

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, FEBRUARY 14, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk; ABSENT: Johnson.

The Council stood for a moment of silent meditation.

**READING OF THE MINUTES**

SHOECRAFT Having been appointed to read the minutes of the City Council proceedings of Feb. 7, 2000, reported having done so, found same correct.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

**PUBLIC HEARING**

APP. OF LAN SIU WONG DBA THAI BINH FOR A RETAIL CLASS I LIQUOR LICENSE AT 1309 L ST. - Lan Siu Wong & (?) Wong, applicants, 3009 "O" St., took oath & came forward to answer any questions.

This matter was taken under advisement.

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - Mark Hunzeker, 530 S. 13th St., Suite B: I'm just here to ask that you hold the public hearing open on this item for another week. I was asked a question about this a week ago but I had a committee meeting & I had to confess I didn't know anything about it & didn't see it coming forward until today. And we'd like the opportunity to at least take a look at it. It appears that it may establish a rather unique precedent of having inspections performed on literally single-owner occupied units which is a significant departure from the past practice.

Coleen Seng, Council Chair: That's not what your E-mail was about?

Mr. Hunzeker: No, that was not what the E-mail was about.

Ms. Seng: Anybody have any problem with keeping public hearing open for next week? Paul, should we...

Clerk: No, we should have a motion that it'll have 3rd Reading w/Public Hearing.

Jeff Fortenberry, Council Member: So moved.

Jon Camp, Council Member: Second.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

This matter was taken under advisement.

CHANGE OF ZONE 3225 - APP. OF RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., & THE LARGE PARTNERSHIP FOR A CHANGE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK & FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH ST. & YANKEE HILL RD. - Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350: Representing Large Ltd. Partnership, Southview, Inc. & Ridge Development on a property that is, as some of you know, the golf

course property. But it's the southeast corner of 14th & Yankee Hill Rd. A couple weeks ago, the use permit for this O-3 zone parcel was approved & what is in front of you today are 14 technical corrections so that we can get the residential line & the office line to match up with the approved plans that we had on the use permit a couple weeks ago. The bottom line is we are actually reducing the amount of O-3 zoned property by about four & a half acres & putting back that amount back into residential zoned land. The Planning Commission approved it 7-0 & with that, I'd be glad to answer any questions you might have.

This matter was taken under advisement.

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY" & TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY OR FOR AN EMPLOYEE OR PERFORMER TO HAVE ANY PHYSICAL CONTACT WITH ANY PATRON. (1/31/00 - PLACED ON PENDING UNTIL 2/14/00 W/PUBLIC HEARING) (IN CONNECTION W/00-35, 00-36);

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, & PROVIDING EXCEPTIONS THERETO. (IN CONNECTION W/00-14, 00-36);

AMENDING CHAPTER 9.16 OF THE LMC TO ADD SEC. 9.16.240 BANNING SEXUAL CONTACT IN BUSINESSES. (IN CONNECTION W/00-14, 00-35):

**\*\* BEGIN VERBATIM TRANSCRIPT \*\***

Coleen Seng, Council Chair: Paul, I'm going to ask Dana could you come & just kind of review. We have...we have the one that we've held over & then the two that we asked you to come forward with before we get started on public testimony.

I'm Dana Roper with the City Attorney's Office. The one that you have held over was a combination ordinance which took the language out of the liquor code prohibiting contact between entertainers & patrons. It also prohibited nudity in public establishments. The other two ordinances split that...those issues. The second ordinance deals with making it unlawful for persons to appear in a public place in a state of nudity & it defines what nudity is & it provides for a couple of exceptions, in public restrooms & for mothers nursing children. The last ordinance bans sexual contact in businesses. And it defines what sexual contact between patrons & entertainers would be.

Ms. Seng: Okay, thank you. Okay, Paul, call.

Clerk: Okay, guess first of all, those who are in favor of all or any one of these ordinances can come forward at this time.

Good afternoon, my name is Father Paul Witt. I serve as the pastor at St. Mary's Church at 1420 K Street. I'm speaking with regards to 6, 7, & 8. And I simply want you to know I've brought with me 1,719 signatures of other people throughout the City of Lincoln who want to see these various bans. Basically, what it boils down to is indecent exposures, streaking, exhibitionism & flashing. They're all the same department as far as we're concerned. They're wrong.

Ms. Seng: Say the number again.

Father Witt: One thousand, seven hundred & nineteen. And I'm glad we're on the same path, Coleen, I want you to know. We're really glad that you're speaking out against this too.

Ms. Seng: Okay, any questions? Thank you.

Good afternoon, my name is Joyce Burgess. I live at 4920 Hartley St. which is in the near vicinity of this Baby Doll's which we're all here

about. First of all, I'm a grandmother of 16 & two great-grandchildren & I would be so appalled if any of my grandchildren, grandson would go into a place of this kind. I understand that the young minimum age limit is 18. That's a very young person to be viewing this kind of thing. If this is the sort of culture that is now progressing across this country, we can see there's...this is why there are so many bad things happening with the teenagers at this time. I would not be comfortable with my granddaughters being with young people who...men who have been in places such as this. One of my main concerns, big concern is that if the Poli...since the Police cannot go in & oversee this, who is overseeing it? Perhaps the owner who is...I'm not sure that he was ever convicted of a pandering offense. I can't remember what that was but he has been brought up about it at least. And it's like turning people loose in a place where there's no oversee. And what is the next step from nudity, from touching? What's to stop them from more & more (inaudible) of sexual activity there? And I think you know what I'm talking about, live sex, if it hasn't already happened. Who knows?! No one knows 'cause no one's going to tell that's been there. The other thing that I have to mention is that a sexual activity or touching of this kind, nudity, is not free speech. It's just what it is, a sexual activity. It's not free speech. It's just like money is not free speech. Money is money. I am shocked that someone of this person's behaviors...past behaviors was able to obtain a license for this kind of activity because if he has been interested in pandering before, what's to stop him from being interested in doing it now? It's a complete degradation of our culture, of our young people. And I understand that young people can go there & buy juice & sit there all evening I suppose & view this kind of thing & I'm shocked. I'm shocked that it's even going on. I didn't know it was...was in our neighborhood & it's there. Though I'm very unhappy about it & I would urge you to all stop & think about your children, your grandchildren, your great-grandchildren & what's next. What's next after this if we allow this? Thank you. Do you have any questions?

Jeff Fortenberry, Council Member: Just to clarify one thing, thank you, Mrs. Burgess, for your testimony but there is no license involved here interestingly.

Ms. Burgess: So anyone can start. How many more will we have of these then? If this one's successful, it may make money.

Ms. Seng: Thank you.

Hi, my name is Joan Liescheski. I live at 2009 Dodge Circle. And we also live in the neighborhood of the juice bar that is in question here &...or part of what is in question. I'm a voter & I...we drive by this place several times a day. I'm a social worker by training & I'm...I would strongly urge you to pass these ordinances that would limit this kind of business & this kind of activity. Firstly, I guess, I was just shocked that this kind of thing can go on in our City. I think most people would say that they would hope that it would be banned. It's obvious to me that this kind of treatment is a degradation to women. And I think to make that public, to make that okay in our community is the first step in okaying the degradation of women just as, you know, that that would be okay & the oppression of women. Enough of that already goes on. The treatment of women as objects is one thing in private but to okay that in public we should put a stop to it immediately in any way that we can. I...as a taxpayer also, I'd like to say if these ordinances are

passed & there's some kind of litigation against them that, you know, the threat has been that they would try to prove them unconstitutional, I would, for one, be glad to have my tax payer money used to defend them & to try to make them, you know, keep them as law. That's all I'd like to say. Thank you.

Ms. Seng: Thank you for coming.

My name is Jennifer Whitstead(?). I live in Lincoln, Nebraska.

Ms. Seng: We can't hear you, speak a little louder.

My name is Jennifer Whetstead(?). I live in Lincoln, Nebraska. While I'm for free choice, I'm for the ban on sexual contact in businesses. Besides being degrading by allowing sexual contact, certain patrons may be more prone to stalk, rape, & harass entertainers off- & on-duty. Two, businesses that don't allow or want sexual contact will lose business thus entertainers employed in such will be harassed & lose revenue & may possibly cause them to degrade themselves to work in sexual contact bars to make up for the loss, putting them at risk as above which would bring more crime & Lincoln doesn't need that. And, finally, even known contact businesses have problems with patrons trying to touch them when tips are given & if there can be legislation on that in the future that would be great.

Ms. Seng: Thank you.

