

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, DECEMBER 2, 2002 AT 1:30 P.M.**

The Meeting was called to order at 1:30 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**

FRIENDT Having been appointed to read the minutes of the City Council proceedings of November 25, 2002, reported having done so, found same correct.

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

**PUBLIC HEARING**

DECLARING APPROXIMATELY 3,225 SQUARE FEET OF CITY OWNED PROPERTY GENERALLY LOCATED AT 9TH AND Q STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO B & J PARTNERSHIP - Joel Pedersen, Asst. City Attorney, came forward to suggest that this Ordinance be withdrawn, send to Planning Commission, and complete the Planning Department's report.

FRIENDT Moved to Withdraw Bill No. 02-185.

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

This matter was taken under advisement.

AMENDING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE LINCOLN AIRPORT AUTHORITY TO DESIGNATE FLIGHT PATTERNS THAT ARE IN NEED OF CONTROL OF THE BIRD POPULATION FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND TO ALLOW CITY RECOGNIZED HOMEOWNER ASSOCIATIONS TO USE NONLETHAL MEANS TO HELP REDUCE THE BIRD POPULATIONS WITHIN THE FLIGHT PATTERNS - John Huff, 505 Pier 2, Capitol Beach, President of the Capitol Beach Community Association, came forward asking for support of this amendment which would allow a few of the residents on the lake to manage the Canadian Geese by use of noise making devices. These geese are causing undesirable bacteria in the water.

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. 70<sup>TH</sup> STREET AND WAVERLY ROAD. **(IN CONNECTION W/02R-245)** (DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02) (DELAYED W/ PUBLIC HEARING CONT. & ACTION ON 1/13/03, 7-0);

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. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (IN CONNECTION W/02R-244) (10/28/02 - DELAYED 3 WKS TO 11/18/02 WITH CON'T PUBLIC HEARING) (11/18/02 - P.H. & ACTION DELAYED TO 11/25/02)(11/25/02 - SUBSTITUTE RESOLUTION ADOPTED, 7-0; CON'T P.H. & ACTION FOR ONE WEEK TO 12/2/02) (DELAYED W/PUBLIC HEARING CONT. & ACTION ON 1/13/03, 7-0) - Tom Huston, 233 S 13th Street, Ste. 1900, came forward on behalf of Willard Giebenrath, stating they had met with Dwight Hansen, professional engineer engaged by Mr. Giebenrath, Jeff Johnson of Olsson Assoc. and the Burns' who are in opposition of this Special Permit. They created a protocol for a limited test designed to simulate & exceed the actual demand that 13 new home sites would put upon the aquifer. He requested that the decision be deferred to 1/13/03 until they have had sufficient time to do this test. Discussion followed.

Jeff Johnson, Olsson Associates, 1111 Lincoln Mall, came forward to verify he did work with Mr. Huston on the protocol for the testing. He stated they feel there are some water quality concerns in this area.

Bob Van Valkenburg, 7921 Reno Road, came forward in favor of.  
Jim Nagel, no address given, stated he farms one mile north of this proposed development. He came forward in favor of.  
Harry Muhlbach, no address given, lives one mile from development, came forward in favor of.  
Doug Nagel, 12505 N 27th Street, came forward in favor of.  
Scott Holmes, Chief of Environmental Health Dept., came forward to explain the EPA documents relative to private water wells does not regulate it just provides guidelines.  
This matter was taken under advisement.

APPROVING A 48-MONTH COST-PER-COPY MASTER RENTAL AGREEMENT BETWEEN THE CITY AND ALTERNATIVE BUSINESS SYSTEMS, INC. FOR CENTRALLY MANAGED PHOTOCOPIERS. (DELAY 1 WEEK W/O PUBLIC HEARING TO 12/9/02, 4-3; MCROY, SENG, SVOBODA DISSENTING) - Bob Van Valkenburg, 7921 Reno Road, stated he was against the 48 month contract. He felt two years would be better.

This matter was taken under advisement.

SPECIAL PERMIT 1869A - APPLICATION OF THE COUNCIL BUILDING ASSOCIATION TO AMEND THE KNIGHTS COURT COMMUNITY UNIT PLAN TO ALLOW LOTS 1-10 TO BE EITHER ATTACHED TWO-FAMILY DWELLINGS OR SINGLE-FAMILY DWELLINGS, ON PROPERTY GENERALLY LOCATED AT SOUTH 60TH STREET AND SOUTH STREET - Gus Ponstingl, Ross Engineering, 201 N 8th St., Ste. 401, came forward to request a waiver to the minimum lot width and minimum lot area. He would like to switch Units 1 through 10 from duplex units to single family units and occupy the same buildable area. Discussion followed.  
This matter was taken under advisement.

