

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 28, 2002 AT 5:30 P.M.**

The Meeting was called to order at 5:30 p.m. Present: Council Chairperson Cook; Council Members: Camp, Friendt, McRoy, Seng, Svoboda, Werner, Joan Ross, City Clerk.

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

SENG Having been appointed to read the minutes of the City Council proceedings of October 21, 2002, reported having done so, found same correct.

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

PUBLIC HEARING

MANAGER APPLICATION OF TERRANCE M. CAROLAN FOR THE LINCOLN SPAGHETTI WORKS INC DBA "LINCOLN SPAGHETTI WORKS" AT 228 N. 12TH STREET - Terrance M. Carolan, 17031 Karen St., Omaha, NE, took oath and came forward to answer any questions.

Ken Svoboda, Council Member, asked if he would be moving to Lincoln.

Mr. Carolan stated that he would not be moving to Lincoln. He is the Director of Operations and oversees Spaghetti Works in Lincoln and Omaha.

This matter was taken under advisement.

CHANGE OF ZONE 71HP - APPLICATION OF THE HISTORIC PRESERVATION COMMISSION TO DESIGNATE THE SOPHY TEETERS NURSES' HOME LOCATED AT BRYAN LGH WEST AT 1650 LAKE STREET, AS A LANDMARK. - Ed Zimmer, Historic Preservation of Planning Dept., came forward to request the Council to designate the Sophy Teeters Nurses' Home as a landmark which would take a 2/3 vote. John Teeter was the President of Lincoln General Hospital in the early years and donated this as a memorial to him and his wife. Discussion followed.

Ray Hill, Planning Dept., stated healthcare facilities are required to get special permits & the condition is that they not occupy more than a certain percentage of the total lot area with buildings. They can apply for an adjustment to the City Council to increase that lot coverage.

Terry Werner stated that the percentage was 35% and the Planning Commission allowed it to go to 37%. He stated that the Council amended that to 37.9% to give allowance for preserving this building. Further discussion followed.

Kitty Fynbu, President of Irvingdale Neighborhood Assn., came forward in favor of.

Melinda Pearson, 2007 Park, came forward in favor of.

Jim Swinehart, 1834 Ryons, came forward in favor of.

Jon Carlson, 1445 S. 20th Street, came forward in favor of.

Lilly Blase, 1735 Euclid Ave., President of Preservation Assn. of Lincoln, came forward in favor of.

Bob Ripley, 3022 Williams Street, came forward in favor of. Discussion followed.

Alison Stewart, 2127 Park Avenue, came forward in favor of.

George Durbin, 1970 Lake Street, came forward in favor of.

Craig Groat, 4935 Huntington Avenue, came forward in favor of.

Tom Huston, Cline-Williams Law Firm, 233 S. 13t St., came forward on behalf of Bryan-LGH who is against the preservation of the Sophy Teeters Nurses' Home. He stated that they could not find a viable use for this building so it would not be economically cost effective. Discussion followed.

Glen Cekal, 1420 C St., came forward in favor of.

Danny Walker, 427 E St., came forward in a neutral position.

Mr. Werner asked if the special permit Bryan-LGH was approved for be amended or withdrawn?

Dana Roper, City Attorney, he will research this question. Further discussion followed.

This matter was taken under advisement.

TOOK BREAK 7:10 P.M.

RECONVENED 7:40 P.M.

AMENDING TITLE 6 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS BY ADDING A NEW CHAPTER 6.02 RELATING TO ANIMAL CONTROL DEFINITIONS WHICH CONSOLIDATES THE DEFINITIONS PREVIOUSLY FOUND IN CHAPTERS 6.04, 6.08, 6.10 AND 6.12 AND REVISES THE DEFINITION OF REVISED DEFINITIONS FOR "HOBBY KENNEL" OR "CATTERIES," "KENNEL," AND "FOWLS," AND ADDS NEW DEFINITIONS FOR "ANIMAL RESCUE ORGANIZATION," "ANIMAL SHELTER," "FOSTER HOMES," "ROOSTER," "COMMERCIAL BOARDING KENNEL," "COMMERCIAL BREEDING KENNEL," "DOG KENNEL," "INDOOR HOUSING FACILITY," "MULTI-DOG HOUSEHOLD," "MULTI-CAT HOUSEHOLD," "OUTDOOR HOUSING FACILITY," AND "WRITTEN CONSENT"; AND; BY AMENDING CHAPTER 6.04 RELATING TO ANIMAL CONTROL REGULATIONS IN GENERAL TO PROHIBIT ROOSTERS WITHIN THE CITY OF LINCOLN, TO REGULATE ANIMAL RESCUE ORGANIZATIONS, AND TO MODIFY PERMIT FEE PROVISIONS; BY AMENDING CHAPTER 6.08 RELATING TO DOGS TO SET MINIMUM PENALTY AMOUNTS FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO INCREASE LICENSING FEES FOR DOGS, TO REQUIRE DISPOSAL OF DOG FECES OR MANURE IN A SANITARY MANNER, TO PERMIT AND REGULATE MULTI-DOG HOUSEHOLDS, TO PERMIT AND REGULATE COMMERCIAL BREEDING KENNELS, AND TO EXEMPT COMMERCIAL BREEDING KENNELS AND MULTI-DOG HOUSEHOLDS FROM THE PROHIBITION OF MAINTAINING A DOG KENNEL; BY AMENDING CHAPTER 6.10 RELATING TO DANGEROUS DOGS TO ALLOW THE USE OF MICROCHIPS FOR MARKING SUCH DOGS AND TO SET MINIMUM PENALTIES; BY AMENDING 6.12 RELATING TO CATS TO SET MINIMUM PENALTIES FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO PLACE A LIMIT ON THE NUMBER OF CATS A PERSON MAY OWN WITHOUT A MULTI-CAT HOUSEHOLD, CATTERY OR HOBBY KENNEL PERMIT, TO INCREASE LICENSE FEES FOR CATS, TO INCREASE LICENSE FEES FOR CATTERIES AND HOBBY KENNELS, TO PERMIT AND REGULATE MULTI-CAT HOUSEHOLDS, TO ALLOW CURRENT CAT OWNERS OR THOSE WHO ARE SUBSEQUENTLY ANNEXED INTO THE CITY WHO OWN MORE THAN 15 CATS TO RETAIN ALL THEIR CATS UNTIL DEATH OR TRANSFER OF OWNERSHIP OF THE CAT; IN ORDER TO IMPLEMENT THE RECOMMENDATIONS OF THE ANIMAL CONTROL BOARD - Bruce Dart, Director of Health Dept., came forward to state that this will allow for the support of the health & safety of our four legged friends and will create a formal relationship with animal rescue organizations. Some of the changes are a new pooper scooper law, roosters are to be banned from the City limits, and a limited number of cats in a household. This ordinance was written with input from many members of our community. Discussion followed.

