

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 5, 2001 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson McRoy; Council Members: Camp, Cook, Seng, Svoboda, Werner; Joan Ross, City Clerk. Absent: Friendt.

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**

FRIENDT Having been appointed to read the minutes of the City Council proceedings of October 29, 2001, reported having done so, found same correct.

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

**PUBLIC HEARING**

APPLICATION OF GOKIE ENTERPRISES INC. DBA "FAST MART" FOR A CLASS "B" LIQUOR LICENSE AT 6835 N. 27TH STREET;

MANAGER APPLICATION OF CATHERINE E. GOKIE FOR GOKIE ENTERPRISES INC. DBA "FAST MART" AT 6835 N. 27TH STREET - Richard & Catherine Gokie, 3003 Bluff Road, Seward, NE, took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF SPEAKEASY, INC. DBA "J.R.'S DOWN UNDER" FOR A CLASS "C" LIQUOR LICENSE AT 3233½ S. 13TH STREET;

MANAGER APPLICATION OF KAREN D. BROUWER FOR SPEAKEASY, INC. DBA "J.R.'S DOWN UNDER" AT 3233½ S. 13TH STREET - Karen Brouwer, 4320 W. Raymond Road, Raymond, NE, took oath & came forward to answer any questions.

This matter was taken under advisement.

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR A LIQUOR CATERING LICENSE AT 4100 N. 84TH STREET - Rod Hollman, 5905 Wittstruck Road, Martell, NE, took oath & came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3336 - APPLICATION OF REX ANDERSON FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-4 RESIDENTIAL AND R-7 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 19TH AND DUDLEY STREETS - Rex Anderson, no address given, came forward to request a change of zone from I-1 to R-4 & R-7.

Jonathan Cook, Council Member, stated he appreciated Mr. Anderson going through this process again to get it right.

Carl Tesch, President of Clinton Neighborhood Association came forward in support of the amended change.

Kent Seacrest, 1111 Lincoln Mall, Ste 350, member of the Antelope Valley Team, stated they looked forward to this change.

This matter was taken under advisement.

CHANGE OF ZONE 3342 - APPLICATION OF JOHN RALLIS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 98TH STREET AND OLD CHENEY ROAD - Brian Carsten, 2935 Pine Lake Rd., Ste. H, for John Rallis, requested a change of zone for 23 acres adjacent to the HiMark Golf Course for a cluster of 5 or 6 low density dwelling units & to answer any questions.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF CARROLL M5 INDUSTRIAL PARK WITH WAIVERS OF THE REQUIRED SIDEWALKS, STORMWATER DETENTION, AND REDUCTION OF THE MINIMUM CENTERLINE RADIUS FOR CURVES, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CLEVELAND AVE.- Milo Mumgaard, Executive Director & Attorney at Law for Nebraska Appleseed Center for Law & the Public Interest at 941 O Street, came forward on behalf of the residents of Shady Elm Trailer Park because of the application of C.J. Development L.L.C. to change the mobile home park to an industrial park. He stated this would cause the dislocation of 80 low income elderly & minority families. It requested that the City address their displacement, the timing of their displacement, their assistance with moving costs & their lost equity.

Linda Brooks, 2525 Cleveland Ave., Lot 15, came forward in

opposition.

Sharon Wilson, 2525 Cleveland Ave., Lot 92, came forward in opposition.

Leroy Downey, no address given, came forward in opposition.

Michelle Williams, 2525 Cleveland Ave., Lot 14, came forward in opposition.

Mary Florinoid, 2525 Cleveland Ave., Lot 44, came forward in opposition.

Raella Pinella, 2525 Cleveland Ave., Lot 6, came forward in opposition.

Barbara Dodds, 2525 Cleveland Ave., Lot 30, came forward in opposition.

Carroll McBride, 2525 Cleveland Ave., Lot 2, came forward in opposition.

Alberto Carmona, 2525 Cleveland Ave., Lot 31, came forward in opposition.

Cedelia Trjuillo, 2525 Cleveland Ave., Lot 12, came forward in opposition.

Mark Fisher, 1815 N. 16th Street, came forward on behalf of his mother who lives in Shady Elm Trailer Park & is in opposition.

Vu Nguyen, 2525 Cleveland Ave., came forward in opposition.

Edgar Garcia, representing his brother, Javier Garcia of 2525 Cleveland Ave., Lot 91, came forward in opposition.

Norbert Mistoler, 2525 Cleveland Ave., Lot 31, came forward in opposition.

Saul Bemei, 2525 Cleveland Ave., came forward in opposition.

Francisco Alvarez, 2525 Cleveland Ave., Lot 29, came forward in opposition.

Jose (inaudible), 2525 Cleveland Ave., Lot 75, came forward in opposition.

James Tucker, 2525 Cleveland Ave., Lot 55, came forward in opposition. Discussion followed.

Ali Garcia, 2525 Cleveland Ave., Lot 32, came forward in opposition.

Leti Benum, 2525 Cleveland Ave., came forward in opposition.

Ed Patterson, 2108 Q Street, stated he felt that the property owner reimburse the trailer owners for their property.

Ron Ross, Ross Engineering, came forward representing C.J. Development, owner of this property. He stated that there is no immediate plans for the tenants to have to move and will give them 90 days when the time does come. Discussion followed.

