

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 19, 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, 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

SENG Having been appointed to read the minutes of the City Council proceedings of November 5, 2001, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Don Wesely presented the October Award of Excellence to Luke Wilke of the Lincoln Police Dept. in the category of Loss Prevention.

PUBLIC HEARING

APP. OF BBQUE INC. DBA BUSTER'S BBQ FOR A RETAIL CLASS I LIQUOR LICENSE LOCATED AT 2435 S. 48TH STREET;

MANAGER APPLICATION OF MATTHEW C. KIMMERLING FOR BBQUE, INC. DBA "BUSTER'S BBQ AND BREW" AT 2435 SOUTH 48TH STREET - Matthew Kimmerling, 2810 Prairie Road came forward and took the oath to answer questions.

This matter was taken under advisement.

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 - Michael Johnson, 1045 Lincoln Mall, Ste. 2, came forward and took the oath to answer questions.

This matter was taken under advisement.

APP. OF CRAWDADDY'S CAJUN CUISINE, INC. DBA CRAWDADDY'S CAJUN CUISINE FOR A RETAIL CLASS I LIQUOR LICENSE LOCATED AT 700 O STREET;

MANAGER APPLICATION OF GEORGE M. LANDOLT FOR CRAW DADDY'S CAJUN CUISINE, INC. DBA "CRAW DADDY'S" AT 700 O ST. - George Landolt, 3026 N. 49th Street, came forward and took the oath to answer questions.

This matter was taken under advisement.

APPLICATION OF ROBOCO, INC. DBA "WASABI!" FOR A CLASS C LIQUOR LICENSE AT 239 NORTH 14TH STREET;

MANAGER APPLICATION OF ROBERT F. BURNS FOR ROBOCO, INC. DBA "WASABI!" AT 239 NORTH 14TH STREET - Robert Burns, 1718 G Street, came forward and took the oath to answer questions.

Council Chair, Annette McRoy asked if Mr. Burns had signed up for the required hospitality classes and he indicated that he had for the January session.

This matter was taken under advisement.

APP. OF FRIENDS INC. DBA FOR FRIENDS FOR A CLASS C LIQUOR LICENSE AT 2110 WINTHROP ROAD;

MANAGER APPLICATION OF JACQUELINE R THOELKE FOR FOR FRIENDS INC. DBA FOR FRIENDS RESTAURANT & LOUNGE AT 2110 WINTHROP ROAD - Jacqueline & James Thaelke came forward and took the oath to answer questions.

This matter was taken under advisement.

MANAGER APPLICATION OF ROSEMARY L. STICKNEY FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 2925 NW 12TH ST. - Rosemary Stickney, 2925 NW 12th St., came forward and took the oath to answer questions.

This matter was taken under advisement.

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;
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;

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND D & R DEVELOPMENTS, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 9.12 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF S.W. 56TH AND WEST O STREETS - Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing D & R Development came forward in favor of the Change of Zone and Annexation of 9.12 acres. He requested that Council suspend the rules to have 2nd and 3rd readings together.

Rich Wiese, Pres. of West "O" Business Assoc. came forward in support of these matters.

This matter was taken under advisement.

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;
ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ROLLING MEADOWS 1ST ADDITION FOR 23 DWELLING LOTS WITH WAIVERS OF BLOCK LENGTH, SIDEWALKS, STREET TREES, STREET LIGHTS, LANDSCAPE SCREENING, AND DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED SOUTH OF WEST PLEASANT HILL ROAD BETWEEN S.W. 33RD AND S.W. 40TH STREETS - Mark Hunzeker, 530 S. 13th St., Suite B, representing Yankee L.L.C. came forward in support of this application for Change of zone. He presented two amendments to the Preliminary Plat.

Council Members Seng, Cook & Werner asked questions of Mr. Hunzeker and requested staff to come forward.

Mike DeKalb, Planning Staff, came forward to answer questions.

Kim Soucie, 6500 SW 40th St. came forward in opposition.

John & Diane Keats, 6740 SW 38th St. came forward in support of the road being connected to SW 40th. They have also requested copies from the County on water quality for their area.

