

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 26, 2001 AT 5:30 P.M.**

The Meeting was called to order at 5:30 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

SVOBODA Having been appointed to read the minutes of the City Council proceedings of November 19, 2001, reported having done so, found same correct.

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

City Clerk Joan Ross recognized St. Joseph Troop 45 who were in attendance to work on their civic badges. (applause)

PUBLIC HEARING

CREATING WATER DISTRICT NO. 1185 IN MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES;

CREATING SEWER DISTRICT NO. 1175 MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - Ron Hachiya, 6820 Northfork Dr., came forward to request water & sewer because he is building a residential home in the Stevens Ridge Estate area.

Rick Eells, 6300 Oaks Hollow, came forward in opposition to being assessed twice for the water district since he lives on Oaks Hollow Dr. & abuts Marlborough Dr. He would prefer to be assessed on the Oaks Hollow side since it is closer to the hydrant.

Dennis Bartels, Public Works Dept., stated the water district is assessed on unit basis on one assessment per lot.

Terry Werner, Council Member, asked if it matters which assessment, Marlborough or Oaks Hollow?

Mr. Bartels stated they take the total cost of the district, divide it by the number of living units. Discussion followed.

Ron Johnson, 6320 Oaks Hollow, asked to be excluded from the proposed water district & that the sewer be extended from the northern edge of the Berean Church along the Hachiya/Beck-Johnson property line to terminate at the southern line of the Eells' property.

Tom O'Neill, 6320 Marlborough Rd., came forward in opposition of the design of the sewer system.

Patricia Smith, 6301 Oaks Hollow, opposes both the water & sewer district because it would make no improvements to their property because of where it's situated & it would be an additional hardship cost to them.

Mary Beck, 6320 Oaks Hollow, handed out copies of a letter from Ron & Mary Beck Johnson, Pat & Dennis Smith & Richard & Susan Eells & one from Don Taute, Ass't. City Attorney, and also reiterated that they would like to be left out of the water district.

Ron Schwab, 6300 Marlborough Rd., stated they have no objection to the water or sewer district, but would like the sewer line on the eastside of their property. He also asked if they were obligated to hook up to the sewer once it's put in?

Mr. Bartels, stated the Health Dept. has the authority to order property owners to hook-up to the sanitary sewer within a specified time period. If their well meets the Health Dept. requirements they are not required to go on water.

Scott Holmes, Environmental Health Dept. Division Chief, stated they are required by code to connect to sewer if they are within 300 feet.

Matt Kleinschmit, Pride Homes builder, stated it is preferred to follow the 98 drawings of sewer not along Marlborough, but along Hachiya's lot & opposite to them. Discussion followed.

This matter was taken under advisement.

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 - Pete Klucas, 1901 S. 51st St., came forward to answer any questions.

Coleen Seng, Council Member, stated there have been complaints about a company that has his stuff in this alley on Murdock for the last 5½ years.

Nicole Fleck-Tooze, Public Works, stated that it will be a requirement of this vacation that the material in the right-of-way of N. 58th St. be cleaned up. She will visit with Building & Safety about this.

This matter was taken under advisement.

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 - Danny Walker, 427 E Street, expressed his opinion that when an alley is vacated it causes more problems such as people using it for junked vehicles.

Nicole Fleck-Tooze, Public Works Dept., stated that this vacation is for ½ of an east-west alley between Q & R Streets and 8th & 9th Streets. This vacation is an application of the Public Works Dept. for the construction of the Haymarket Parking Garage.

Glenn Friendt, Council Member, asked what happens to the other half of the alley?

Ms. Fleck-Tooze answered that the other half of the alley will remain open and can take access north or south through the north-south alley to either R or Q Streets. This will remain open so traffic can flow. The remaining alley will be a dead-end, public access will be provided to either Q or R Street.

Terry Werner, Council Member, asked Dana Roper, City Attorney to address the issue of junk materials on vacated property.

Dana Roper, City Attorney, stated that vacated property is now private property, but would have to adhere to the ordinance concerning dismantled, nonoperating vehicles on private property without a permit.