Bob Van Valkenburg, 7921 Reno Road, stated he felt there were a lot of discrepancies in this ordinance. Discussion followed.

Ken Svoboda, Council Member, asked about the fine for the pooper scooper law.

Mr. Roper, stated this would be a misdemeanor for which the fine is up to \$500.00. Discussion followed.

Craig Groat, 4935 Huntington Ave., stated he was against the fees. He felt that many people would not be able to afford them.

Glen Cekal, 1420 C St., asked if this included penalties for animal abuse.

Danny Walker, 427 E St., asked if they were going to regulate animals around food such as the Farmer's Market in the Haymarket. Discussion followed.

John Beck, 10100 Holdrege, stated this ordinance is a big improvement. He does feel that even though those that use assistance dogs don't want an exemption from this law there are some that physically cannot clean up after their dog. He also explained the reason Police Dogs are exempted especially in the line of duty.

Beth Boal, 1824 C Street, stated she felt there were three areas of the ordinance needing to be tweaked, which she mentioned, but was in favor of the ordinance. Discussion followed.

Tonya Skinner, Assistant City Attorney, came forward to answer questions. Discussion followed.

Linda Lyman, 2331 N. Main Street, came forward stating she has 37 cats. She takes in homeless cats and can keep her home clean & odor free. She feels that the law should fit the circumstances. Discussion followed.

Mr. Werner asked if it is appropriate to hold the public hearing open if amendments are to be made.

Mr. Roper answered the public hearing does not need to be kept open to make amendments to the ordinance. Further discussion followed.

Jonathan Cook, Council Member, asked if the proposed fees are to help finance another animal control officer.

Mr. Dart answered no. The fees are to balance things out in Animal Control.

This matter was taken under advisement.

APPROVING AND ADOPTING THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN FOR THE REDEVELOPMENT OF AN AREA GENERALLY BOUNDED ON THE SOUTH BY N STREET, ON THE WEST BY 23RD STREET, ON THE NORTH BY LEIGHTON AVENUE, AND ON THE EAST BY 31ST STREET - Wynn Hjermstad, Urban Development, came forward to present a new 27th Street Redevelopment Plan. A couple of things happened to necessitate the new plan. Two elements came from the State Legislature which passed LB875. Two new recommendations put into the legislation are as follows: 1. that there be a cost benefit analysis of every project that's done that uses T.I.F. and, 2. they created a "But For" requirement. If it were not But For the use of T.I.F. this project could not happen. They thought these would really prove that these projects were worth doing. Our plan was so old that it didn't address these things.

Anthony Bonelli, President of North 27th Street Business & Civic Organization, came forward in support of this Redevelopment Plan.

Morris Becker, 3259 Starr Street, came forward in support of.

This matter was taken under advisement.

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245):

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) - Tom Huston, Cline-Williams Law Firm, 233 S. 13th St., came forward representing Willard Giebenrath to develop 13 new homes on 14 lots and will preserve over 76% for drainage & agriculture.

Jim Nagel, 11505 N 56th Street, came forward in favor of.

Danny Walker, 427 E St., asked why there was a waiver on the storm water detention.

Julie Burns, 12909 N. 70th Street, presented a letter from Howard Wieggers to be placed on file and also came forward in opposition.

Discussion followed.

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

Harry Muhlbach, 14605 N. 56th Street, came forward in favor of.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 1 - 15, 2002 - Bill Dibbert, no address given, came forward to explain his claim to the City & to request that at least he be reimbursed 50% of the claim.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 E Street, read a letter to the editor referring to bond issues for trails & sidewalks. He questioned where the funds were for sidewalk repair. He also questioned the bond for new fire stations, fire station repair & other fire equipment.