Good afternoon, I'm Tom Casady, the Police Chief, & I'm here to testify in support of these ordinances on behalf of the City Administration & of the Police Department. With respect to the ordinance proposed on public nudity, I simply want to assure you that I believe we can enforce this. I think that the language in the ordinance is clear & plain. I don't think we would have any difficulty determining what is & isn't a violation of the law. I think we would be able to enforce this not only in some of the business that you're aware of but in other locations where other acts of public nudity that would meet this definition may occur. And, generally speaking, I think it would be a good thing for the various reasons that you've already heard other testifiers speak to. With respect to ordinance...proposed ordinance 9.16.240, regarding sexual contact, the enactment of this ordinance would, in many ways, mirror the regulation already in place under municipal ordinance in licensed liquor establishments by prohibiting contact between patrons & performers. Again, I think this ordinance is enforceable. I think our officers would have no difficulty determining what is & is not a violation of the law. We are extremely interested in this ordinance because we believe it would protect citizens here in Lincoln from becoming the victims of other crimes. The type of contact that's prohibited is within inches, maybe less, of constituting prostitution under Nebraska statute. However, many acts of sexual contact do not meet the technical legal definition of prostitution contained within State statute. I think this ordinance would make those kinds of acts unlawful. I think these are the kinds of acts that we are particularly concerned about of their proximity to the crime of prostitution & the victimization of people who are engaged in that. And we think it would be a very good thing. I'd certainly be happy to answer any questions that you have for me.

Jerry Shoecraft, Council Member: Chief, would there be any type of advantage gained by a business...let me rephrase that, in dealing with 9.16...the third item, if...if...if that was to be passed, would a business that does not have a liquor license would they still have some

type of advantage of a business that does have a liquor license that have to adhere to our certain rules & regulations...

Chief Casady: No. This...

Mr. Shoecraft: By certain body parts & that not still being covered up or...

Chief Casady: Excuse me for interrupting your question, I'm sorry. Uh, no, it would make no difference where the activity occurred. In a business, not in a business. Would it make any difference whether they were a liquor license or not. This ordinance would prohibit sexual contact between any employee or performer in a business or commercial establishment so it could be in a restaurant, a bookstore, a night club, wouldn't make any difference what kind of business or commercial establishment it was.

Mr. Shoecraft: But does a juice bar...can their performers do certain things that a license holder within the City can't do?

Chief Casady: Yes, right now that is the case.

Mr Shoecraft: So, that's what I was trying to get at. So, then by passing this, would they still have an advantage in a sense?

Chief Casady: No. If this ordinance were to be enacted, it would apply to all commercial establishments, both licensed liquor establishments & other businesses that don't have liquor licenses. And it would be the same rule regardless.

Mr. Shoecraft: But doesn't someone like outside the City limits, for example, can they not have certain body parts covered if they're outside the City limits? Is that...am I understanding that correctly?

Mr. Casady: That's correct. And, of course, the Municipal ordinance...

Mr. Shoecraft: Because they are juice bars or because they don't hold a license...or because they are a juice bar, is that the reason why?

Ms. Seng: County versus City.

Chief Casady: That's correct.

Mr. Shoecraft: Okay, so a juice bar within the City then, if this one's passed, would have to adhere to as other license holders do?

Chief Casady: Yes.

Jonathan Cook, Council Member: Just to follow up on that, Item 7, which is the amendment to 9.16.230 regarding nudity that, in fact, currently, all businesses, liquor or non-liquor establishments have to meet the same requirements regarding nudity?

Chief Casady: That's right.

Mr. Cook: Okay. And this amendment to that language would change that a bit by allowing or by restricting liquor license holders a little bit more than non-liquor license holders. Just...I think that's...that might be what was...

Chief Casady: No, actually, the public nudity ordinance proposed simply redefines public nudity.

Mr. Cook: No, I understand, but in redefining it, it changes it slightly so that...I'm not getting into too many details here, the issue of how much covering is actually changed to be lessened as part of the new ordinance. The liquor license holders, however, because they are covered by a separate requirement that requires full covering of certain parts, they would actually, with the passage of this, be at a slight disadvantage. I just want to note that. And if...

Ms. Seng: I think we probably need to have Dana address this part.

Chief Casady: Jonathan, you lost me there.

Mr. Cook: Well, I can be more specific about this.

Chief Casady: That's the problem. We're trying to dance around

body parts without talking about them. Basically, right now, nudity is defined under municipal code as being the exposing of the male or female genitals & that's basically it. The new ordinance adds to that not only the genitals but also the female breast with less than a fully opaque covering. So, that would be the change. That change would apply City-wide, anywhere except for the specific exemptions of a theater, concert hall, etc.

Mr. Cook: Okay, just to clarify, the existing ordinance, for liquor establishments, requires a full covering of the buttocks.

Chief Casady: Right.

Mr. Cook: The existing ordinance for non-liquor establishments also requires that. This new ordinance would not require that because the new ordinance instead of being like the old ordinance (inaudible) applying to just business establishments, applies to all public places which would include swimming pools, etc. & there's no way such a law could possibly be enforced with a full covering of the buttocks required.

Chief Casady: Thank you. I understand what you mean now. Yes, there is a difference in the definition of nudity...

Mr. Cook: Yes, & it changes...

Chief Casady: Would be enacted as it applied...as it is compared to the requirement for a fully opaque covering of the buttocks.

Mr. Cook: I just want to make sure it's understood that this changes what is currently a level playing field between liquor & non-liquor establishments to something that is no longer level.

Mr. Shoecraft: That's what I was getting at but I was trying to dance around it. I can dance pretty good.

Ms. Seng: Anything else? You.

Mr. Fortenberry: I just want to add but given those further refinements, you still have not reason to back away from your recommendations that this would be appropriate for all establishments in the community?

Chief Casady: Absolutely not. In fact, our job is considerably eased when the rules are the same regardless of the location & I think it would make our job easier. And, again, I want to reemphasize my primary point in that the sexual contact ordinance is going to, I think, prevent some really serious problems that could emerge, probably have emerged in the past, with acts of prostitution. Obviously, what's allowed under the law right now is very, very close to constituting the crime of prostitution & I think this kind of conduct ought to be prohibited by law. Thank you.

Ms. Seng: Thank you.

Clerk: Anyone else wish to come forward in favor of these three ordinances?

Council members, my name is Gene Summerlan. I'm an attorney here in town. My office address is 330 S. 10th Street. I've had the privilege over the last couple weeks of corresponding & talking with Dana, the City Attorney, as they've gone through the process of preparing this legislation. And I'd like to start out by saying, first of all, we support the City's efforts to regulate public nudity &, specifically, to regulate the certain types of sexually explicit conduct that may be occurring at certain places. With that, I've also gotta add a caveat that we expressed to Dana some concern over the timing of this ordinance. And not too much as a result of anything that's going on within or without the

City of Lincoln, but rather because the United States Supreme Court in the middle of Nov. of this year heard an oral argument, a case that involves many of the same issues that will be brought up as a result of the legislation that you're currently considering. And I don't want to take up too much of the Council's time but I think it's important to recognize that back in 1991, U.S. Supreme Court first addressed the issue of whether nude or erotic dancing was entitled to some type of First Amendment protection. And in that case, the court in a plurality opinion said yes, in fact nude dancing is entitled to First Amendment protection as expressive activity. But the court couldn't reach a clear majority as to exactly why or in what circumstances that type of activity could be regulated consistently with the First Amendment. As a result of that...of the Courts decision in Barnes, lower courts have really been kind of left in a state of flux over the last decade in trying to decide, you know, under what circumstances can we impose restrictions on that type of activity. Well, there's just a huge divergence in case law. There're... there're situations out there where governments have adopted ordinances & courts have approved ordinances that would require, basically, a full covering over genital areas, buttocks areas, & the female breast below the nipple. There're other cases that provide much less restriction upon nude dancing that've been rejected by courts. Where we're at right now, is the courts heard argument here in a case that comes from Pennsylvania, & they're basically ready to come down with an opinion any time in the next few months that in a case was argued back in November. Generally speaking, you're looking at anywhere from 3 months to 8 months before a decision is issued. The concern that we have is that if the City Council acts now, based upon the standards that've been given in prior Supreme Court cases, well, the whole playing field may change over the next few months. And that may place the City in a position of having acted appropriately given the law at the time that you took the action, now, you're in a position where what you've done is unconstitutional or has been determined to violate the First Amendment. And now the City's going to be facing lawsuits that may be more difficult to defend. What we suggest is that the City consider just waiting a brief period of time to see what kind of an opinion the Supreme Court issues in the case from Pennsylvania. And then allowing the City Attorney's to redraft or potentially revisit the issue of public nudity based upon whatever new standards are espoused by the Court. Particularly, I think it's important because as we look at the manner in which the law in this area has progressed over the last few years, what we're seeing is an increasing willingness among the Federal Courts to allow City's to legislate based upon the secondary effects of nude dancing or sexually oriented businesses. And what that means is that the City can come in & say well, we're going to pass certain restrictions or regulations that apply to sexually oriented businesses not because we don't like the message that an erotic dancer may convey but rather because we think that there are certain negative things that happen within our community when you do have sexually oriented businesses. A large...a fairly well-known example of that would be zoning of adult theaters. I mean most people within a City Planning Commission would tell you that there's a reduction in property values in areas around sexually oriented businesses. As a result, many cities have come up with plans where they regulate, in terms of zoning, where a sexually oriented business can be. Now, if they're regulating

based upon the fact that having a business reduces property values, that's an attempt to regulate not based upon the content of any message that's being conveyed at the sexually oriented business but rather it's an attempt to regulate based upon the secondary effects of that entity. We want to eliminate reducing property values so we place certain zoning restrictions in effect &, thereby, you're able to regulate the sexually oriented business without being deemed to be regulating based upon content. It's likely that when the Supreme Court addresses this issue that's what they're going to talk about. We're going to find out more about what's required to appropriately establish a legislative record that creates the secondary effects that can be supported. And we simply think that it would make a lot of sense for the City to wait until we get some of these questions answered especially given the fact that it's likely that the court's going to answer those questions very soon. If you have any questions, I'd be glad to try & answer them.