Marc Wullschleger, Director of Urban Development, stated there may be \$1500 emergency housing rehabilitation grants to aide in moving and referred them to Neighborhood Inc.

Larry Potratz, Lincoln Housing Authority, 5700 R Street, came forward to answer questions from the Council. He stated that they do allow for rental assistance for those in the lower income bracket & they have two homeowner programs that provides for a downpayment of up to \$3,750.00. Discussion followed.

Ron Peery, Building & Safety, stated that those moving their trailers would need an oversize load permit & a permit for placement of the trailer. Many of the mobile home parks won't accept old trailers.

Dana Roper, City Attorney, was asked to look at the Mumgaard handout.

Jason Reynolds, Planning Dept., stated that it takes staff a minimum of 60 days to review a final plat, but 90 days is more typical. Discussion followed.

Nicole Fleck-Tooze, Public Works Dept., explained the centerline radius from Cleveland Street to 25th Street. Discussion followed.

Dick Carroll, 245 Anthony Lane, explained that at this time one warehouse was being built on the same property of the mobile home court. It is not his goal to move anybody out at this time.

Terry Werner, Council Member, made a motion to delay Bill No. 01R-288 for two weeks to 11/19/01 with public hearing.

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

Mr. Carroll asked if he could proceed with the warehouse building.

Mr. Roper, stated that he already had a valid final plat & would need to have a building permit & then could proceed with the warehouse building only. Discussion followed.

This matter was taken under advisement.

\*\*\*3:52 p.m TOOK BREAK\*\*\*

\*\*\*3:59 P.M. RECONVENED\*\*\*

AUTHORIZING THE PURCHASE OF LOT 7, BLOCK 145, ORIGINAL PLAT OF LINCOLN, LANCASTER

COUNTY, NEBRASKA GENERALLY LOCATED AT 742 S. 8TH STREET - Dana Roper, stated that the City will pay ½ and the County will pay ½. There is no plans to tear down the building on this property at this time, but could do so in the future for parking. Discussion followed.

This matter was taken under advisement.

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

**MISCELLANEOUS BUSINESS PUBLIC HEARING**

Mark Dean, Dean Auto Sales, 1519 West O Street, came forward to question the Mayor's veto on Special Permit No. 1929, Resolution A-81172.

Annette McRoy, Council Member, explained that Special permits will be looked at.

Ed Patterson, 2108 Q Street, discussed the impact the Antelope Valley Project will have on the Malone Center.

This matter was taken under advisement.

**COUNCIL ACTION**

**LIQUOR RESOLUTIONS**

APPLICATION OF GOKIE ENTERPRISES INC. DBA "FAST MART" FOR A CLASS "B" LIQUOR LICENSE AT 6835 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81186 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 Gokie Enterprises Inc. dba "Fast Mart" for a Class "B" liquor license at 6835 N. 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

MANAGER APPLICATION OF CATHERINE E. GOKIE FOR GOKIE ENTERPRISES INC. DBA "FAST MART" AT 6835 N. 27TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81187 WHEREAS, Gokie Enterprises Inc. dba "Fast Mart" located at 6835 N. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "B" liquor license, and now requests that Catherine E. Gokie be named manager;

WHEREAS, Catherine E. Gokie 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 Catherine E. Gokie 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

APPLICATION OF SPEAKEASY, INC. DBA "J.R.'S DOWN UNDER" FOR A CLASS "C" LIQUOR LICENSE AT 3233½ S. 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81188 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 Speakeasy, Inc. dba "J.R.'s Down Under" for a Class "C" liquor license at 3233½ S. 13th Street, Lincoln, Nebraska, for the

license period ending October 31, 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

MANAGER APPLICATION OF KAREN D. BROUWER FOR SPEAKEASY, INC. DBA "J.R.'S DOWN UNDER" AT 3233½ S. 13TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81189 WHEREAS, Speakeasy, Inc. dba "J.R.'s Down Under" located at 3233½ S. 13th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Karen D. Brouwer be named manager;

WHEREAS, Karen D. Brouwer 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 Karen D. Brouwer 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

APPLICATION OF LANCASTER COUNTY AGRICULTURAL SOCIETY INC. DBA "LANCASTER EVENT CENTER" FOR A LIQUOR CATERING LICENSE AT 4100 N. 84TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81190 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 ordinance, the City Council recommends that the application of Lancaster County Agricultural Society Inc. dba "Lancaster Event Center" for the issuance of a Catering Permit to the existing liquor license, located at 4100 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 a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

#### ORDINANCES - 2ND READING

CHANGE OF ZONE 3336 - APPLICATION OF REX ANDERSON FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-4 RESIDENTIAL AND R-7 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 19TH AND DUDLEY STREETS - CLERK read an ordinance, introduced by Terry Werner, for a change of zone from I-1 Industrial to R-4 Residential and R-7 Residential on property generally located at 19th and Dudley Streets, the second time.

CHANGE OF ZONE 3342 - APPLICATION OF JOHN RALLIS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 98TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Terry Werner, for a change of zone from AG Agricultural to AGR Agricultural Residential on property generally located at S. 98th Street and Old Cheney Road, the second time.

