

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, DECEMBER 17, 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, Seng, Svoboda, Werner; Teresa Meier-Brock, Deputy City Clerk; Absent: Friendt.

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

READING OF THE MINUTES

CAMP Having been appointed to read the minutes of the City Council proceedings of December 10, 2001, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF REBECCA P. HASKINS FOR GAS N SHOP INC. DBA "GAS N SHOP" AT THE FOLLOWING LOCATIONS: 4401 N. 27TH STREET, 5500 SUPERIOR STREET, 3003 N. 70TH STREET, 1140 N. 48TH STREET, 1001 S. 13TH STREET, 5560 S. 48TH STREET SUITE 1, 2142 N. COTNER, 3010 CORNHUSKER HIGHWAY, 400 W. CORNHUSKER HIGHWAY, 1545 CORNHUSKER HIGHWAY, 2801 O STREET, 3201 WEST O STREET, 951 WEST O STREET - Rebecca P. Haskins, 1210 Wells Ct., came forward and took the oath to answer questions posed by Council.

Police Chief Casady came forward to share comments with Council regarding the fact that the Police Dept. would be uncomfortable with one manager with so many locations to cover.

This matter was taken under advisement.

APPLICATION OF PRENSA LATINA INC. DBA "EL PUENTE" FOR A CLASS "I" LIQUOR LICENSE AT 815 O STREET;

MANAGER APPLICATION OF MANUEL GUILLERMO CALDERON FOR PRENSA LATINA INC. DBA "EL PUENTE" AT 815 O STREET- Manuel Guillermo Calderon, 5901 Locust Street, came forward and took the oath to answer Council questions.

This matter was taken under advisement.

APPLICATION OF VIVIANA GRASSI-LARSEN DBA "SUR TANGO BAR & CAFÉ" FOR A CLASS "I" LIQUOR LICENSE AT 1228 P STREET - Viviana Grassi-Larsen, 2411 Winchester South, came forward and took the oath to answer Council questions.

This matter was taken under advisement.

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;

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;

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 - Mike Rierden, Attorney for the Dinerstein Company came forward in favor of the two Change of Zones and the Special Permit.

Ron Ross of Ross Engineering, 650 J Street, Suite 210, came forward to explain the layout of the design work being done for the 589 apartment complex.

Paula Berrera, representing the Dinerstein Company of Houston, TX, came forward to explain the background of her company and the other sites they have currently in the United States. Their company offers 12 month leases that are signed by the parents of the students. They rent on the per bedroom basement and offer several amenities. Their company will be offered a shuttle bus service back and forth to the University campus every 30 minutes. She answered various questions posed by Council members.

Mike Grieger, 2645 Van Dorn Street, came forward in favor of this apartment project for the City and University.

Richard Halvorsen, 6311 Inverness Road, came forward in opposition. He suggested that the Council needs to defer this project so that it can be evaluated further and follow the overall comprehensive plan.

Glen Cejkal, 1420 C Street, came forward in opposition to this project.

Danny Walker, 427 "E" Street, came forward in opposition to the project. He posed the following questions to Council regarding this being built in the floodplain and next to hazardous materials. He questioned who would be living in these apartment when there was no school in session. He wanted to know if the facility will be handicapped accessible. And he wanted to know how much area would be paved in this complex.

Jason Reynolds, Planning Staff, came forward to answer questions that the Council posed regarding deferring this plan to fall under the larger comprehensive plan.

Mr. Rierden, Mr. Ross and Ms. Berrera came forward to present their rebuttal and answer questions.

This matter was taken under advisement.

CREATING SEWER DISTRICT NO. 1176 IN S.W. 40TH STREET AND WEST "O" STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Boyd Batterman, Westpoint Business Center, came forward in favor of this sewer district being created, due to the development of approximately 21 acres.

Dennis Bartels, Public Works Staff, said their staff was now requesting a 2nd & 3rd reading together, due to an error in the legal advertising.

Margo Glenbowski, Army Corp. of Engineers, 106 So. 15th St., Omaha, NE, came forward in favor of this project. She reported she has been working with Mr. Batterman to purchase land for the construction of a new Army Reserve Unit.

Fred Schoneweis, Mega Corporation, Lincoln, came forward in favor of this sewer district, that would allow further development along West "O" Street.

Milton Rogge, 1983 Holdrege Road, came forward to request that his property (Lot 72) be excluded from the assessment of this district.

Dennis Bartels, Public Works Staff, came forward to answer questions.

Discussion followed.

Dana Roper, City Attorney, came forward to answer questions.

Nicole Fleck-Tooze, Public Works and Utilities, came forward to offer additional information or clarification if a delay was necessary.