Mr. Cook: I just want to make sure I get your name down, I'm sorry.

Mr. Summerlan: It's Gene, G-E-N-E, Summerlan, S-U-M-M-E-R-L-A-N.

Mr. Cook: Thank you.

Mr. Fortenberry: Thank you for your testimony, Mr. Summerlan, I had a couple questions though. What...& I was able to briefly review a letter that you had sent to Dana Roper & it's quite extensive & thoroughly researched so I hadn't had time to review that so bear with me as I ask you these questions but what makes you certain that the higher court is going to hear this case & then come down with new...a set of standards that a community must evoke in order to have constitutionally protected legislation...constitutionally valid legislation that would differ from what's already precedent.

Mr. Summerlan: Yeah, obviously, I can't predict with certainty what the Supreme Court's going to do. What's important here is the fact that the Supreme Court has already heard the case. It's actually gone in front of the Court on oral argument. At the oral arguments, the focus of the presentations by the attorney's & the questions from the court were on the First Amendment implications of regulating nude dancing. I think...I think what's...what's important here in allowing us to try & guess or estimate where the court's going to go is the fact that the Supreme Court doesn't obviously hear every case in which one of the parties petitions to come before the Court. They pick & choose those cases which they feel present issues that it's worth taking the Court's time to address. Where we stand right now in the Federal circuit or the in the Federal system is we have a split between two Circuit Courts of Appeals concerning what type of evidence is required to establish secondary effects for First Amendment purposes. I think that most constitutional law professors or...or commentators would agree that it's likely that the Court chose to grant the petition for certiorari on this case so that they can resolve that split within the Circuits. I think bolstering that conclusion is the fact that the Barnes case, this 1991 decision, was a plurality opinion which is a case that comes down without a clear majority. So, here's an...here's a...at least an opportunity for the Court to revisit this issue of nude erotic dancing & the First Amendment implications presented by that. When there is some dispute right now within the lower courts as to exactly what types of regulations can take place against that activity without violating the First Amendment.

Mr. Fortenberry: Do you suspect that they will define clearly

secondary effects 'cause the...one of the concerns I have is it always boils...secondary effects in terms of empirical analysis is gauged by number of Police calls, definite effect on property values, as you've talked about, incidents of other crime. But, equal in my mind is the subjective judgement of the community that wants to press forward & say, we don't like the message that these types of establishments send for our children, we don't like to hide our children's eyes as we ride by them, we don't want our visitors coming into the community seeing this as the first face of our city's culture. So, short of...that's very difficult to define as a secondary effect but but, as far as I'm concerned, it's very real. So, what would concern me is if, again, I know you're not a Supreme Court Justice but if it was narrowly defined in that way & these other factors that come down to subjective judgement but, nonetheless, are very valid of a community's desire to see which direction it wants to go in or not taken. Now, with that said, I did notice in that letter that you'd sent that some of the lower courts do look at impacts on decency, (inaudible) public morality & other types of what we would consider more subjective determinations. Is that correct? I mean there has been that issue in lower courts as well?

Mr. Summerlan: I think that's absolutely right & I think what you have to do is kind of step back & take a big picture look at what secondary effects are to try & figure out where we're going here. And, basically, the secondary effects argument developed with regard to these zoning cases where a City had come in & said okay, we're going to treat sexually oriented businesses differently than we treat everybody else for our zoning laws. And courts got faced with these issues in a number of lawsuits & they're...& basically the sexually oriented businesses were saying look, this is content discriminatory, it's content-based regulation because they're treating us differently because of our message, because of the films that we're showing in our theaters. And courts really struggled with that. And they...ultimately they come up with this secondary effects argument that says well, wait a second, you know what, they can treat you differently if the reason they're treating you that way is because not that they're upset because you're showing this specific film but because as a business that shows the specific film, you create these other negative effects that the government does have a legitimate & a substantial interest in regulating. Well, what's happened now is we've gone from a situation where okay...this doctrine was created basically in 1976. Throughout the 80's, you know, a little bit more meat gets added to it as more courts consider, you know, what does secondary effects mean. Now, we're at the point where here we are, you know, late 1990's & the courts are starting to see a number of cities did come in & say alright, we're going...we're going to pass this legislation & we're going to call it sec...we're going to say the reason we're doing it is secondary effects with no empirical data. Now, there's one really important point here. Court...the Supreme Court has never required a City to go out & do it's own studies on secondary effects. I mean, the City of Lincoln would not necessarily be required to go out & say okay, we're going to figure out exactly, you know, what crimes occur here, what kind of health risks occur in these types of places or any of that. You can rely on studies that've been done in other cities & we have access to over I think 32 different studies & have 1200 pages worth of studies that've been done by 32 different cities that talk about some of the effects of sexually oriented

businesses on a community. But, at the same time, although you can rely on those studies, you're going to have to make sure that there's some logical relationship between the type of restriction that you're passing or considering & the negative effects that you're trying to eliminate. And that's where I think you get into more of the, you know, is this subjective or objective. Ultimately, I think cities are going to require or the court's going to require that cities come up with some level of proof that we're not just saying secondary effects & that's a magic word that makes everything good. There's a relationship here between what we're regulating & what the secondary effects are.

Ms. Seng: Jerry.

Mr. Shoecraft: (Inaudible) & I have the highest respect for the United States Supreme Court. If we would wait for them to render their decision, you know, this would be Deadlock, USA & so what I'm saying is that we're dealing with a community problem that's been brought before us today & I think we have to deal with that problem right now. And if the laws change a year from now or 2 yrs. from now, then we would have to...to cross that bridge when it happens. And, so, I don't this particular issue, because there's been such a community outcry, & I can't predict the way this body will vote on it 'cause, you know, I haven't asked them but it's an issue that we gotta deal with today. Just as the same issue we have to deal with with Westminster.

Mr. Summerlan: Sure.

Mr. Shoecraft: Which you were involved with. So, you know...

Mr. Summerlan: And I agree. I...I...I...but I think that there's a way to deal with the issue today in a manner that doesn't put the City at quite as much risk of violating a First Amendment. As Chief Casady talked about, if there's sexual contact taking place between a patron & a performer or an employee at a place of business in Lincoln in exchange for money, what we're dealing with is prostitution. And one of the things that I discussed with Dana is looking at a prostitution statute that was recently found to be constitutionally acceptable by the Hawaii Supreme Court that includes a definition of sexual contact which is basically certain specified types of sexually activ...sexual activity in exchange for money or other compensation. Amending our definition of prostitution which right now in Lincoln is limited to sexual penetration & by doing that, you can eliminate the sexual contact taking place without jumping into an area of First Amendment rights that...that's really in a state of flux. And Councilman Shoecraft, to kind of give you an example of what's at stake here, sexually oriented businesses are very profitable.

Ms. Seng: We need to kind of keep moving so...

Mr. Summerlan: Um, they will...they will, if the the City passes legislation that's going to affect their profit, you can be sure that that's going to be litigated. Nashville, Tennessee just concluded a case where they were, at one point, on the hook for almost a half a million dollars in attorney's fees. Now, ultimately the Court of Appeals affirmed the legislation that was passed by that City so they didn't (inaudible) anything. But it is...it's an area of...there are things that the City can do to take care of the concern without necessarily jumping into the hottest water that there is when, you know, hopefully we'll have answers in a fairly short time frame.

Mr. Shoecraft: Thank you.

Mr. Summerlan: Thank you very much.

Ms. Seng: Thank you.

Clerk: Anyone else wish to come forward in favor?

Hi, my name is Linda Garren & I'm a business owner on Cornhusker Hwy. & Scott & I have been discussing the bar down the street & we are not in favor of this in the City limits.

[Scott Fisher, no address given]: Um, recently, um, well, I became a Christian. And as a Christian man, um, I know what's right & I know what's wrong. I have been to these establishments in my past life. I have undergone some things that I'm not particularly proud of but I do know one thing. That the men I deal with now that are fighting this issue, fighting pornography, watching videos, dealing with magazines, are having some real troubles in their families. They're having some struggles with themselves. And I think this is just one more venue, one more alley for them to sneak in & just cause more problems. I realize that I'm just a man, I'm just a Christian man & I'm just saying what I have on my mind. But I really feel that if this...these ordinances are not passed, that it's only going to lead to things on down the road that are a little further...you know, just a little bit more, little bit more. That's all I have to say.

