

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 8, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:32 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk. Mr. Cook arrived at 1:35 p.m.

Council Chair asked the visitors to stand and recite the Pledge of Allegiance and reflect for a moment of silent meditation.

READING OF THE MINUTES

SVOBODA Having been appointed to read the minutes of the City Council proceedings of October 1, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR AN ADDITION TO ITS LICENSED PREMISES CONSISTING OF A COURTYARD AREA AND COVERED WALKWAY APPROXIMATELY 325' BY 175', A PASSAGEWAY APPROXIMATELY 200' BY 100' AND A SMALL ANIMAL BUILDING 240' BY 90' LOCATED AT 4011 N. 84TH STREET - Rod Hollman, 5905 W. Wittstruck Rd., Martell, NE took the oath & came forward representing the Lancaster County Agricultural Society.

Jon Camp, Council Member, asked why a liquor license was needed for the courtyard.

Mr. Hollman stated that some groups have requested to have functions in the courtyard such as Cushman's reunion.

Mr. Camp asked if the land was owned by the Ag Society.

Mr. Hollman answered yes.

Annette McRoy, Council Member, questioned why the small animal building was being licensed.

Mr. Hollman stated that there are small meeting rooms in this building.

This matter was taken under advisement.

APPLICATION OF THAI GARDEN L.L.C. DBA "THAI GARDEN RESTAURANT" FOR A CLASS "I" LIQUOR LICENSE AT 1245 Q STREET, SUITE 100. (9/24/01 - CONTINUE PUBLIC HEARING ON 10/8/01);

MANAGER APPLICATION OF ZHONGWEN JIANG WEI FOR THAI GARDEN L.L.C. DBA "THAI GARDEN RESTAURANT" AT 1245 Q STREET, SUITE 100 - Mandian Wei, Ass't. Manager, took the oath and came forward to answer any questions.

Ms. McRoy asked if they had gone through the Responsible Hospitality Council training.

Ms. Wei stated that they were going through the home training course and will be taking the test soon.

Ms. McRoy asked if any of the staff has had any experience with liquor.

Ms. Wei answered yes. Many are the staff from the previous owner.

This matter was taken under advisement.

APPLICATION OF IDEAL GROCERY & MARKET FOR A CLASS "K" LIQUOR LICENSE AT 905 S. 27TH STREET - Mark Lyon, 1623 Dakota Cr. took oath & came forward to answer any questions.

This matter was taken under advisement.

APPROVING THE STATEMENT OF INTENT TO ISSUE REVENUE BONDS PAYABLE FROM THE PROCEEDS OF THE 15-YEAR \$1,000,000 CIGARETTE TAX APPROPRIATION - Don Herz, City of Lincoln Finance Director & Loren Wismer, City of Lincoln Bond Counsel, came forward.

Mr. Herz stated that this statement of intent is to be used as certification for drawing down the 1st \$250,000 installment.

Mike Morosin, 2055 S St. stated that this money is earmarked for the Antelope Valley project.

Mr. Camp stated that this money was appropriated for this use by State mandate.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT WITH THE RAILROAD TRANSPORTATION SAFETY

DISTRICT FOR PARTICIPATION IN THE ANTELOPE VALLEY PROJECT FUNDING - PHASE I - Roger Figard, Public Works & Utilities Dept. & Executive Director of RTSD, came forward to say this agreement is the formal paperwork in which the RTSD Board members & the City Council authorizes expenditures or receipt of the revenue that are within the RTSD budget. There is a line item of \$1,000,005 for participation & assistance in continued work on Antelope Valley. Discussion followed reference the final design phase.

Mr. Morosin stated that there was no record of decision as of yet.

Mr. Figard agreed that a record of decision was needed to start buying right-of-ways. Hopefully, this will be received by November.

This matter was taken under advisement.

PROCLAIMING THE WEEK OF OCTOBER 7 - 13, 2001 AS "PUBLIC POWER WEEK" - Russ Reno, Public Information Supervisor of LES, came forward to discuss LES's observance of Public Power Week & presented the City Council & City Clerk with energy efficient light bulbs. Out of 106 cities, LES rates are in the lowest 10% for the 14th straight year. Discussion followed.