AMENDING ORDINANCE NO. 17887, PASSED BY CITY COUNCIL ON JULY 30, 2001, TO AMEND THE LEGAL DESCRIPTION TO INCLUDE THE LOT UPON WHICH THE UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES IS LOCATED GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Terry Werner, amending Ordinance No. 17887, passed by the City Council on July 30, 2001, to amend the legal description to include the lot upon which the University Park

Congregation of Jehovah's Witnesses is generally located at the northeast corner of North 84th and Holdrege Streets, the second time.

**RESOLUTIONS**

APPOINTING TAD MCDOWELL TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81191 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tad McDowell to the StarTran Advisory Board for a three-year term expiring October 20, 2004 is hereby approved.

Introduced by Jon Camp

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

APPOINTING RODNEY GRIESS TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2003 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81192 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Rodney Griess to the StarTran Advisory Board for a three-year term expiring October 20, 2004 is hereby approved.

Introduced by Jon Camp

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

REAPPOINTING MICHAEL FLOYD AND WILLIAM LUCKE TO THE STARTRAN ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING OCTOBER 20, 2004 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81193 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Michael Floyd and William Lucke to the StarTran Advisory Board for three-year terms expiring October 20, 2004 is hereby approved.

Introduced by Jon Camp

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

SPECIAL PERMIT 1935 - APPLICATION OF LINCOLN INVESTMENT GROUP TO REDUCE THE YARD REQUIREMENTS OF THE B-4 LINCOLN CENTER BUSINESS DISTRICT FOR WALLS CONTAINING WINDOWS FOR DWELLINGS UNDER THE PROVISIONS OF § 27.63.410 OF THE LINCOLN MUNICIPAL CODE FOR THE DEVELOPMENT AND RENOVATION OF THE LINCOLN BUILDING AT 1001 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81194 WHEREAS, Lincoln Investment Group, L.L.C. has submitted an application designated as Special Permit No. 1935 for authority to reduce the yard requirements of the B-4 Lincoln Center Business District for the redevelopment of residential uses on property located at 1001 O Street, and legally described to wit:

Lots 11 and 12, Block 55, Original Plat of Lincoln in the Northeast Quarter of Section 26, Township 10 North, Range 6 East, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this reduction of the yard requirements 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 Lincoln Investment Group, L.L.C., hereinafter referred to as "Permittee", to reduce the yard requirements of the B-4 Lincoln Center Business District for the redevelopment of residential uses, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.410 of the Lincoln Municipal Code upon condition that construction and operation of said renovation project be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves the use of existing windows on upper floors for residential purposes.
2. The Permittee agrees, by acceptance of the special permit to vacate the dwellings authorized by such special permit within 60 days of receipt of notification from the building official of development on an adjacent property which in any manner reduces the required separation to less than five feet.
3. The construction must meet the approval of the building official as complying with all applicable codes and regulations.
4. Before occupying this building, all development and construction must conform to the approved plans.
5. All privately-owned improvements must be permanently maintained by the Permittee.
6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jon Camp

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF CARROLL M5 INDUSTRIAL PARK WITH WAIVERS OF THE REQUIRED SIDEWALKS, STORMWATER DETENTION, AND REDUCTION OF THE MINIMUM CENTERLINE RADIUS FOR CURVES, ON PROPERTY GENERALLY LOCATED AT NORTH 27TH STREET AND CLEVELAND AVE. - PRIOR to reading:

WERNER Moved to delay action on Bill No. 01R-288 for two weeks to 11/19/01.

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

AUTHORIZING THE PURCHASE OF LOT 7, BLOCK 145, ORIGINAL PLAT OF LINCOLN, LANCASTER COUNTY, NEBRASKA GENERALLY LOCATED AT 742 S. 8TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81195 A RESOLUTION authorizing the Lincoln Lancaster County Public Building Commission (the "Commission") to purchase Lot 7, Block 145, Original Plat of Lincoln, Lancaster County, Nebraska, commonly known as 742/744 S. 8th Street, Lincoln, Nebraska, as set out in Attachment "A", for joint use by both the City of Lincoln (the "City") and the County of Lancaster (the "County").

RECITALS

A.

The Commission has been created pursuant to Neb. Rev. Stat. § 13-1301 et seq. (Reissue 1991) for the purpose of designing, acquiring, constructing, maintaining, operating, improving, remodeling, and reconstructing projects (as such term is defined by Section 13-1302 of the Act) for the joint use of both the City and the County upon approval thereof by the City and the County, and all facilities necessary or convenient in connection therewith.

B.

Pursuant to paragraph 4 of the Interlocal Agreement entered into by and between the City, the County, and the Commission, dated July 10, 1996 any new project which the Commission proposes to undertake must first be approved by resolution of the City Council and by resolution of the County Board.

C.

The City is agreeable to authorizing the Commission to proceed with the purchase of Lot 7, Block 145, for assemblage for future parking with the City paying \$30,000 or one-half of the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of

Lincoln, Nebraska as follows:

Pursuant to paragraph 4 of the Interlocal Agreement, the purchase of Lot 7, Block 145, Original Plat of Lincoln, Lancaster County, Nebraska, for use as a parking lot, is hereby approved for assemblage for future parking.

Introduced by Jon Camp

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

APPOINTING RUTHANN YOUNG TO THE LINCOLN LIBRARY BOARD OF TRUSTEES TO FILL THE VACANCY CREATED BY THE RESIGNATION OF MARIA DIAZ, TERM TO EXPIRE AUGUST 31, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81196 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Ruthann Young to the Lincoln Library Board of Trustees to fill an unexpired term expiring August 31, 2002 is hereby approved.