Mark Hunzeker, 530 S. 13th St., Suite B, representing other West "O" properties, came forward in favor of the sewer district, however realizing the need for the sewer, the property he is representing will not benefit from it.

Discussion followed about the future assessments of the properties that would be served by this new district.

Mr. Batterman again returned to the diaz to give his rebuttal and answer questions.

This matter was taken under advisement.

CHANGE OF ZONE 3346 - APPLICATION OF CHAMELEON & COMPANY, INC. FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT NORTH 1ST AND CHARLESTON STREETS - Ron Ross, Ross Engineering, 650 J Street, Suite 210, came forward in favor of this Change of Zone regarding the Dinerstein Companies intentions to build and the need for the zone change in that area. He answered questions posed by Council regarding the City's tow lot.

Danny Walker, 427 "E" Street, came forward with a question if there is a gas station or a propane supply agency planned to be located on this property? He is concerned about hazardous chemicals being stored in the floodplain.

Jason Reynolds, Planning Staff, came forward to answer questions Council had about what is allowed in the H-3 zone.

Richard Halverson, 6311 Inverness Road, came forward in opposition to this Change of Zone. He suggested it be deferred until the comp plan is done in February.

This matter was taken under advisement.

APPROVING A FIVE-YEAR LEASE BETWEEN THE CITY AND GOLD'S LIMITED PARTNERSHIP FOR THE ONE-STOP CAREER CENTER LOCATED AT GOLD'S GALLERIA - Marc Wullschleger,

Director of Urban Development, came forward in favor of the proposed five-year lease.

8:00 P.M. COUNCIL BREAK

8:15 P.M. RECONVENE

SPECIAL PERMIT NO. 1733C - APPLICATION OF TEDD HAVLICEK AND PATRICIA KOONTZ TO AMEND THE MUFF ADDITION COMMUNITY UNIT PLAN TO INCREASE THE NUMBER OF DWELLING UNITS FROM 166 TO 168 ON PROPERTY GENERALLY LOCATED AT S.W. 8TH STREET AND DARREN AVE. - J. D. Burt, Design Associates, 1609 N. 8th St., representing his clients, came forward in favor of the special permit and to answer questions.

This matter was taken under advisement.

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR ADDITIONAL FUNDING FOR RIGHT-OF-WAY ACQUISITION FOR THE EAST O STREET WIDENING PROJECT FROM 52ND STREET TO WEDGEWOOD DRIVE - Al Imig, Public Works Dept., came forward to explain the resolution that acquires property for the East "O" Street widening project.

This matter was taken under advisement.

APPROVING A CONTRACT INVOLVING THE EXPENDITURES OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR A WATER PROJECT THAT INCLUDES THE MOVING AND UPGRADE OF A 4-MILLION GALLON WATER STORAGE RESERVOIR TO A 10-MILLION GALLON WATER STORAGE RESERVOIR IN CONJUNCTION WITH THE DEVELOPMENT THAT IS TAKING PLACE IN THE AREA OF 84TH STREET AND HIGHWAY 2 - Jerry Obrist, Lincoln Water System, came forward in favor of the contract.

Danny Walker, 427 "E" Street, came forward in opposition and to ask questions regarding the costs.

This matter was taken under advisement.

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

MISCELLANEOUS BUSINESS PUBLIC HEARING

Mr. Sheldon Kushner, 3501 S. 35th Street, a retired pawnbroker, came forward to speak about his good relationship he had with the Lincoln Police Dept. over the years. He related to approximately three instances of problems over hand written pawn tickets, during the time he ran his shop. He stated he thinks the new ordinance that was passed earlier this year that requires pawnshops to have typewritten or computer generated pawn tickets is unfair. Now that his son runs his shop, he complained that this computer entry of data for the tickets slows them down and only allows them time to wait on one person at a time.

John Brown, Brown's Jewel Pawn, 846 N. 27th Street, came forward to discuss the change of ordinance. He stated that the pawnshop owners should have been contacted to have input into the wording of this ordinance. Since there are only 8 official pawn locations in the City of Lincoln, it would have been quite simple to send them all letters and to let them help in the decision making process. He suggested that the Police Department did not show any respect to the pawnbrokers considering this matter. He asked the Council to please reconsider this ordinance.

Bob McDowell, A-1 Pawn Shop, 135 South 9th Street, came forward to endorse what Mr. Kushner and Mr. Brown has already stated. He noted that from 3 - 6 p.m. is the busy time of the day for pawnbrokers. Most of us can write three pawn tickets in the time it would take to do the hunt and peck system for a typewritten or computer generated ticket. Customers that have to wait are going to leave and go elsewhere due to time constraints. He related that he too was disappointed that this new ordinance was passed without notification to the current pawnbrokers who do business in the City. He requested that the original language be put back in the ordinance. He suggested that the Council look at the plan that the City of Omaha has with their Police Dept. There was discussion and questions from several Council members.

