

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 22, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:31 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Friendt, Seng, Svoboda, Werner; Joan Ross, City Clerk.

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

CAMP Having been appointed to read the minutes of the City Council proceedings of October 15, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

APPLICATION OF P.R. VENTURES L.L.C. DBA "MISTY'S RESTAURANT AND LOUNGE" FOR A CLASS "C" AND CATERING LIQUOR LICENSE AT 6235 HAVELOCK AVENUE;
MANAGER APPLICATION OF LISA ANN MCMEEN FOR P.R. VENTURES L.L.C. DBA "MISTY'S RESTAURANT AND LOUNGE" AT 6235 HAVELOCK AVENUE - Reynold McMeen representing P.R. Ventures L.L.C. and Lisa Ann McMeen, no address given, took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF NEBRASKA BBQ CO. DBA "SKEETER BARNES" FOR A CLASS "I" LIQUOR LICENSE AT 5800 S. 58TH STREET;
MANAGER APPLICATION OF GLYN LESTER LACY FOR NEBRASKA BBQ CO. DBA "SKEETER BARNES" AT 5800 S. 58TH STREET - Glyn Lacey, 13005 W. McKelvie Rd., Pleasant Dale took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF MARYLOU EDEN DBA "CHLOE'S RESTAURANT" FOR A CLASS "J" LIQUOR LICENSE AT 816 P STREET - Betty Jean Keller, 941 O St., Ste. 724-B representing Marylou Eden & Marylou Eden took oath & came forward to answer any questions.

Annette McRoy, Council Member, asked Ms. Eden if she was going to continue to run Manilla Bay.

Marylou Eden answered yes.

Jon Camp stated that he would have a conflict of interest during the voting session since Marylou Eden is a tenant of his.

This matter was taken under advisement.

SPECIAL PERMIT 1932 - APPLICATION OF GOKIE ENTERPRISES, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY LOCATED AT 6835 NORTH 27TH STREET - Richard Gokie, 3003 Bluff Rd., Seward, NE came forward to answer any questions.

Glenn Friendt, Council Member, asked what the name of this business was.

Mr. Gokie stated it was Fast Mart.

This matter was taken under advisement.

SPECIAL PERMIT 1929 - APPEAL OF RED STAR AUTO PLAZA FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1929 FOR AUTHORITY TO PARK AND DISPLAY VEHICLES FOR SALE IN THE FRONT YARD ON PROPERTY GENERALLY LOCATED AT 702 WEST O STREET - Bill Austin, Erickson & Sederstrom, Cornhusker Plaza 301 S 13th, Ste. 400, representing Red Star Auto Plaza owner Vince Cornell, came forward and stated that this area was zoned H-3 Commercial, low density commercial which allows parking in front yards. He presented various other factors promoting his case. Discussion followed.

Robin Calcara, 436 W Dilin St., came forward in favor of the appeal.

Carl Jenzel, Winner Circle Auto, no address given, came forward in favor of the appeal. Discussion followed.

Kenneth Ferguson, Progressive Auto Sales, 1802 West O St., came forward in favor of the appeal. Discussion followed.

Mike Johnson, Pierson Fitchett, 1045 Lincoln Mall, Ste. 200, representing Popeye's, came forward in favor of the denial of Special Permit 1929 because the parked cars of the Red Star Auto Plaza obstruct

the view of Popeye's sign when traveling west on O Street. Discussion followed.

Ron Hutchison, 1514 Carol Lane, owner of Popeye's, came forward in opposition of the appeal. Discussion followed.

Rich Wiese, 730 Pier 3, member of West O Business Assn., came forward in opposition of the appeal. Discussion followed.

Tom Cajka, Planning Dept., came forward to answer questions.

Ray Hill, Planning Dept., came forward to answer questions.

Mr. Austin came forward for rebuttal. & was joined by Vince Cornell.

This matter was taken under advisement.