Introduced by Jon Camp

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

SETTING HEARING DATE OF MON., NOV. 19, 2001 AT 1:30 P.M. FOR THE APP. OF CRAWDADDY'S CAJUN CUISINE, INC. DBA CRAWDADDY'S CAJUN CUISINE FOR A RETAIL CLASS I LIQUOR LICENSE LOCATED AT 700 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81197 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., November 19, 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 Crawdaddy's Cajun Cuisine, Inc. dba Crawdaddy's Cajun Cuisine for a Retail Class I Liquor License located at 700 O 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

SETTING HEARING DATE OF MON., NOV. 19, 2001 AT 1:30 P.M. FOR THE APP. OF EAGLES FRATERNAL ORDER 4111 DBA EAGLES F.O. STAR CITY AERIE 4111 FOR A CHANGE OF LOCATION TO PREMISE FROM 2050 CORNHUSKER HIGHWAY TO 2112 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81198 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., November 19, 2001, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street., Lincoln, NE, for App. of Eagles Fraternal Order 4111 dba Eagles F.O. Star City Aerie 4111 for a change of location to premise from 2050 Cornhusker Highway to 2112 Cornhusker Highway.

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

SETTING HEARING DATE OF MON., NOV. 19, 2001 AT 1:30 P.M. FOR THE APP. OF FRIENDS INC. DBA FOR FRIENDS FOR A CLASS C LIQUOR LICENSE AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81199 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., November 19, 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 Friends Inc dba For Friend for a Class C Liquor License at 2110 Winthrop Road.

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

SETTING HEARING DATE OF MON., NOV. 19, 2001 AT 1:30 P.M. FOR THE APP. OF BBQUE INC. DBA BUSTER'S BBQ FOR A RETAIL CLASS I LIQUOR LICENSE LOCATED AT 2435 S. 48<sup>TH</sup> STREET - CLERK read the following resolution, introduced by

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Jon Camp, who moved its adoption:

A-81200 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., November 19, 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 BBQE Inc. dba "Buster's BBQ" for a Retail Class I Liquor License located at 2435 S. 48th 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

SETTING HEARING DATE OF MON., NOV. 19, 2001 AT 1:30 P.M. FOR THE MAN. APP. OF ROSEMARY L. STICKNEY FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP LOCATED AT 2925 NW 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81201 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., November 19, 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 Man. App. of Rosemary L. Stickney for Whitehead Oil Company dba U-Stop Convenience Shop located at 2925 NW 12th 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

SETTING HEARING DATE OF MONDAY, NOVEMBER 19, 2001 AT 1:30 P.M. FOR APP. OF ROBOCO INC. DBA WASABI ! FOR A CLASS C LIQUOR LICENSE AT 239 N. 14<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81202 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., November 19, 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 ROBOCO Inc. dba WASABI ! for a Class C Liquor License at 239 N. 14th 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, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND ANDERMATT L.L.C., EIGER CORP, WESTCOR L.L.C., REALTY TRUST GROUP, AND DAVID S. OLSON OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81204 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Conditional Annexation and Zoning Agreement for S. 84th & Highway 2 (Annexation Agreement), which is attached hereto, marked as Exhibit "A" and made a part hereof by reference, between the City of Lincoln and Andermatt L.L.C., Eiger Corp., Westcor L.L.C., Realty Trust Group, and David S. Olson (Owners) outlining certain conditions and understandings between the City and said Owners relating to the annexation of approximately 245 acres of property generally located at 84th Street and Nebraska Highway 2 is approved.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Annexation Agreement on behalf of the City.

BE IT FURTHER RESOLVED that the City Clerk is directed to return one fully executed copy of this Agreement to Rick Peo, Chief Assistant City Attorney, for distribution to the Owners.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement with the Register of Deeds, filing fees to be paid by the Owners.

Introduced by Terry Werner

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF APPIAN WAY FOR 28 COMMERCIAL



LOTS AND 8 OUTLOTS WITH WAIVERS FOR SIDEWALKS, THE RESTRICTION ON TRANSFERRING FROM ONE SEWAGE BASIN TO ANOTHER, AND THE REQUIREMENT THAT LOTS FRONT UPON AND TAKE ACCESS TO A PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81205 WHEREAS, Andermatt, L.L.C. and Eiger Corporation have submitted the preliminary plat of **APPIAN WAY** for acceptance and approval; and WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated September 21, 2001, which is attached hereto as Exhibit "A".

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

That the preliminary plat of **APPIAN WAY**, located at South 84th Street and Highway 2, as submitted by Andermatt, L.L.C. and Eiger Corporation is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirement of § 26.27.020 of the Lincoln Municipal Code that sidewalks be installed along both sides of all streets within the subdivision is hereby waived along Highway 2 and along one side of the private roadways.

2. The requirement of Section 26.23.140(g) of the Lincoln Municipal Code that all lots front upon and take access to a public street or private roadway is waived.

3. The Sanitary Sewer Design Standard prohibiting the transfer of wastewater from one watershed to another by any means is waived.