Benjamin Kushner, 2035 Park Avenue, came forward to respond to some questions that had been asked. If information was missing or illegible for the police records, you would be cited by the Police for that lack of information. It does require an impact printer to get a

good impression on the tickets due to them being 3-part tickets. Mr. Kushner is interested in maintaining a good working relationship with the Police Dept.

Chief of Police Casady came forward to explain the problems that the crime analysis department was having in being able to read illegible pawn tickets has resulted in the change of the ordinance. We want to find stolen property and return it to its rightful owners. A task force within the Police Dept. was assigned to come up with solutions. The Chief presented the Council with a packet with photocopies of the last 11 tickets submitted by Mr. McDowell's pawn tickets. The task force came up with several ideas. One suggestion was to require pawn shops to purchase a computer system and software and transmit this information electronically on a daily basis, but we thought it would be working a hardship on small pawn shops. Ultimately they decided to have typewritten forms, figuring most pawn shops would have a typewriter. Chief Casady stated he would prefer not to change this ordinance at this time. Discussion by council members followed.

Glen Cejkal, 1420 "C" Street, came forward to support the Police Chief.

Danny Walker, 427 "E" Street, came forward to ask about the Law Enforcement being able to enter at the new student apartment complex by entering after only one knock at their door.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward to ask if any of the questions he had presented at the end of the October had any specific answers regarding relocation issues. Chairperson McRoy assured him his questions have been passed along and that he was welcome to talk to Wynn Hjermstad if he desired.

This matter was taken under advisement.

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF REBECCA P. HASKINS FOR GAS N SHOP INC. DBA "GAS N SHOP" AT THE FOLLOWING LOCATIONS: 4401 N. 27TH STREET, 5500 SUPERIOR STREET, 3003 N. 70TH STREET, 1140 N. 48TH STREET, 1001 S. 13TH STREET, 5560 S. 48TH STREET SUITE 1, 2142 N. COTNER, 3010 CORNHUSKER HIGHWAY, 400 W. CORNHUSKER HIGHWAY, 1545 CORNHUSKER HIGHWAY, 2801 O STREET, 3201 WEST O STREET, 951 WEST O STREET - PRIOR TO READING:

CAMP Moved to place this application on pending.

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

APPLICATION OF PRENSA LATINA INC. DBA "EL PUENTE" FOR A CLASS "I" LIQUOR LICENSE AT 815 O STREET - CLERK read the following resolution, which was introduced by Jon Camp, who moved its adoption for approval:

A-81275 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 Prensa Latina Inc. dba "El Puente" for a Class "I" liquor license at 815 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 Svoboda & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

MANAGER APPLICATION OF MANUEL GUILLERMO CALDERON FOR PRENSA LATINA INC. DBA "EL PUENTE" AT 815 O STREET - CLERK read the following resolution, which was introduced by Jon Camp, who moved its adoption for approval:

A-81276 WHEREAS, Prensa Latina Inc. dba "El Puente" located at 815 O Street, Lincoln, Nebraska has been approved for a Retail Class "I"

liquor license, and now requests that Manuel Guillermo Calderon be named manager;

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

APPLICATION OF VIVIANA GRASSI-LARSEN DBA "SUR TANGO BAR & CAFÉ" FOR A CLASS "I" LIQUOR LICENSE AT 1228 P STREET - CLERK read the following resolution, which was introduced by Jon Camp, who moved its adoption for approval:

A-81277 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 Viviana Grassi-Larsen dba "Sur Tango Bar & Café" for a Class "I" liquor license at 1228 P Street, Lincoln, Nebraska, for the license period ending April 30, 2002, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

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

ORDINANCES - 2ND 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:

SVOBODA Moved to suspend Council rules and have 3rd Reading and action on this date.

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

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

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 - PRIOR to reading:

SVOBODA Moved to suspend Council rules and have 3rd Reading and Action on this date.

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

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

CREATING SEWER DISTRICT NO. 1176 IN S.W. 40TH STREET AND WEST "O" STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - PRIOR to reading:

CAMP Moved to suspend Council rules to have 3rd Reading and Action on this date.

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

CLERK Read an ordinance, introduced by Ken Svoboda, creating sewer district No. 1176 in S. W. 40th Street and West "O" Street and assessing the cost thereof against the benefitted property, the second time. **(See further Council Action under ORDINANCES - 3RD READING.)**

CHANGE OF ZONE 3346 - APPLICATION OF CHAMELEON & COMPANY, INC. FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT NORTH 1ST AND CHARLESTON STREETS - CLERK read an ordinance, introduced by Ken Svoboda, for the application of Chameleon & Company, Inc. for a change of Zone from I-1 Industrial to H-3 Highway Commercial on property generally located at North 1st and Charleston Streets, the second time.