APPLICATION OF FRIENDS OF LIED TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCTOBER 20, 2001 THROUGH JANUARY 12, 2002 - Dee Norris, no address given, came forward representing Friends of Lied & to answer any questions.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS PUBLIC HEARING

Annette McRoy, Council Member, presented Mike Morosin with a memorandum from Urban Development as to the process being used to select the houses to be moved for the Antelope Valley/JAVA Project.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

APPLICATION OF P.R. VENTURES L.L.C. DBA "MISTY'S RESTAURANT AND LOUNGE" FOR A CLASS "C" AND CATERING LIQUOR LICENSE AT 6235 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81166 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 P.R. Ventures L.L.C. dba "Misty's Restaurant and Lounge" for a Class "C" and Catering liquor license at 6235 Havelock Avenue, Lincoln, Nebraska, for the license period ending October 31, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

MANAGER APPLICATION OF LISA ANN MCMEEN FOR P.R. VENTURES L.L.C. DBA "MISTY'S RESTAURANT AND LOUNGE" AT 6235 HAVELOCK AVENUE - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81167 WHEREAS, P.R. Ventures L.L.C. dba "Misty's Restaurant and Lounge" located at 6235 Havelock Avenue, Lincoln, Nebraska has been approved for a Retail Class "C" and Catering liquor license, and now requests that Lisa Ann McMeen be named manager;

WHEREAS, Lisa Ann McMeen 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 Lisa Ann

McMeen 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 NEBRASKA BBQ CO. DBA "SKEETER BARNES" FOR A CLASS "I" LIQUOR LICENSE AT 5800 S. 58TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81168 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 Nebraska BBQ Co. dba "Skeeter Barnes" for a Class "I" liquor license at 5800 South 58th 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.

MANAGER APPLICATION OF GLYN LESTER LACY FOR NEBRASKA BBQ CO. DBA "SKEETER BARNES" AT 5800 S. 58TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81169 WHEREAS, Nebraska BBQ Co. dba "Skeeter Barnes" located at 5800 South 58th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Glyn Lester Lacy be named manager;

WHEREAS, Glyn Lester Lacy 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 Glyn Lester Lacy 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 MARYLOU EDEN DBA "CHLOE'S RESTAURANT" FOR A CLASS "J" LIQUOR LICENSE AT 816 P STREET - CLERK read the following resolution, introduced by Coleen Seng, who moved its adoption for approval:

A-81170 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 Marylou Eden dba "Chloe's Restaurant" for a Class "J" liquor license at 816 P 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 Coleen Seng

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 3341 - APPLICATION OF JERRY CONIGLIO FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED

AT SOUTH 14TH STREET AND VACATED DAIRY DRIVE - CLERK read an ordinance, introduced by Coleen Seng, for Change of Zone 3341 - Application of Jerry Coniglio for a Change of Zone from AG Agricultural to H-3 Highway Commercial on property generally located at South 14th Street and vacated Dairy Drive, the second time.

RESOLUTIONS

SPECIAL PERMIT 1932 - APPLICATION OF GOKIE ENTERPRISES, INC. FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION OFF THE PREMISES ON PROPERTY LOCATED AT 6835 NORTH 27TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81171 WHEREAS, Gokie Enterprises, Inc. has submitted an application designated as Special Permit No. 1932 for authority to sell alcoholic beverages for consumption off the premises at the convenience store located at 6835 N. 27th Street, legally described as:

Lot 1, Block 3, High Pointe Addition, Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages for consumption off the premises 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 Gokie Enterprises, Inc., hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption off the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.685 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption off the premises at the establishment located at 6835 N. 27th Street.
2. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, location of parking and circulation elements, and similar matters.
3. 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.
4. Construction plans must conform to the approved plans.
5. 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 Ken Svoboda

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

SPECIAL PERMIT 1929 - APPEAL OF RED STAR AUTO PLAZA FROM THE PLANNING COMMISSION DENIAL OF SPECIAL PERMIT 1929 FOR AUTHORITY TO PARK AND DISPLAY VEHICLES FOR SALE IN THE FRONT YARD ON PROPERTY GENERALLY LOCATED AT 702 WEST O STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81172 WHEREAS, Red Star Auto Plaza, L.L.C. has submitted an application designated as Special Permit No. 1929 for authority to park and display vehicles for sale in the front yard on property located at 702 West O Street, and legally described to wit:

Lot 1, T.O. Haas Addition, located in the South Half of Section 22, Township 10 North, Range 6 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the Lincoln City-Lancaster County Planning Commission held a public hearing on October 3, 2001 and has denied Special Permit No. 1929; and