#### MISCELLANEOUS BUSINESS

Craig Groat, 4935 Huntington Street, again came forward to discuss the unsafe condition of bleachers in our City parks.  
This matter was taken under advisement.

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

#### COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

DECLARING APPROXIMATELY 3,225 SQUARE FEET OF CITY OWNED PROPERTY GENERALLY LOCATED AT 9TH AND Q STREETS AS SURPLUS AND AUTHORIZING THE SALE THEREOF TO B & J PARTNERSHIP - PRIOR to reading:

FRIENDT Moved to Withdraw Bill No. 02-185 and send to Planning Commission.  
Seconded by Svoboda & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance, introduced by Coleen Seng, declaring approximately 3,225 square feet of city owned property generally located at 9th and Q Streets as surplus and authorizing the sale thereof to B & J Partnership, the second time.

The ordinance, having been **WITHDRAWN**, was assigned File #38-4424, & placed on file in the Office of the City Clerk.

AMENDING SECTION 9.36.080 OF THE LINCOLN MUNICIPAL CODE TO ALLOW THE LINCOLN AIRPORT AUTHORITY TO DESIGNATE FLIGHT PATTERNS THAT ARE IN NEED OF CONTROL OF THE BIRD POPULATION FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE; AND TO ALLOW CITY RECOGNIZED HOMEOWNER ASSOCIATIONS TO USE NONLETHAL MEANS TO HELP REDUCE THE BIRD POPULATIONS WITHIN THE FLIGHT PATTERNS - CLERK read the following ordinance, introduced by Coleen Seng, amending Section 9.36.080 of the Lincoln Municipal Code to allow the Lincoln Airport Authority to designate flight patterns that are in need of control of the bird population for the protection of the public health, safety, and welfare; and to allow city recognized homeowner associations to use nonlethal means to help reduce the bird populations within the flight patterns, the second time.

RESOLUTIONS

APPLICATION OF ST. PATRICK'S CHURCH AT 6126 MORRILL AVENUE TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM JANUARY 15, 2003 THROUGH MARCH 25, 2003 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81839 WHEREAS, St. Patrick's Church has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

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

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Patrick's School to conduct a raffle in the City of Lincoln in accordance with the application filed by Karen Francis. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Ken Svoboda

Seconded by Seng & 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. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (In connection w/02R-245) - PRIOR to reading

SENG Moved to delay Bill No. 02R-244 WITH PUBLIC HEARING & ACTION ON 1/13/03.

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. 70<sup>TH</sup> STREET AND WAVERLY ROAD. (In connection w/02R-244) - PRIOR to reading

SENG Moved to delay Bill No. 02R-245 WITH PUBLIC HEARING & ACTION ON 1/13/03.

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

APPROVING A 48-MONTH COST-PER-COPY MASTER RENTAL AGREEMENT BETWEEN THE CITY AND ALTERNATIVE BUSINESS SYSTEMS, INC. FOR CENTRALLY MANAGED PHOTOCOPIERS - PRIOR to reading:

SVOBODA Moved to delay Bill No. 02R-287 for one week without public hearing to 12/9/02.

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

SPECIAL PERMIT 1869A - APPLICATION OF THE COUNCIL BUILDING ASSOCIATION TO AMEND THE KNIGHTS COURT COMMUNITY UNIT PLAN TO ALLOW LOTS 1-10 TO BE EITHER ATTACHED TWO-FAMILY DWELLINGS OR SINGLE-FAMILY DWELLINGS, ON PROPERTY GENERALLY LOCATED AT SOUTH 60TH STREET AND SOUTH STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81840 WHEREAS, the Council Building Association has submitted an application designated as Special Permit No. 1869A for authority to amend the Knights Court Community Unit Plan to allow Lots 1 through 10 to be either attached two-family dwellings or single-family dwellings on property located at S. 60th Street and South Street, and legally described to wit:

Lots 1 through 25, Block 1, and Outlot "A", Knights Court Addition, located in the Northwest Quarter of Section 33, Township 10 North, Range 7 East, Lancaster County, Nebraska;

WHEREAS, the Council Building Association has further requested a waiver of the average lot width and lot area requirements in the R-2 Residential District for single family dwellings on Lots 1 through 10 from 50 feet to 46 feet and from 6,000 square feet to 4,140 square feet respectively;

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 Council Building Association, hereinafter referred to as "Permittee", to amend the Knights Court Community Unit Plan to allow Lots 1 through 10 to be used for either attached two-family dwellings or single-family dwellings, 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 Lots 1 through 10 to be used for either single-family dwellings or attached two-family dwellings within Knights Court Community Unit Plan.