APPROVING A FIVE-YEAR LEASE BETWEEN THE CITY AND GOLD'S LIMITED PARTNERSHIP FOR THE ONE-STOP CAREER CENTER LOCATED AT GOLD'S GALLERIA - CLERK read an ordinance, introduced by Ken Svoboda, approving a five-year lease between the City and Gold's Limited Partnership for the One-Stop Career Center located at Gold's Galleria, the second time.

RESOLUTIONS

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 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81278 WHEREAS, The Dinerstein Companies have submitted an application designated as Special Permit No. 1928 for authority to develop Oak Creek Apartments Community Unit Plan consisting of 157 dwelling units on property generally located south of Charleston Street west of North 1st Street, and legally described to wit:

A part of Lot 82 I.T. in the Southeast Quarter of Section 15, and a part of Lot 264 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM aluminum cap, being the North Quarter corner of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence north 89 degrees 14 minutes 00 seconds east (an assumed bearing), and on the north line of the Northeast Quarter of said Section 22, a distance of 463.87 feet to the southwest corner of Lot 82 I.T., located in the Southeast Quarter of Section 15, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and also said point is on the easterly right-of-way line of the Union Pacific Railroad and the point of beginning; thence north 47 degrees 10 minutes 43 seconds west, and on the westerly line of Lot 82 I.T. of said Section 15 or the easterly right-of-way line of said Union Pacific Railroad, a distance of 532.35 feet to a found 3/4" square pipe, being the northwest corner of Lot 82 I.T. of said Section 15 and also a point on a curve to the left; thence on a curve to the left and on the northerly line of Lot 82 I.T. of said Section 15, having a radius of 2989.79 feet, and a central angle of 04 degrees 35 minutes 04 seconds, with a chord bearing of north 75 degrees 57 minutes 29 seconds east, a chord distance of 239.17 feet to a found 3/4" square pipe, being the point of non-tangency; north 73 degrees 39 minutes 58 seconds east, and on the northerly line of Lot 82 I.T. of said Section 15, a distance of 1417.61 feet to a found 3/4" square pipe, being the north-northeast corner of Lot 82 I.T. of said Section 15 and also said point is on the southerly right-of-way line of Charleston Street; thence south 61 degrees 30 minutes 40 seconds east, and on the northerly line of Lot 82 I.T. of said Section 15 or the southerly right-of-way line of said Charleston Street, a distance of 143.19 feet to a

point on the northeasterly line of Lot 82 I.T. of said Section 15; thence south 28 degrees 29 minutes 20 seconds west, a distance of 440.30 feet; thence south 00 degrees 19 minutes 51 seconds west, a distance of 99.98 feet; thence south 90 degrees 00 minutes 00 seconds west, a distance of 208.95 feet; thence south 76 degrees 58 minutes 05 seconds west, a distance of 133.38 feet; thence south 15 degrees 03 minutes 52 seconds west, a distance of 281.91 feet; thence south 06 degrees 11 minutes 43 seconds west, a distance of 107.96 feet; thence south 00 degrees 00 minutes 00 seconds west, a distance of 90.89 feet; thence south 45 degrees 57 minutes 38 seconds east, a distance of 149.32 feet; thence south 00 degrees 19 minutes 51 seconds west, a distance of 339.00 feet to a point on the southeasterly line of Lot 264 I.T. of said Section 22 and also said point is on the easterly right-of-way line of said Union Pacific Railroad; thence north 46 degrees 57 minutes 39 seconds west, and on the westerly line of Lot 264 I.T. of said Section 22 or the easterly right-of-way line of said Union Pacific Railroad, a distance of 997.74 feet to a point, being the northwest corner of Lot 264 I.T. and on the north line of the Northeast Quarter of said Section 22 and also said point is on the south line of Lot 82 I.T. of said Section 15; thence south 89 degrees 14 minutes 00 seconds west, and on the north line of the Northeast Quarter of said Section 22 and the north right-of-way line of said Union Pacific Railroad or the south line of Lot 82 I.T. of said Section 15, a distance of 69.54 feet to the point of beginning and containing a calculated area of 968,063.26 square feet or 22.224 acres, more or less;

and also

A part of Lot 82 I.T., located in the Southeast Quarter of Section 15 and Lot 132 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and being more particularly described by metes and bounds as follows:

Referring to a found LCSM aluminum cap, being the North Quarter corner of Section 22, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska; thence north 89 degrees 14 minutes 00 seconds east (an assumed bearing) and on the north line of the Northeast Quarter of said Section 22, a distance of 97.21 feet to a set 5/8" rebar, being the southwesterly corner of a part of Lot 82 I.T., located in the Southeast Quarter of Section 15 or the northwesterly corner of Lot 132 I.T., located in the Northeast Quarter of Section 22, all located in Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, and also said point is on the easterly right-of-way line of the Burlington Northern and Santa Fe Railway and the point of beginning; thence north 34 degrees 56 minutes 54 seconds west, and on the westerly line of Lot 82 I.T. of said Section 15 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 488.65 feet to a set 5/8" rebar, being the northwesterly corner of part of Lot 82 I.T. of said Section 15 and said point is on the southerly right-of-way of Oak Creek and a point on a curve to the left; thence on a curve to the left and on the northerly line of a part of Lot 82 I.T. of said Section 15 or the southerly right-of-way line of said Oak Creek, having a radius of 2914.78 feet, and a central angle of 01 degrees 15 minutes 27 seconds, with a chord bearing of north 82 degrees 25 minutes 13 seconds east, a chord distance of 63.96 feet to a set 5/8" rebar, being the northeasterly corner of a part of Lot 82 I.T. of said Section 15 and also said point is on the westerly right-of-way line of Union Pacific Railway; thence south 47 degrees 10 minutes 43 seconds

east, and on the easterly line of a part of Lot 82 I.T. of said Section 15 or the westerly right-of-way line of said Union Pacific Railway, a distance of 597.31 feet to a set 5/8" rebar, being a point on the north line of the Northeast Quarter and the southeasterly corner of a part of Lot 82 I.T. of said Section 15; thence south 89 degrees 14 minutes 00 seconds west, and on the north line of the Northeast Quarter of said Section 22 and the north right-of-way line of said Union Pacific Railway or the south line of a part of Lot 82 I.T. of said Section 15, a distance of 74.35 feet to a set 5/8" rebar, being the northeasterly corner of Lot 132 I.T. of said Section 22 and the westerly right-of-way line of said Union Pacific Railway; thence south 46 degrees 57 minutes 39 seconds east, and on the easterly line of Lot 132 I.T. of said Section 22 or the westerly right-of-way line of said Union Pacific Railway, a distance of 2251.73 feet to a set 5/8" rebar, being the southeasterly corner of Lot 132 I.T. of said Section 22; thence north 89 degrees 24 minutes 42 seconds west, and on the southerly line of Lot 132 I.T. of said Section 22, a distance of 659.15 feet to a set 5/8" rebar, being the southwesterly corner of Lot 132 I.T. of said Section 22 or a point on the easterly right-of-way line of said Burlington Northern and Santa Fe Railway and also on a curve to the right; thence on a curve to the right and on the southwesterly line of Lot 132 I.T. of said Section 22 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, having a radius of 1046.23 feet, an arc length of 88.87 feet and a central angle of 04 degrees 52 minutes 02 seconds, with a chord bearing of north 37 degrees 35 minutes 16 seconds west, a chord distance of 88.85 feet to a point of non-tangency; thence south 55 degrees 03 minutes 32 seconds west, and on the southeasterly line of Lot 132 I.T. of said Section 22 or the northwesterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 50.00 feet to a set 5/8" rebar, being the west-southwesterly corner of Lot 132 I.T. of said Section 22; thence north 34 degrees 56 minutes 54 seconds west, and on the westerly line of Lot 132 I.T. of said Section 22 or the easterly right-of-way line of said Burlington Northern and Santa Fe Railway, a distance of 1813.29 feet to the point of beginning and containing a calculated area of 720,911.13 square feet or 16.550 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan 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 The Dinerstein Companies, hereinafter referred to as "Permittee", to develop the Oak Creek Apartments Community Unit Plan consisting of 157 dwelling units, 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 community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves 157 dwelling units, 120 of which are dwellings for non-related persons with 480 occupants and the following waivers:

- a. The requirement of the Stormwater Drainage Design Standards that stormwater retention/detention be provided on site.
- b. The requirement of Section 27.71.140 of the Lincoln Municipal Code that 3-story buildings have a 40 foot

- separation from each other.
- c. The requirement of the Design Standards for Screening and Landscaping that screening be provided for residential lots back on public streets and railroads.
2. Before receiving building permits:
 - a. The Permittee must submit six copies of a revised and reproducible final plan.
 - b. The construction plans must conform to the approved plans.
 - c. The water main in West Charleston Street must be in place.
 - d. Provide a meter pit acceptable to the Department of Public Works & Utilities.
 - e. Either receive 404 approval from the Army Corps of Engineers or provide a letter from the Corps indicating that no permit is required.
 3. Before occupying the dwelling units West Charleston Street must be constructed in accordance with the City of Lincoln Design Standards.
 4. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
 5. All privately-owned improvements must be permanently maintained by the Permittee.
 6. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 7. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
 8. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.
 9. The Planning Director may extend the deadline to sign the letter of acceptance by six months.