Glen Cekal expressed that he was a big fan & supporter of LES & commented on their computer system.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS PUBLIC HEARING

Joan Ross, City Clerk, explained to the public about the City Clerk's Office no longer doing verbatim minutes. The minutes are done in ledger style now and audio & video tapes are available for a fee.

Mike Morosin, 2055 "S" St., Past President of Malone Association, asked where the total records will be kept.

Ms. Ross said they are kept in the City Clerk's Office where all records are kept.

Glen Cekal, stated he didn't agree with discontinuing the verbatim transcripts of the City Council minutes. He also made comments in reference to the F Street Community Recreation Center & the need for an Public Service Officer for this neighborhood.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR AN ADDITION TO ITS LICENSED PREMISES CONSISTING OF A COURTYARD AREA AND COVERED WALKWAY APPROXIMATELY 325' BY 175', A PASSAGEWAY APPROXIMATELY 200' BY 100' AND A SMALL ANIMAL BUILDING 240' BY 90' LOCATED AT 4011 N. 84TH STREET - PRIOR TO READING:

SENG Moved to reconsider Lancaster County Ag Society liquor license addition.

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

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

A-81136 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 Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" to expand its licensed premises by the addition of a courtyard area and covered walkway approximately 325' by 175', a passageway approximately 200' by 100', and a small animal building 240' by 90' to the presently licensed premises located at 4011 N. 84th

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

APPLICATION OF THAI GARDEN L.L.C. DBA "THAI GARDEN RESTAURANT" FOR A CLASS "I" LIQUOR LICENSE AT 1245 Q STREET, SUITE 100 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-81137 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 Thai Garden L.L.C. dba "Thai Garden Restaurant" for a Class "I" liquor license at 1245 Q Street, Suite 100, 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 Glenn Friendt

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

MANAGER APPLICATION OF ZHONGWEN JIANG WEI FOR THAI GARDEN L.L.C. DBA "THAI GARDEN RESTAURANT" AT 1245 Q STREET, SUITE 100 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81138 WHEREAS, Thai Garden L.L.C. dba "Thai Garden Restaurant" located at 1245 Q Street, Suite 100, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Zhongwen Jiang Wei be named manager;

WHEREAS, Zhongwen Jiang Wei 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 Zhongwen Jiang Wei 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.

APPLICATION OF IDEAL GROCERY & MARKET FOR A CLASS "K" LIQUOR LICENSE AT 905 S. 27TH STREET - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption for approval:

A-81139 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 Ideal Grocery & Market for a Class "K" liquor license at 905 S. 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 the conditions of its special permit and 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 Jonathan Cook

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

ORDINANCES - 2ND READING

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY CREATING THE POSITION OF "FIRE SYSTEM PROGRAMMER" - CLERK read an ordinance, introduced by

Jonathan Cook, amending the pay schedules of employees whose classifications are assigned to the pay range prefixed by the letter "A" by creating the position of "Fire System Programmer", the second time.

RESOLUTIONS

WAIVING THE REQUIRED UTILITY SERVICE IN FAIRVIEW CEMETERY 2ND ADDITION ADMINISTRATIVE FINAL PLAT ON PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF ADAMS STREET AND NORTH 84TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81140 WHEREAS, the Administrative Final Plat of Fairview Cemetery 2nd Addition was previously approved by the City of Lincoln; and
WHEREAS, one of the conditions of approval of said Administrative Final Plat was the requirement that the Subdivider, pursuant to § 26.23.100 of the Lincoln Municipal Code, extend water and sanitary sewer service to the lots within said Administrative Final Plat; and

WHEREAS, Subdivider has requested a modification to waive said requirement 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 strict application of said requirement would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the provisions of § 26.23.100 of the Lincoln Municipal Code requiring the extension of water and sanitary sewer service to the lots within Fairview Cemetery 2nd Addition, is hereby waived; provided that the Subdivider enters into an agreement with the City of Lincoln wherein Subdivider agrees to pay at the time of connection water and sanitary sewer connection fees equivalent to the cost of the City to extend such mains to serve the lots within Fairview Cemetery 2nd Addition.