2. This permit approves the requested reduction of the average lot width and lot area requirements in the R-2 Residential District for single family dwellings on Lots 1 through 10 from 50 feet to 46 feet and from 6,000 square feet to 4,140 square feet respectively.

3. Before receiving building permits:

- a. The Permittee must submit a revised and reproducible final plan including five copies.
- b. The construction plans must conform to the approved plans.
- c. Final plats within this community unit plan must be approved by the City.

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 owner or an appropriately established homeowners association approved by the City Attorney.

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

Introduced by Ken Svoboda

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

15, 2002 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81841 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated November 18, 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>
Lois Lockman	\$500,000.00	Mike Spealman	\$ 100.00
St. Elizabeth Regional Medical Center	3,341.60	Timothy & Denise Dean	4,799.37
Harriet Abels	NAS*		
David Peer	544.19		
Jason Hill	328.67		
Scott M. Miller	202.56		
Greg Dorn	48.15		
Church of Christ	5,500.00		

\* No Amount Specified

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

Introduced by Ken Svoboda

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

ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2003 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-81845 WHEREAS, under the provisions of Section 4.24.090 of the Lincoln Municipal Code, a proposed annual budget for the operation of the Lincoln Electric System (LES) for 2003 was approved by the LES Administrative Board on October 18, 2002; and

WHEREAS, pursuant to the above-cited code section, a public hearing on the proposed budget was held on November 18, 2002, notice thereof having been published in one issue of the Lincoln Journal Star newspaper published and of general circulation in the City more than five (5) days before such hearing.

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

1. That pursuant to the provisions of Section 4.24.090 of the Lincoln Municipal Code, the Lincoln Electric System Annual Budget for the fiscal year beginning January 1, 2003, a copy of which is attached hereto and made a part of this resolution as fully as if set forth verbatim herein, is hereby adopted, and all funds listed therein are hereby appropriated for the several purposes therein stated.

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

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

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

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

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

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

Introduced by Annette McRoy

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

#### PETITIONS & COMMUNICATIONS

CHANGE OF ZONE 3381 - APPLICATION OF BRIAN D. CARSTENS, REPRESENTING SUE BROUSE FOR A CHANGE OF ZONE AG TO H-4 TP DEVELOP A PLANNED SERVICE/COMMERCIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT SOUTH 27<sup>TH</sup> STREET AND PORTER RIDGE ROAD - CLERK presented said petition which was referred to the Planning Dept.

USE PERMIT 147 - APPLICATION OF BRIAN D. CARSTENS, REPRESENTING SUE BROUSE TO DEVELOP 22,000 SQ. FT. OF OFFICE, MEDICAL AND BANKING ON PROPERTY GENERALLY LOCATED AT SOUTH 27<sup>TH</sup> STREET AND PORTER RIDGE ROAD - CLERK presented said petition which was referred to the Planning Dept.

SPECIAL PERMIT 1973A - APPLICATION OF DONALD H. BOWMAN, ON BEHALF OF THREE EAGLES OF LINCOLN, TO CHANGE THE LEGAL DESCRIPTION AND WAIVE THE FALL ZONE FOR TOWER ON PROPERTY LOCATION AT 3800 CORNHUSKER HIGHWAY - CLERK presented said petition which was referred to the Planning Dept.

SPECIAL PERMIT 1988 - APPLICATION OF BRIAN D. CARSTENS, REPRESENTING SUE BROUSE TO DEVELOP A SPECIAL PERMIT/COMMUNITY UNIT PLAN ON PROPERTY LOCATED AT SOUTH 27<sup>TH</sup> STREET AND PORTER RIDGE ROAD - CLERK presented said petition which was referred to the Planning Dept.

SPECIAL PERMIT 1989 - APPLICATION OF BRIAN D. CARSTENS, REPRESENTING SUE BROUSE TO DEVELOP A PLANNED SERVICE/COMMERCIAL DISTRICT ON PROPERTY LOCATED AT SOUTH 27<sup>TH</sup> STREET AND PORTER RIDGE ROAD - CLERK presented said petition which was referred to the Planning Dept.