This matter was taken under advisement.

AMENDING THE LINCOLN MUNICIPAL CODE TO INCLUDE DESIGN STANDARDS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS. (IN CONNECTION W/01-172) (TO HAVE P.H. & ACTION 11/26/01);

AMENDING CHAPTER 24.38 OF THE LINCOLN MUNICIPAL CODE TO REGULATE ON-SITE WASTEWATER TREATMENT SYSTEMS AND IMPLEMENT STATE STATUTORY REQUIREMENTS. (IN CONNECTION W/01R-299) (TO HAVE P.H. & ACTION 11/26/01) - Scott Holmes, Environmental Health Division Chief, Health Dept., came forward to explain the updates to the sewage codes. John Chess, Superintendent of Water Quality Program, was available for questions.

This matter was taken under advisement.

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, THE COUNTY, AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE REMOVAL OF RAILROAD TRACK ALONG THE 4TH STREET CORRIDOR BETWEEN JAMAICA AND LINCOLN - Danny Walker, 427 E Street, stated he is in favor of the removal of the railroad tracks. It is reported that a bike trail will go in the 4th Street Corridor & was falsely reported that the South Salt Creek Community Organization voted for this bike trail. He was concerned with the clean up of these tracks & railroad ties.

This matter was taken under advisement.

SPECIAL PERMIT 1013-I - APPLICATION OF STEVE MIERS FOR AUTHORITY TO CONSTRUCT AN 80' FLAG POLE IN THE REQUIRED FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND WALTZ ROAD - Annette McRoy, Council Member asked if the flag pole was to be lit.

Becky Horner, Planning Dept., answered that it was a requirement that the flag pole be lit.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND 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 second 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 second 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 second time.

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 second 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 second 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 second time.

RESOLUTIONS

AMENDING THE LINCOLN MUNICIPAL CODE TO INCLUDE DESIGN STANDARDS FOR THE DESIGN, OPERATION AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-81230 WHEREAS, the City of Lincoln has previously adopted the City of Lincoln Design Standards by Resolution No. A-80518; and
WHEREAS, the Lincoln-Lancaster County Health Department has proposed amendments to the City of Lincoln Design Standards to include Design Standards for the Design, Operation and Maintenance of On-Site Wastewater Treatment Systems to be designated as Chapter 4.10, and to amend Chapter 1.00 of the City of Lincoln Design Standards to incorporate the adoption of the Design Standards for On-Site Wastewater Treatment Systems and to provide a procedure for requesting a deviation from such design standards.

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

That the City of Lincoln Design Standards, adopted by the City Council on November 6, 2000 by Resolution No. A-80518, be and the same are hereby amended as follows:

1. By adding a new Chapter 4.10 "Design Standards for On-Site Wastewater Treatment Systems" as shown on Attachment "A which is attached hereto and incorporated herein by reference; and
2. By revising Chapter 1.00 "Request for Waiver, Procedure" to incorporate a procedure for requesting a deviation from the Design

Standards for On-Site Wastewater Treatment Systems"as shown on Attachment "B", which is attached hereto and incorporated herein by reference.

Introduced by Jonathan Cook

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY, THE COUNTY, AND THE RAILROAD TRANSPORTATION SAFETY DISTRICT FOR THE REMOVAL OF RAILROAD TRACK ALONG THE 4TH STREET CORRIDOR BETWEEN JAMAICA AND LINCOLN - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81231 WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq., permits local governmental units to cooperate with other such units to make the most efficient use of their powers on the basis of mutual advantage; and

WHEREAS, the City of Lincoln, Nebraska (City), the Lincoln-Lancaster County Railroad Transportation Safety District (District), and Lancaster County (County) desire to cooperate in the construction of a grade separation structure on A Street across the Burlington Northern Santa Fe railroad tracks; and

WHEREAS, the District agrees to participate in the project for the removal of the railroad track along the 4th Street corridor between Jamaica and Lincoln.