Craig Groat, 4935 Huntington Avenue, talked about sidewalks, integrated health systems & about picnic tables propped on their side being dangerous to the public.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS

MANAGER APPLICATION OF TERRANCE M. CAROLAN FOR THE LINCOLN SPAGHETTI WORKS INC

DBA "LINCOLN SPAGHETTI WORKS" AT 228 N. 12TH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:
A-81777

WHEREAS, The Lincoln Spaghetti Works Inc. dba "Lincoln Spaghetti Works" located at 228 N. 12th Street, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Terrance M. Carolan be named manager;

WHEREAS, Terrance M. Carolan 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 Terrance M. Carolan 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 Ken Svoboda

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

ORDINANCES - 2ND READING

CHANGE OF ZONE 71HP - APPLICATION OF THE HISTORIC PRESERVATION COMMISSION TO DESIGNATE THE SOPHY TEETERS NURSES' HOME LOCATED AT BRYAN LGH WEST AT 1650 LAKE STREET, AS A LANDMARK. (10/14/02 - REQUEST TO CONTINUE P.H. TO 10/28/02 AND ACTION ON 11/4/02) - Clerk read the following ordinance, introduced by Ken Svoboda, for a Change of Zone 71HP, the application of the Historic Preservation Commission to designate the Sophy Teeters Nurses' Home located at Bryan LGH West at 1650 Lake Street, as a landmark, the second time.

AMENDING TITLE 6 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS BY ADDING A NEW CHAPTER 6.02 RELATING TO ANIMAL CONTROL DEFINITIONS WHICH CONSOLIDATES THE DEFINITIONS PREVIOUSLY FOUND IN CHAPTERS 6.04, 6.08, 6.10 AND 6.12 AND REVISES THE DEFINITION OF REVISED DEFINITIONS FOR "HOBBY KENNEL" OR "CATTERIES," "KENNEL," AND "FOWLS," AND ADDS NEW DEFINITIONS FOR "ANIMAL RESCUE ORGANIZATION," "ANIMAL SHELTER," "FOSTER HOMES," "ROOSTER," "COMMERCIAL BOARDING KENNEL," "COMMERCIAL BREEDING KENNEL," "DOG KENNEL," "INDOOR HOUSING FACILITY," "MULTI-DOG HOUSEHOLD," "MULTI-CAT HOUSEHOLD," "OUTDOOR HOUSING FACILITY," AND "WRITTEN CONSENT"; AND; BY AMENDING CHAPTER 6.04 RELATING TO ANIMAL CONTROL REGULATIONS IN GENERAL TO PROHIBIT ROOSTERS WITHIN THE CITY OF LINCOLN, TO REGULATE ANIMAL RESCUE ORGANIZATIONS, AND TO MODIFY PERMIT FEE PROVISIONS; BY AMENDING CHAPTER 6.08 RELATING TO DOGS TO SET MINIMUM PENALTY AMOUNTS FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO INCREASE LICENSING FEES FOR DOGS, TO REQUIRE DISPOSAL OF DOG FECES OR MANURE IN A SANITARY MANNER, TO PERMIT AND REGULATE MULTI-DOG HOUSEHOLDS, TO PERMIT AND REGULATE COMMERCIAL BREEDING KENNELS, AND TO EXEMPT COMMERCIAL BREEDING KENNELS AND MULTI-DOG HOUSEHOLDS FROM THE PROHIBITION OF MAINTAINING A DOG KENNEL; BY AMENDING CHAPTER 6.10 RELATING TO DANGEROUS DOGS TO ALLOW THE USE OF MICROCHIPS FOR MARKING SUCH DOGS AND TO SET MINIMUM PENALTIES; BY AMENDING 6.12 RELATING TO CATS TO SET MINIMUM PENALTIES FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO PLACE A LIMIT ON THE NUMBER OF CATS A PERSON MAY OWN WITHOUT A MULTI-CAT HOUSEHOLD, CATTERY OR HOBBY KENNEL PERMIT, TO INCREASE LICENSE FEES FOR CATS, TO INCREASE LICENSE FEES FOR CATTERIES AND HOBBY KENNELS, TO PERMIT AND REGULATE MULTI-CAT HOUSEHOLDS, TO ALLOW CURRENT CAT OWNERS OR THOSE WHO ARE SUBSEQUENTLY ANNEXED INTO THE CITY WHO OWN MORE THAN 15 CATS TO RETAIN ALL THEIR CATS UNTIL DEATH OR TRANSFER OF OWNERSHIP OF THE CAT; IN ORDER TO IMPLEMENT THE RECOMMENDATIONS OF THE ANIMAL CONTROL BOARD - CLERK read the following resolution, introduced by Terry Werner, amending title 6 of the Lincoln Municipal Code relating to animals by adding a new chapter 6.02 relating to animal control definitions which consolidates the definitions previously found in Chapters 6.04, 6.08, 6.10 and 6.12 and revises the definition of revised definitions for "hobby kennel" or "catteries," "kennel," and "fowls," and adds new definitions for "animal rescue organization," "animal shelter," "foster homes," "rooster," "commercial boarding kennel," "commercial breeding kennel," "dog kennel," "indoor housing facility," "multi-dog household," "multi-cat household," "outdoor housing facility," and "written consent"; and; by amending chapter 6.04 relating to animal control regulations in general to prohibit roosters within the City of Lincoln, to regulate animal rescue