Introduced by Terry Werner

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

USE PERMIT 140 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION TO DEVELOP 940,000 SQ. FT. OF COMMERCIAL SPACE ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND NEBRASKA HIGHWAY 2 - PRIOR to reading:

CAMP Moved to amend Bill No. 01R-279 on page 5, between lines 20 and 21, insert the following language:

c. Revise the site plan to show:

i. An expanded public access easement from 78 feet to 96 feet along the private roadway corridors as shown on Exhibit "A" in order to accommodate the boulevard roadway as shown on Exhibit "B".

ii. TYPICAL POLE SIGN DETAILS s generally shown on Exhibit "C.

iii. An amendment to General Notes as follows:

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10. THE ~~FOUR~~ THREE POLE SIGNS SHOWN ON THE SITE PLAN SHALL BE PERMITTED BEHIND THE 50 FOOT FRONT YARD SETBACK PROVIDED THEY ARE NOT CONSTRUCTED IN INTERSECTION SITE TRIANGLES OR REQUIRED EASEMENTS. ~~GROUND MONUMENT POLE SIGNS~~ SHALL HAVE 100 S.F. MAXIMUM SIGNAGE AREA ~~AND A MAXIMUM HEIGHT OF 8'~~ IDENTIFYING THE SHOPPING CENTER NAME AS SHOWN ON THE TYPICAL POLE SIGN DETAILS PERIMETER PAD SITES SHALL HAVE GROUND MONUMENT SIGNS NO LARGER THAN 8' IN HEIGHT AND PROVIDE NO MORE THAN 50 S.F. OF SIGNAGE AREA. PAD SITES MAY HAVE GROUND MONUMENT SIGNS IN CONFORMANCE WITH SECTION 27.69.060 OF THE ZONING ORDINANCE. ALL SIGNS SHALL ALSO MEET THE RESTRICTIVE COVENANTS SET BY THE DEVELOPER.

iv. Provide utility easements as required by LES.

v. Add the following Note to the General Notes as follows:

34. PRIOR TO RECEIVING A BUILDING PERMIT FOR A BUILDING OF 12,000 SQUARE FEET OF FLOOR AREA OF MORE. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES SHALL BE REVIEWED TO DETERMINE COMPLIANCE WITH ONE OF THE FOLLOWING TWO CONDITIONS.

A. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES ARE ACCEPTABLE TO THE DIRECTOR OF PLANNING; OR

B. THE BUILDING'S ARCHITECTURAL DESIGN AND FEATURES MEET ALL OF THE FOLLOWING ITEMS:



- xiii. The pedestrian/sidewalk area along the perimeter of the building has two or more landscaped bench areas with lighting accents;
- xiv. The lot has a minimum of five areas containing site landscape lighting; or
- sv. Architectural or landscape screening of exterior mechanical equipment.

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

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81206 WHEREAS, Andermatt L.L.C. and Eiger corporation has submitted an application in accordance with Section 27.37.070 of the Lincoln Municipal Code designated as Use Permit No. 140 for authority to construct 940,000 sq. ft. of commercial space on property generally located at 84th Street and Highway 2, and legally described to wit:

A tract of land composed of Lot 58 I.T., Lot 84 I.T., Lot 85 I.T., Lot 87 I.T., and Lot 95 I.T., a portion of Lot 93 I.T., and a portion of Lot 94 I.T., a portion of South 91st Street right-of-way to be vacated, and a portion of State of Nebraska right-of-way to be vacated, all located in Section 23, Township 9 North, Range 7 East of the 6<sup>th</sup> p.m., Lancaster County, Nebraska, and more particularly described as follows:

Commencing at the northwest corner of the Northwest Quarter of said Section 23; thence south 00 degrees 40 minutes 41 seconds east, assumed bearing, along the west line of said Northwest Quarter, a distance of 809.82 feet to a point; thence north 89 degrees 19 minutes 19 seconds east, a distance of 241.88 feet to a point, said point being **the true point of beginning**; thence north 89 degrees 19 minutes 19 seconds east, a distance of 342.71 feet to a point; thence north 00 degrees 22 minutes 12 seconds west, a distance of 120.00 feet to a point of intersection with the north line of said Lot 93 I.T.; thence north 89 degrees 19 minutes 19 seconds east along the north line of said Lot 93 I.T., a distance of 72.00 feet to a point; thence south 00 degrees 22 minutes 12 seconds east along an east line of said Lot 93 I.T., a distance of 139.51 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 336.00 feet, arc length of 167.78 feet, delta angle of 28 degrees 36 minutes 39 seconds, a chord bearing of south 13 degrees 56 minutes 08 seconds west along a east line of said Lot 93 I.T., and a chord length of 166.05 feet to a point of reverse curvature; thence along a curve in a counter clockwise direction, having a radius of 264.00 feet, arc length of 78.39 feet, delta angle of 17 degrees 00 minutes 50 seconds, a chord bearing of south 19 degrees 44 minutes 03 seconds west along a east line of said lot 93 I.T., and a chord length of 78.11 feet to a point of tangency; thence south 11 degrees 13 minutes 37 seconds west along an east line of said Lot 93 I.T., and its extension, a distance of 353.09 feet to a point; thence south 85 degrees 25 minutes 37 seconds east, a distance of 108.73 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 464.00 feet, arc length of 152.10 feet, delta angle of 18 degrees 46 minutes 56 seconds, a chord bearing of north 85 degrees 10 minutes 55 seconds east, and a chord length of 151.42 feet to a point of tangency thence north 75 degrees 47 minutes 27 seconds east along a north line of said Lot 93 I.T. and its extension, a distance of 306.86 feet to a point; thence north 08 degrees 00 minutes 22 seconds west along a west line of said Lot 93 I.T., a distance of 4.18 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 536.00 feet, arc length of 74.90 feet, delta