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

Introduced by Glenn Friendt

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

APPROVING THE STATEMENT OF INTENT TO ISSUE REVENUE BONDS PAYABLE FROM THE PROCEEDS OF THE 15-YEAR \$1,000,000 CIGARETTE TAX APPROPRIATION - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81141 WHEREAS, Legislative Bill 657, Ninety-Seventh Legislature, First Session (LB657), which was passed by the Nebraska Legislature on May 31, 2001, signed by the Governor on May 31, 2001 and became effective upon the Governor's signature, created the City of the Primary Class Development fund (the "Fund") and authorized the State Treasurer to deposit into the Fund an amount equal to one million dollars each fiscal year beginning July 1, 2001 and ending June 30, 2016; and

WHEREAS, LB657 further authorized (i) the expenditure of amounts appropriated into the Fund to support the design and development of the Antelope Valley project and financing costs related thereto for the Antelope Valley Study as outlined in the Environmental Impact Statement and Comprehensive Plan Amendment 94-60 to the 1994 Lincoln/Lancaster County Comprehensive Plan (the "Project") and (ii) the issuance of bonds (the "Bonds") by the City to finance and refinance the acquisition, construction, improving, and equipping of the Project upon the terms and conditions set forth in LB657; and

WHEREAS, it is necessary, desirable, advisable and in the best interest of the City that the City formally express its intent to issue the Bonds to pay a portion of the costs of the Project.

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

1. That in accordance with the provisions of LB657, the City Council does hereby declare the official intent of the City to issue the Bonds (no later than June 30, 2002) to pay a portion of the costs of the Project.

2. The Bonds shall be issued in such amounts and upon such terms and conditions as may be agreed upon by the City and the purchaser or purchasers of the Bonds, for the purpose of paying a portion of the costs and expenses incident to the planning, acquisition, construction and financing of the Project, the issuance of the Bonds to be authorized by the Council at a meeting to be held for such purpose by the Council.

3. This Resolution does not constitute final approval of the

issuance of the Bonds by the City.

4. The Finance Director and the City Controller (each an "Authorized Officer") be, and each of them hereby is, authorized to execute on behalf of the City and to deliver any and all other instruments and documents including, but not limited to, such certificates or instruments as may be required under the terms of this Resolution necessary to be executed and delivered in connection with this Resolution and the approvals made hereby.

5. All acts and deed heretofore done by any officer, employee or agent of the City on behalf of the City in connection with this declaration of intent to issue the Bonds to pay the costs of the Project and other transactions contemplated by this Resolution are hereby ratified, confirmed and approved in all respects.

6. This Resolution shall be in full force and effect from and after its passage and adoption by the Council.

7. All resolutions of the Council, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

Introduced by Glenn Friendt

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

APPOINTING HELEN FAGAN TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING JANUARY 1, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81142 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Helen Fagan to the Lincoln-Lancaster Women's Commission to fill an unexpired term expiring January 1, 2004 is hereby approved.

Introduced by Glenn Friendt

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

APPROVING AN INTERLOCAL AGREEMENT WITH THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR PARTICIPATION IN THE ANTELOPE VALLEY PROJECT FUNDING - PHASE I - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81143 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City) and the Lincoln / Lancaster County Railroad Transportation Safety District (District) desire to cooperate in the final design, right-of-way acquisition and construction activities for Phase 1 of the Antelope Valley Project (amended draft single package); and

WHEREAS, the District agrees to continue to participate in the project and has additional budgeted funds in its 2001-2002 budget for such participation; and

WHEREAS, the District will pay the City up to \$1,500,000.00 to be applied to said project, and the City will bill the District up to \$1,500,000.00 as expenditures are incurred by the city for such work.

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

That the Interlocal Agreement between the City and the District attached hereto as Exhibit "A" in connection with the Antelope Valley Project in Lincoln, Lancaster County, Nebraska, is hereby approved and the Mayor is authorized to execute said agreement on behalf of the City.