organizations, and to modify permit fee provisions; by amending Chapter 6.08 relating to dogs to set minimum penalty amounts for repetitive violations of licensing requirements, to increase licensing fees for dogs, to require disposal of dog feces or manure in a sanitary manner, to permit and regulate multi-dog households, to permit and regulate commercial breeding kennels, and to exempt commercial breeding kennels and multi-dog households from the prohibition of maintaining a dog kennel; by amending chapter 6.10 relating to dangerous dogs to allow the use of microchips for marking such dogs and to set minimum penalties; by amending 6.12 relating to cats to set minimum penalties for repetitive violations of licensing requirements, to place a limit on the number of cats a person may own without a multi-cat household, cattery or hobby kennel permit, to increase license fees for cats, to increase license fees for catteries and hobby kennels, to permit and regulate multi-cat households, to allow current cat owners or those who are subsequently annexed into the city who own more than 15 cats to retain all their cats until death or transfer of ownership of the cat; in order to implement the recommendations of the animal control board, the second time.

RESOLUTIONS

APPROVING THE AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY AND COUNTY TO UPDATE THE ORIGINAL AGREEMENT AND PROVIDE FOR THE CONTINUANCE OF SERVICE BY THE COMMUNICATIONS CENTER FOR COMMUNICATION NEEDS TO THE LINCOLN POLICE DEPARTMENT, LINCOLN FIRE & RESCUE, LANCASTER COUNTY SHERIFF'S OFFICE AND CERTAIN FIRE/EMS AGENCIES WITH MEMBERSHIP IN THE LANCASTER COUNTY MUTUAL AID ASSOCIATION - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81778 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Interlocal Agreement between the City of Lincoln, Nebraska and Lancaster County, Nebraska to amend and update the existing Interlocal Agreement for the establishment of the Lincoln Emergency Communications Center, commonly known as Lincoln 911, 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 an executed copy of the Agreement to Don Herz, Finance Director and to Lancaster County.

Introduced by Jon Camp

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

APPOINTING JILL FLAGEL TO THE STARTRAN ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING OCTOBER 20, 2005 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81779 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Jill Flagel to the StarTran Advisory Board for a three-year term expiring October 20, 2005 is hereby approved.

Introduced by Jon Camp

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

APPROVING AND ADOPTING THE NORTH 27TH STREET CORRIDOR AND ENVIRONS REDEVELOPMENT PLAN FOR THE REDEVELOPMENT OF AN AREA GENERALLY BOUNDED ON THE SOUTH BY N STREET, ON THE WEST BY 23RD STREET, ON THE NORTH BY LEIGHTON AVENUE, AND ON THE EAST BY 31ST STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81780 WHEREAS, the City's Urban Development Department has prepared the North 27th Street Corridor and Environs Redevelopment Plan to supersede all previous Redevelopment Plans and amendments that cover an area generally bounded by "N" Street on the south; the viaduct over the Burlington Northern Santa Fe right-of-way, parallel to Cornhusker Highway on the north; 23rd Street on the west; and 31st Street on the east. The boundaries of the project are more specifically set forth on the attached map; and

WHEREAS, the City Council, after consideration of the North 26th/27th Street Redevelopment Area, Lincoln, Nebraska, Blight and Substandard Determination Study, determined that the area was blighted and substandard and declared the area blighted and substandard on June 19, 2000; and

WHEREAS, the City Council adopted the 2025 Lincoln-Lancaster

County Comprehensive Plan which incorporated The North 27th Street Corridor Plan as a subarea plan on May 28, 2002; and

WHEREAS, the Redevelopment Plan identifies the following objectives, which are consistent with The North 27th Street Corridor Plan an approved subarea plan of the Comprehensive Plan:

1. The North 27th Street Corridor should be a mixed use corridor.
2. Redevelopment should occur in ways that strengthen existing commercial and residential investments.
3. Replace affordable housing stock by assuring adequate sites.
4. Make North 27th Street a link between neighborhoods.
5. Separate, to the degree possible, local and through traffic movements.
6. Establish defensible edges between residential and non-residential uses.
7. Provide additional open space/green space.
8. Provide a pedestrian friendly environment.
9. Develop zoning and signage regulations for the corridor which recognizes its mixed character and reduce visual conflicts.
10. Design features that encourage/promote security in the area.