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

That the Interlocal Agreement between the City, the County, and the District, attached hereto as Exhibit "A", in connection with the 3rd and A Street Grade Separation Project and the 4th Street Track Removal and Crossing Reconstruction, upon the terms and conditions as set forth in said Agreement, is hereby approved and the Mayor is authorized to execute said Agreement on behalf of the City.

Introduced by Glenn Friendt

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

APPOINTING JOSEPH SKOPP TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING NOVEMBER 1, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81232 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Joseph Skopp to the Air Pollution Control Advisory Board for a three-year term expiring November 1, 2004 is hereby approved.

Introduced by Glenn Friendt

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

REAPPOINTING TOM PETSCH AND RICK ALBRO TO THE AIR POLLUTION CONTROL ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 1, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81233 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Tom Petsch and Rick Albro to the Air Pollution Control Advisory Board for three-year terms expiring November 1, 2004 is hereby approved.

Introduced by Glenn Friendt

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

APPOINTING MUAMMEL JHAFIR TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR A THREE-YEAR TERM EXPIRING DECEMBER 31, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81234 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Muammel Jhafir to the Lincoln Commission on Human Rights for a three-year term expiring December 31, 2004 is hereby approved.

Introduced by Glenn Friendt

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

REAPPOINTING MEREDITH DECORY AND LINDA WILLARD TO THE LINCOLN COMMISSION ON HUMAN RIGHTS FOR THREE-YEAR TERMS EXPIRING DECEMBER 31, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81235 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Meredith DeCory and Linda Willard to the Lincoln Commission on Human Rights for three-year terms expiring December 31, 2004 is hereby approved.

Introduced by Glenn Friendt

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

REAPPOINTING PAMELA CARMICHAEL AND ROMEO GUERRA TO THE CITIZEN POLICE ADVISORY BOARD FOR THREE-YEAR TERMS EXPIRING NOVEMBER 17, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81236 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Pamela Carmichael and Romeo Guerra to the Citizen Police Advisory Board for three-year terms expiring November 17, 2004 is hereby approved.

Introduced by Glenn Friendt

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

REAPPOINTING TERRY CULWELL TO THE BUILDING CODE BOARD OF APPEALS FOR A THREE-YEAR TERM EXPIRING OCTOBER 1, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81237 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the reappointment of Terry Culwell to the Building Code Board of Appeals for a three-year terms expiring October 1, 2004 is hereby approved.

Introduced by Glenn Friendt

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

APPOINTING MICHAEL STRANATHAN TO THE BUILDING CODE BOARD OF APPEALS FOR A THREE-YEAR TERM EXPIRING OCTOBER 1, 2004 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81238 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Michael Stranathan to the Building Code Board of Appeals for a three-year terms expiring October 1, 2004 is hereby approved.

Introduced by Glenn Friendt

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

SPECIAL PERMIT 1839A - APPLICATION OF HOLDREGE INVESTORS, L.L.C. AND UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES, INC. TO AMEND THE MORNING GLORY ESTATES COMMUNITY UNIT PLAN TO ADD 11 LOTS AND DWELLING UNITS AND TO CORRECT THE LEGAL DESCRIPTION ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS. (IN CONNECTION W/01-176) -PRIOR to reading:

COOK Moved to delay action on Bill No. 01R-308 for one week to 12/03/01.

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

SPECIAL PERMIT 1013-I - APPLICATION OF STEVE MIERS FOR AUTHORITY TO CONSTRUCT AN 80' FLAG POLE IN THE REQUIRED FRONT YARD SETBACK ON PROPERTY GENERALLY LOCATED AT SOUTH 56TH STREET AND WALTZ ROAD - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81239 WHEREAS, Steve Miers has submitted an application designated as Special Permit No. 1013-I for authority to construct an 80 foot flag pole on property located at 56th and Waltz Road, and legally described

to wit:

Lot 44 Irregular Tract located in the Northwest
Quarter of Section 16, Township 9 North, Range 7 East
of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within
the site plan for this flag pole 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 Steve Miers, hereinafter referred to as
"Permittee", to construct a flag pole, on the property legally described
above, be and the same is hereby granted under the provisions of Section
27.63.470(d) of the Lincoln Municipal Code upon condition that
construction and operation of said flag pole be in strict compliance
with said application, the site plan, and the following additional
express terms, conditions, and requirements:

1. This permit approves an 80 foot flag pole for the display of
the American flag in the required front yard setback as shown on the
site plan.