Introduced by Glenn Friendt

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

PROCLAIMING THE WEEK OF OCTOBER 7 - 13, 2001 AS "PUBLIC POWER WEEK" - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81144 WHEREAS, the citizens of the City of Lincoln, Nebraska, are proud of the choice made to operate a community-owned, non-profit electric utility and, because of that choice, are both customers and owners of the Lincoln Electric System (LES); and

WHEREAS, LES provides homes, businesses, farms, social service and government agencies with reliable, efficient, and cost-effective

electricity, employing sound business practices designed to ensure the best possible service at the lowest possible rates, with direct local control of present and future electric energy resources; and

WHEREAS, public ownership of LES assures cost-based, non-profit electric rates and local control of electric utility operations and policies; and

WHEREAS, nationwide surveys show electric energy costs in Lincoln are generally in the lowest 10 percent of the nation, and LES continually demonstrates responsiveness to customer-owners and community needs through energy audits, energy conservation assistance, customer assistance, and commitment to the environment through its Renewable Energy Program; and

WHEREAS, LES is one of a community of over 2,000 public-owned electric utilities in the United States, ensuring low rates and reliable service benefitting its electric customers through local control; and

WHEREAS, LES is a valuable community asset that contributes substantially to the well-being of local citizens through energy efficiency, customer service, environmental protection, economic development, and safety awareness.

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

That the week of October 7-13, 2001 be designated Public Power Week in Lincoln, Nebraska, in order to honor LES, its employees, and its customer-owners, who work together to provide the best possible electric service; and

BE IT FURTHER RESOLVED, that the Lincoln City Council joins the LES Administrative Board and all publicly-owned electric utilities in Nebraska and throughout the nation in celebrating the public benefits of public power.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 1873 - APPEAL OF SPRINT SPECTRUM, L.P., FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1873 FOR AUTHORITY TO CONSTRUCT A 90' TALL WIRELESS COMMUNICATIONS FACILITY AND WAIVER OF THE FALL ZONE, ON PROPERTY GENERALLY LOCATED AT 4700 ANTELOPE CREEK ROAD - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81149 WHEREAS, Sprint PCS has submitted an application designated as Special Permit No. 1873 for authority to construct a 90' tall wireless communications facility and a waiver of the fall zone requirement on property located at 4700 Antelope Creek Road, and legally described to wit:

Lot 386 I.T. located in the Southwest Quarter of Section 32, Township 10 North, Range 7 East, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the Lincoln City-Lancaster County Planning Commission has held a public hearing on said application and by Resolution No. PC-00687 has denied Special Permit No. 1873; and

WHEREAS, the community as a whole, the surrounding neighborhood, and the real property adjacent to the area included within the site plan for this wireless communications facility will not be adversely affected by granting such a permit; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the comprehensive plan of the City of Lincoln and 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 Sprint PCS, hereinafter referred to as "Permittee", to construct a 90' tall wireless communications facility be and the same is hereby granted under the provisions of Section 27.63.720 of the Lincoln Municipal Code upon condition that construction of said wireless communications facility be constructed to a height of 90 feet in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a 90' tall wireless communications facility designed as a flagpole for a period of 15 years with a waiver of the fall zone required by 27.68.110(g) of the Design Standards for Zoning.

2. Before receiving building permits:

a. The Permittee must complete the following instructions

and submit the documents and plans to the Planning Department office for review and approval:

- i. Revise the site plan to show the dimensions of the parking stalls, driving aisles and dental office. Provide parking calculations to show that the proposed facility does not remove required parking stalls.
 - ii. Show that the proposed access easement will not interfere with required parking stalls.
 - iii. Provide materials indicating the color and finish of the facility.
 - iv. Provide structural calculations, signed and sealed by a Nebraska P.E., showing that the pole and all attachments meet TIA/EIA 222-F Standards, satisfactory to the Building and Safety Department.
- b. The Permittee must post a surety, approved by the City Attorney, in the minimum amount necessary to guarantee the removal of the facilities. The surety may not be revoked or terminated during the term of the permit.
3. Before operating this personal wireless facility, all development and construction must conform to the approved plans.
4. The personal wireless service provider shall comply at all times with the current applicable FCC and FAA standards and regulations, and any of those of other agencies of the federal government with authority to regulate towers and antennas.
5. The tower shall be inspected and maintained in accordance with the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. At the time of this Special Permit, those standards were contained in the TIA/EIA-222-F. The facility operator shall conduct safety inspections in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the Department of Building and Safety.
6. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee.
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 and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
9. The Permittee shall, within 10 days of written demand, reimburse the City for all direct and indirect costs and expenses as provided in Section 27.68.090 in connection with the issuance and review of this permit.
10. As part of this approval, the Permittee agrees that the Permittee, its successors and assigns shall, at its sole cost and expense, indemnify and hold harmless the City, its officers, officials, boards, commissions, agents, representatives, and employees against any and all claims, suits, losses, expenses, causes of actions, proceedings, and judgments for damage arising out of, resulting from, or alleged to arise out of or result from the construction, operation, repair, maintenance or removal of the provider's facilities. Indemnified expenses shall include, but not be limited to, all out-of-pocket expenses, such as costs or suit and defense and reasonable attorney fees, and shall also include the reasonable value of any services rendered by the City Attorney's office and any employees of the City and any consultants retained by the City.
11. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jonathan Cook

