COTNER BLVD., AND VINE STREET; AND \$345,000 FROM PROJECT NO. 542826, 27TH AND SUPERIOR STREETS, TO PROJECT NO. 700342, "O" STREET, 52ND STREET TO WEDGEWOOD - CLERK read an ordinance, introduced by Terry Werner, approving the transfer of appropriations between certain capital improvement projects within the Street Construction Fund, the second time.

RENAMING CHARLES AVENUE AS HANNEMAN DRIVE BEGINNING AT THE NORTH APPROACH OF THE INTERSECTION OF TRIMBLE DRIVE AND WEST "C" STREET AND EXTENDING NORTH AND EAST THROUGH THE MUFF 2ND ADDITION PRELIMINARY PLAT - PRIOR to reading:

COOK Moved to place Bill No. 01-96 on Pending.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Terry Werner, changing the name of Charles Avenue to Hanneman Drive located the north approach of the intersection of Trimble Drive and West C Street and extending north and east through the Muff 2nd Addition, as recommended by the Street Name Committee, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 270 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF YANKEE HILL ROAD BETWEEN SOUTH 14TH STREET AND SOUTH 27TH STREET - CLERK read an ordinance, introduced Terry Werner, amending Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17846 passed May 7, 2001, 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 1 of Ordinance No. 17846, passed May 7, 2001, as hitherto existing, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 227.19 ACRES OF PROPERTY GENERALLY LOCATED NORTHEAST OF N.W. 27TH STREET AND HIGHWAY 34 (In connection w/01R-151) - CLERK read an ordinance, introduced by Terry Werner, amending Section 20 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17838, passed April 23, 2001, prescribing and defining the corporate limits of the City of Lincoln, Nebraska; and repealing Section 20 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 2 of Ordinance No. 17838, passed April 23, 2001, as hitherto existing, the second time.

CHANGE OF ZONE 3252 - APPLICATION OF RIDGE DEVELOPMENT COMPANY FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL DISTRICT TO B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT AND FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO I-1 INDUSTRIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND FOLKWAYS BLVD. (In connection w/01R-149) - CLERK read an ordinance, introduced by Terry Werner, 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.

CHANGE OF ZONE 69H - APPLICATION OF RAPE/SPOUSE ABUSE CRISIS CENTER FOR A LANDMARK DESIGNATION FOR THE PACE-WOODS HOUSE LOCATED AT 2545 N STREET (In connection w/01R-159)- CLERK read an ordinance, introduced by Terry Werner, amending the City of Lincoln District Map attached to and made a part of Title 27 of the Lincoln Municipal Code by designating the building known as the Pace-Wood House at 2545 N Street, Lincoln, Nebraska as a Landmark, the second time.

**RESOLUTIONS**

ACCEPTING THE REPORT OF NEW & PENDING CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MAY 16 - 31, 2001 CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80918 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 June 1, 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>	
Charlene Dawn Mathews-Forke	NAS*	Larry O. Robertson	\$ 359.54
John Rausch	NAS*	Martha A. Gibbens	4,071.56
Steve Hawkins	NAS*	Robert & Brenda Dykeman	1,102.46
Alan Schroeder	\$2,689.00	Lincoln Lumber Co.	177.59
Lyman Taylor	397.00	Donna L. Hyberger	1,026.22
Todd D. Hill	150.00	Sharon A. Hamlin	1,562.65
Jon Zvolanek	51.57	Robert L. Bals	206.45
Leon Hadley	46.05	State Farm Insurance Co.	
Barry T. Rosson	46.41	(Robin B. DiPietro, Insured)	
			2,638.97

\* No Amount Specified

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

Introduced by Jon Camp

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

APPROVING AN ANNEXATION AGRMT. BETWEEN THE CITY & KAWASAKI MOTORS MANUFACTURING CORP. OUTLINING CERTAIN CONDITIONS & UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROX. 227 ACRES OF PROPERTY GENERALLY LOCATED AT NW 27TH ST. & HWY. 34 - PRIOR to reading:

CAMP Moved to delay action on Bill No. 01R-146 for one week to 6/25/01.