WHEREAS, the Director of Urban Development has filed with the City Clerk the North 27th Street Redevelopment Plan generally consisting of improvements to pedestrian needs, closing access to N. 27th Street at Dudley and Orchard, replacement and repair of sidewalks, street unification and beautification, repair of sanitary sewers, drainage and storm sewers, providing commercial redevelopment projects, affordable housing, trails and trail bridge, community center, reconfiguration of Pentzer Park, and re-zoning areas to be compatible with redevelopment. Said plan is attached hereto and marked Attachment "A", and made a part hereof by reference. The Director of Urban Development has reviewed said plan and has found that the plan meets the conditions set forth in Neb. Rev. Stat. § 18-2113 (Reissue 1997); and

WHEREAS, on August 23, 2002 notice of public hearing was mailed, postage prepaid, to the president or chairperson of the governing body of each county, school district, community college, educational service unit, and natural resource district in which the real property subject to such plan is located and whose property tax receipts would be directly affected and to all registered neighborhood associations located in whole or in part within one mile radius of the area to be redeveloped setting forth the time, date, place, and purpose, of the public hearing to be held on September 4, 2002 before the Lincoln City - Lancaster County Planning Commission regarding the North 27th Street Redevelopment Plan, a copy of said notice and list of said registered neighborhood associations having been attached hereto as Attachment "B" and "C" respectively; and

WHEREAS, said proposed North 27th Street Redevelopment Plan has been submitted to the Lincoln-Lancaster County Planning Commission for review and recommendation, and said Planning Commission on October 2, 2002 found the plan to be in conformance with the Comprehensive Plan and recommended approval thereof; and

WHEREAS, on October 18, 2002 a notice of public hearing was mailed, postage prepaid, to the foregoing governing bodies and registered neighborhood associations setting forth the time, date, place, and purpose of the public hearing before the City Council to be held on October 28, 2002 regarding the proposed North 27th Street Redevelopment Plan, a copy of said notice having been attached hereto as Attachment "D"; and

WHEREAS, on October 11, 2002 and October 18, 2002 a notice of public hearing was published in the Lincoln Journal Star newspaper, setting forth the time, date, place, and purpose of the public hearing to be held on October 28, 2002 regarding the proposed North 27th Street Redevelopment Plan, a copy of such notice having been attached hereto and marked as Attachment "E"; and

WHEREAS, on October 28, 2002 in the City Council Chambers of the County City Building, 555 South 10th Street, Lincoln, Nebraska, the City Council held a public hearing relating to the proposed North 27th Street Redevelopment Plan and all interested parties were afforded at such public hearing a reasonable opportunity to express their views respecting said proposed plan; and

WHEREAS, the City Council has duly considered all statements made and materials submitted relating to said proposed North 27th Street Corridor and Environs Redevelopment Plan.

NOW, THEREFORE, IT IS FOUND AND DETERMINED by the City Council of the City of Lincoln, Nebraska as follows:

1. That the North 27th Street Redevelopment Plan is described in sufficient detail and is designed with the general purpose of accomplishing a coordinated, adjusted, and harmonious development of the City which will promote general health, safety, and welfare, sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the reoccurrence of unsanitary or unsafe dwelling accommodations or conditions of blight.

2. That the North 27th Street Redevelopment Plan is feasible and in conformity with the general plan for the development of the City of Lincoln as a whole and said plan is in conformity with the legislative declarations, and the determinations set forth in the Community Development Law.

3. That despite the previous redevelopment plan such substandard and blighted conditions are beyond remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations or private enterprise without the aids provided by the Community Development law, specifically including Tax Increment Financing. The elimination of said substandard and blighted conditions under the authority of the Community Development Law is found to be a public purpose and in the public interest.

4. That for projects utilizing funds authorized in Section 18-2147 of the Community Development Law, (a) the redevelopment activities provided for in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment activities would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment activities, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment activities all as more specifically set forth in the Plan as Redevelopment Activities and Estimated Expenditures.

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

That pursuant to the provisions of the Nebraska Community Development Law and in light of the foregoing findings and determinations, the North 27th Street Redevelopment Plan attached hereto as Attachment "A" is hereby accepted and approved by the City Council as the governing body for the City of Lincoln.

BE IT FURTHER RESOLVED that the Urban Development Director or his authorized representative is hereby authorized and directed to take all steps necessary to implement the provisions of said North 27th Street Redevelopment Plan.

Introduced by Jon Camp

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

SPECIAL PERMIT 1976 - APPLICATION OF WILLARD GIEBENRATH TO DEVELOP VIEW POINTE NORTH COMMUNITY UNIT PLAN FOR 14 SINGLE FAMILY ACREAGE LOTS ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-245) - PRIOR to reading:

WERNER Moved to delay Bill No. 02R-244 for three weeks to 11/18/02 with public hearing and with request for applicant to work with Health Department and Olsson Associates.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF VIEW POINTE NORTH FOR 14 LOTS AND 5 OUTLOTS WITH WAIVERS OF THE REQUIRED STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, SIDEWALKS, CUL-DE-SAC LENGTH, STORM WATER DETENTION AND BLOCK LENGTH, ON PROPERTY GENERALLY LOCATED AT N. 70TH STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) - PRIOR to reading:

WERNER Moved to delay Bill No. 02R-245 for three weeks 11/18/02 with public hearing with request for applicant to work with Health to Department and Olsson Associates.

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 1 -

15, 2002 - PRIOR to reading:

FRIENDT Moved to pay 50% of Bill Dibbert claim.
Seconded by Camp & carried by the following vote: AYES: Camp,
Friendt, Svoboda, Werner; NAYS: Cook, McRoy, Seng.

