

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 8, 2004 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chair: Werner; Council Members: Camp, Cook, Friendt, McRoy, Newman, Svoboda; Teresa Meier, Deputy City Clerk.

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

READING OF THE MINUTES

MCROY Having been appointed to read the minutes of the City Council proceedings of November 1, 2004, reported having done so, found same correct.

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

MAYOR'S AWARD OF EXCELLENCE

Mayor Seng presented the Mayor's Award of Excellence for the month of October, 2004 to Susan Steider of the Library Department in the categories of Productivity and Customer Relations.

PUBLIC HEARING

VACATION NO. 03023 - VACATING THE NORTH 10 FEET OF Q STREET RIGHT-OF-WAY ADJACENT TO LOTS 7, 8, AND 9, BLOCK 30, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND Q STREETS - Paul Ahrendt, owner of Tool House stated he wants to use the right-of-way in a manner to sell his product the same as a restaurant or what the city is doing with the tenants in the parking garage.

Greg Czaplewski, Planning Dept., came forward to state the city will support an easement, but will not allow it to be sold. Discussion followed.

Ray Hill, Planning Dept., came forward to state that all street vacation ordinances have the same language so it is not necessary to change the ordinance. Discussion followed.

Dana Roper, City Attorney, stated if it is retained as a public right-of-way it must be used as a public right-of-way. Discussion continued.

Mr. Ahrendt came forward for rebuttal.

This matter was taken under advisement.

CHANGE OF ZONE 04057 - APPLICATION OF HOEGEMEYER PALMER CONSTRUCTION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S. 84TH STREET, SOUTH OF KATHY LANE;

SPECIAL PERMIT 04042 - APPLICATION OF HOEGEMEYER PALMER CONSTRUCTION TO DEVELOP LATTIMER'S ADDITION COMMUNITY UNIT PLAN FOR 13 SINGLE FAMILY DWELLING UNITS, WITH REQUESTED WAIVERS TO THE PRELIMINARY PLAT PROCESS AND THE RECREATION PLAN REQUIREMENT, ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S. 84TH STREET, SOUTH OF KATHY LANE - Mark Hunzeker, Pierson Fitchett Hunzeker Blake & Katt, 1045 Lincoln Mall, Suite 200, came forward representing Hoegemeyer Palmer Construction to state they would like the streets in the subdivision to be private streets as the public streets would need to be wider which would take away more space from the proposed lots. Discussion followed.

Ray Hill, Planning Dept., came forward to state the Planning Department believes the streets should be public and that the lots would still be larger than most other lots if the public streets were constructed. Discussion followed.

Allan Abbott, stated his concern of the residents maintaining the street if it was private. Discussion continued.

TOOK BREAK 2:59 P.M.

RECONVENED 3:05 P.M.

Terry Werner, Council Member, asked if there were any legal authority to enforce the maintenance of the street.

Dana Roper, City Attorney, stated he believed there were ways to see that the streets are maintained. Discussion followed.

Mr. Hunzeker came forward for rebuttal. He stated there are ways to require the developer and the homeowners to maintain the streets. Discussion followed.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS - NONE

Glenn Cekal, 1420 C St., commented about the bids for the fire trucks and the need for an outside auditor.

This matter was taken under advisement.

Mike Morosin, 2055 S St., stated the City made another offer for Mike's house up from \$57,000.00 to \$72,000.00. He stated there needs to be corrections of the inaccuracies in the purchase agreement.

This matter was taken under advisement.

Frank Delgado, 3325 P Street, provided copies of the 6th Veteran's Walk to take place on Veteran's Day. He encouraged participation and thanked the Council Members who walked in it last year.

This matter was taken under advisement.

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

COUNCIL ACTION

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING

VACATION NO. 03023 - VACATING THE NORTH 10 FEET OF Q STREET RIGHT-OF-WAY ADJACENT TO LOTS 7, 8, AND 9, BLOCK 30, ORIGINAL PLAT OF LINCOLN, GENERALLY LOCATED AT 8TH AND Q STREETS - CLERK read an ordinance, introduced by Annette McRoy, vacating the north 10' of Q Street right-of-way adjacent to Lots 7, 8, and 9, Block 30, Original Plat of Lincoln, generally located at 8th and Q Streets, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 04057 - APPLICATION OF HOEGEMEYER PALMER CONSTRUCTION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S. 84TH STREET, SOUTH OF KATHY LANE - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

SPECIAL PERMIT 04042 - APPLICATION OF HOEGEMEYER PALMER CONSTRUCTION TO DEVELOP LATTIMER'S ADDITION COMMUNITY UNIT PLAN FOR 13 SINGLE FAMILY DWELLING UNITS, WITH REQUESTED WAIVERS TO THE PRELIMINARY PLAT PROCESS AND THE RECREATION PLAN REQUIREMENT, ON PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF S. 84TH STREET, SOUTH OF KATHY LANE - PRIOR to reading:

COOK Moved to delay action on Bill No. 04R-290 for one week to 11/15/04.