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

ADOPTING CHANGES TO THE LINCOLN LANCASTER COUNTY AIR POLLUTION PROGRAM REGULATIONS & STANDARDS TO INCORPORATE NEW FEDERAL REQUIREMENTS, TO CORRECT ERRORS & INCONSISTENCIES IN THE EXISTING TEXT, TO ADOPT EXISTING FEDERAL REGULATIONS PERTAINING TO THE COMPLIANCE ASSURANCE MONITORING PROGRAM & MAXIMUM AVAILABLE CONTROL TECHNOLOGY (MACT) STANDARDS, & TO UPDATE CURRENTLY ADOPTED MACT STANDARDS TO REFLECT THE MOST RECENT VERSIONS AVAILABLE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80919 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the amendment to Article II, Sections 1, 5, 7, 8, 17, 20, 21, 28 and 34 of the Lincoln-Lancaster County Air Pollution Program Regulations and Standards implemented by the Lincoln-Lancaster County Health Department, a copy of which is attached hereto, marked as Attachment "A" and made a part hereof by reference, which Amendment is to incorporate new federal requirements and clarify certain inconsistencies in the existing text, adopt existing federal regulations pertaining to the compliance assurance monitoring program and Maximum Available Control Technology (MACT) standards and update currently adopted MACT standards to reflect the most recent versions available.

The City Clerk is directed to return two (2) fully executed copies of said Amendment to Susan Starcher, Lancaster County Clerk's Office, for filing with the County.

Introduced by Jon Camp

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

USE PERMIT 103B - APP. OF RIDGE DEVELOPMENT CO. FOR 705,660 SQ. FT. OF RETAIL, COMMERCIAL, FINANCIAL, & RESTAURANT USES, ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. (IN CONNECTION W/01-100, 01R-149) - PRIOR to reading:

COOK Moved to delay action on Bill 01R-148 to 6/25/01.

Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ACCEPTING & APPROVING THE PRELIMINARY PLAT OF KING RIDGE 2ND ADD. WITH WAIVERS TO THE REQUIRED BLOCK LENGTH, SIDEWALKS, DESIGN STANDARDS FOR PRIVATE ROADWAYS, & A REDUCTION IN THE FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT N. 27TH ST. & FOLKWAYS BLVD. (IN CONNECTION W/01-100, 01R-148) - Prior to reading:

COOK Moved to delay action on Bill 01R-149 to 6/25/01.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

SPECIAL PERMIT 1914 - APP. OF THE RAPE/SPOUSE ABUSE CRISIS CENTER FOR AUTHORITY TO USE A DESIGNATED LANDMARK AS A CRISIS CENTER ON PROPERTY GENERALLY LOCATED AT 2545 N ST. (IN CONNECTION W/01-101) - PRIOR to reading:

COOK Moved to delay action on Bill 01R-150 to 6/25/01.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COMP. PLAN AMENDMENT 94-61 - AMENDING THE COMPREHENSIVE PLAN TO DESIGNATE LAND NEAR NW 27TH ST. & W. FLETCHER AS INSIDE THE "FUTURE SERVICE LIMIT & TO INCLUDE W. FLETCHER AVE. FROM NW 12TH ST. TO NW 31ST ST. & A NEW INTERCHANGE AT NW 27TH ST. & HWY. 34 IN THE FUTURE ROAD NETWORK & TRANSPORTATION PLANS. (IN CONNECTION W/01-99) - PRIOR to reading:

COOK Moved to delay action on Bill 01R-151 to 6/25/01.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

USE PERMIT 137 - APP. OF MICHAEL RAASCH TO DEVELOP 56,000 SQ. FT. OF COMMERCIAL USES, WITH WAIVERS OF THE REQUIRED SIDEWALKS, ALLOWING THE SANITARY SEWER TO RUN AGAINST THE STREET GRADE, & ADJUST THE REAR YARD SETBACK ON THE EASTERN EDGE OF THE PROPERTY, ON PROPERTY GENERALLY LOCATED AT S. 16TH ST. & OLD CHENEY RD. - CLERK read the following resolution, introduced by John Camp, who moved for its adoption:

A-80920 WHEREAS, Michael Raasch has submitted an application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as Use Permit No. 137 for authority to construct 56,000 square feet of mixed commercial space, and legally described to wit:

Lots 15, 16, and 17, Block 3, Lincoln Industrial Park  
South, located in the Southwest Quarter of Section 12,  
Township 9 North, Range 6 East of the 6th P.M.,  
Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this commercial development 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 Michael Raasch, hereinafter referred to as "Permittee", to construct 56,000 square feet of mixed commercial space 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 56,000 square feet of commercial space.
2. The following modifications of the Land Subdivision Ordinance, Zoning Code, and City of Lincoln Design Standards are hereby approved:
  - a. Waiver of the required sidewalks along the south side of renamed Kensington Court.
  - b. An adjustment to the rear yard setback from 50 feet to 20 feet along the east property line.
  - c. Waiver of the design standard that requires the slope of the sanitary sewer to be parallel with the slope of the street to allow the flow of sewage against the street grade.
3. Pre-existing Use Permit #31 is hereby rescinded.
4. Before receiving building permits:
  - a. The Permittee must submit a revised and reproducible

- final plan along with five copies.
- b. The construction plans must conform to the approved plans.
  - c. Final plats within the area of this Use Permit must be approved by the City.
5. Before occupying the new construction all development and construction must be completed in conformance with the approved plans.
6. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established association approved by the City Attorney.
7. 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. 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 this use permit or take such other action as may be necessary to gain compliance.
9. 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 Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

WAIVING THE DESIGN STANDARDS FOR STREET PAVEMENT WITH CURB & GUTTER, SIDEWALKS, STREET LIGHTS, STREET TREES, & TO ALLOW PRIVATE WELLS, ON PROPERTY GENERALLY LOCATED AT 82ND & MANDARIN CIR. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80921 WHEREAS, Roger and Rosanna Schreiner (Owners) have submitted the Administrative Final Plat of Pioneer Heights First Addition to the Planning Director for approval; and

WHEREAS, the Owners have requested a modification of the Land Subdivision Ordinance to waive street pavement with curb and gutter, the installation of the sidewalks, ornamental lighting, street trees, and the community water distribution system requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of all the subdivision requirements would result in actual difficulties or substantial hardship or injustice.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska: That the following modifications to the subdivision requirements be and the same are hereby approved:

a. The requirement of § 26.27.020 of the Land Subdivision Ordinance that sidewalks be installed along both sides of all streets is hereby waived provided the owners agree not to object to the installation of sidewalks if and when ordered constructed by the City Council.

b. The requirement of § 26.27.030 of the Land Subdivision Ordinance requiring the community water distribution system to be extended to each lot is hereby waived to allow private water wells until such time that water mains are built in the Mandarin Court Community Unit Plan or a special assessment district is created to extend the community water distribution system to each lot which ever occurs first and provided that owners agree not to object to the creation of such special assessment district.

c. The requirement of § 26.27.090 of the Land Subdivision Ordinance requiring trees be planted along both sides of all streets is hereby waived provided that owners agree not to object to the creation of a special assessment district for the planting of said street trees.

d. The requirement of § 26.27.010 of the Land Subdivision Ordinance that all streets abutting and within the subdivision be paved with curbs and gutters is hereby waived provided that owners agree not to object to the creation of a special assessment district for the construction of said street paving.

e. The requirement of § 26.27.070 of the Land Subdivision Ordinance that street lighting be installed is hereby waived provided



the owners agree not to object to the creation of a special assessment district for the installation of said improvements.