Randy Rice, 3737 West Bucks Drive came forward in favor of access road.

Councilman Werner asked Mr. DeKalb questions regarding the water supply, quantity and quality.

Troy Etherton, 3300 West Bucks Drive, came forward and suggested he would like to see the developers work closer with the customers.

Phil Corkill, 3110 West Pleasant Hill Road, came forward and had asked Planning Dept. for copies of the covenants regarding water and ponds.

Mr. Hunzeker came forward to present his rebuttal. He informed Council that the covenants are recorded when you have a final plat presented. The County's 5-year road plan includes completion of the paving on SW 33rd Street, from where we stop paving on down to West N Rd. This developer should not be responsible to pave SW 40th Street.

Councilman Camp asked Mr. Hunzeker questions regarding the water supply.

Councilwoman Seng asked Mr. Dekalb if Planning Staff and Planning Commission all gave approval of this plan, except for the waiver. He indicated that was correct.

This matter was taken under advisement.

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 - Margaret Remmenga, Public Works Manager came forward to explain the transfer of appropriations.

This matter was taken under advisement.

APPROVING REVISED DISTRICT BOUNDARIES OF THE CITY FOR THE FOUR COUNCIL DISTRICTS - Ken Winston, 1915 "D" Street, came forward in support of Option A.
Robert Stoddard 1131 Carlos Drive, came forward in support of Option A.

Carl Tesch, 2284 Sheldon, came forward in favor of the map in Option A.

Carol Yoakum, 1145 "A" Street, came forward in favor of Option A because it seemed the less disruptive to neighborhood association boundaries.

Jim Johnson, 1201 Berkshire Ct. #36, came forward in favor of

Option A.

Discussion followed between Council members over various options of the planned maps.

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, Attorney, 941 "O" Street, came forward to advise Council that the neighbors and Mr. Carroll are working the details of this situation out.

Ron Ross, representing C. J. Development, came forward to explain that correspondence was going out from Dick Carroll to the residents of the trailer court.

Discussion by Council members followed.

This matter was taken under advisement.

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF I-80 BUSINESS PARK 1ST ADDITION FOR 14 COMMERCIAL LOTS WITH WAIVERS FOR REDUCED ROADWAY WIDTH, SIDEWALKS, AND SANITARY SEWER REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT N.W. 27TH AND WEST O STREET - Mark Hunzeker, 530 S. 13th St., Suite B, representing Hampton Development, came forward in favor of the preliminary plat.

Rich Wiese, Pres. of West "O" St. Business Assoc., came forward to voice concerns regarding the sidewalks being waived in this plat.

This matter was taken under advisement.

APPROVING AN INTERAGENCY MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF PUBLIC WORKS & UTILITIES AND THE LINCOLN ELECTRIC SYSTEM FOR THE PROVISION OF TREATED WASTEWATER EFFLUENT FOR COOLING AND OTHER ASSOCIATED PLANT WATER REQUIREMENTS OF THE SALT VALLEY GENERATING STATION - Gary Brandt, Division Manager of Wastewater, came forward to explain this project.

This matter was taken under advisement.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2002 - Terry Bunde, CEO of Lincoln Electric System came forward in favor of LES' annual budget.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

APP. OF BBQUE INC. DBA BUSTER'S BBQ FOR A RETAIL CLASS I LIQUOR LICENSE LOCATED AT 2435 S. 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81207 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 BBQue Inc. dba Buster's BBQ" for a Class "I" liquor license at 2435 South 48th 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 MATTHEW C. KIMMERLING FOR BBQUE, INC. DBA "BUSTER'S BBQ AND BREW" AT 2435 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81208 WHEREAS, BBQue, Inc. dba "Buster's BBQ" located at 2435 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Matthew C. Kimmerling be named manager;

WHEREAS, Matthew C. Kimmerling 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 Matthew C. Kimmerling be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APP. OF 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 for approval:

A-81209 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, including Neb. Rev. Stat. § 53-129, and the pertinent City ordinances, the City Council recommends that the application of Eagles Fraternal Order 4111 dba "Eagles F.O. Star City Aerie 4111" to move its presently licensed premise and existing Class "C" liquor license from 2050 Cornhusker Highway to 2112 Cornhusker Highway, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