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

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "M" BY CREATING THE JOB CLASSIFICATION OF "UTILITIES SECURITY MANAGER" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance No. 18418 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classification of "Utilities Security Manager", the second time.

AMENDING THE PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE WHICH IS PREFIXED BY THE LETTER "A" BY CHANGING THE JOB CLASSIFICATION TITLE "ASSISTANT SUPERINTENDENT OF EQUIPMENT MANAGEMENT" TO "ASSISTANT SUPERINTENDENT OF FLEET SERVICES" AND "SUPERINTENDENT OF EQUIPMENT MANAGEMENT" TO "SUPERINTENDENT OF FLEET SERVICES"; AND AMENDING 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 "VISITOR SERVICES COORDINATOR" AND DELETING THE JOB CLASSIFICATION OF "METER READER III" - CLERK read an ordinance, introduced by Annette McRoy, amending Section 1 of Ordinance NO. 18412 relating to the pay schedules of employees whose schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by changing the job classification title of "Assistant Superintendent of Equipment Management" to "Assistant Superintendent of Fleet Services" and "Superintendent of Equipment Management" to "Superintendent of Fleet Services" and amending Section 3 of Ordinance No. 18412 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 "Visitor Services Coordinator" and deleting the job classification of "Meter Reader III", the second time.

RESOLUTIONS

APPROVING THE BEST MANAGEMENT PRACTICE ASSESSMENT PHASE III BY UNL/UNO CIVIL ENGINEERING DEPARTMENT TO MONITOR URBAN WATER QUALITY - CLERK read the following resolution, introduced by Annette McRoy and moved by Patti Newman for its adoption:

A-83071 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Best Management Practice Assessment Phase III by UNL/UNO Civil Engineering Department to monitor urban water quality for the project period of September 1, 2004 through June 30, 2005, which is attached hereto marked as Attachment "A" and made a part hereof by reference, is hereby approved and the Mayor is authorized to execute said Proposal Acceptance on behalf of the City.

The City Clerk is directed to return one fully executed copy of said Proposal to Ben Higgins, Engineering Services, Public Works & Utilities Department for transmittal to the University of Nebraska-Lincoln.

Introduced by Annette McRoy

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

APPOINTING AND REAPPOINTING CONNIE L. SCHMIDT AND MEREDITH DECORY TO THE LINCOLN-LANCASTER WOMEN'S COMMISSION TO FILL UNEXPIRED TERMS EXPIRING JANUARY 1, 2005 AND TO CONTINUE WITH TWO-YEAR TERMS EXPIRING JANUARY 1, 2007 - CLERK read the following resolution, introduced by Annette McRoy and moved by Patte Newman for its adoption:

A-83072 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment and reappointment of Connie L. Schmidt and Meredith Decory to the Lincoln-Lancaster Women's Commission to fill unexpired terms expiring January 1, 2005 and to continue with two-year terms expiring January 1, 2007 is hereby approved.

Introduced by Annette McRoy

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

REPORTS OF CITY OFFICERS

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY THE CITY COUNCIL ON NOVEMBER 1, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FROM OCTOBER 18 THRU OCTOBER 29, 2004 - CLERK read the following resolution, introduced by Patte Newman, who moved its adoption:

A-83073 BE IT 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 Patte Newman

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

REPORT FROM CITY TREASURER OF FRANCHISE FEES FOR THE QUARTER ENDING SEPTEMBER 30, 2004 FROM TIME WARNER CABLE CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF TELECOMMUNICATIONS OCCUPATION TAX FOR THE MONTH OF SEPTEMBER, 2004: NEBRASKA TECHNOLOGY & TELECOMM., TRACFONE, ALLTEL NEBRASKA, ALLTEL COMM. OF NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, SOUTHWESTERN BELL, NORSTON NETWORK SERVICES, C III COMM. OPERATIONS, GLOBAL CROSSING, PRIMUS, VIRGIN MOBILE USA, UCN, USCOC OF GREATER IOWA, ONSTAR, BUSINESS TELECOM, TRANS NATIONAL, NETIFICE, AT&T COMM. OF MIDWEST, TELENATIONAL, WORKING ASSETS FUNDING, INTELICALL OPERATOR SERVICES, XO LONG DISTANCE, IDT CORP., ENHANCED COMM., VERIZON SELECT SERVICES, WHO'S CALLING, VERIZON, PNG, CRICKET, ACN, OPEX, GUARANTEED PHONE, MCLEODUSA, FAST PHONES OF NEBRASKA, CELLULAR ONE, VOICECOM, QWEST, WINSTAR, CINCINNATI BELL, NETWORK BILLING, SPRINT - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR OCTOBER, 2004 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

SETTING THE HEARING DATE OF MONDAY, DECEMBER 20, 2004, AT 1:30 P.M. FOR THE ASSESSMENT OF WEED REMOVAL COSTS INCURRED FOR THE PERIOD OF JANUARY 1 THROUGH DECEMBER 31, 2004 - CLERK requested a motion to set the hearing date of Monday, December 20, 2004 at 1:30 p.m.