Introduced by Terry Werner

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

ASSESSING THE COSTS INCURRED FOR CUTTING WEEDS AGAINST THE VARIOUS BENEFITTED PROPERTY FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2001 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:
A-81279 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

The costs for cutting, clearing, and removing weeds and other worthless vegetation as shown on the attached list for January 1, 2001 through December 31, 2001 be and the same are hereby assessed against the properties set opposite each amount, as shown thereon.

Introduced by Terry Werner

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF NOVEMBER 16-30, 2001 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81280 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 December 3, 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:

DENIED

ALLOWED

Donald C. Armstrong \$70.00 None

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 Terry Werner

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

SPECIAL PERMIT NO. 1733C - APPLICATION OF TEDD HAVLICEK AND PATRICIA KOONTZ TO AMEND THE MUFF ADDITION COMMUNITY UNIT PLAN TO INCREASE THE NUMBER OF DWELLING UNITS FROM 166 TO 168 ON PROPERTY GENERALLY LOCATED AT S.W. 8TH STREET AND DARREN AVE. - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81281 WHEREAS, Tedd Havlicek and Patricia Koontz have submitted an application designated as Special Permit No. 1733C for authority to amend the Muff 1st Addition Community Unit Plan to increase the number of dwelling units from 166 to 168 on property generally located at S.W. 8th Street and Darren Avenue, and legally described to wit:

Lots 74 and 105 of Irregular Tracts, Blocks 1 and 2 in Muff 4th Addition, Blocks 1 and 2, and Outlots A and B in Muff 3rd Addition, Blocks 1 and 2, Muff 2nd Addition, Block 1, Muff 1st Addition, Blocks 1, 2, and 3 and Outlot A in Muff Addition, all located in the Southwest Quarter of Section 27, Township 10 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska and more particularly described as follows: Beginning at the northwest corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 10 North, Range 6 East, thence on an assumed bearing of north 89 degrees 53 minutes 59 seconds east on the north line of Lot 105 of Irregular Tracts for a distance of 671.99 feet; thence south 00 degrees 05 minutes 50 seconds west on the east line of said Lot 105, for a distance of 594.93 feet; thence south 89 degrees 55 minutes 12 seconds west for a distance of 2.69 feet; thence south 00 degrees 23 minutes 52 seconds east for a distance of 54.52 feet; thence south 89 degrees 55 minutes 12 seconds west for a distance of 30.25 feet; thence south 00 degrees 23 minutes 52 seconds east for a distance of 36.25 feet to the southeast corner of Lot 74 of Irregular Tracts; thence south 00 degrees 15 minutes 23 seconds east on the east line of Blocks 1 and 3 in Muff Addition for a distance of 315.82 feet; thence south 00 degrees 30 minutes 22 seconds east and continuing on the east line of said Block 3 for a distance of 159.72 feet to the southeast corner of Lot 7 in said Block 3; thence south 89 degrees 58 minutes 54 seconds west on the south line of Blocks 2 and 3 in Muff Addition and on the south line of Block 2 in Muff 3rd Addition and on the south line of Block 2 in Muff 2nd Addition for a distance of 632.08 feet to a point on the centerline of Trimble Street; thence south 00 degrees 53 minutes 04 seconds east on the centerline of Trimble Street for a distance of 140.83 feet; thence north 90 degrees 00 minutes 00 seconds west on the south line of Block 1 in Muff 2nd Addition extended, for a distance of 175.74 feet to the southwest corner of Block 1 in Muff 2nd Addition; thence north 00 degrees 30 minutes 46 seconds west on the west line of Block 1 Muff 2nd Addition and on the west line of Blocks 1 and 2 in Muff 4th Addition for a distance of 1300.86 feet to the northwest corner of Block 1 in Muff 4th Addition; thence north 89 degrees 53 minutes 59 seconds east on the north line of Block 1 in Muff 4th Addition for a distance of 175.80 feet to the point of beginning; said property contains 22.628 acres more or less.