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

Introduced by Jon Camp

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

APP. OF 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 for approval:

A-81210 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 Crawdaddy's Cajun Cuisine, Inc. dba "Crawdaddy's Cajun Cuisine" for a Class "I" liquor license at 700 O 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 GEORGE M. LANDOLT FOR CRAW DADDY'S CAJUN CUISINE, INC. DBA "CRAW DADDY'S" AT 700 O ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81211 WHEREAS, Crawdaddy's Cajun Cuisine, Inc. dba "Crawdaddy's Cajun Cuisine" located at 700 O Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that George M. Landolt be named manager;

WHEREAS, George M. Landolt 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 George M. Landolt 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 ROBOCO, INC. DBA "WASABI!" FOR A CLASS C LIQUOR LICENSE AT 239 NORTH 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81212 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 Roboco, Inc. dba "Wasabi!" for a Class "C" liquor license at 239 North 14th 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, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

MANAGER APPLICATION OF ROBERT F. BURNS FOR ROBOCO, INC. DBA "WASABI!" AT 239 NORTH 14TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81213 WHEREAS, Roboco, Inc. dba "Wasabi!" located at 239 North 14th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Robert F. Burns be named manager; WHEREAS, Robert F. Burns appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Robert F. Burns be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

APP. OF 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 for approval:

A-81214 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 For Friends, Inc. dba "For Friends Restaurant & Lounge" for a Class "C" liquor license at 2110 Winthrop Road, 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 JACQUELINE R THOELKE FOR FOR FRIENDS INC. DBA FOR FRIENDS RESTAURANT & LOUNGE AT 2110 WINTHROP ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81215 WHEREAS, For Friends, Ind dba "For Friends Restaurant & Lounge" located at 2110 Winthrop Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jacqueline R. Thoelke be named manager;

WHEREAS, Jacqueline R. Thoelke 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 Jacqueline R. Thoelke 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.

MANAGER APPLICATION OF ROSEMARY L. STICKNEY FOR WHITEHEAD OIL COMPANY DBA U-STOP CONVENIENCE SHOP AT 2925 NW 12TH ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-81216 WHEREAS, Whitehead Oil Company dba "U-Stop Convenience Shop" located at 2925 N.W. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Rosemary L. Stickney be named manager;

WHEREAS, Rosemary L. Stickney 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 Rosemary L. Stickney 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.

ORDINANCES - 2ND 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, Prior to reading:

CAMP Moved to suspend the Council Rules for Bill No. 01-165 to have 2nd and 3rd Reading on this date.

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

CLERK Read an ordinance, introduced by Jon Camp, 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" St., the second time. **(See further Council Action under ORDINANCES - 3RD READING.)**

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 - Prior to reading:

CAMP Moved to suspend the Council Rules for Bill No. 01-166 to have 2nd and 3rd Reading on this date.

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

CLERK Read an ordinance, introduced by Jon Camp, for an 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, the second time. **(See further Council Action under ORDINANCES - 3RD READING.)**

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 - PRIOR to reading:

WERNER Moved to suspend Council Rules for Bill No. 01-169 to have 2nd and 3rd Reading on this date.

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

CLERK Read an ordinance, introduced by Jon Camp, for an 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, the second time. **(See further Council Action under ORDINANCES - 3RD READING.)**

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 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, the second time.

AMENDING CHAPTER 24.38 OF THE LINCOLN MUNICIPAL CODE TO REGULATE ON-SITE WASTEWATER TREATMENT SYSTEMS AND IMPLEMENT STATE STATUTORY REQUIREMENTS - Prior to reading:

COOK Moved to delay public hearing and action one week to 11/26/01. Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, Amending Chapter 24.38 of the Lincoln Municipal Code to regulate on-site wastewater treatment systems and implement state statutory requirements, the second time. **(See further Council Action under ORDINANCES - 3RD READING.)**

APPROVING REVISED DISTRICT BOUNDARIES OF THE CITY FOR THE FOUR COUNCIL DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, to approve revised district boundaries of the City for the four Council Districts, the second time. **(See further Council Action under ORDINANCES - 3RD READING.)**

RESOLUTIONS

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. - CLERK read a resolution, introduced by Jon Camp, who moved its adoption:

A-81217 WHEREAS, Ceejay, L.L.C. has submitted the preliminary plat of CARROLL M5 INDUSTRIAL PARK 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 August 10, 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 CARROLL M5 INDUSTRIAL PARK, located at 27th Street and Cleveland Avenue, as submitted by Ceejay, L.L.C., 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.