NEWMAN So moved.

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

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

A-83074 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska, that:

The special taxes assessed October 25, 2004, to pay the costs of the improvements in the Downtown Business Improvement District, the Core Business Improvement District Overlay and the Downtown Maintenance District are hereby levied and shall bear interest at 6.25% and that the period of time in which the assessments are to be paid shall be one (1) year.

Introduced by Patte Newman

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

ORDINANCES - 1ST READING & ASSOCIATED RESOLUTIONS

(Resolutions listed hereunder advance to Public Hearing on 11/8/04)

AMENDING ORDINANCE 18287 TO CORRECT THE LEGAL DESCRIPTION FOR CHANGE OF ZONE 3425 FROM P PUBLIC USE TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BLVD. (IN CONNECTION W/04-206) - CLERK read an ordinance, introduced by Patte Newman, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING ORDINANCE 18286 TO CORRECT THE LEGAL DESCRIPTION OF THE PROPERTY DECLARED AS SURPLUS ON PROPERTY GENERALLY LOCATED ADJACENT TO THE HIGHLANDS GOLF COURSE AT N.W. 12TH STREET, NORTH OF W. HIGHLANDS BLVD. (IN CONNECTION W/04-204)- CLERK read an ordinance, introduced by Patte Newman, amending Section 1 of Ordinance No. 18286, passed by the City Council on January 5,2004, to correct the legal description of the approximately five acres of City-owned property generally located adjacent to the Highlands Golf Course at N.W. 12th Street, north of W. Highlands Boulevard declared as surplus and authorized to be sold, the first time.

AMENDING CHAPTER 8.32 OF THE LINCOLN MUNICIPAL CODE TO INCORPORATE THE TERM SPECIAL WASTE INTO THE DEFINITION OF REFUSE, UPDATE DEFINITIONS, AND CLARIFY WHO MUST BE LICENSED TO HAUL CERTAIN WASTE TO BETTER REFLECT THE INTENT OF THE CODE - CLERK read an ordinance, introduced by Patte Newman, amending Chapter 8.32 of the Lincoln Municipal Code to incorporate the term special waste into the definition of refuse, update definitions, and clarify who must be licensed to haul certain waste to better reflect the intent of the code, the first time.

ORDINANCES - 3RD READING

CHANGE OF ZONE 04061 - APPLICATION OF ASPEN BUILDERS, INC. FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED SOUTH OF WEST A STREET AND EAST OF S.W. 27TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the third time.

FRIENDT Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18465**, is recorded in Ordinance Book , Page

AMENDING CHAPTER 14.56 OF THE LINCOLN MUNICIPAL CODE ESTABLISHING A PERMIT PROCESS FOR ISSUANCE OF A PERMIT TO PLACE PRIVATELY OWNED OUTDOOR ARTWORK IN THE PUBLIC RIGHT-OF-WAY OR ON PUBLICLY OWNED PROPERTY - CLERK read an ordinance, introduced by Glenn Friendt, amending Chapter 14.56 of the Lincoln Municipal Code relating to works of art by amending Section 14.56.030 to allow the issuance of permits for the placement of privately owned outdoor artwork in the public right-of-way or on publicly owned property in all zoning districts; amending Section 14.56.070 to provide that the permittee assumes all risk of loss in placing art on city property including damages, vandalism, and/or destruction of the work; amending Section 14.56.110 to provide such permits may be issued for a period of one to five years; and amending Section 14.56.120 to provide for an application fee rather than a permit fee and to provide that a collection of art intended to be a coordinated exhibit may be submitted under a single master application and be subject to a single application fee and subsequent annual renewal fee; and repealing Sections 14.56.030, 14.56.070, 14.56.110, and 14.56.120 of the Lincoln Municipal Code as hitherto existing, the third time.

FRIENDT Moved to pass the ordinance as read.

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

The ordinance, being numbered **#18466**, is recorded in Ordinance Book , Page

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to November 15, 2004.

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

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UPCOMING RESOLUTIONS -

CAMP Moved to approve the resolutions to have Public Hearing on
November 15, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.

ADJOURNMENT 3:45 P.M.

CAMP Moved to adjourn the City Council meeting of November 8, 2004.
 Seconded by Cook & carried by the following vote: AYES: Camp,
Cook, Friendt, McRoy, Newman, Svoboda, Werner; NAYS: None.
 So ordered.

Teresa Meier, Deputy City Clerk

Judy Roscoe, Senior Office Assistant