WHEREAS, the real property adjacent to the area included within the site plan for this revised community unit plan 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 Tedd Havlicek and Patricia Koontz, hereinafter referred to as "Permittee", increase the number of dwelling units from 166 to 168, 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 community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves an additional 2 dwelling units within the Muff, Muff 1st Addition, and Muff 2nd Addition Community Unit Plan for a total of 168 dwelling units.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan and five copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
 - c. The final plat within this community unit plan must be approved by the City.
3. Before occupying the dwelling units all development and construction must be completed in conformance with the approved plans.
4. All privately owned improvements shall be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, their successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of 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.
8. The site plan as approved with this resolution voids and supersedes all previously approved plans for this site, however, all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Introduced by Terry Werner

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

APPROVING AN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPT. OF ROADS FOR ADDITIONAL FUNDING FOR RIGHT-OF-WAY ACQUISITION FOR THE EAST O STREET WIDENING PROJECT FROM 52ND STREET TO WEDGEWOOD DRIVE - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81282 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Supplement Agreement No. 2 between the City of Lincoln and the State of Nebraska Department of Roads to amend the East "O" Street widening project agreement for utilization of additional Federal STPAA funds for right-of-way acquisition, in accordance with the terms and conditions contained in said Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed copies of the Agreement to the Department of Public Works, for transmittal and execution by the State Department of Roads.

Introduced by Terry Werner

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

APPROVING A CONTRACT INVOLVING THE EXPENDITURES OF MONEY FROM APPROPRIATIONS OF MORE THAN ONE YEAR FOR A WATER PROJECT THAT INCLUDES THE MOVING AND UPGRADE OF A 4-MILLION GALLON WATER STORAGE RESERVOIR TO A 10-MILLION GALLON WATER STORAGE RESERVOIR IN CONJUNCTION WITH THE DEVELOPMENT THAT

IS TAKING PLACE IN THE AREA OF 84TH STREET AND HIGHWAY 2 - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81283 WHEREAS, the City of Lincoln desires to enter into a contract for the water project that includes the moving and upgrade of a 4-million gallon water storage reservoir to a 10-million gallon water storage reservoir in conjunction with the development that is taking place in the area of 84th Street & Highway 2; and

WHEREAS, said contract will involve the expenditure of money from appropriations of more than one year, and Article VII, Section 3 of the Charter of the City of Lincoln provides that no such expenditure of money from appropriations of more than one year shall be valid unless approved by resolution of the Council.

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

That the contract between the City and Preload for a water project that includes the moving and upgrade of a 4-million gallon water storage reservoir to a 10-million gallon water storage reservoir in conjunction with the development that is taking place in the area of 84th Street & Highway 2 is hereby approved and the Mayor is authorized to execute the same on behalf of the City.

The City Clerk is directed to return two fully executed copies of this Resolution and the contract to the Public Works Director, one for his records and one for transmittal to the contractor.

Introduced by Terry Werner

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

APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE AIRPORT AUTHORITY TO PROVIDE POLICE CERTIFIED EMPLOYEES OF THE AIRPORT AUTHORITY TO ISSUE TICKETS FOR VIOLATIONS OF TITLE 10 OF THE LINCOLN MUNICIPAL CODE - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81284 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City and the Airport Authority authorizing Airport Authority police officers, certified as law enforcement officers in the State of Nebraska, to issue parking tickets through the City Violations Bureau, for an annual fee of \$6,000.00, in accordance with the terms and conditions contained in said Interlocal Agreement, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to return the executed original copies of the Interlocal Agreement to Mike Johnson, Legal Counsel for the Airport Authority, 6101 Van Dorn St., Lincoln, NE 68516 for execution by the Airport Authority.

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 7, 2002 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF ANTHONY L. OLDERBAK FOR NEBRASKA RETAIL VENTURES, L.L.C., DBA AMPRIDE NO. 107 LOCATED AT 5501 SUPERIOR ST.; AMPRIDE NO. 106 LOCATED AT 4401 N. 70TH ST.; AMPRIDE NO. 102 LOCATED AT 4002 ADAMS ST.; AND AMPRIDE NO. 105 LOCATED AT 3291 HOLDREGE STREET - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81285 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., January 7, 2002 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 Anthony Olderbak for Nebraska Retail Ventures, L.L.C., dba Ampride No. 107 located at 5501 Superior St.; Ampride No. 106 located at 4401 N. 70th St.; Ampride No. 102 located at 4002 Adams St.; and Ampride No. 105 located at 3291 Holdrege Street.

Introduced by Terry Werner

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

SETTING THE HEARING DATE OF MONDAY, JANUARY 14, 2002 AT 1:30 P.M. FOR THE APP. OF WILDERNESS RIDGE LLC, DBA WILDERNESS RIDGE GOLF COURSE FOR A CATERING LICENSE AT 1800 WILDERNESS WOODS PLACE - CLERK read a resolution, introduced by Terry Werner, who moved its adoption:

A-81286 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., January 14, 2002 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 Wilderness Ridge LLC, dba Wilderness Ridge Golf Course for a Class K Catering License at 1800 Wilderness Woods Place.