A-81781 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 October 16, 2002, of various new and pending tort claims
filed against the City of Lincoln with the Office of the City Attorney
or the Office of the City Clerk, as well as claims which have been
disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905
(Reissue 1997). The dispositions of claims by the Office of the City
Attorney, as shown by the attached report, are hereby approved:

	<u>DENIED</u>	<u>ALLOWED</u>
Estate of Connie McCullough; Michael McCullough, individually and as natural parent of Shane and Michelle McCullough; and Tom Graften, Personal Representative of the Estate of Connie McCullough	NAS*	Michael & Sandra Lambelet \$500.00 Servant Cab Co., LLC 800.00 Cheyenne Hemphill 252.40 Skorohod Rentals 400.00
Bill Dibbert	\$1,042.50	\$2,085.00
James F. Forcucci		434.30
Jami Cave and Barb Cave		70.00
Roger Crews		26.00

* No A mount Specified

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

Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, NOVEMBER 18, 2002 AT 1:30 P.M. FOR MAN. APP.
OF STEVEN D. BARTOS FOR LA SOCIETE DES 40 HOMMES DBA AMERICAN LEGION 3
LOCATED AT 5630 P STREET - CLERK read the following resolution,
introduced by Jon Camp, who moved its adoption:

A-81782 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Mon., November 18, 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 Man. App. of La Societe
Des 40 Hommes dba "American Legion 3" at 5630 P Street.

Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, NOVEMBER 18, 2002 AT 1:30 P.M. FOR APP. OF
DLP, INC. DBA TAM O'SHANTER FOR A CLASS "C" LIQUOR LICENSE AT 105 S.
25TH ST. - CLERK read the following resolution, introduced by Jon Camp,
who moved its adoption:

A-81783 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Mon., November 18, 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 App. of DLP, Inc. dba
Tam O'Shanter for a Class "C" Liquor License at 105 S. 25th Street.

Introduced by Jon Camp

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

SETTING HEARING DATE OF MONDAY, NOVEMBER 18, 2002 AT 1:30 P.M. FOR APP. OF
AMERICAN BUSINESS INITIATIVES, INC. DBA EURASIA RUSSIAN STORE FOR A
CLASS "D" LIQUOR LICENSE AT 809 P STREET, STE #102 - PRIOR to reading:
CAMP Declared conflict of interest for final vote on November 18, 2002.
CLERK Read the following resolution, introduced by Jon Camp, who moved
its adoption:

A-81784 BE IT RESOLVED by the City Council, of the City of Lincoln, that a
hearing date is hereby set for Mon., November 18, 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 App. of American
Business Initiatives Inc. dba "Eurasia Russian Store" for a Class "D"
Liquor License at 809 P Street, Ste. #102.

Introduced by Jon Camp

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

PETITIONS & COMMUNICATIONS

FORMAL PETITION TO VACATE PUBLIC WAY THE EAST-WEST ALLEY, WEST OF 16TH STREET BETWEEN 2015 S. 16TH ST. & 2025 S. 16TH ST. UP TO INTERSECTING NORTH-SOUTH ALLEY SOUTH TO ROSE SUBMITTED BY JASON CONRAD - CLERK presented said petition which was referred to the Law Dept.

THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT.:

Use Permit No. 140A - App. of Menard, Inc. to modify parking layout and add a garden center at Northeast quadrant of Andermatt Dr. & South 89th Street.

Use Permit No. 145 - App. of Robert D. Hampton by Engineering Design Consultants LLC for office development under O-3 zoning at Pine Lake Plaza, Southwest of Pine Lake & 84th Street.

Change of Zone 3373 - App of Robert D. Hampton by Engineering Design Consultants, LLC from AGR to R-3 & O-3 to sub-divide for offices and townhouses at Pine Lake Plaza, Southwest of Pine Lake & 84th St.

Change of Zone 3374 - App. of Pine Lake Development LLC by Robert D. Hampton form Ag to R-3 for single family units at Northwest of 91st & Pine Lake Rd.

Special Permit 1762A - App. of Pine Lake Development, LLC for single family units northwest of 91st & Pine Lake Rd.

Special Permit 1993 - App. of Solid Rock Gymnastics, Inc. to operate Solid Rock Gymnastics, Inc. in an I-1 Zone at Hill Street, location of old Soccer Bubble next to A & R Skating Rink.

Special Permit 1960 - App. of Mary Anne Wells to develop single family dwellings at North of Superior & west of North 14th Street.

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL OCTOBER 14 & 21, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR OCT. 14 THRU OCT. 18, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81785 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.

Introduced by Jon Camp

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

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF JUNE 2002: TOUCH 1 COMM., CELLULAR ONE; JULY THRU SEPT., 2002: NETIFICE COMM., CLARICOM NETWORKS, ONESTAR LONG DISTANCE, MATRIX, IDT CORP., WINSTAR COMM.; AUGUST, 2002: CELLULAR ONE; SEPT., 2002: TOUCH 1 COMM., NEXTEL WEST, VARTEC TELECOM., BUSINESS TELECOM., ACN COMM., GTC TELECOM., ZONE TELECOM., CELLULAR ONE, LIGHTYEAR COMM., COMDATA TELECOMM., ATT WIRELESS, TRI-M COMM., NOSVA LIMITED, GLYPHICS COMM., NOS COMM., GLOBALCOM, WORKING ASSETS FUNDING SERVICE, AT&T COMM. OF MIDWEST, TOUCH AMERICA, NEXTEL PARTNERS, VIRGIN MOBILE USA, QWEST COMM., INTELLICALL OPERATOR, PRIMUS TELECOMM., ONSTAR CORP., TRACFONE WIRELESS, OPEX COMM., BROADWING TELECOMM., GLOBAL CROSSING TELECOMM., LDMI TELECOMM., BIG PLANET, ASSOCIATION ADMINISTRATORS, RSL, COM, USA, INC. XO LONG DISTANCE SERVICES, AFFINITY NETWORK, ATS MOBILE TELEPHONE, D & D COMM., OPERATOR COMM. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF CASH ON HAND AT THE CLOSE OF BUSINESS SEPT. 30, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