angle of 08 degrees 00 minutes 23 seconds, a chord bearing of north 04 degrees 00 minutes 11 seconds west along a west line of said Lot 93 I.T., and a chord length of 74.84 feet to a point of tangency; thence north 00 degrees 00 minutes 00 seconds east along a west line of said Lot 93 I.T., a distance of 259.02 feet to a point of curvature; thence along a curve in a clockwise direction, having a radius of 136.00 feet, arc length of 213.63 feet, delta angle of 90 degrees 00 minutes 00 seconds, a chord bearing of north 45 degrees 00 minutes 00 seconds east along a northwest line of said Lot 93 I.T., and a chord length of 192.33 feet to a point of tangency; thence south 90 degrees 00 minutes 00 seconds east along a north line of said Lot 93 I.T., a distance of 871.82 feet to a point; thence south 00 degrees 10 minutes 20 seconds west along a east line of said Lot 93 I.T., a distance of 51.04 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 264.00 feet, arc length of 249.80 feet, delta angle of 54 degrees 12 minutes 52 seconds, a chord bearing of south 26 degrees 56 minutes 06 seconds east along a northeast line of said Lot 93 I.T., and a chord length of 240.59 feet to a point of tangency; thence south 54 degrees 02 minutes 32 seconds east along a northeast line of said Lot 93 I.T., a distance of 353.89 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 264.00 feet, arc length of 150.80 feet, delta angle of 32 degrees 43 minutes 38 seconds, a chord bearing of south 70 degrees 24 minutes 21 seconds east along a northeast line of said Lot 93 I.T., and its extension, and a chord length of 148.75 feet to a point; thence south 03 degrees 13 minutes 50 seconds west, a distance of 72.00 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 336.00 feet, arc length of 129.91 feet, delta angle of 22 degrees 09 minutes 07 seconds, a chord bearing of north 82 degrees 09 minutes 17 seconds east, and a chord length of 129.10 feet to a point of tangency; thence north 71 degrees 04 minutes 43 seconds east, a distance of 57.97 feet to a point; thence south 65 degrees 13 minutes 34 seconds east, a distance of 36.15 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 1,065.00 feet, arc length of 101.48 feet, delta angle of 05 degrees 27 minutes 34 seconds, a chord bearing of south 24 degrees 56 minutes 00 seconds east, and a chord length of 101.44 feet to a point of tangency; thence south 27 degrees 39 minutes 47 seconds east, a distance of 937.76 feet to a point of curvature, thence along a curve in a clockwise direction, having a radius of 935.00 feet, arc length of 372.40 feet, delta angle of 22 degrees 49 minutes 13 seconds, a chord bearing of south 16 degrees 15 minutes 10 seconds east, and a chord length of 369.94 feet to a point; thence south 42 degrees 24 minutes 34 seconds west, a distance of 34.43 feet to a point; thence south 88 degrees 53 minutes 45 seconds west, a distance of 174.03 feet to a point; thence south 01 degrees 06 minutes 15 seconds east, a distance of 72.00 feet to a point; thence north 88 degrees 53 minutes 45 seconds east, a distance of 174.03 feet to a point; thence south 44 degrees 37 minutes 04 seconds east, a distance of 34.43 feet to a point; thence along a curve in a clockwise direction, having a radius of 935.00 feet, arc length of 680.58 feet, delta angle of 41 degrees 42 minutes 18 seconds, a chord bearing of south 23 degrees 29 minutes 13 seconds west, and a chord length of 665.65 feet to a point of tangency; thence south 44 degrees 20 minutes 22 seconds west, a distance of 400.02 feet to a point; thence south 85 degrees 41 minutes 38 seconds west, a distance of 37.53 feet to a point of intersection with