SPECIAL PERMIT 1996 - APPLICATION OF JEFFERSON DOWNING, REPRESENTING ZION CHURCH TO HAVE A 5% EXPANSION OF LOT COVERAGE ON PROPERTY LOCATED AT 9<sup>TH</sup> & D STREETS - CLERK presented said petition which was referred to the Planning Dept.

#### MISCELLANEOUS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON NOVEMBER 25, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

SETTING THE HEARING DATE OF DECEMBER 16, 2002 AT 1:30 P.M. FOR MAN. APP. OF ADAM SHAFRAN FOR CEC ENTERTAINMENT, INC. DBA "CHUCK E. CHEESE" AT 221 N. 66 STREET - PRIOR to reading:

SVOBODA Moved to delay public hearing & action to 1/6/03.

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

#### REPORTS OF CITY OFFICERS

INVESTMENT OF FUNDS FOR NOVEMBER 12 THROUGH NOVEMBER 15, 2002 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:  
A-81842 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 Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 16, 2002 AT 1:30 P.M.

FOR THE ASSESSMENT OF WEED REMOVAL COSTS INCURRED FOR THE PERIOD OF JANUARY 1, 2002 THROUGH DECEMBER 31, 2002 - CLERK requested a motion to have hearing on Dec. 16, 2002 at 1:30 p.m.

SVOBODA So moved.

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 16, 2002 AT 1:30 P.M. FOR THE MANAGER APPLICATION OF GINGER R. CHAPIN FOR WHITEHEAD OIL COMPANY, DBA U-STOP CONVENIENCE SHOP LOCATED AT 2925 NW 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81843 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., December 16, 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 Ginger R. Chapin for Whitehead Oil Company dba "U-Stop Convenience Shop" at 2925 NW 12th St.

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

Introduced by Ken Svoboda

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

SETTING THE HEARING DATE OF MONDAY, DECEMBER 16, 2002 AT 1:30 P.M. FOR THE APPLICATION OF COLORADO HOSPITALITY SERVICES, INC. DBA BEST WESTERN AIRPORT INN FOR A CLASS C LIQUOR LICENSE LOCATED AT 3200 NW 12<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81844 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., December 16, 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 Colorado Hospitality Services dba "Best Western Airport Inn" for a Class "C" Liquor License at 3200 NW 12th Street.

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

Introduced by Ken Svoboda

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

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL ON NOVEMBER 18, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM AQUILA FOR THE MONTH OF OCTOBER, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF MONTHLY CASH ON HAND FOR THE MONTH OF NOVEMBER, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

AFFIDAVIT OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP I TO BE HELD ON MONDAY, DECEMBER 16, 2002 AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTH OF October, 2002: Nextel West Corp., Excel Telecommunications, Inc., GTC Telecom, Inc., NOS Communications, Inc., NOSVA Limited Partnership, Lightyear Communications, Inc., Globalcom, Inc., Teligent Services, Inc., RSL COM USA, Inc., Tri-M Communications, Inc., Glyphics Communications, Inc., Comdata Telecommunications Services, Inc., Guaranteed Phone Service, Affinity Network, Inc., Operator Communications, Inc., Western Union Communications, Inc., ATT Wireless PCS, LLC, VARTEC, Intellical Operator Services, XO Long Distance Services, Inc., WorldXchange Corp. -CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

APPROVING A SUBLEASE AGREEMENT BETWEEN THE CITY AND DYNAMIC EDUCATIONAL SYSTEMS, INC. REPRESENTING JOB CORPS FOR A SUBLEASE OF SPACE AT THE ONE STOP CENTER, 1010 N STREET, TO PROVIDE JOB TRAINING AND EMPLOYMENT SERVICES UNDER THE WORKFORCE INVESTMENT ACT - CLERK read an ordinance, introduced by Ken Svoboda, accepting and approving a Sublease Agreement between the City of Lincoln and Dynamic Educational Systems, Inc. representing Job Corps for a lease of space at 1010 N Street, Lincoln, Lancaster County, Nebraska for a term of October 1, 2002 through October 31, 2003 whereby the City of Lincoln is subleasing space to Job Corps at the One stop Career Center for providing job training and employment services under the Workforce Investment Act, the first time.

**ORDINANCES - 3RD READING**

CREATING WATER DISTRICT NO. 1189 IN N.W. 23RD STREET, WEST Q TO WEST O, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Water District No. 1189 in N.W. 23rd Street, West Q to West O, and assessing the cost thereof against the benefitted property, the third time.