Introduced by Jon Camp

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

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND D & R DEVELOPMENTS, INC. OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 9.12 ACRES OF PROPERTY GENERALLY LOCATED SOUTHWEST OF S.W. 56TH AND WEST O STREETS - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81218 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the agreement titled Conditional Annexation and Zoning Agreement for S.W. 56th and West "O" Street (Annexation Agreement), which is attached hereto, marked as Attachment "A" and made a part hereof by reference, between the City of Lincoln and D & R Developments, Inc. (Owner), outlining certain conditions and understandings between the City and said Owner relating to the annexation of approximately 9.12 acres of property generally located southwest of S.W. 56th and West "O" Streets 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 Owner.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Annexation Agreement or a summary memorandum thereof with the Register of Deeds, filing fees to be paid by the Owner.

Introduced by Jonathan Cook

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF ROLLING MEADOWS 1ST ADDITION FOR 23 DWELLING LOTS WITH WAIVERS OF BLOCK LENGTH, SIDEWALKS, STREET TREES, STREET LIGHTS, LANDSCAPE SCREENING, AND DOUBLE FRONTAGE LOTS, ON PROPERTY GENERALLY LOCATED SOUTH OF WEST PLEASANT HILL ROAD BETWEEN S.W. 33RD AND S.W. 40TH STREETS - PRIOR to reading:

COOK Moved to amend Bill No. 01R-292 in the following manner:

1. On page 2, after line 5, add the following:
Developer shall install sedimentation fences or straw bales to control erosion to the satisfaction of the County Engineer.
2. Amend Exhibit "A" by adding a new condition 3.2.8 to read as follows:

To petition for the creation of a paving district to pave Southwest 34th Street Court if a future paving district is created for the paving of Southwest 34th Street and Pleasant Hill Road abutting the subdivision.

CLERK Read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81219 WHEREAS, Yankee L.L.C. has submitted the preliminary plat of ROLLING MEADOWS 1ST ADDITION 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 October 18, 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 ROLLING MEADOWS 1ST ADDITION, located south of West Pleasant Hill Road between S.W. 33rd and S.W. 40th Streets as submitted by Yankee L.L.C. 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 § 26.23.130 of the Lincoln Municipal Code that block length not exceed 1320 feet between cross streets is waived for Block 2.

2. The requirements of Section 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code, relating to the installation of sidewalks, ornamental street lights, landscape screens, and street trees, respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits.

3. The requirement of Section 26.23.140 of the Lincoln Municipal Code which prohibits double frontage lots is waived along the County roads.

Developer shall install sedimentation fences or straw bales to control erosion to the satisfaction of the County Engineer.

Introduced by Jonathan Cook

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF I-80 BUSINESS PARK 1ST ADDITION FOR 14 COMMERCIAL LOTS WITH WAIVERS FOR REDUCED ROADWAY WIDTH, SIDEWALKS, AND SANITARY SEWER REQUIREMENTS ON PROPERTY GENERALLY LOCATED AT N.W. 27TH AND WEST O STREET - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81220 WHEREAS, Hampton, L.L.C. has submitted the preliminary plat of I-80 BUSINESS PARK 1ST ADDITION 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 October 8, 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 I-80 BUSINESS PARK 1ST ADDITION, generally located at N.W. 27th and West "O" Streets as submitted by Hampton, L.L.C. 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 both sides of the private roadway and on the north side of West "O" Street.

2. The requirement of the Urban Public Street Design Standards that local commercial streets be 33 feet wide is waived to permit a reduced roadway width along Bizpark Drive.