Ms. Seng: Thank you.

[Mr. Fisher]: Thank you.

Clerk's Assistant: What's your name?

Scott Fisher.

My name is Tony Ojeda & I live at 5612 Falcon Cir., here in Lincoln. I first of all want to commend the City Council on all the hard work you do. There's a lot of people that would like to do your job but either don't have the guts to do it or are just afraid of all the efforts & all the critics...criticisms that you have to deal with. I am for both ordinances that are brought to us today for a couple of reasons. And the first, I just want to share with you is my experience in traveling across the country talking to men, specifically, about this issue. I have talked to many youth groups across the country & in doing so a lot of men have been present. One of the things I always talk about is pornography. And I've been amazed to hear some of their stories. You know, 10-15 yrs. ago, if you wanted to view pornography, you could either, you know, go to the...buy a magazine & be seen doing it or going to a local joint & be seen doing that also. Well, the Internet has complicated things. And we cannot control that. But the types of things when it comes to pornography that we can control are these types of ordinances. And the men that I've talked to have shared with me real similar to what the last gentleman was saying. That it's been a constant struggle for them & that not only has it been a struggle for them what it's doing in their mind but it's caused a big problem in their family, with their wife, with their children. And I was just reading through the, uh...the, uh...one of the ordinances & it talks about "Whereas the City Council recognizes & believes the public health, safety & welfare of the community to be adversely affected by public nudity". I think the one thing that strikes me there is the "welfare of the community". You know just recently you boldly passed an ordinance dealing with billboards. And the reason that was done is to keep the beauty of the City here in Lincoln, Nebraska. Well, what's happening with more & more of these establishments with nudity in the establishments...what that is doing is it's taking away from the beauty of the City of Lincoln. Because beauty is not just what we see in our

streets, you know, or our roadways, our billboards, that's a very small part of it. Beauty is also when we have good families, we have families where we don't have to worry about single women bringing up their families. Beauty is when there's two parents in the home. And these types of establishments that you're trying to have an ordinance take care of this sort of thing is what's going to lead our City to true beauty. And I would encourage you to pass both of these ordinances, to have the courage to stand up & do what's right, don't be afraid what people say about legislating morality. You do that every day. You know there are some people with the billboard issue that said, you know, we think it's wrong for you to legislate that. Well, that was their morality. You chose to do something about the billboards & you compromised a little bit but you legislated morality & you do every day. So, don't be afraid to legislate morality & to do what's right because people believe what's wrong & some people believe things are right. It's up to the City Council to believe & find out what the citizens of the City of Lincoln want. And by all the comments I've heard from a lot of individuals who are either not here or from any petitions I've seen signed, many in this City would like these ordinances passed. Thank you.

Ms. Seng: Thank you.

Clerk: Anyone else wish to come forward in favor? Okay, if not, those in opposition may come forward at this time.

Good afternoon, my name's Steve Heckman. I live 6825 Colfax Avenue. As you can tell, I'm pretty much a regular guy. I'm over 50. I've been around a lot & I've done a lot of things. I work hard every day, pay my bills, pay some of my friends bills if they can't, & I pay taxes. I think if I so choose that I should be able to go to a topless bar or juice bar if I want. I spend my time & money there because I want to. The women that work there work there because they're tired of low paying jobs in the City & because they want to, not because they're forced to. Several of you on the Council have stated that this has moral & religious issues. Please keep the church & state separate. As for moral issues, you allow the senseless killing of babies in this town because you say it's a choice issue. Can't we choose to go to an adult club just as well as we can choose to have an abortion if we desire? Cindy Johnson's husband was a cop. He had sex with a minor. Where's the moral line with her? You know, she's still married to him. I think she abdicated her right to speak on moral issues. I know that some of you have...up there have been to adult clubs. One of you owned your own bar. Bar's sell booze. One of the major factors of bad relationships, child abuse, abuse within families, as well as, DWI's. Let's be real. There're are far more pressing issues in the City of Lincoln than if people want to go get a lap dance. There's no harm in that. You get more sexual contact at a regular night club with slow dancing. Have you seen the new dances that the kids are doing? My god, they're all over each other any more. I think it would be very nice if people wouldn't throw stones at each other. Thank you.

Ms. Seng: Thank you.

My name is Steve Mann [1401 D St.]. I'm against it because I'm concerned these are my friends. I don't trust Health & Human Services. (Inaudible)...I think Cindy Johnson & Jeff Fortenberry should run for Health & Human Services. They're my friends. I do care for them. I also seen people who take advantage of them. I'm against it. I just don't

like to see people take advantage of them. Thank you.

Good afternoon. My name is Mark Shelldeck(?). I'm a...I live at 6610 Morrill Avenue in Havelock which happens to be in the neighborhood of this particular bar. I come to you as a taxpaying business owner, a veteran of the Armed Services during the Vietnam era, & I served as a reserve Police Officer in San Diego, California prior to moving here in 1995 &, therefore, I believe I'm qualified to make this...decisions regarding my personal life. Whether or not I choose to enter an establishment who offers adult entertainment should remain my decision & not yours. As veterans, we fought & died for rights guaranteed by the Constitution, some of these rights include making adult decisions, some decisions include to view controversial movies, plays, even adult entertainment should I choose to. By passing laws that take these rights away from myself or other veterans is wrong. If you or I decide to view these kind of entertainment, it should be our choice not to pull into the parking lot, pay the cover charge or enter the building. However, it should remain my choice. Thank you.

Ms. Seng: Thank you.

My name is Sherrie (inaudible). I am from Lincoln, Nebraska. I'm an entertainer, a dancer, a citizen of Lincoln. I work. I pay bills. I go shopping at the stores in this town. I spend money (inaudible) & I pay taxes. I am not on welfare so that you, as well as the other taxpayers in this City do not have to take care of me or my family. I'm also a single-mother of three. As an adult entertainer, I do put on a great show. It's an art form that has had its roots in the old bar room dancing. The fact that is dance is an art. The Supreme Court has (inaudible) from us 20 yrs., nude dancing has some constitutional protection. The message that is conveyed is sensuality as well as eroticism. You do not have to like it or appreciate it at all. Yet, as the governing body that speaks of tolerance of other people views, I would think that you would follow your own words & have some tolerance for an art form you do not understand nor appreciate. I am a consenting adult. The women & men that come to the adult bars do so...do so of their own free will. Are you really so ready to take away a person's freedoms? By doing so, I think that it sends a message...message that if we don't like you, we will run you out of business. A mention was made of that Nazi Robert Ludtk. You allow him to flourish & prosper in this town. He preaches death & hatred. He sells the How-To books as well. I'd think that the nude dancing or lap dancing in Lincoln does not have any hate connected to it. It's a fun past-time for adults. One that has not historically caused any problems for the City or Law Enforcement. There is no illegal hanky-panky going on. Is it that because it is fun as well as legal that you wish to make it a crime? Have you gotten any reports of women working in the bars are hostages? You can, of course, say that dancers can get another job but you as well as the rest of the City know that Lincoln, Nebraska's employers are cheap. Why would they not be? We have a never ending supply of college people so that they never have to pay above the poverty level. That is why we always lose the brightest & best brains to other places. Places that have adult entertainment like California, New York & the nation's Capital, Washington D.C. You can't...you cannot even say that the adult bars cause a problem. They have been running in Lincoln for over 20 years. The new bar, the one that the press has mentioned is going after also is a legal business & the employer a tax payer. Providing a legal form of fun &

entertainment, will you close down all the day spas? You have more contact & nudity there than in the bar. What about the hot tub places? Will you go after the gay community next? Will you shut down the gay bars next? Why start a problem when one did not exist in the first place? The ballet group of scantily clad dancers groping various body parts intimately, men holding women by their inner thighs, kissing as well as fondling each other & people pay to see this. As a person who has been in ballet, I can say that there is far more sexual contact there than what goes on in a gentleman's club. I can have sex legally as a 16 yr. old child yet you want to tell me that as an adult I am not allowed to dance in an adult club. You allow 17 yr. olds to view movies that show way more sex than in any club. Yet you want to keep us adults from seeing an illusion. The logic is just not there. It would seem that you are just being motivated...motivated by your own puritan beliefs & it seems a little holier than thou. Thank you. Any questions?

Ms. Seng: Thank you.