2. Before receiving building permits:

a. The construction plans must conform to the approved
plans.

b. A building permit and flood plain permit is required
at which time structural engineering for both the pole
and footings must be provided.

3. All privately-owned improvements must be permanently
maintained by the Permittee.

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 other matters.

5. The terms, conditions, and requirements of this resolution
shall be binding and obligatory upon the Permittee, his successors, and
assigns. The building official shall report violations to the City
Council which may revoke 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. All construction must conform with all applicable floodplain
regulations.

8. 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 Glenn Friendt

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

APPROVING THE ACQUISITION OF PROPERTY GENERALLY LOCATED AT 1145 F STREET FOR
THE DEVELOPMENT OF AN OFF-STREET PARKING LOT FOR THE F STREET COMMUNITY
CENTER - PRIOR to reading:

COOK Moved to amend Bill No. 01R-310 in the following manner:

1. On page 1, line 2, delete the word "purchase" and insert in lieu
thereof the word acquire.

2. On page 1, after line 16, insert the following language: WHEREAS,
if this purchase is not consummated, the City would need to
acquire the property by eminent domain.

3. On page 1, line 19, delete the word "purchase" and insert in lieu
thereof the work acquisition.

4. On page 2, line 3, after the words "Street Community Center" add
the following language: , by negotiation and purchase or by
condemnation, if necessary, as provided by law.

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

CLERK Read the following resolution, introduced by Glenn Friendt, who
moved its adoption:

A-81240 A RESOLUTION authorizing the City of Lincoln Parks and Recreation

Department to ~~purchase~~ acquire a parcel of property commonly known as 1145 F Street and legally described as the north 79 feet of Lots 1 and 2, Block 178, Original Plat of Lincoln, Lancaster County, Nebraska, for use by the City as a surface parking lot for visitors to the F Street Community Center.

WHEREAS, the F Street Community Center is being constructed on the south side of F Street between 12th and 13th Streets as approved in the Capital Improvement Program of the City of Lincoln; and

WHEREAS, the F Street Community Center property is of sufficient size to allow for construction of only five off-street parking spaces adjacent to the center; and

WHEREAS, 52 angled on-street parking spaces are being constructed along F and 12th Street in conjunction with the project; and

WHEREAS, additional off-street parking spaces are needed to serve visitors to the community center; and

WHEREAS, acquisition of the subject property will allow for construction of 23 off-street parking spaces.

WHEREAS, if this purchase is not consummated, the City would need to acquire the property by eminent domain.

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

That the ~~purchase~~ acquisition of the parcel of property commonly known as 1145 F Street and legally described as the north 79 feet of Lots 1 and 2, Block 178, Original Plat of Lincoln, Lancaster County, Nebraska for use by the City of Lincoln Parks and Recreation Department for the construction of a surface parking lot for visitors to the F Street Community Center, by negotiation and purchase or condemnation, if necessary as provided by law, is hereby approved.

Introduced by Glenn Friendt

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

SETTING INTEREST RATE & LEVYING THE ASSESSMENTS ON SPECIAL ASSESSMENT GROUP II OF THE BOARD OF EQUALIZATION OF NOVEMBER 19, 2001. ACCEPTING THE REPORT ON BOARD OF EQUALIZATION TO CITY COUNCIL ON SPECIAL ASSESSMENTS GROUP II - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81241 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The special taxes assessed Nov. 5, 2001, to pay the costs of the improvements in Paving District 2618, Paving Unit 134, Alley Paving District 358, Sewer District 1173, and Ornamental Lighting District 283 are hereby levied and shall bear interest at 7.32% per annum and that the period of time in which the assessments are to be paid shall be as follows:

- 20 years - Paving District 2618
- 20 years - Paving Unit 134
- 20 years - Alley Paving District 358
- 20 years - Sewer District 1173
- 5 years - Ornamental Lighting District 283

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, DEC. 17, 2001 AT 5:30 P.M. FOR THE APP. OF PRENSA LATINA INC. DBA "EL PUENTE" FOR A CLASS "I" LIQUOR LICENSE AT 815 O STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-81242 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., December 17, 2001, at 5:30 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 Prensa Latina Inc. dba "El Puente" for a Class I Liquor License at 815 O Street.