3. The requirement of the Sanitary Sewer Design Standards that prohibits the transfer of wastewater from one watershed to another by any means is waived to allow for a private lift station to transfer sanitary sewer from one drainage basin to another.

Introduced by Jonathan Cook

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

SPECIAL PERMIT 1435C - APPLICATION OF HARLAND TAYLOR HOMEOWNERS ASSOCIATION AND THE Y.M.C.A. TO AMEND THE HARLAND TAYLOR COMMUNITY UNIT PLAN FOR A PARKING LOT NORTH OF THE NORTHEAST Y.M.C.A ON PROPERTY GENERALLY LOCATED AT 69TH STREET AND HUNTINGTON AVENUE - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81221 WHEREAS, Harland Taylor Homeowners Association and the Y.M.C.A. have submitted an application designated as Special Permit No. 1435C for authority to amend the Harland Taylor Community Unit Plan to construct a parking lot north of the Northeast Y.M.C.A. on property located at 69th Street and Huntington Avenue, and legally described to wit:

Lots 1 - 4 and Outlot A, Harland Taylor Addition; Lots 2 - 21 and Outlot B, Harland Taylor 1st Addition; Lots 1 - 5 and Outlots A, B, and C, Harland Taylor 2nd Addition, all located in the Northeast Quarter of Section 16, Township 10 North, Range 7 East, Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this parking lot 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 Harland Taylor Homeowners Association and the Y.M.C.A., hereinafter referred to as "Permittee", to amend the Harland Taylor Community Unit Plan to construct a parking lot, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said parking lot be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a parking lot in the north portion of Lot 5, Harland Taylor 2nd Addition adjacent to the Y.M.C.A. building.

2. Before receiving building permits:

- a. Special Permit #441D must be approved by the City.
- b. The Permittee must submit a revised and reproducible plan including five copies.
- c. The construction plans must conform to the approved plans.

3. All privately-owned improvements must be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.

4. 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.

5. 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 the special permit or take such other action as may be necessary to gain compliance.

6. 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.

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

Introduced by Jonathan Cook

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

APPOINTING SAEED AHMAD TO THE CABLE ADVISORY BOARD TO FILL AN UNEXPIRED TERM EXPIRING JULY 1, 2002 - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81222 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Saeed Ahmad to the Cable Advisory Board to fill an unexpired term expiring July 1, 2002 is hereby approved.

Introduced by Jonathan Cook

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

APPROVING AN INTERAGENCY MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF PUBLIC WORKS & UTILITIES AND THE LINCOLN ELECTRIC SYSTEM FOR THE PROVISION OF TREATED WASTEWATER EFFLUENT FOR COOLING AND OTHER ASSOCIATED PLANT WATER REQUIREMENTS OF THE SALT VALLEY GENERATING STATION - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81223 A Resolution approving an Interagency Memorandum of Understanding between the Department of Public Works & Utilities and the Lincoln Electric System relating to the provision of treated wastewater effluent for cooling and other associated plant water requirements of the Salt Valley Generating Station.

WHEREAS, Lincoln Electric System is presently constructing a gas-fired electric generating station designated as the Salt Valley Generating Station located at 7707 Bluff Road; and

WHEREAS, the operation of the combustion turbines and the combined cycle system being installed as part of the Salt Valley Generating Station require an assured source of water for cooling and other associated plant requirements; and

WHEREAS, the parties have concluded that treated wastewater effluent from the Northeast Wastewater Treatment Facility located at 7000 North 70th Street and operated by the Public Works Department is an acceptable form of water to use for cooling and associated plant requirements of the Salt Valley Generating Station and the quantities of treated wastewater effluent available from that source meet or exceed the needs of LES as a source of water for the Salt Valley Generating Station; and

WHEREAS, the symbiotic relationship created by this proposed use of treated wastewater effluent has both economic and environmental advantages and is in the best interest of the ratepayers of both utilities; and

WHEREAS, the agencies are desirous of memorializing their understandings regarding this relationship in an Interagency Memorandum of Understanding.