Good afternoon, my name is Dave Workman. I live at 2525 S. 12th, here in Lincoln. I've been here about 18 years. I traveled the country a little bit before that. I heard this off-hand. I guess I hadn't been doing my homework or listening to see what's going on there & it really surprised me. For one reason is that you already have laws against this in the liquor establishments of you can't have anybody go in there under 21 so, you only have people going in there that want to go in there. So, like they say, it is adult entertainment so why change that? So & then you have the other thing about exceptions, it's like if you want to stop public nudity then stop it. It doesn't matter if it's on the Lied Center or in the Johnny Carson Theater or one of the other theaters here in town, it's still nudity. If you want to stop it, stop all of it. So they say it's an art, it is art. I like to go to these places because I enjoy the art. I'm not a rapist. I'm not a pedophile. I do not beat up on women. I'm an American citizen just like all of you. I pay taxes. I think this is a waste. Please do not do this. In the fact of the sexual contact, now, I hope I'm not overstepping my bounds, I agree with you. So, I am pro that. There should be no sexual contact. So, you have to define what is sexual contact because there already are prostitution laws so you have to redefine that so it's not just penetration. So, if you were to include fondling or something like that, then fine but, like you say, then you're going to have to do this when you have these ballet things come in here to the Lied Center & like that. If you consider it...you have to really define what sexual contact is. That's all I have to say. Questions?

Ms. Seng: Thank you.

Mr. Workman: Thank you.

Clerk: Anyone else in opposition to Item 6, 7, & 8?

My name is Jeremy White. As a young man here in the City of Lincoln, I'm aware that you might not think I have anything important to say. I've served my country in the United States Marine Corp. I also was ready to defend this country from anyone that would try to take our freedoms. I was ready to protect this country for myself & for all of you. I want you to understand that it seems unfair that you would make the laws that would make people have to go underground. When you make unnecessary laws, you just waste the time of an already overburdened Police force. What would happen if everyone had wanted something outlawed or got their way? Well, for one thing, there would be no more...or, there

would be no one left but you & the Police Dept. Please do not further infringe upon a free persons rights to choose where to go & what to see. Exotic dancing is not a crime. Please do not make it so. Please have some patience & tolerance. After all, this is suppose to be the land of the free. Thank you.

Hello, my name is Kristin Job. I'm the Associate Director of the Nebraska Affiliate of the ACLU. I am here today to address the City Council on the proposed nudity ban ordinance. The ACLU has been monitoring the situation since it first surfaced two weeks ago. We are aware that the ordinance is aimed at one institution in particular, however, we are concerned about the overflow effects onto others as well. The ACLU is taking a neutral opposition stand with a very watchful eye. The ordinance as it was drawn two weeks ago & today is constitutionally vague & may encompass more diverse groups than just those that feature topless dancing. Our neighboring affiliate in Iowa has recently taken on litigation concerning the effects of such ordinances on varying theater groups & the arts community. The ACLU is particularly concerned how this ordinance was effect non-traditional theater & other art communities. The ACLU is offering any assistance to the Council to ensure that the constitution is upheld & civil liberties are protected. Questions?

Ms. Seng: Thank you for coming.

Ms. Job: Thank you.

Hello, my name is...excuse me, I have bronchitis, my name is Moni Deboer. I live 455 R St. & I am a senior dance major at the University, ballet dancer/choreographer. I can tell you right now, as a student, there is more sexual contact that goes on in the dance department at the University than would ever be imagined going on at the new clubs. When we have partnering, my ballet partner is my roommate. He & I...he has touched me in more places than I could probably ever get touched in one of these clubs just for ballet, in the Lied Center, in Carson, at Mable Lee Hall, in this community. I also would like to bring up the fact that one out of three girls, by the time they leave college, are raped. This is not by the men that go into the clubs that are raping us. This is people in college. Um, I was raped in college by a college man. He had never been into a nude club. He was...I was with him all the time. I...we had someone from the Rape Crisis Center come speak to a group of us at one time. Over a hundred of us. A third of the girls in there had been raped. I have been attacked at a bar that had no nudity, in Omaha, by a man in there. And have suffered the consequences from that. And, at least, if there are people in nude clubs with video cameras, watching, ready to kick someone out when they draw the line, that's completely different than I was in a bathroom with absolutely no protection, a man barging in there & attacking me. And I would hope, as a dancer as well, that we're not going to...as a ballet dancer at the University, worry about nudity in the Dance Department. That expresses so many different things all across the United States. As a religious issue, in all actuality, Christianity is not the majority religion in the world. We have no reason to be basing any laws on one specific religion. There're so many religions that appreciate nudity & have no problems with it & people need to be aware of this. We cannot be judging things just because we decide that we're going to pick & choose what we believe in & tell everyone what they have to believe in. Thank you very much.

Danny Walker, 427 E St., here in Lincoln. I'm neither for or

against. However, I want to point out a couple of items that I think the Council would be interested in. Several years ago, there was a department store located on 11th & "O", known as Gold's Department Store. Within that department store, they had a bookstore & a book rack. They had all of a sudden decided to handle Playboy Magazine. I went downtown shopping. There was a lady with a petition in front of the store. Shoved the petition under my nose, said here, you sign this. Well, what's it about? Well, they're handling Playboy Magazine in this store, we don't like it. My response to her was you know lady, by looking at you, I can see why you don't like this store handling Playboy Magazine. And I think in an issue such as this, there's a certain amount of jealousy involved. And I don't think it's slight either. Moving on, last night I watched a very interesting program on TV last night. It involved the Los Angeles Police Dept. Guess what? Now, I don't know what bar these people patronize or whatever but spousal abuse. Forty-five to fifty percent of the Police officers on that Police force. So, where do you go to get rid of the bad? Three weeks ago, I was on an antique buying trip, Greenwood, Nebraska, Platte Valley Mall. There's a smut store, what I call a smut store, right at the entrance to the drive to that antique mall. Very busy I might add. After we left the antique mall, we went to a service station across the highway to get something to eat & snack on & something to drink. Isn't it strange that inside that gas station there were three different individuals, one of which was a woman with binoculars watching people in & out of that place & what they were doing out in the parking lot. They weren't undercover. They were average citizens. Now, who is the most perverted? The people that are inside that building or the people that are across the street in that service station watching through binoculars. I think...I think the people in that service station a little bit sicker than the people at least have enough respect & enough dignity to go inside a building & do whatever they want to do. Are there any questions? And I agree with the previous speaker as far as penetration goes. I don't think we want to get into a Bill Clinton bid in Lincoln, Nebraska but I think you better get some very clear, thorough definitions of actually what is sexual contact & what isn't. Any questions? Thank you.

Hi, my name's Jessie Madison. I live at 4407 NW 51st. I am a young woman that works in an adult club. I'm a citizen. I'm a Christian. I'm a taxpayer. And I feel this is my choice to do what I do for a living. I was under the impression that I was allowed to do anything that an adult was allowed to do as soon as I turned the reasonable age for an adult. I think it's wrong for anyone to tell me what kind of job I can have. I don't tell you guys what you guys can do to earn your money to make a living, pay your bills. I don't feel you guys should tell me what is right for me to do & what is wrong for me to do. I think that's wrong for you to make the whole industry suffer because you dislike or hate one person. Please don't send the message that a few people can make the rules for all of us. Any questions?

Good afternoon, I have some signatures from customers & people that are interested in not enacting these laws. We've already turned in some through the lawyer to the City Council already. We'd like to add those to it. Ladies & gentleman, I am C. L. Jones, head of security for Mataya's Baby Dolls. I come today before you to ask you to stop all forward motion on the City ordinances 9.16.230 & 9.16.240. Both of these laws hinder a persons right to freedom of choice. Excuse me. Over the years, Americans

have fought & died for what we are considered personal freedoms. Have they fought & died in vain? You're trying to take them away from us once again. Our forefathers chose to rebel against an over governing environment rather than submit themselves to unfair laws. You, as elected officials, have been chosen to govern the management of this City, not to enact your personal views. To do so, is an overstepping of your rights as elected officials. Mataya's Baby Dolls & all the other clubs here in town do operate under the same laws Lincoln has had in effect for many years. How can it make sense to enact laws that force legal taxpaying businesses to close because you find them morally offensive. The adult entertainment industry has become a large part of American culture. So much so, that major film studios have used it as a back drop & story board for years. Lincoln has had adult entertainment featured inside it's City limits for over 30 years. Never before has this been a major issue. Why is it so now? The ordinance 1 point...or excuse me 9.16.240 deals with banning sexual contact in any business. Whom decides what is sexual contact? Is a hug, kiss, a caress, a stroking of a cheek sexual contact? Well, of course it is. Now, if I kiss my girlfriend at the bank, hug my mother at the grocery store, stroke my moth...grandmother's cheek in a restaurant is that sexual contact? According to the letter of the law, yes, it is. And you're trying to say the strip clubs are taking away family values. I may have to pay a fine for showing affection to my family in a public place. Today being Valentine's Day, can you imagine what it's going to take to enforce this law? Every restaurant in this town will be full of lovers kissing, hugging, caressing each other. The manpower alone is just phenomenal. You need to make sure you know exactly what is sexual contact. And who's to define it? Are my views right? Are your views right? Are their views right? Everyone in this City has a view. Selective enforcement, if you choose not to enforce it, City-wide or just on the strip clubs is unconstitutional. You're going to have to enforce it all the way or not at all. And if you're not going to enforce it all the way, why enact it? Why take away Americans freedoms? Children today see more & worse things on their television sets, on their computers. The internet is rampant. You know that, I know that, we all know all that. They won't see that kind of things in a gentleman's club unless they're over 18, which is considered an adult, or they're not allowed in. In closing, we are a legitimate adult business abiding by all laws & statutes set by...forth by local, State, & Federal governments. Just like the movies in the theater, we offer an escape, an illusion, a fantasy, a form of entertainment, a form of art. Dance (inaudible), Native American, Ballroom, Tango, Two-Step, or exotic, dance, by definition is art. Thank you for your time.