MCROY Moved to pass the 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 **#18098** is recorded in Ordinance Book 25, Page

CREATING SEWER DISTRICT NO. 1178 IN N.W. 23RD STREET, WEST Q TO WEST O, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Sewer District No. 1178 in N.W. 23rd Street, West Q to West o, and assessing the cost thereof against the benefitted property, the third time.

MCROY Moved to pass the 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 **#18099**, is recorded in Ordinance Book 25, Page

CREATING ALLEY PAVING DISTRICT NO. 363 FROM 26TH STREET TO 27TH STREET BETWEEN Q AND R STREETS, AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Coleen Seng for Annette McRoy who has a conflict of interest, creating Alley Paving District No. 363 from 26th Street to 27th Street between Q and R Streets, and assessing the cost thereof against the benefitted property, the third time.

SENG Moved to pass the ordinance as read.

Seconded by Camp & carried by the following vote: AYES: Camp, Friendt, Svoboda; NAYS: Cook, Seng, Werner; CONFLICT OF INTEREST: McRoy. (Due to a tie vote Bill No. 02-173 will be held over to 12/8/02.)

CREATING PAVING DISTRICT NO. 2624 IN FRONTAGE ROAD WHICH PARALLELS N. HIGHWAY 77 FROM HOLLAND ROAD SOUTH APPROXIMATELY 1,375 FEET AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Annette McRoy, creating Paving District No. 2624 in

Frontage Road which parallels N. Highway 77 from Holland Road south approximately 1,375 feet and assessing the cost thereof against the benefitted property, the third time.

MCROY Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18100**, is recorded in Ordinance Book 25, Page

AUTHORIZING THE TRANSFER OF FUNDS AND APPROPRIATIONS WITHIN THE CAPITAL IMPROVEMENT PROGRAM AND APPROPRIATE UNPROGRAMMED KENO FUNDS FOR VARIOUS PARKS & RECREATIONS DEPT. PROJECTS - CLERK read an ordinance, introduced by Annette McRoy, authorizing the transfer of funds and appropriations within the Capital Improvement Program and appropriate unprogrammed Keno funds for various Parks & Recreations Dept. projects, and declaring an emergency, the third time.

MCROY Moved to pass the ordinance as read.

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



Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18101**, is recorded in Ordinance Book 25, Page

ACCEPTING THE OFFER OF PINE LAKE DEVELOPMENT, L.L.C. TO DEDICATE 98TH STREET RIGHT-OF-WAY GENERALLY LOCATED NORTH OF PINE LAKE ROAD, ABUTTING 98TH STREET TO THE WEST - CLERK read an ordinance, introduced by Annette McRoy, accepting the offer of Pine Lake Development, L.L.C. to dedicate 98th Street Right-of-Way generally located north of Pine Lake Road, abutting 98th Street to the west, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18102**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 77HP - APPLICATION OF THE DIRECTOR OF URBAN DEVELOPMENT TO DESIGNATE THE FORMER U.S. POST OFFICE AND COURTHOUSE (OLD FEDERAL BUILDING) AS A LANDMARK, GENERALLY LOCATED AT 129 N. 10TH STREET.(IN CONNECTION W/02-179 & 02-184) - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 77HP - application of the Director of Urban Development to designate the former U.S. Post Office and Courthouse (Old Federal Building) as a landmark, generally located at 129 N. 10th Street, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered **#18103**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3377 - APPLICATION OF THE DIRECTOR OF URBAN DEVELOPMENT FOR A CHANGE OF ZONE FROM P PUBLIC USE TO B-4 LINCOLN CENTER BUSINESS DISTRICT ON PROPERTY GENERALLY LOCATED AT 9TH AND O STREETS.(IN CONNECTION W/02-178 & 02-184) - CLERK read an ordinance, introduce by Annette McRoy, for a Change of Zone 3377, application of the Director of Urban Development for a Change of Zone from P Public use to B-4 Lincoln Center Business District on property generally located at 9th and O Streets, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Camp, Cook.  
The ordinance, being numbered **#18104**, is recorded in Ordinance Book 25, Page