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

That the Interagency Memorandum of Understanding by and between the Department of Public Works & Utilities and the Lincoln Electric System regarding the use of treated wastewater effluent in conjunction with the Salt Valley Generating Station, a copy of which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved.

The City Clerk is directed to transmit two fully executed copies of the Memorandum to the Lincoln Electric System for approval and execution.

Introduced by Jonathan Cook

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 15 - 31, 2001 - CLERK read a resolution, introduced by Jonathan Cook, who moved its

adoption:

A-81224 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:
That the claims listed in the attached report, marked as Exhibit "A", dated November 1, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Jerry Helget	\$ 70.00	Frank Martinez	\$168.50
Brad Cox	NAS*	John & Claudia Reinhardt	500.00
Jaime Schehr	100.00	Kristi Roberts	732.18
Tara Carter	300.00		
Pat Williamson	70.00		
Jeffery B. Itken	45.00		
Elizabeth Hitt	45.00		
InKeun Choi	200.00		

* No Amount Specified.

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

Introduced by Jonathan Cook

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2002 - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81225 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2002 was approved by the LES Administrative Board on October 26, 2001; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 12, 2001, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2002, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

2. That all money received and any of the aforesaid funds in excess of the estimated balances and receipts set forth in said budget shall be credited to the unappropriated surplus of such funds.

3. That all monies received and set apart for the operation and maintenance of the Lincoln Electric System and all monies received from any source that are required to be applied to the costs of said operation and maintenance, shall be deposited in the appropriate operation and maintenance account, and paid out upon the order of those persons designated by the LES Administrative Board.

4. That by adoption of the Capital Improvements Budget, the City Council hereby authorizes the acquisition of all necessary right-of-way, easements, or other interests in land, by purchase if possible, by condemnation if necessary, for those projects included within the Capital Improvements Budget.

5. That, to the extent capital improvements for facilities of LES are made from LES revenue and other funds, it is intended that the amount of such expenditures, which is not reasonably expected to exceed \$50,000,000 shall be reimbursable to the LES revenue and other funds through the issuance of future electric system revenue bonds there being no funds of LES or the City reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to such expenditures, other than pursuant to the issuance of such electric system revenue bonds, this Resolution being determined to be consistent with the budgetary and financial circumstances

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of LES and the City as they exist or are reasonably foreseeable on the date hereof.

6. There is hereby appropriated all money received from any source as grants or donations received for public purposes.

Introduced by Jonathan Cook

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

AMENDING THE LINCOLN MUNICIPAL CODE TO INCLUDE DESIGN STANDARDS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS - PRIOR to reading:

COOK Moved to delay action on Bill No. 01R-299 for one week to 11/26/01.

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

ASSESSING SPECIAL TAXES FOR THE COSTS OF THE IMPROVEMENTS IN THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, THE CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY, AND THE DOWNTOWN MAINTENANCE DISTRICT - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81226 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed October 29, 2001, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MON. DECEMBER 3, 2001 AT 1:30 P.M. FOR THE MGR. APP. OF RODNEY R. HOLLMAN FOR LANCASTER COUNTY AGRICULTURAL SOCIETY INC DBA LANCASTER EVENT CENTER LOCATED AT 4100 NORTH 84TH ST. - CLERK read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81227 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., December 3, 2001 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Manager Application of Rodney R. Hollman for Lancaster County.

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

Introduced by Jonathan Cook

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

SETTING THE HEARING DATE OF MON. DECEMBER 10, 2001 AT 1:30 P.M. FOR THE APP. OF JV, INC. DBA AZTECA MEXICAN RESTAURANT LOCATED AT 500 WEST GATE BLVD. - CLERK Read a resolution, introduced by Jonathan Cook, who moved its adoption:

A-81228 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., December 10, 2001 at 1:30 p.m. or

as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Application of JV Inc. dba Azteca Mexican Restaurant for a Class I Liquor License located at 500 West Gate Blvd.