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

LICENSE AT 6235 HAVELOCK AVE. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81145 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., October 22, 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 App. of P.R. Ventures LLC dba "Misty's Restaurant and Lounge" for a Class C and K Liquor License at 6235 Havelock Avenue.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2001 AT 1:30 P.M. FOR THE APP. OF MARYLOU EDEN DBA "CHLOE'S RESTAURANT" FOR A CLASS "J" RETAIL LIQUOR LICENSE AT 816 P STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81146 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., October 22, 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 App. of Marylou Eden dba "Chloe's Restaurant" for a Class "J" retail liquor license at 816 P Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, OCTOBER 22, 2001 AT 1:30 P.M. FOR THE APP. OF NEBRASKA BBQ CO. DBA "SKEETER BARNES" FOR A CLASS "I" RETAIL LIQUOR LICENSE AT 5800 SOUTH 58TH STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81147 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., October 22, 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 App. of Nebraska BBQ Co. dba "Skeeter Barnes" for a Class I Liquor License at 5800 South 58th Street.

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

- Change of Zone No. 3332 - App. of Yankee L.L.C. from AG to AGR on property at W. Pleasant Hill & W. Denton Rd.
- Change of Zone No. 3342 - App. of Brian Carstens on behalf of John Rallis from AG to AGR at 4801 S. 98th Street.
- Special Permit No.1935 - App. of Lincoln Investment Group L.L.C. For the redevelopment and renovation of the Lincoln Building into apartment dwellings at 1001 O Street.
- Special Permit No. 1936 - App. of Sesostris Temple Holding Corp. to construct and operate a club per LMC Sec. 27.63.200 at Hwy 34 & N.112th Street.
- Special Permit No. 1938 - App. of Our Savior's Lutheran Church to construct a cross, (g) church steeple, on the roof of the sanctuary addition at 1200 S. 40th Street.
- Special Permit No. 1939 - App. of Nebraska Heart Institute P.C. to develop a hospital and medical office building at S. 98th Street & Pine Lake Rd.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON SEPT. 24, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR SEPTEMBER 24 - 28, 2001 - CLERK read the following

resolution, introduced by Glenn Friendt, moved its adoption:
A-81148 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 for
September 24 - 28, 2001.)

Introduced by Glenn Friendt

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

REPORTS FROM CITY TREASURER OF TELECOMM OCC. TAX FOR THE MONTH OF AUGUST, 2001
FROM COAST INT'L, USA PAGING, CELLULAR ONE, NEBRASKA TECH & TELECOMM.,
BELL ATLANTIC, INTELLICALL, ALLTEL #365, ALTELL #150, ALLTEL #522, AT&T,
NETWORK BILLING, EXCEL, SPRINT SPECTRUM, GUARANTEED PHONE, GLOBAL
CROSSING, BROADWING, IBM GLOBAL, MCI WORLDCOM., OPERATOR COMM., SPRINT
COMM. - CLERK presented said report which was placed on file in the
Office of the City Clerk. (20)

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS AUGUST 31,
2001 - CLERK presented said report which was placed on file in the
Office of the City Clerk. (5-21)

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

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MON., OCT. 29, 2001, AT
5:30 P.M., AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 01-149 To provide authority to create a Paving Dist. in
North 67th Street, "Y to X" Streets.
- 01-150 To provide authority to construct a 33' wide
Paving Dist. in NW 27th Street from
approximately West "O" Street, north to the
Interstate Bridge.
- 01-151 To provide authority to create a 16" Water Main
Dist. in NW 27th Street from approximately West
"O" north to the Interstate Bridge.
- 01-152 To provide authority to create a Re-paving Dist.
to bring Saunders Avenue, Springfield Dr. to
12th Street up to current design standards with
33' wide paving -

CLERK Requested to set the hearing date of Mon., Oct. 29, 2001 at 5:30
p.m.:

FRIENDT So moved.