DECLARING THE "COMFORT STATION AT OLD FEDERAL PLACE" AS SURPLUS PROPERTY ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 9TH AND O STREETS. (In connection with 02-178 & 02-179) - CLERK read an ordinance, introduced by Annette McRoy, declaring the "Comfort Station at Old Federal Place" as surplus property on property generally located at the Southwest corner of 9th and O Streets, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: Cook.  
The ordinance, being numbered **#18105**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3379 - APPLICATION OF MARVIN AND BARBARA ARMSTRONG FOR A CHANGE OF ZONE FROM R-4 RESIDENTIAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT N. 58TH STREET AND 120' NORTH OF BALLARD AVENUE - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3379, application of Marvin and Barbara Armstrong for a Change of Zone from R-4 residential to I-1 Industrial on property generally located at N. 58th Street and 120' north of Ballard Avenue, the third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp, Friendt, Seng, Svoboda; NAYS: Cook, McRoy, Werner.  
The ordinance, being numbered **#18106**, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3383 - APPLICATION OF CAPITOL SPORTS FOUNDATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF N. 70TH STREET AND SALT CREEK, SOUTH OF ARBOR ROAD - CLERK read an ordinance, introduced by Annette McRoy, for a Change of Zone 3383, application of Capitol Sports Foundation for a Change of Zone from AG Agricultural to I-1 Industrial on property generally located at the Northeast corner of N. 70th Street and Salt

Creek, south of Arbor Road, the third time.  
MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18107, is recorded in Ordinance Book 25, Page

CHANGE OF ZONE 3384 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF  
ZONE FROM R-2 RESIDENTIAL TO O-2 SUBURBAN OFFICE ON PROPERTY GENERALLY  
LOCATED AT 201 CAPITOL BEACH BLVD - CLERK read an ordinance, introduced  
by Annette McRoy, for a Change of Zone 3384, application of the Planning  
Director for a Change of Zone from R-2 Residential to O-2 Suburban  
Office on property generally located at 201 Capitol Beach Blvd., the  
third time.

MCROY Moved to pass the ordinance as read.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18108, is recorded in Ordinance Book 25, Page

ACCEPTING THE OFFER OF STONE BRIDGE CREEK, L.L.C. TO DEDICATE ALVO ROAD RIGHT-  
OF-WAY GENERALLY LOCATED WEST OF NORTH 14TH STREET - PRIOR to reading:

SENG Moved to amend Bill No. 02-183 on line 2, after the words  
"generally located" delete the word "west" and insert in lieu thereof  
the word east.

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

CLERK Read an ordinance, introduced by Annette McRoy, accepting the  
offer of Stone Bridge Creek, L.L.C. to dedicate Alvo Road right-of-way  
generally located west of north 14th Street, the third time.

MCROY Moved to pass the ordinance as amended.  
Seconded by Seng & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
The ordinance, being numbered #18109, is recorded in Ordinance Book 25, Page

#### MISCELLANEOUS BUSINESS

##### PENDING -

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)  
(HOUSING AUTHORITY -MOTION TO AMEND) (11/18/02 - MOTION TO DELAY TO  
12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING  
WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING) (REMOVED  
FROM PENDING FOR ACTION 12/16/02, 4-3; CAMP, FRIENDT, SVOBODA  
DISSENTING);

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)  
(11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY &  
WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK,  
SENG, & WERNER DISSENTING) (REMOVED FROM PENDING FOR ACTION 12/16/02, 4-  
3; CAMP, FRIENDT, SVOBODA DISSENTING);

ADOPTING THE WATER SYSTEM IMPACT FEE, WATER DISTRIBUTION IMPACT FEE,  
WASTEWATER IMPACT FEE, ARTERIAL STREET IMPACT FEE, AND NEIGHBORHOOD PARK  
AND TRAIL IMPACT FEE SCHEDULES TO BE USED TO DETERMINE THE AMOUNT OF  
EACH REQUIRED IMPACT FEE PURSUANT TO THE REQUIREMENT OF THE IMPACT FEE

ORDINANCE. (IN CONNECTION W/02-160, 02-161, 02R-207)(PLANNING DEPT - MOTION TO AMEND) (11/18/02 - MOTION TO DELAY TO 12/9/02, FAILED, 3-4, COOK, MCROY & WERNER ASSENTING, PLACED ON PENDING WITH NO DATE CERTAIN, 4-3; COOK, SENG, & WERNER DISSENTING) (REMOVED FROM PENDING FOR ACTION 12/16/02, 4-3; CAMP, FRIENDT, SVOBODA DISSENTING) - CLERK requested a motion to remove from Pending for action on 12/16/02.

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

CAMP            Moved to extend the Pending List to December 9, 2002.  
                  Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**UPCOMING RESOLUTIONS -**

CAMP            Moved to approve the resolutions to have Public Hearing on December 9, 2002.  
                  Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**ADJOURNMENT**

**3:10 P.M.**

CAMP            Moved to adjourn the City Council meeting of December 2, 2002.  
                  Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Senior Office Assistant

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