APPROVING THE DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNING ON SHORT-TERM INVESTMENTS OF IDLE FUNDS DURING THE MONTH ENDED SEPTEMBER, 2002 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81786 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended September 30, 2002, \$136,029.35 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rata basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Jon Camp

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

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 4, 2002 AT 1:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81787 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$267,071.44; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

Introduced by Jon Camp

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 4, 2002 AT 1:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81788 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business

Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$181,474.76; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

Introduced by Jon Camp

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

ASSESSMENT RESOLUTION FOR CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 4, 2002 AT 1:30 P.M. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-81789 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$139,120.87; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council with the vote thereon by yeas and nays.

Introduced by Jon Camp

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

ORDINANCES - 1ST READING

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY; TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050 TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060 TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070

TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247, 02R-207) - CLERK read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new section 27.82.010 to provide a title, authority and applicability; to add a new Section 27.82.020 to provide legislative findings and purpose; to add a new Section 27.82.020 to provide intent; to add a new Section 27.82.040 to provide definitions; to add a new Section 27.82.050 to provide for imposition of impact fees; to add a new Section 27.82.060 to provide exemptions from impact fees; to add a new Section 27.82.070 to provide for the creation of an impact fee fund and impact fee accounts; to add a new Section 27.82.080 to provide for refunds of impact fees paid; to add a new Section 27.82.090 to provide for post-ordinance developer agreements regarding Impact Fee Facilities; to add a new Section 27.82.100 to provide for developer reimbursement for pre-ordinance participation in financing or constructing Impact Fee Facilities; and to add a new Section 27.82.110 to provide for miscellaneous provisions, as hitherto existing the first time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION ORDINANCE) TO AMEND SECTION 26.23.040 TO MODIFY THE REFERENCE TO THE COMPREHENSIVE PLAN AND TO INCREASE THE MINIMUM RIGHT-OF-WAY WIDTH FOR BIKEWAYS FROM A 14-FOOT EASEMENT TO A 20-FOOT EASEMENT; AND TO AMEND SECTION 26.23.160 TO REQUIRE A DEDICATION OF LAND OR PAYMENT OF AN IMPACT FEE FOR NEIGHBORHOOD PARKS AND TRAILS.(IN CONNECTION W/02-160, 02R-247, 02R-207) - CLERK read an ordinance, introduced by Jon Camp, amending Section 26.23.040 of the Lincoln Municipal Code to amend Table 26.23.040 to modify the reference to the Comprehensive Plan and to increase the minimum right-of-way width for bikeways from a 14-foot easement to a 20-foot easement; amending Section 26.23.160 of the Lincoln Municipal Code to require a dedication of land or payment of an impact fee for neighborhood parks and trails; and repealing Sections 26.23.040, 26.23.160 of the Lincoln Municipal Code as hitherto existing the first time.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF REVENUE BONDS OF THE WATER SYSTEM OF THE CITY OF LINCOLN, NEBRASKA, AND DECLARING AN EMERGENCY. (REQUEST TO HAVE 2ND & 3RD READING 11/18/02) - PRIOR to reading:
WERNER Moved to have 2nd reading & a request for 3rd Reading on 11/18/02. Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
CLERK Read an ordinance, introduced by Jon Camp, authorizing and providing for the issuance of revenue bonds of the water system of the City of Lincoln, Nebraska, and declaring an emergency, the first time.

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$58,000,000 AGGREGATE PRINCIPAL AMOUNT OF LINCOLN WATER SYSTEM REVENUE AND REFUNDING BONDS IN ONE OR MORE SERIES, AND RELATED MATTERS, AND DECLARING AN EMERGENCY. (REQUEST TO HAVE 2ND & 3RD READING 11/18/02) - WERNER Moved to have 2nd reading & a request for 3rd Reading on 11/18/02. Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
CLERK Read an ordinance, introduced by Jon Camp, authorizing and providing for the issuance of not to exceed \$58,000,000 aggregate principal amount of Lincoln Water System Revenue and Refunding Bonds in one or more series, and related matters, and declaring an emergency, the first time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER "E" BY CHANGING THE PAY RANGE OF PERSONNEL CLERK FROM E01 TO X11 - CLERK read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18048 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E", and Section 1 of Ordinance No. 18053 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "X" by moving the job classification "Personnel Clerk" from the Excluded Pay Plan, E Ranges, to the Excluded Pay Plan, X Ranges, the first time.

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS PREFIXED BY THE LETTERS "A" AND "C" TO CREATE THE CLASSIFICATIONS OF "SOLID WASTE OPERATIONS SUPERVISOR" AND "UTILITY ENGINEERING SPECIALIST" - CLERK read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classification of "Solid Waste Operations Supervisor"; and amending Section 3 of Ordinance No. 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classification of "Utility Engineering Specialist", the first time.