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

Introduced by Jonathan Cook

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

PETITIONS & COMMUNICATIONS

THE FOLLOWING ARE TO BE REFERRED TO PLANNING DEPT.:

Use Permit No. 133 - App. of R. C. Krueger for a Use Permit to develop property located at West Van Dorn and South Coddington Avenue.
Special Permit No. 1582A - App. of Norman and Lois Cole to amend Special Permit 1582 to allow a reduction the the fall zone at 69th & Seward

Streets.
Special Permit No. 1733C - App. of Patricia L. Koontz to amend CUP by adding two units at SW 8th & West B Streets.
Special Permit No. 1946 - App. of Ridge Development Co. to develop duplex lots at S. 27th & Yankee Hill Rd.
Special Permit No. 1947 - App. of Cricket Nebraska Property Company to construct, operate and maintain a Wireless PCS Communications Facility at 3300 "O" St.
Special Permit No. 1949 - App. of Donna Roller for an early childcare facility dba Arborview Montessori, Inc. at 33rd & Pioneers Blvd.
Special Permit No. 1950 - App. of Qwest Wireless, L.L.C. to construct a broadcast tower for the purpose of wireless telecommunications at 6801 S. 27th St.
Change of Zone No. 3195 - App. of Rick Krueger to change the zoning district map from R-3 to B-1 at Coddington & West Van Dorn.
Change of Zone No. 3253 - App. of Stockwell Properties, L.L.C. to change the zoning district map from B-1 and R-3 to B-2.
Change of Zone No. 3330 - App. of Ridge Development Co. & J.T.S. Enterprises L.L.C. to change the zoning district map from AG to R-3 at S. 27th & Yankee Hill Rd.
Change of Zone No. 3337 - App. of Home Real Estate to change zoning district map from AGR to P, R-1, R-3 at South 80th & Cheney Ridge.

THE FOLLOWING WERE REFERRED TO LAW DEPT.:

Formal Re-Paving Petition of Paving District 152, submitted by Cornhusker Bank.
Petition to Vacate Public Way of the west 60.15 feet of Wagon Lane from the south line of Outlet B to the North line of Outlot C in Frontier Acres, submitted by Nebraska Title Company.
Petition to Vacate the north six feet (6') of West "E" Street, bounded by Folsom Street to the west and Southwest 6th Street to the east, submitted by Lincoln Plating Company.

REPORT OF UNL Microbiologist for the water tested for the month of October - CLERK presented said report which was placed on file in the Office of the City Clerk. **(35-01)**

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCT. 29, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. **(27-1)**

INVESTMENT OF FUNDS FOR OCTOBER 29 - NOVEMBER 2, 2001 - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81229 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 29 - November 2, 2001.)

Introduced by Jonathan Cook

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

REPORTS FROM CITY TREASURER OF TELECOMM OCC. TAX FOR THE MONTH OF July, August & September: Touch 1 Communications, Inc.; PNG Telecommunications, Inc.; for the month of Sept., 2001: Global Crossing Telecommunications, Inc.; Alltel Communications of Nebraska, Inc.; Alltel Nebraska, Inc.; Alltel Systems of the Midwest, Inc.; Nebraska TEchnology & Telecommunications, Inc.; Coast International, Inc.; GE Business Productivity Sol., FKA: GE Capital Communications, Inc.; IBM Global Services-NS Div.; American Farm

Bureau, Inc.; Access Line Communications Corp.; Broadwing Telecommunications; Verizon Select Services, Inc.; Intellicall Operator Services; Bell Atlantic Communications; for the month of October: D & D Communications, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. **(20)**

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER, 2001: TIME WARNER CABLE - CLERK presented said report which was placed on file in the Office of the City Clerk. **(16-1)**

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

ORDINANCES - 1ST READING

CREATING WATER DISTRICT NO. 1184 IN PARK AVENUE FROM 10TH TO 11TH STREETS - CLERK read an ordinance, introduced by Jonathan Cook, creating a Water District No. 1184 in Park Avenue from 10th to 11th Streets, the first time.

CREATING WATER DISTRICT NO. 1185 IN MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - CLERK read an ordinance, introduced by Jonathan Cook, creating a Water District No. 1185 in Marlborough and Oaks Hollow Drive, Stevens Ridge Estates, the first time.