Clerk: Anyone else wish to come forward in opposition?

Good afternoon, Glen (inaudible), 312 F. I'm sure that you know that Lincoln has a thriving business in adult escort field. For a mere \$200, a woman will go to a home, office, motel room & dance naked. That seems unsafe to me. I believe that closing adult clubs, you take the topless & nude dancing out of a well controlled & patrolled environment & place women in an outcall field of stag as well as private parties which you know working (inaudible) is an...uncontrolled & unregulated. The uncontrolled outcall services will...could become dominant within the City & County. Private homes are uncontrolled, unregulated & unpatrolled which these places women in an unnecessary field of danger which increases the

likelihood of secondary effects such as sexual assault, violence against women, & fighting. Adult clubs do not want a problem with the Police or City Administration or the general public. Therefore, they have to min...they have to monitor surveillance cameras in conjunction with security so the performers & patrons are in a well controlled environment. Historically, the Clubs have not had a problem in Lincoln because the men & women who work there are aware of the responsibilities & operations of the club. Investigator Fosler of the Lincoln Police Dept. has stated, quote "I've had no complaints concerning Mataya's Baby Dolls", end quote. The management, as well as staff, of Mataya's Baby Dolls has never failed to contact the Police in event of any disturbance. Any questions? Thank you.

Good afternoon, my name is Paul Krutz. I live at 1208 Cold Spring Road. I spent some time in the Army & my job working for the government was a chemical soldier. I served my country & was prepared to die, kill & fight to defend our freedoms & our liberties. Now I understand the government of my town, Lincoln, wants to infringe upon...no, I take that back. The City Council of Lincoln, Nebraska wants to take the freedoms & rights of the citizens. That just does not make sense nor does it seem fair. The adult business in this country are mainstream. They are no different from any other form of legal business & you don't have to die doing them. The City of Lincoln preaches about prosperity & small business. Yet it seems that you also target those that you don't personally approve of. That, my friends, is un-American. And I believe I have earned the right to say so. I can go to war if need be yet you don't want me to have a good time at a topless club because you don't like them. Which is more dangerous & which is more likely to cause harm. I'm pretty sure it's war. Do not bow down to the influences of secular groups. Do not allow yourselves to be used as puppets. Stand up straight & say, I may not approve but as an adult, I have the right to choose whether I can enter through the doors of a topless club. And, uh, you know, it's...the human form is actually a beautiful thing to witness. Now, you say that...now you say that alcohol in some of those topless clubs could lead to a dangerous environment. Where we're from, we do not have alcohol at Mataya's Baby Dolls. It is a juice bar. It has surveillance. It has employees that are willing to protect our fellow staff members. And, uh, that is all I have to say. Any questions?

Ms. Seng: Thank you.

My name is Rebecca Deshazer. I live here in Lincoln. Fantasy is what is on display at all movie theaters. Fantasy is what is on display at all plays. Fantasy is what is on display at a gentleman's club. Movies offer an escape. Plays offer an escape. Gentleman's clubs offer an escape. I am...I know my name is not Webster yet I believe I know what these words mean. Fantasy equals a dream, a myth, an illusion. An escape means to get away, a break. This is all we offer to anyone whom chooses to enter a gentleman's club. It has been said gentleman's clubs are immoral. According to who? You? Her? Him? They? We? Who's morals are without a doubt correct? God's? And I will be judged by God as I stand before him. He & only he can judge me to be immoral. Who of you can stand before me today & say you are without sin? Please allow me to bow at your alter. Thank you for your time. Do you have any questions?

My name is Julie Bishop. I'm a citizen of Lincoln & I'm outraged at the fact that the City Council thinks that they could outlaw contact in

the City. Go into any regular bar, not a topless bar, not an adult entertainment bar, & you will find more bumping & grinding going on in those clubs than you will a sexual contact in the adult entertainment/topless bars in this town. You can go to Shakers which is outside the City limits & see nudity & you...the State hasn't done anything about that. You sit up here &, as a Council, are suppose to represent the majority of the people. Have you spoken to the majority of the City & found out what they feel, what they want rather than your morality issues?

Clerk: Anyone else wish to come forward in opposition?

My name is Travis Gustafson. I live at 837 New Hampshire Street. I'm a veteran, also a student & a bartender. My biggest concern that hasn't been addressed already is the one about...is the wording basically. It says an employee or performer to have any physical contact with any patron. So, when the Cornhuskers score a touchdown next Fall, I can't give anybody a high five at work. If I see an old friend coming in & visits me from out of town, I can't shake his down, legally, when he comes to visit me. I was just, uh...that was my biggest concern that hasn't been addressed already. Any questions?

Clerk: Anyone else wish to come forward in opposition?

Hi, I'm Amanda Hanslick of Lincoln, Nebraska. Um, I'm a taxpayer, you know, & I'm also a vote. And I've been doing this for three years now. And I know I'm...I was raised in a military family with strong morals. I have respect for myself & a respect for other people & I don't appreciate being called a prostitute, a step above a prostitute, because I do not perform any sexual acts. It's all fantasy. I also think we do have, since it is against the law about cheating on your spouse, your loved ones, whatnot, what is the harm in fantasizing, looking from a distance instead of going out & performing sexual acts with someone else against your loved one. It's all fantasy. It's all make believe. Looking in...someone in the eyes & making them think that you love them. That's all it is. Any questions?

Ms. Seng: Thank you.

Clerk: Anyone else wish to come forward in opposition?

Hello, according to the newspapers I'm the notorious John Ways. Getting all kinds of wonderful press. All I tried to do was start a business that was legal. Anybody else could've done it. Anybody who elected to could have. The press, the City, our illustrious Chief of Police all saying this bar is owned by me. They haven't got the foggiest idea. No one's done the corporate paper checks up at the Dept. of State. They don't know. They're making an assumption. Do I have a part in the Club? Absolutely. Was I entitled to it? Absolutely. Seems there's a lot of people out there that don't approve of the Council infringing upon their right to choose. We put up just as many petitions & just as many signatures as the Churches have. Although this shouldn't be an issue of Church & State. There's a few other businesses that would be affected. For example, Hooters. They have a liquor license yet they're never cited for all the hugging & groping & grabbing that goes on when you get your pictures taken with the Hooters girls & that's in direct violation. What about all the day spas? You have En Vogue over on my side of town out there in Williamsburg. Every 15 minutes up until today & today, they show a butt naked woman being massaged by a guy with great big bulging biceps & big hairy arms, for your loved one, a full body massage. Hmm, I'd have

to say that's pretty much nudity & contact 'cause they're rubbing you from head to toe whether you just have a little towel on you or not, you're still naked under that towel. But see that's in the upper crust area & that's acceptable. My own mother says that as an adult, people have the right to choose. You don't have to like it. You don't have to tolerate it. And you just don't have to go. My own attorney, Tom Cook, tells me if the City does not zealously enforce the law, they'll be opening themselves up for all kinds of problems. They've already put a difference in the law. Only the female breast has to be covered. Well, that seems like it's selective. You're gonna have a bunch of men this summer running around, playing football & baseball, building houses up on top of people's roofs, topless, sweating, I think women find the male chest just as attractive as men find the female chest. Are you going to make the football players & the construction workers wear pasties? I seriously doubt it. You're going to have Tom Casady & all of his buddies running around town snatching people off of roofs if you're going to enforce the law zealously, if you're going to enforce it evenly & not just upon the notorious John Ways 'cause see you've already made the statement that you're directing this at me as well as at the Club that I run. So, no matter what you do, bringing in the Night Before Lounge, the Foxy Lady or the Royal Grove, you've already made that statement. The press has already been out there saying that you guys have said this & unless you guys want to stand up & say the press are liars, then you're stuck with that. It's okay if you want to go after somebody. I'll start another business & maybe we'll get all the Kwik Shops shut down in town. I have friends that've been in all the Churches & all the Churches are saying shut down this particular bar, it's immoral. Yet you have Halloween when they send all their children out which is a clearly Satanic little event. Nobody says anything about that. You guys stood up for abortion. We can murder babies in the City of Lincoln yet you can't go see a topless dancer. You can't get a lap dance. But let's go kill that baby because you have that choice, mm, hm, that's the right thing to do. We have top security at our club. All of our security's Police officers...former Police officers or former Military Police. We have cameras just in case anyone wants to stand up & say this club has done something. Well, come on in. We've got 30 days worth of videotape to disprove any one of you. Anybody who says they've had this or had that would be on tape & we keep them 'cause I thought somebody would try & say something when I started this. I can tell you that the press hasn't done me any great service. They're only reporting half-truths. I think they lack a little journalistic integrity. And if they are as bad...if I'm as bad as they say I am, I wonder why the press keeps accepting my advertising dollars, the advertising dollars of The Night Before, the Royal Grove. We're bad places, sleaze parlors, yet they want our money. Oh, yeah, they're two-faced. I know my business hasn't been a problem for Law Enforcement & the reason behind that is because we don't allow any ill-mannered behavior to flourish. You step in there & try & honk one of those women on her stuff, grab her anywhere other than you can touch a woman at a liquor license bar & you are done just as quickly as the next place. I've talked to Investigator Fosler myself & he said he hasn't had any problems. I've talked to several of the street officers & some sergeants & they don't have complaints about our club. And we will call the Police the first time somebody tries to get out of hand. The reason we do that is because