BE IT FURTHER RESOLVED that the Administrative Final Plat of Pioneer Heights 1st Addition shall not be filed for record or recorded in the office of the Register of Deeds of Lancaster County and no lot shall be sold from this Administrative Final Plat unless or until said Owner shall enter into a written agreement with the City which shall provide for the above agreement by Owner with respect to the conditional waiver of the improvements herein granted.

All other conditions for approval of the Administrative Final Plat shall remain in full force and effect.

Introduced by Jon Camp

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

APP. OF ST. JOHN'S CHURCH TO CONDUCT A LOTTERY FROM JUNE 30 THROUGH SEPT. 16, 2001 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80922 WHEREAS, St. John's Church has made application for a permit to conduct a lottery in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. John's Church to conduct a lottery in the City of Lincoln in accordance with the application filed by Fr. James F. Benton. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of lottery chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each lottery to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Jon Camp

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

SPECIAL PERMIT 1903 - APPEAL OF MOHAMED DAHAB & 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 S. 37TH ST. & HIGH ST. - PRIOR to reading:

COOK Moved to delay action on Bill 01R-120 for one week to 6/25/01.

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

SETTING HEARING DATE FOR MON., JULY 2, 2001 AT 1:30 P.M. FOR CHACE ENTERPRISES, INC., DBA SILVER SPOKE SALOON, FOR AN ADDITION TO THEIR PREMISES OF AN OUTDOOR AREA TO THE NE APPROXIMATELY 75' x 25', LOCATED AT 1031 "M" STREET.- CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80924 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., July 2, 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 Chase Enterprises, Inc., dba Silver Spoke Saloon for an addition to their premises of an outdoor area to the NE approximately 75' x 25', located at 1031 "M" Street.

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

Introduced by Jon Camp

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

REGULAR MEETING  
JUNE 18, 2001  
PAGE 416

REPORT OF UNL MICROBIOLOGIST FOR WATER TESTING FOR THE MONTH OF MAY, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (35-01)

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JUNE 4, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

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

A-80923 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 June 4 - June 8, 2001.)

Introduced by Jon Camp

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: - Coast International, Inc.; FOR THE MONTH OF MAY, 2001: - One Call Communications, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

#### ORDINANCES - 1ST READING

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 4.4 ACRES OF PROPERTY GENERALLY LOCATED NORTH OF SOUTH 14TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Jon Camp, amending Section 5 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. \_\_\_\_\_ (Bill No. 01-97) passed June 25, 2001, 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 1 of Ordinance No. \_\_\_\_\_ (Bill No. 01-97), passed June 25, 2001, as hitherto existing, the first time.

#### ORDINANCES - 3RD READING

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 third time.

SVOBODA Moved to pass ordinance as read.

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

The ordinance, being numbered #17864, is recorded in Ordinance Book 24, Page

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 third time.

SVOBODA Moved to pass ordinance as read.

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

The ordinance, being numbered #17865, is recorded in Ordinance Book 24, Page

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 existing Alltel tower, the third time.

SVOBODA Moved to pass ordinance as read.

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

The ordinance, being numbered #17866, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

VACATING A PORTION OF DAIRY DRIVE FROM THE WEST LINE OF S. 14TH STREET TO A POINT APPROX. 1,328' WEST, GENERALLY LOCATED OFF S. 14TH STREET SOUTH OF CENTERPARK RD. (IN CONNECTION W/01-92):

COOK Moved to remove Bill 00-219 from Pending & **WITHDRAW**.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, having been **WITHDRAWN**, was assigned the File #38-4368 & was placed on file in the Office of the City Clerk.

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

WERNER Moved to remove Bill 01-90 from Pending for action on 6/25/01.  
Seconded by Cook & carried by the following vote: AYES: Cook, Friendt, McRoy, Seng, Werner; NAYS: Camp, Svoboda.

COOK Moved to extend the Pending List for 1 week.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Svoboda, Werner; NAYS: None; Friendt, Seng.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on June 25, 2001.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None;

ADJOURNMENT

4:23 p.m.

CAMP Moved to adjourn the City Council Meeting of June 18, 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