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

Introduced by Terry Werner

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF 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 AVENUE - PRIOR to reading:

CAMP Moved to amend Bill No. 01R-288 by adding a waiver for the reduction of minimum centerline radius for curves, a waiver for sidewalks on the east side of the street and a waiver for stormwater detention.

Seconded by Svoboda.

COOK Moved to amend Camp's Motion to Amend by eliminating the waiver of sidewalks on the east side of the street.

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

FINAL VOTE FOR CAMP'S MOTION TO AMEND:

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

CLERK Read the following resolution, introduced by Jon Camp, who moved its re-adoption as amended:

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

PETITIONS & COMMUNICATIONS

UNL MICROBIOLOGIST REPORT OF WATER TESTED FOR THE MONTH OF NOVEMBER, 2001 - 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 Dec. 3, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR DECEMBER 3 - DECEMBER 7, 2001 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81287 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 December 3 - December 7, 2001.)

Introduced by Terry Werner

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCC. TAX FOR THE MONTH OF SEPTEMBER & OCTOBER, 2001: USA Paging LLC; for the month of November, 2001: AT&T Communications of Midwest; Touch America Services, Inc.;

Working Assets Funding Service, Inc.; Trans National Communications International, Inc.; TracFone Wireless, Inc.; Teligent Services, Inc.; Qwest Communications, Corp.; Primus Telecommunications, Inc.; ACN - Communications Services, Inc.; Operator Communications, Inc.; One Call Communications, Inc.; NPCR, Inc. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ORDINANCES - 1ST READING

CHANGE OF ZONE 3330 - APPLICATION OF RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC. FOR A CHANGE OF ZONE AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED NORTHWEST OF THE INTERSECTION OF SOUTH 27TH STREET AND YANKEE HILL ROAD (In connection w/01R-333 & 01R-334) - CLERK read an ordinance, introduced by Terry Werner, for the application of Ridge Development Company and Southview, Inc. for a Change of Zone AG Agricultural to R-3 Residential on property generally located northwest of the intersection of South 27th Street and Yankee Hill Road, the first time.

APPROVING A TEN-YEAR LEASE TO CRICKET NEBRASKA PROPERTY COMPANY TO BUILD A FOUR-PROVIDER TELECOMMUNICATION TOWER ON PROPERTY OF THE LINCOLN WATER SYSTEM GENERALLY LOCATED AT 84TH AND SOUTH STREETS - CLERK read an ordinance, introduced by Terry Werner, approving a ten-year lease to Cricket Nebraska Property Company to build a four-provider telecommunication tower on property of the Lincoln Water System generally located at 84th and South Streets, the first time.

ORDINANCES - 3RD 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 - CLERK read an ordinance introduced by Glenn Friendt, 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, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **17949**, is recorded in Ordinance Book 24, Page

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 - CLERK read an ordinance, introduced by Glenn Friendt, for an 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, the third time.

SENG Moved to pass the ordinance as read.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **17950**, is recorded in Ordinance Book 24, Page

CREATING SEWER DISTRICT NO. 1176 IN S.W. 40TH STREET AND WEST "O" STREET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating sewer district No. 1176 in S. W. 40th Street and West "O" Street and assessing the cost thereof against the benefitted property, the third time.

SVOBODA Moved to pass the ordinance as read.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
The ordinance, being numbered **17951**, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 5.36 OF THE LINCOLN MUNICIPAL CODE RELATING TO PEDDLERS BY

ADDING A NEW SECTION TO PROHIBIT USE BY PEDDLERS OF ANY TRUCK OVER 21 FEET IN LENGTH IN ANY RESIDENTIAL ZONING DISTRICT, EXCEPT FOR THE PURPOSE OF DELIVERY GOODS - PRIOR to reading:

CAMP Moved to place Bill No. 01-182 on pending until 1/14/02.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

CREATING WATER DISTRICT NO. 1185 IN MARLBOROUGH AND OAKS HOLLOW DRIVE, STEVENS RIDGE ESTATES - PRIOR to reading:

COOK Moved to place Bill No. 01-161 on pending indefinitely.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to January 7, 2002 and approve the resolutions to have Public Hearing on Jan. 7, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on January 7, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.

ADJOURNMENT

10:15 p.m.

CAMP Moved to adjourn the City Council meeting of December 17, 2001.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, McRoy, Seng, Svoboda, Werner; NAYS: None; ABSENT: Friendt.
So ordered.

Teresa M. Meier-Brock, Deputy City Clerk

Glenna Graupmann, Office Assistant III

REGULAR MEETING
DECEMBER 17, 2001
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