CREATING SEWER DISTRICT NO. 1175 MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - CLERK read an ordinance, introduced by Jonathan Cook, creating a Sewer District No. 1175 Marlborough and Oaks Hollow Drive, Stevens Ridge Estates, the first time.

CREATING SEWER DISTRICT NO. _____ IN N.W. 40TH AND WEST O STREET - PRIOR to reading:

CAMP Moved to withdraw & re-advertise for public hearing on 12/17/01.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

VACATING THE NORTH HALF OF THE NORTH-SOUTH ALLEY IN BLOCK 117, HAVELOCK ADDITION, GENERALLY LOCATED BETWEEN TOUZALIN AVENUE AND NORTH 58TH STREET AT SEWARD AVENUE - CLERK read an ordinance, introduced by Jonathan Cook, vacating the north half of the north-south alley in Block 117, Havelock Addition, generally located between Touzalin Avenue and North 58th Street at Seward Avenue, the first time.

VACATING THE EAST HALF OF THE EAST-WEST ALLEY IN BLOCK 30, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED BETWEEN NORTH 8TH AND NORTH 9TH STREETS, NORTH OF Q STREET - CLERK read an ordinance, introduced by Jonathan Cook, vacating the east half of the east-west alley in Block 30, Original Plat of Lincoln, generally located between North 8th and North 9th Streets, North of Q Street, the first time.

CHANGE OF ZONE 3343 - APPLICATION OF HOLDREGE INVESTORS, L.L.C. AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES, INC. FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Jonathan Cook, the application of Holdrege Investors, L.L.C. and University Park Congregation of Jehovah's Witnesses, Inc. for a Change of Zone from B-2 Planned Neighborhood Business to R-4 Residential on property generally located at the Northeast corner of North 84th and Holdrege Streets, the first time.

ORDINANCES - 3RD 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 the corporate limits of the City by annexing approximately 9.12 acres of property generally located southwest of S.W. 56th and West "O" St., the third time.

CAMP Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp,

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered **17932**, is recorded in Ordinance Book 24, Page

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, for an 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, the third time.

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

The ordinance, being numbered **17933**, is recorded in Ordinance Book 24, Page

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, for an 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, the third time.

WERNER 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 **17934**, is recorded in Ordinance Book 24, Page

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 third time.

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

The ordinance, being numbered **17935**, is recorded in Ordinance Book 24, Page

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 third time.

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

The ordinance, being numbered **17936**, is recorded in Ordinance Book 24, Page

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 third time.

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

The ordinance, being numbered **17937**, is recorded in Ordinance Book 24, Page

APPROVING REVISED DISTRICT BOUNDARIES OF THE CITY FOR THE FOUR COUNCIL DISTRICTS - CLERK read an ordinance, introduced by Jon Camp, approving revised district boundaries of the City for the four Council Districts, the third time.

CAMP Moved to pass Option B of Bill No. 01-170.
Seconded by Seng.
Discussion followed, Seng withdrew her Second.
CAMP Withdrew his motion.

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SVOBODA Moved to pass Option C (with a new map proposal)
Motion failed due to lack of second.

SVOBODA Moved to delay and have public hearing and action on 11/26/01.
Seconded by Camp & LOST by the following vote: AYES: Svoboda,
Camp, Friendt; NAYS: Cook, McRoy, Seng, Werner.

WERNER Moved to pass Option A of Bill No. 01-170.
Seconded by Cook & carried by the following vote: AYES: Cook,
McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda
The ordinance, being numbered **17938**, is recorded in Ordinance Book 24, Page.

MISCELLANEOUS BUSINESS

WERNER Moved to reconsider Bill No. 01-150 and place on pending.
Seconded by Seng & carried by the following vote: AYES: Cook,
McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

WERNER Moved to reconsider Bill No. 01-151 and place on pending.
Seconded by Seng & carried by the following vote: AYES: Cook,
McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week and approve the
resolutions to have Public Hearing on Nov. 26, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

5:30 p.m.

CAMP Moved to adjourn the City Council meeting of November 19, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
So ordered.

Joan E. Ross, Deputy City Clerk

Glenna Graupmann, Office Assistant III