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

ORDINANCES - 1ST READING

APPROVING AN AGREEMENT BETWEEN THE CITY AND CRICKET NEBRASKA PROPERTY COMPANY
FOR THE LEASE OF CITY OWNED SPACE FOR THE INSTALLATION OF COMMUNICATIONS
EQUIPMENT ON PROPERTY GENERALLY LOCATED AT S. 27TH ST. AND NEBRASKA
HIGHWAY 2 - CLERK read an ordinance, introduced by Glenn Friendt,
whereas, the City of Lincoln desires to lease space on a City Tower at
Star City Shores, generally located at South 27th and Highway 2, to
Cricket Nebraska Property Company (hereafter "Cricket") for
telecommunication uses and associated ground space, the first time.

ORDINANCES - 3RD READING

VACATING S. 22ND STREET FROM THE NORTH LINE OF J STREET TO THE SOUTH LINE OF
THE EAST-WEST ALLEY IN BLOCK 4, MCMURTRY'S ADDITION BETWEEN S. 21ST
STREET AND S. 22ND STREET - CLERK read an ordinance, introduced by Jon
Camp, vacating South 22nd Street from the north line of J Street to the
south line of the east-west alley in Block 4, McMurtry's Addition
between S. 21st Street and S. 22nd Street, and retaining title thereto
in the City of Lincoln, Lancaster County, Nebraska, the third time.

CAMP Moved to pass the 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 #17918, is recorded in Ordinance Book 24, Page

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300'

WEST THEREOF - PRIOR to reading:
COOK Moved to place Bill No. 00-200 on Pending for six weeks.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
CLERK Read an ordinance, introduced by Jonathan Cook, vacating West N
Street from the west line of S. Coddington to a point approx. 300' west
thereof, on third reading.

VACATING PINE LAKE RD. FROM THE WEST LINE OF LAZY ACRES SUBDIVISION EAST TO
THE WEST LINE OF LOT 6 I.T., GENERALLY LOCATED WEST OF S. 14TH ST. &
PINE LAKE RD. - PRIOR to reading:

CAMP Moved to amend Bill No. 01-22 as follows: On page 1, delete lines
5 through 11 in their entirety and insert the following in lieu thereof:
Section 1. That the south 33 feet of Pine Lake Road lying south of
the north line of Section 23, Township 9 North, Range 6 East of the 6th
P.M., Lancaster County, Nebraska from the west line (extended) of Lazy
Acres Subdivision east to the west line of Lot 6 I.T., abutting property
legally described as Lot 40 I.T. located in the Northeast Quarter of
Section 23, Township 9 North, Range 6 East of the 6th P.M., Lincoln,
Lancaster County, Nebraska, be and the same is hereby vacated subject to
the title of said street portion being vacated remaining in the City of
Lincoln, Nebraska.

Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
CLERK Read an ordinance, introduced by Jon Camp, vacating Pine Lake Rd.
from the west line of Lazy Acres Subdivision east to the west line of
Lot 6 I.T., generally located west of S. 14th St. & Pine Lake Rd., the
third time.
CAMP Moved to pass the ordinance as amended.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #17919, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

VACATING THE NORTH/SOUTH ALLEY FROM SEWARD AVE. NORTH TO THE EAST/WEST ALLEY
IN BLOCK 95, HAVELOCK ADD., GENERALLY LOCATED BETWEEN N. 62ND & N. 63RD
STS. (9/25/00 - PLACED ON PENDING) - CLERK requested to remove Bill No.
00-169 from Pending to have Public Hearing and Action on 10/15/01.

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

VACATING A PORTION OF N. 60TH ST. FROM SEWARD AVE. SOUTH 142 FT. (10/16/00 -
PLACED ON PENDING) - CLERK requested to remove Bill No. 00-177 from
Pending to have Public Hearing and Action on 10/15/01.

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

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

CAMP Moved to approve the resolutions to have Public Hearing on October
15, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

2:46 p.m.

CAMP Moved to adjourn the City Council Meeting of October 8, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, City Clerk

Judy Roscoe, Office Assistant III

REGULAR MEETING
OCTOBER 8, 2001
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