ORDINANCES - 3RD READING

VACATING THE NORTH 18' OF GLADE STREET FROM SOUTH 48TH STREET EAST 124.2 FT. - CLERK read the following ordinance, introduced by Ken Svoboda, vacating the north 18' of Glade Street from South 48th Street east 124.2 ft., the third time.

SVOBODA 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 #38-4419, & was placed on file in the Office of the City Clerk.

AMENDING SECTION 4.24.070 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE SPECIFIC POWERS AND DUTIES OF THE LINCOLN ELECTRIC SYSTEM ADMINISTRATIVE BOARD TO SPECIFY THAT THE RATE-MAKING AUTHORITY RESERVED TO THE LINCOLN CITY COUNCIL RELATES TO RETAIL ELECTRIC RATES ONLY. (REQUEST OF LES TO HAVE 2ND & 3RD READING 10/21/02) - CLERK read the following ordinance, introduced by Ken Svoboda, amending Section 4.24.070 of the Lincoln Municipal Code relating to the specific powers and duties of the Lincoln Electric System Administrative Board to specify that the rate-making authority reserved to the Lincoln City Council relates to retail electric rates only, the third time.

SVOBODA Moved to read ordinance as read.

Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18082, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 76HP - APPLICATION OF THE SIGMA PHI EPSILON FOUNDATION OF NEBRASKA TO DESIGNATE THE SIGMA PHI EPSILON HOUSE AT 601 NORTH 16TH STREET, AS A LANDMARK - CLERK read the following resolution, introduced by Ken Svoboda, for a Change of Zone 76HP, the application of the Sigma Phi Epsilon Foundation of Nebraska to designate the Sigma Phi Epsilon House at 601 North 16th Street, as a landmark, the third time.

SVOBODA Moved to pass ordinance as read.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
The ordinance, being numbered #18083, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3378 - APPLICATION OF THE NEAR SOUTH NEIGHBORHOOD ASSOCIATION FOR A CHANGE OF ZONE FROM R-5 RESIDENTIAL AND R-6 RESIDENTIAL TO R-2 RESIDENTIAL ON PROPERTY LOCATED IN THE "MOUNT EMERALD" AREA OF THE NEAR SOUTH NEIGHBORHOOD GENERALLY LOCATED AT SOUTH 18TH STREET TO SOUTH 21ST AND 22ND STREETS, FROM A TO F STREETS - CLERK read the following ordinance, introduced by Ken Svoboda, for a Change of Zone 3378, the application of the Near South Neighborhood Association for a Change of Zone from R-5 Residential and R-6 Residential to R-2 Residential on property located in the "Mount Emerald" area of the Near South Neighborhood generally located at South 18th Street to South 21st and 22nd Streets, from A to F Streets, the third time.

SVOBODA Moved to pass ordinance as read.

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

The ordinance, being numbered #18084, is recorded in Ordinance Book 25, Page

RECONSIDERATION

APPROVING WAIVERS OF DESIGN STANDARDS FOR SIDEWALKS ON THE WEST SIDE OF SOUTH 70TH STREET ADJACENT TO LOTS 1 AND 2, HICKORY CREST 4TH ADDITION AND THE SIDEWALK WITHIN THE PEDESTRIAN EASEMENT BETWEEN LOTS 1 AND 2, HICKORY CREST 4TH ADDITION FROM KING'S COURT TO SOUTH 70TH STREET - PRIOR to reading:

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

CLERK read the following resolution, re-introduced by Coleen Seng, who moved its adoption:

A-81742 WHEREAS, the Final Plat of Hickory Crest 4th Addition was previously approved by the City of Lincoln; and

WHEREAS, the conditions of approval of said Final Plat included the requirement that the subdivider install sidewalks along the west side of South 70th Street adjacent to Lots 1 and 2, and in the pedestrian easement between Lots 1 and 2, from King's Court to South 70th Street of said Final Plat; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to § 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

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

That the requirements of the Final Plat of Hickory Crest 4th Addition relating to the installation of sidewalks along the west side of South 70th Street adjacent to Lots 1 and 2, and within the pedestrian easement between Lots 1 and 2, Hickory Crest 4th Addition, are hereby waived; provided, however, nothing herein shall be construed to preclude the City Council from ordering the construction of sidewalks in said locations at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Final Plat of Hickory Crest 4th Addition shall remain in full force and effect.

Introduced by Coleen Seng

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

APPLICATION OF BJT, L.L.C. DBA "THE OFFICE" FOR A CLASS I LIQUOR LICENSE AT 1211 O STREET (10/21/02 - MOTION TO RECONSIDER/WITHDRAW APPLICATION ON 10/28/02) - PRIOR to reading:

CAMP Moved to place Resolution on Pending until manager app. comes forward.

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

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List to November 4, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CAMP Moved to approve the resolutions to have Public Hearing on November 4, 2002.
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

ADJOURNMENT

CAMP Moved to adjourn the City Council meeting of October 28, 2002.
 Seconded by Seng & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.
 So ordered.

Teresa J. Meier, Deputy City Clerk

Judy Roscoe, Office Assistant III

REGULAR MEETING
OCTOBER 28, 2002
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