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

Introduced by Glenn Friendt

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

SETTING THE HEARING DATE OF MONDAY, DEC. 17, 2001 AT 5:30 P.M. FOR MAN. APP. OF REBECCA P. HASKINS FOR GAS N SHOP INC. DBA GAS N SHOP LOCATED AT 4401 N 27TH STREET, 5500 SUPERIOR ST., 3003 N 70TH ST., 1140 N 48TH ST., 1001 S. 13TH ST., 5560 S. 48TH ST., STE. 1, 2142 N COTNER, 3010 CORNHUSKER

HWY., 400 W. CORNHUSKER, 1545 CORNHUSKER HWY., 2801 O ST., 3201 W. O ST., 951 W. O ST. - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption for approval:

A-81243 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., December 17, 2001, at 5:30 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 Gas N Shop Inc. dba "Gas N Shop located at 4401 N 27TH Street, 5500 Superior St., 3003 N. 70th St., 1140 N. 48th St., 1001 S. 13th St., 5560 S. 48th St., Ste. 1, 2142 N. Cotner, 3010 Cornhusker Hwy., 400 W. Cornhusker, 1545 Cornhusker Hwy., 2801 O St., 3201 W. O St., 951 W. O St.

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

Introduced by Glenn Friendt

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

PETITIONS & COMMUNICATIONS

PETITION TO VACATE PUBLIC WAY THE PAWNEE STREET FROM THE EAST LINE OF SOUTH 7TH STREET TO THE WEST LINE OF VACATED B.N.S.F. RAILROAD RIGHT-OF-WAY SUBMITTED BY KENT THOMPSON, MANAGING PARTNER OF 3 AMIGOS PROPERTIES L.L.C. - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY FROM THE EAST HALF OF SOUTH 7TH STREET FROM THE NORTH LINE OF PAWNEE STREET TO B.N.S.F. RAILROAD RIGHT-OF-WAY SUBMITTED BY KENT THOMPSON, MANAGING PARTNER OF 3 AMIGOS PROPERTIES L.L.C. - CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY FROM THE NORTH SOUTH ALLEY, FROM THE SOUTH LINE OF PAWNEE STREET TO THE SOUTH LINE OF LOT 10, BLOCK 2, FIRST ADDITION OF HYDE PARK SUBMITTED BY KENT THOMPSON, MANAGING PARTNER OF 3 AMIGOS PROPERTIES L.L.C. - CLERK presented said petition which was referred to the Law Dept.

REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON Nov. 5, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

INVESTMENT OF FUNDS FOR NOVEMBER 5 - NOVEMBER 9, 2001 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81244 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 November 5 - November 9, 2001.)

Introduced by Glenn Friendt

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

ORDINANCES - 1ST READING

CHANGE OF ZONE 3328 - AMENDING SECTIONS 27.65.030, 27.67.065, AND 27.70.020 OF THE CITY ZONING ORDINANCE TO AUTHORIZE THE USE OF DWELLINGS FOR FOUR TO SIX NON-RELATED PERSONS AS PART OF A COMMUNITY UNIT PLAN WHICH IS LARGER THAN 10 ACRES, AND TO PROVIDE PARKING REQUIREMENTS - PRIOR to reading:

SENG Moved to delay Public Hearing & Action on Bill No. 01-177 to 12/17/01.

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

COOK Moved to amend motion to delay Public Hearing & Action to delay Public Hearing only on Bill No. 01-177 to 12/17/01.