the south line of Lot 95 I.T.; thence north 52 degrees 57 minutes 07 seconds west along the north line of Nebraska Highway 2 right-of-way, said line being the southwest line of said Lot 95 I.T., a distance of 206.15 feet to a point of intersection with the west line of the Southeast Quarter of Section 23; thence north 56 degrees 19 minutes 51 seconds west along the north line of said right-of-way, said line being the southwest line of Lot 84 I.T., a distance of 780.25 feet to a southwest corner of said Lot 84 I.T.; thence north 52 degrees 26 minutes 00 seconds west along the north line of said right-of-way, said line being the southwest line of Lot 58 I.T., a distance of 758.60 feet to a point; thence north 14 degrees 44 minutes 20 seconds west, a distance of 39.56 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 350.00 feet, arc length of 134.18 feet, delta angle of 21 degrees 57 minutes 58 seconds, a chord bearing of north 09 degrees 55 minutes 33 seconds east, and a chord length of 133.36 feet to a point of reverse curvature, thence along a curve in a clockwise direction, having a radius of 250.00 feet, arc length of 144.96 feet, delta angle of 33 degrees 13 minutes 23 seconds, a chord bearing of north 15 degrees 33 minutes 15 seconds east, and a chord length of 142.94 feet to a point; thence north 58 degrees 39 minutes 13 seconds west, a distance of 114.51 feet to a point; thence along a curve in a counter clockwise direction, having a radius of 364.50 feet, arc length of 209.72 feet, delta angle of 32 degrees 57 minutes 56 seconds, a chord bearing of south 15 degrees 25 minutes 31 seconds west, and a chord length of 206.84 feet to a point of reverse curvature; thence along a curve in a clockwise direction, having a radius of 235.50 feet, arc length of 61.10 feet, delta angle of 14 degrees 51 minutes 55 seconds, a chord bearing of south 06 degrees 22 minutes 31 seconds west, and a chord length of 60.93 feet to a point; thence south 69 degrees 51 minutes 00 seconds west, a distance of 30.09 feet to a point of intersection with the southwest line of Lot 93 I.T.; thence north 57 degrees 09 minutes 01 seconds west along the north line of Nebraska Highway 2 right-of-way, said line being the southwest line of said Lot 93 I.T., a distance of 556.46 feet to a south corner of said Lot 93 I.T.; thence north 45 degrees 55 minutes 04 seconds west along the north line of said right-of-way, said line being a southwest line of said Lot 93 I.T., a distance of 202.24 feet to a south corner of said Lot 93 I.T.; thence north 53 degrees 03 minutes 46 seconds west along the north line of said right-of-way, said line being a southwest line of said Lot 93 I.T., a distance of 200.03 feet to a south corner of said Lot 93 I.T.; thence north 58 degrees 00 minutes 35 seconds west along the north line of said right-of-way, said line being a southwest line of said Lot 93 I.T., a distance of 400.90 feet to a south corner of said Lot 93 I.T.; thence north 43 degrees 05 minutes 38 seconds west along the north line of said right-of-way, said line being a southwest line of said Lot 93 I.T., a distance of 117.22 feet to a southwest corner of said Lot 93 I.T.; thence north 10 degrees 49 minutes 43 seconds west along the east line of south 84th street right-of-way, said line being a west line of said Lot 93 I.T., a distance of 18.79 feet to a point; thence north 29 degrees 00 minutes 57 seconds east, a distance of 21.74 feet to a point of curvature; thence along a curve in a counter clockwise direction, having a radius of 1,020.00 feet, arc length of 521.01 feet, delta angle of 29 degrees 15 minutes 59 seconds, a chord bearing of north 14 degrees 22 minutes 57 seconds east, and a chord length of 515.36 feet to a point of tangency; thence north 00 degrees 19 minutes 29 seconds west, a distance of 377.04 feet to a point;

thence north 44 degrees 28 minutes 33 seconds east, a distance of 35.01 feet to the point of beginning, said tract contains a calculated area of 5,332,732.05 square feet or 122.42 acres, more or less;

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 Andermatt L.L.C and Eiger Corporation, hereinafter referred to as "Permittee", to construct 940,000 sq. ft. of commercial space on the property legally described above be and the same is hereby granted under the provisions of Section 27.37.070 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 940,000 square feet of commercial uses provided that the total p.m. peak hour trips do not exceed 2,925.
2. Before receiving building permits:
  - a. The construction plans must conform to the approved plans.
  - b. Final plats within the area of this application must be approved by the City.
3. Before occupying the buildings all development and construction must be completed in conformance with the approved plans.
4. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established property owners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their 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.
7. 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 Terry Werner

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

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCT. 22, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

MAYOR WESELY'S VETO MESSAGE OF RESOLUTION A-81172, SPECIAL PERMIT NO. 1929, APPLICATION OF RED STAR AUTO PLAZA, L.L.C. FOR AUTHORITY TO PARK AND DISPLAY VEHICLES FOR SALE IN THE FRONT YARD ON PROPERTY LOCATED AT 702 WEST O STREET, WHICH WAS ADOPTED BY COUNCIL ON OCTOBER 22, 2001 - Clerk presented said report which was placed on file in the Office of the City Clerk. (27-2)

INVESTMENT OF FUNDS FOR OCTOBER 22 - 26, 2001 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81203 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 22 - 26, 2001.)

Introduced by Jon Camp

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

REPORT FROM CITY TREASURER OF 911 SURCHARGE REMITTANCE FOR THE QUARTER ENDING SEPT. 30, 2001 FROM ALIANT COMMUNICATIONS CO. DBA ALLTEL - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20-02)**

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCC. TAX FOR THE MONTH OF SEPT., 2001: ATT WIRELESS, TRACFONE WIRELESS, SPRINT SPECTRUM, MCLEOD USA, AT&T, GUARANTEED PHONE, NETWORK BILLING, ZONE TELECOM., LONG DISTANCE OF MICHIGAN, I-LINK, BIG PLANET - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

ASSESSMENT RESOLUTIONS FOR SPECIAL ASSESSMENT GROUP II BOARD OF EQUALIZATION MEETING, NOV. 19, 2001, AT 10:00 A.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

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

REQUEST OF PUBLIC WORKS TO SET THE HEARING DATE OF MONDAY, NOVEMBER 26, 2001, AT 5:30 P.M. AND PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 01-160 TO PROVIDE AUTHORITY TO CONSTRUCT A 6-INCH WATER MAIN IN PARK AVENUE, 10<sup>TH</sup> STREET TO 11<sup>TH</sup> STREET.
- 01-161 TO PROVIDE AUTHORITY TO CONSTRUCT A 6-INCH WATER MAIN IN STEVENS RIDGE AREA, MARLBOROUGH AND OAKS HOLLOW DRIVE.
- 01-162 TO PROVIDE AUTHORITY TO CONSTRUCT AN 8-INCH SANITARY SEWER IN STEVENS RIDGE AREA, MARLBOROUGH AND OAKS HOLLOW DRIVE.
- 01-163 TO PROVIDE AUTHORITY TO CONSTRUCT A 15-INCH AND AN 8-INCH SANITARY SEWER MAIN IN NW 40<sup>TH</sup> STREET AND WEST "O" STREET.