WHEREAS, Red Star Auto Plaza has appealed the action of the Lincoln City-Lancaster County Planning Commission denying Special permit No. 1929; 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 car lot 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 Red Star Auto Plaza, L.L.C., hereinafter referred to as "Permittee", to park and display vehicles for sale in the front yard on the property legally described above be and the same is hereby granted under the provisions of Chapter 27.63 of the Lincoln Municipal Code upon condition that said parking and displaying of vehicles for sale be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. 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 nonconforming parking lot.
2. The hood or trunk or both shall not be left open on the stored vehicles for sale and resale in the front yard except when the vehicle is inspected by a customer.
3. Before storing vehicles for sale or resale in the front and side yards the Permittee must submit a revised site plan to the Planning Department office for review and approval showing the following revisions:
 - a. Standard parking lot barriers to prevent vehicles for sale from extending into the street.
 - b. Parking stall and drive aisle dimensions with type of surfacing. The parking areas do not need to be striped, however, they must be shown for review of standards.
 - c. A landscape plan conforming to the design standards.
 - d. Add a note that the hood or trunk or both shall not be open except when inspected by a customer or for servicing.
4. Before storing vehicles for sale or resale in the front yard, all development and construction must conform to the approved plans.
5. All privately-owned improvements, including landscaping shall be permanently maintained by the owner.
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 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.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Ken Svoboda

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

APPLICATION OF FRIENDS OF LIED TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCTOBER 20, 2001 THROUGH JANUARY 12, 2002 -CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81173 WHEREAS, Friends of Lied has made application for a permit to conduct a raffle 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 Friends of Lied to conduct a raffle in the City of Lincoln in accordance with the application filed by Sharon Casey. 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 raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.:

Change of Zone No. 3343 - App. of Kim Jones of Olsson Assoc. on behalf of owners from AG to R-4 at North 84th & Holdrege Street.

Use Permit No. 32 - App. of The Richard E. Jacobs Group Inc. to amend pre-existing use Permit 3 to reduce required parking from 4759 to 4715 (44 stall reductions) at 66th & O St. caused by O Street Construction.

Use Permit No. 128A - App. of Olsson Assoc. to correct a survey error of Morning Glory Estates at North 84th & Holdrege Sts.

Special Permit No. 1839A - App. of Holdrege Investors, LLC to develop a duplex lot at North 84th & Holdrege Sts.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCT. 8, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

INVESTMENT OF FUNDS FOR OCTOBER 8 - 12, 2001 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81174 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 October 8 - 12, 2001.)

Introduced by Ken Svoboda

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

SETTING HEARING DATE OF MON., NOV. 19, 2001, AT 10:00 A.M. ON THE BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81175 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City Clerk be and she is hereby instructed to give ten days notice by publication according to law that the City Council will,

at a regular meeting to be held on the 5th day of November, 2001, at 1:30 p.m., assess the improvements in the following special assessment districts:

Paving Unit No. 134
Paving District No. 2618
Alley Paving District No. 358
Sewer District No. 1173
Ornamental Lighting District No. 283

BE IT FURTHER RESOLVED that the City Council will sit as a Board of Equalization for the purpose of distributing said tax and equalizing said assessments on Monday, November 19, 2001, at 10:00 a.m. with adjournments from day to day until said work of equalizing said assessments are completed.

Introduced by Ken Svoboda

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

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION MEETING FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY & DOWNTOWN MAINTENANCE DISTRICT TO BE HELD ON MON., NOV. 5, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORTS FROM CITY TREASURER OF TELECOMM OCC. TAX FOR THE MONTH OF SEPTEMBER, 2001 FROM WINSTAR WIRELESS, D&D COMM., ONE CALL COMM., OPERATOR COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER OF 911 SURCHARGE FOR BILLING CYCLE APRIL 1, 2001 FROM ALIANT COMM. DBA ALLTEL - CLERK presented said report which was placed on file in the Office of the City Clerk. (20-02)

REPORT OF CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS SEPT. 28, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

REPORT OF PUBLIC WORKS OF TRAFFIC STUDIES, EVALUATIONS & ITS PLANNING FOR LINCOLN'S ARTERIAL STREET SYSTEM 1999-2000 (PHASE II) SUBMITTED BY THE SCHEMMER ASSOCIATES INC. & MEYER, MOHADDES ASSOCIATES, INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (38-1638)

ORDINANCES - 1ST READING

CREATING PAVING DISTRICT 2622 IN NORTH 67TH STREET FROM Y TO X STREETS AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Paving District No. 2622, 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 first time.