whenever we throw somebody out the first thing they want to say is we've been wrong, we were too harsh on them, they threw us out for no reason. Well, no, we'll call the Police each & every time. We've called the Police when people have been drunk & come into the (inaudible) & we told them that they couldn't come in. We called the Police just so that they wouldn't be driving down Cornhusker Hwy. intoxicated. We've done what we were suppose to do to be good citizens. The State has saw fit to make me a revenue collector for god's sakes. I can collect taxes. If I can do that, I can surely elect to have whatever type of business that was already capable of being performed in the City performed. There is no prostitution. The girls aren't even getting anywhere remotely like that. Do they rub their butt up against your shirt? Probably. But don't touch them. It's a gentleman's club. The rules are stated constantly & over the microphone, do not put your hands anywhere on these women where you do not want us to personally put them on your mothers, your wives & your grandmothers. And as for what type of things go on in those clubs, well, my 80 yr. old grandmother's still alive so nothing goes on in that club that would piss her off or make her embarrassed or ashamed of me. And I've called each & every one of you's e-mails, your voice mail & not one of you had the common decency or courtesy to call back. I don't know if it's normal for the City Council to ignore the citizens. But you're doing things in whispers & behind peoples backs. We don't like the signs, the signs are bad. Nobody said anything to me. I heard about it after I left. (Inaudible) they're complaining about your signage. Which, by the way, we changed that day. If it was so dad-gum offensive, then you should've had at least the fortitude to stand up & say, you know, I think your signs are a little outrageous. We changed it. But we didn't know because no one told us. These people who are complaining have not complained to us. No one has stopped by &, [knock, knock on podium] excuse me, we don't like your sign & given us an opinion. We get people that stop by [knock, knock, knock on the podium], you're sign is outrageous, that's really neat. We only hear...the majority of what we hear are good things. When we hear bad things it's because we've thrown somebody out for trying to violate the rules which are posted clearly & which are stated over & over. What little protection I may be afforded under the First Amendment is still a protection that I'm afforded under the First Amendment. Just because you dislike me personally, & we all know that the majority of you do, doesn't mean you should try & run everybody else out of business as well. I employ 30 people. I...they get paychecks. We pay their unemployment tax & all the other godforsaken taxes that this government has dropped upon people. We pay that. We clean up our lot every day. And we abide the rules. We do not keep the Police out of the building. They are entitled to come in. They can be customers like anybody else. We get them in off-duty. They hang out & they get lap dances. Up until you guys make it illegal. We haven't done anything wrong. Just because people don't like it, doesn't mean it's wrong. There's an awful lot of people in this town that dislike homosexuals. Are you going to stop them? Are you going to run all the gay bars out of business? You going to stop the drag queen shows? I don't think so. When you talk about morals, a few years ago they changed adultery from being illegal to being something that they don't even prosecute. I think there's far more adultery going on in this town than there is people going into the topless bars. People have a right to

choose to do what they want to do. Some people don't eat pork, some people do eat pork. Some people don't like blondes, some people do like blondes. It's their choice. You know you can't legislate that. You can, it's not fair. But you can. And it's really not fair because every parent has taught their kids that you can't change the rules in the middle of the game. That in itself is not fair. That's what you're doing because there've been topless bars for over 30 yrs. & everybody have done it & the rules have been the same until I've done it. It just seems a little unfair.

Mr. Camp: I have a question, Coleen.

Ms. Seng: Yes.

Mr. Camp: Mister Ways, you mentioned during your testimony that, if I understood you correctly, that your establishment has conduct the same as any license premises?

Mr. Ways: We don't let...we don't let you put your hands on the dancers anywhere else than you could do it in a regular liquor establishment. At a regular liquor establishment, it says fondling shall mean the grabbing of the breasts, the genitalias, & the buttocks. You're not grabbing anybody's breasts nor their genitalia, nor their buttocks. You can walk right up to a dancer at the Night Before lounge & you could put your hand on her thigh & that would not be illegal. You'd get thrown out because they don't allow that but that would not violate the liquor statutes. I ran BJ's Hideaway. We didn't have any liquor violations there. We followed the rules. As a matter of fact, the Police didn't even bother coming out there. Sometimes I would call LPD, it would take 20 minutes to get a Police Officer out there. So, they must've thought we could either handle the job or they just elected not to show up in a timely fashion. But we don't do anything different. They're not licking whipped cream off anybody's nipples. They squirt whipped cream next to their nipples, sure, but their fingers are covering it up. Does it look like they may be doing it? It may look like it which means they're doing the same thing as any magician putting on the best illusion possible. No one is doing anything...

Mr. Camp: But the conduct, then, you're saying is no different than conduct in a licensed establishment?

Mr. Ways: Our conduct (inaudible) is a slight variation of what goes on in the licensed establishments. We still don't allow them to grab any women by their breasts or their genitalias...genitalia. We don't let that happen.

Clerk: Anyone else wish to come forward in opposition?

Bill Crawford, 105 N. 8th: I want to apologize, up to now I didn't plan on testifying but dammit, this sounds & is ridiculous. This is ridiculous. You know you're picking on Mataya's Baby Dolls & everything else 'cause they're not a liquor licensed establishment & they allow whipped cream dances, chair dances, whatever. If rules of the game at Mataya's Baby Dolls are different, make 'em conform to the no touch laws in the City. Don't pick at one person because you don't happen...happen to...happen to like them. And like I say, I did not plan to testify. But I've been in gentleman's clubs, I couldn't get in the bathroom, & I hope...I really do hope & I want to apologize that I haven't been to Mataya's Baby Dolls. I don't know when I get out there on the bus or anything else. I'm no trying to defend immorality but there are strippers that I know personally & those people need money. And they need jobs.

And those jobs help pay their bills. And if you're going to...& if you're going to have one set of rules, fine, but just make sure that liquor license establishments & non-liquor license establishments go by the same rules. Don't pick on...don't...don't pick on one person because you don't like them. And like I say, I'm probably going to catch hell for my testimony from my friends. They going to see me on public access. Probably going to get a call from my mother saying how much she disapproves of my testimony but every club in Lincoln that offers nude or topless entertainment needs to have the rules put up. They need to have their occupancy posted & they need to have accessible bathrooms for those patrons that experience disabilities & want to go in their club. And that's all I have to say about the whole situation. Like I say, I didn't plan on testifying but I think this is totally ridiculous but it...doesn't the City of Lincoln have anything better to do than worry about strip bars in Lincoln? There's a woman & I won't mention her name but I went to high school with her as a person & she works as a dancer and/or a waitress in one of these places. Now, I won't mention the place & I know the owner pretty well & like I said a couple weeks ago, he does treat me fairly well. I follow all the rules. I'm not entitled to break the law 'cause I'm sitting here in a wheelchair. The only problem I have with bars, topless or otherwise, maybe is going to the bathroom & that kind of thing. But please don't pass these ordinances. You will be putting women, whether you like their lifestyle or not, out of work. And that'll be a pretty sad commentary. It'll be a real sad commentary if these women have to quit their jobs & find lower paying jobs & go to work in a minimum wage jobs. I would encourage if the owners of Mataya's Baby Dolls are doing something wrong that you give them a 60 day extension to clean up their act if they are. If they are, if they're not, & the owner is quite correct, you know, if this ordinance is aimed at him then just cool it with this. I mean there are more important things that the City of Lincoln has to worry about & I thank you for your time.