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

Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
CLERK Read an ordinance, introduced by Glenn Friendt, an ordinance amending Title 27 of the Lincoln Municipal code, the Zoning Ordinance, by amending Sections 27.65.020, 27.67.065, and 27.70.020 to authorize the use of dwellings for four to six non-related persons as part of a community unit plan which is larger than ten acres and to provide parking requirements; and repealing Section 27.65.030, 27.67.065, and 27.70.020 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3329 - APPLICATION OF THE DINERSTEIN COMPANIES FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED SOUTH OF CHARLESTON STREET, WEST OF NORTH 1ST STREET. (IN CONNECTION W/01R-316) - PRIOR to reading:

SENG Moved to delay Public Hearing & Action on Bill No. 01-178 to 12/17/01.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COOK Moved to amend motion to delay Public Hearing & Action to delay Public Hearing only on Bill No. 01-178 to 12/17/01.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance 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 3344 - AMENDING SECTIONS 27.63.180, 27.63.210, 27.63.215, AND 27.63.570 OF THE CITY ZONING ORDINANCE TO UPDATE REFERENCES TO THE CITY OF LINCOLN DESIGN STANDARDS AND THE AIRPORT ENVIRONS NOISE DISTRICT - CLERK read an ordinance, introduced by Glenn Friendt, amending Title 27 of the Lincoln Municipal Code relating to zoning by amending Sections 27.63.180, 27.63.210 and 27.63.215 to correct a reference to City of Lincoln Design Standards; by amending Section 27.63.570 to correct a reference to the Airport Environs Noise District and the Airport Environs Noise District Map; and repealing Sections 27.63.180, 27.63.210, 27.63.215, and 27.63.570 of the Lincoln Municipal Cod as hitherto existing, the first time.

VACATING THE SOUTH HALF OF PINE LAKE ROAD WEST OF SOUTH 14TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, vacating the south half of Pine Lake Road, west of South 14th Street, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

ORDINANCES - 3RD READING

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 and implement state statutory requirements, 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 **#17939**, is recorded in Ordinance Book 24, Page

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 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 **#17940**, is recorded in Ordinance Book 24, Page

VACATING W. N ST. FROM THE WEST LINE OF S. CODDINGTON TO A POINT APPROX. 300' WEST THEREOF - CLERK read an ordinance, introduced by Jonathan Cook,

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 third time.

COOK Moved to pass ordinance as read.
Seconded by Seng & lost by the following vote: AYES: None; NAYS: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner.
The ordinance, having **LOST**, was assigned File #38-4385, & was placed on file in the Office of the City Clerk.

MISCELLANEOUS BUSINESS

SPECIAL PERMIT 1928 - APPLICATION OF THE DINERSTEIN COMPANIES TO DEVELOP OAK CREEK APARTMENTS COMMUNITY UNIT PLAN CONSISTING OF 157 DWELLING UNITS INCLUDING WAIVERS OF THE STORMWATER DETENTION, SEPARATION REQUIREMENTS, AND SCREENING REQUIREMENTS, ON PROPERTY GENERALLY LOCATED SOUTH OF CHARLESTON STREET, WEST OF NORTH 1ST STREET. (IN CONNECTION W/01-178)- CLERK requested to delay Public Hearing & Action on Bill No. 01-177, 01-178 & 01R-316 to 12/17/01.

SENG Moved to delay Public Hearing & Action on Bill No. 01-177 to 12/17/01.
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COOK Moved to amend motion to delay Public Hearing & Action to delay Public Hearing only on Bill No. 01-177 to 12/17/01.
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2002. (11/19/01 - ADOPTED, A-81217) - RECONSIDERATION REQUIRED DUE TO 10-DAY TIME LINE - CLERK requested to reconsider Bill No. 01R-298 adopted on 11/19/01.

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

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. (11/19/01 - ADOPTED, A-81225) - CLERK requested to reconsider Bill No. 01R-288 adopted on 11/19/01.

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

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week and approve the resolutions to have Public Hearing on Dec. 3, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

6:50 p.m.

CAMP Moved to adjourn the City Council meeting of November 26, 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

Judy Roscoe, Office Assistant III