CLERK requested a motion to set hearing date of Monday, November 26, 2001, at 5:30 p.m. & place on the formal City Council Agenda.  
CAMP So moved.

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

QUARTERLY FINANCIAL REPORT OF LINCOLN ELECTRIC SYSTEM FOR THE PERIOD JULY THROUGH SEPTEMBER, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(40)**

#### ORDINANCES - 1ST READING

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 9.12 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF S.W. 56TH AND WEST O STREETS - CLERK read an ordinance, introduced by Jon Camp, amending Section 2. of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17820 passed April 16, 2001, prescribing & defining the corporate limits of the City of Lincoln and repealing said Section 2 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17820 passed April 16, 2001, as hitherto existing, the first time.

CHANGE OF ZONE 3314 - APPLICATION OF D & R DEVELOPMENT, INC. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED SOUTHWEST OF S.W. 56TH AND WEST O STREETS - CLERK read an ordinance, introduced by Jon Camp, 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 3332 - APPLICATION OF YANKEE L.L.C. FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED SOUTH OF WEST PLEASANT HILL ROAD BETWEEN S.W. 33RD AND S.W. 40TH STREETS - CLERK read an ordinance, introduced by Jon Camp, 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.

APPROVING REVISED DISTRICT BOUNDARIES OF THE CITY FOR THE FOUR COUNCIL DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, whereas, the electors of the City of Lincoln on November 7, 1978, adopted an amendment to the Charter of the City of Lincoln which requires the district election of four City Council members commencing with the City election of 1979, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS BETWEEN CERTAIN CAPITAL IMPROVEMENT PROJECTS WITHIN THE SANITARY SEWER CONSTRUCTION FUND, WATER CONSTRUCTION FUND, AND STREET CONSTRUCTION FUND WITHIN THE PUBLIC WORKS & UTILITIES DEPARTMENT - CLERK read an ordinance, introduced by Jon Camp, approving the transfer of unspent and unencumbered appropriations and cash (if any) between certain capital improvement projects within the Sanitary Sewer Construction Fund, Water Construction Fund, and Street Construction Fund, the first time.

AMENDING CHAPTER 24.38 OF THE LINCOLN MUNICIPAL CODE TO REGULATE ON-SITE WASTEWATER TREATMENT SYSTEMS AND IMPLEMENT STATE STATUTORY REQUIREMENTS - CLERK read an ordinance, introduced by Jon Camp, amending Chapter 24.38 of the Lincoln Municipal Code to regulate on-site wastewater treatment systems, the first time.

#### ORDINANCES - 3RD 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 - PRIOR TO READING:

SENG Moved to amend Bill No. 01-149 on page 1, line 21, after the word "thereof" replace the period with a semi-colon and insert the following language:

provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income.

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

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 third time.

SVOBODA Moved to pass ordinance as amended.

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

The ordinance, being numbered **#17924**, is recorded in Ordinance Book 24, Page

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 - PRIOR to reading:

SENG Moved to amend Bill No. 01-150 on page 2, line 3, after the word "thereof" replace the period with a semi-colon and insert the following language:

provided, however, that such special assessments shall be paid out of the CDBG Special Assessment Paving Program funds for property owners earning at or below 50% of the City's median income.

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

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 third time.

SVOBODA Moved to pass the ordinance as read.

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



The ordinance, having **LOST**, was assigned File #38-4383, & was placed on file in the Office of the City Clerk.

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 third time.

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

The ordinance, having **LOST**, was assigned File #38-4384, & was placed on file in the Office of the City Clerk.

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 third time.

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

The ordinance, being numbered #17925, is recorded in Ordinance Book 24, Page

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.

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

The ordinance, being numbered #17926, is recorded in Ordinance Book 24, Page

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 third time.

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

The ordinance, being numbered #17927, is recorded in Ordinance Book 24, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.

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Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.  
The ordinance, being numbered **#17928**, is recorded in Ordinance Book 24, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.  
The ordinance, being numbered **#17929**, is recorded in Ordinance Book 24, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.  
The ordinance, being numbered **#17930**, is recorded in Ordinance Book 24, Page

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 third time.

SVOBODA Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None.; ABSENT: Friendt.  
The ordinance, being numbered **#17931**, is recorded in Ordinance Book 24, Page

**MISCELLANEOUS BUSINESS**

**PENDING LIST -**

CAMP Moved to extend the Pending List for 1 week and approve the upcoming resolutions to have Public Hearing on Nov. 19, 2001.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

**ADJOURNMENT**

**4:41 p.m.**

CAMP Moved to adjourn the City Council meeting of November 5, 2001.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.  
So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Office Assistant III

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