CREATING PAVING DISTRICT 2623 IN N.W. 27TH STREET FROM APPROXIMATELY WEST O STREET NORTH TO THE INTERSTATE BRIDGE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Paving District No. 2623, 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 first time.

CREATING WATER DISTRICT 1183 IN N.W. 27TH STREET FROM APPROXIMATELY WEST O STREET NORTH TO THE INTERSTATE BRIDGE AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1183, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, 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 first time.

CREATING RE-PAVING DISTRICT 152 IN SAUNDERS AVENUE FROM SPRINGFIELD DRIVE TO 12TH STREET FOR AN INCREASE IN WIDTH TO 33' AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Re-paving District No. 152, defining the limits thereof, establishing the width of the roadway to be re-paved and re-curbed, 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 first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 245.09 ACRES OF PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2. **(IN CONNECTION W/01-155, 01-156, 01-157, 01-158, 01R- 277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, amending Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17787, passed February 5, 2001, prescribing and defining in corporate limits of the City of Lincoln, Nebraska; and repealing Section 10 or Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 or Ordinance No. 17787, passed February 5, 2001, as hitherto existing, the first time.

DECLARING THE WATER TOWER PROPERTY CONSISTING OF 2.69 ACRES AT 84TH STREET AND HIGHWAY 2 AS SURPLUS PROPERTY. **(IN CONNECTION W/01-164, 01-156, 01-157, 01-158, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately 2.69 acres of City-owned property generally located at South 84th Street and Highway 2 as surplus and authorizing the sale thereof to Andermatt L.L.C., the first time.

VACATING SOUTH 91ST STREET BETWEEN PINE LAKE ROAD AND HIGHWAY 2. **(IN CONNECTION W/01-164, 01-155, 01-157, 01-158, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, vacating South 91st Street between Pine Lake Road and Highway 2, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 3320 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF RELOCATED 91ST STREET AND PINE LAKE ROAD. **(IN CONNECTION W/01-164, 01-155, 01-156, 01-158, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

CHANGE OF ZONE 3285 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-5 PLANNED REGIONAL BUSINESS ON PROPERTY GENERALLY LOCATED BETWEEN 84TH STREET AND RELOCATED 91ST STREET, NORTH OF HIGHWAY 2. **(IN CONNECTION W/01-164, 01-155, 01-156, 01-157, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, 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 first time.

AMENDING ORDINANCE NO. 17728, PASSED SEPTEMBER 25, 2000, TO AMEND THE AMOUNT OF CITY CONTRIBUTION TO THE CONSTRUCTION OF A PUBLIC WATER MAIN IN 98TH STREET WITHIN THE GARNER INDUSTRIES PUD - CLERK read an ordinance, introduced by Ken Svoboda, amending Ordinance No. 17728 adopted September 25, 2000, by amending condition 2.d set forth in the Development Plan (Attachment "A") to increase the City's contribution for reconstruction of the 54" water main in 98th Street from \$40,000 to \$56,000, the first time.

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, 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 Street and Nebraska Highway 2, the third time.

FRIENDT 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 #17922, is recorded in Ordinance Book 24, Page

MISCELLANEOUS BUSINESS

PENDING LIST -

ADJOURNMENT

CAMP Moved to extend the Pending List for 1 week, approve the resolutions except for Resolution 01R-282 to have Public Hearing on Oct. 29, 2001 and to adjourn the City Council Meeting of October 22, 2001.

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

COOK Moved to extend the Pending List for 1 week, approve the resolutions to have Public Hearing on Oct. 29, 2001 and to adjourn the City Council Meeting of October 22, 2001.

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

3:55 p.m.

Joan E. Ross, Deputy City Clerk

Judy Roscoe, Office Assistant III

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