Members of the Council, my name is Pat O'Brien. I appear on behalf of three licensee's whose names have been used here frequently today. The Royal Grove, Night Before & the Foxy Lady. Each of these premises, as you know, provide adult entertainment. Each of these premises would be affected should the nudity ordinance that is being proposed in items 6 & 8 pass. I want to direct my attention to specifically to the nudity ordinances in these comments to you because we're already covered by the City ordinance regarding licensed premises & contacts between customers or dancers or employees. In each of those instances, what we would suggest to you is that whatever you do with respect to the touching ordinances, please make them the same. Cover us if you're going to pass this ordinance the same way that you'd cover anybody else where touching may occur. We're now covered & the field is somewhat unequal because of that as we understand some of the evidence that you received regarding Baby Doll's. We're not opposed to the touching ordinance. We are, however, strongly opposed to the nudity ordinance on a variety of grounds. First of all, , each of these businesses in one length of time or another have been members of the business community in this town for a good long time. Each of them have had contacts with customers, City officials, Police, all of the kinds of things that you run into when you run a business. Those individuals have, in all regards, as far as I can tell, talking to them & doing some research, followed the law. All of them attempted to cooperate

in every respect with the City. The purpose of this ordinance as it is now drafted as far as nudity is concerned would impact if not terminate their business as it is now operating. We ask you not to pass those ordinances. I'm quite certain that each of you have seen each of the three items that I'm going to pass out to you but I do want to bring your attention to them again. One is an editorial that appeared in the Lincoln Journal Star yesterday which proposes that you not take this action. The other is a summary of the public opinion poll that is...that was taken on Channel 10/11 & on the Lincoln Journal Star web site. We have the current information on both of those. The Channel 10 poll was conducted on the 31st. It was a 28% in favor, 72% against result. The Lincoln Journal Star on its web site is much closer. Right now it looks like about 55% would favor the position that I espouse. I'd ask you to take those matters into consideration. And, lastly, W. Don Nelson had an editorial published a number of weeks ago, I guess it was not so long ago, Feb. 7th, in the newspaper, in which he talked about the relationship between Church & State & the proper allocation of responsibilities for religious & secular matters. We believe that Mr. Nelson had several points in that column that's worth your consideration. We'd ask you to look at those things also. Several things I think need to be considered by the Council in determining whether or not to vote (inaudible) ordinance regarding nudity. (Inaudible) the existence of Shakers, not very far outside the City limits. One of the things that may happen, if you pass an ordinance that bans nudity, is that there may be people hunting for business locations about 15 or 20 minutes away from 13th & "O" St. but outside of the City boundaries in which they would be covered by no City ordinance. At least now, we have a City ordinance that does liquor license establishment provide, I think, a reasonable set of regulations for the kind of behavior that ought to occur within those establishments. There is no question that there is a significant segment of the population that desires that these kinds of institutions operate & this kind of entertainment be available to them. You've heard a number of them speak here today. And I'm sure that you've heard from others. We suggest to you that after 30 yrs. of experience that they have some reasonable basis for saying you ought to leave our businesses to operate as they have been in the past. You want to take such further reasonable regulations as may be necessary to (inaudible) other businesses to those kinds of operations, that's perfectly alright. We understand why you might want to do that. There are, of course, lots of problems any time we get into issues involving obscenity. A number of years ago, one of our Supreme Court Justices observed that he may not be able to define "obscenity" but he certainly knew it when he saw it. I think most of us have some opinion in that regard. The difficulty becomes that very few of us agree exactly where that line may lie. That means, I think, that government ought to respect the rights of the citizen to differ with government & those members of our society that we elect as our representatives in terms of where that line (inaudible) ought to be. One of the things that I found interesting as Mr. Summerlan was talking was that he alluded to the vast array of litigation that this particular area generates. Unlike him, however, I hold no firm belief that the Supreme Court is going to give us any adequate guidance for future activity in this area. I expect (inaudible) likely to be even more confused than I presently am with respect to the appropriate determination in these areas. The Supreme

Court seems to be very capable of dividing along lines that are not dissimilar to that which you've heard here today in terms of what they decide is behavior that government can regulate. We've referred repeatedly to the Indiana case with respect to the Supreme Court decision earlier on an ordinance as outlawing nudity in these...this respect but once you read it, you'd find out that it's not that clear. It's clear that that particular case decided that the government can do what they did. However, it's not at all clear where we are today. One of the issues that these secondary effect cases have generated is when does the reliance on the secondary effect for the purpose of justifying governmental action become nothing more than a pretext? That's one of the issues I think that we're going to have to see litigated for some period of time. If you say, oh, my gosh, these things are bad & we don't want them to happen &, more importantly than that, we don't want to have...don't want to have them happen in our town because they cause all kinds of bad things to occur, then you need to show some regard for how you determine those bad things are, in fact, occurring. And I don't believe you do so by relying on studies from other localities or other cities where some study has been made. What happens in the tenderloin district of some large city is not all similar to what may have been known to occur in the Lincoln, Nebraska with respect operations such as my clients. In that regard, we believe that it is appropriate that you tread very carefully here. No one wants to see the City involved in long-term or expensive litigation. Like Mr. Summerlan, I don't think your risk is simply the cost that you may owe somebody in attorney's fees if you happen to lose that lawsuit, it is also the expenditure of City time, money & resources when it is perhaps not the best use of City money. We would suggest to you that the nudity ordinance is flawed, that your division of the ordinances into the touching ordinance & the nudity ordinance is perfectly appropriate & we ask that you defeat the nudity ordinance entirely & we will live with whatever you do with the rest of those matters but would ask you to conform the two ordinances that now exist, that is the licensed premises ordinance & the proposed ordinance if it is passed so that we only have one ordinance to deal with, very much appreciate that. Thank you for your attention.

Ms. Seng: Jon or Jeff?

Mr. Fortenberry: Mister O'Brien, I'll make a comment & see if it turns into a question to you but I feel in my conscience I have to address this. This article that you handed out on separation of Church & State, when I look at these ordinances, I see no reference to Church. I see no reference to religion. All I see is protection of order & morality in the community & also secondary adverse effects. So what I contend is that your contention of throwing this...making this into a separation of Church & State issue is actually a diversion. The community has a right to step forward, to press its case when it believes there are adverse impacts on or immorality in the community. Our City charges the City Council...our City Charter charges the City Council to do so. It's in the governing document of this body. With that in mind though, are you suggesting that the precedents that are...precedent before us, particularly regarding the Indiana statute that you cited, does not allow a local community to provide some regulation in this area?

Mr. O'Brien: I think that the question is open as to whether or not the local community can do so when it is passing the ordinance under a

guise of utilizing secondary effects as the reason for passing the ordinance. The Supreme Court, in that case, made clear that there were certain First Amendment issues surrounding such an ordinance but exactly the parameters of what those issues were remain unclear. That's why we have a case pending in the Supreme Court, that's why we have a split in the Circuits & that's why we have the split in the testimony you have before you. To go back to your...to the first part of your statement/question, whichever it was, I suggest to you that whether you perceive it to be a Church/State issue or not, it certainly appears, based on the testimony that the Council has received here, that that issue is on the minds of those who are willing to (inaudible).

Mr. Camp: Pat, then in summary, you were...because you look at these three provisions, tell me which you favor & which you oppose.

Mr. O'Brien: We oppose Item #6 which was the initial draft that combined both nudity & touching into one ordinance which is W00-35, I believe I'm reading this correctly.

Mr. Camp: No, that's...six is #00-14.

Mr. O'Brien: Yeah, okay, I was looking at the bottom of the paragraph (inaudible). We are opposed to 00-35, Item #7. We would take no position except that whatever you do with respect to sexual contact or touching ordinances be the same for liquor licensee's as it is for all other business operations in the City. We currently have another ordinance which governs liquor licenses & prohibits the kind of activity that this ordinance would prohibit. We've lived under that for a long time & we're use to it without any problem. But we'd like one ordinance to deal with not two.

Mr. Camp: Would that be somewhat analogous to treating...I think I heard one of our public officials say this last week that we would treat establishments & their conduct something along the lines of an entertainment law so that if it's viewed that the activities occurring in a licensed or an unlicensed establishment would be a form of entertainment &, as a result, we set a standard for that in this regard whether it's a licensed or an unlicensed...you know, whether there's a liquor license involved.

Mr. O'Brien: I think it's the same thing. I believe that you're referring to (inaudible) put words in the mouth of Mr. McQuinn but I think he can speak for himself. I believe you were advised that there is a separate ordinance that prohibits any touching between entertainers or employees of the licensed premises as part of any kind of entertainment but primarily dancing & customers. That's an ordinance been in effect a long time & we've been following that. It's...I believe it's 5.016.240? But I'll check & make sure.

Mr. Camp: You're better...you're better than I am at citing them so...thank you.

Ms. Seng: Thank you.

Mr. O'Brien: Thank you very much.

Clerk: Anyone else wish to come forward in opposition to Items 6, 7, & 8?

Ms. Seng: Dana or John?

Mr. Fortenberry: John or Dana, John.

Ms. Seng: Just a minute, we've got someone else that wants to testify.

[Dan Clinchard, 3167 R St.] I kind of show up at the last minute &

as embarrassed as las...two weeks ago but, anyway, I was noticing Sunday this "Wishing you a Happy Valentine's Day" from Viagra on page 3 of the Parade in our local newspaper. Anyway, I just...I already testified two weeks ago, I don't want to repeat any of that. And it just seems to me that the more you try to stifle what few outlets there are for people who aren't completely fulfilled in their monogamous relationships, the more that...the resulting frustration will come out in even less unhealthy manners but that's a kind of Freudian psychology & I know Freud's not as popular as he use to be but, again, some kind of outlet for a natural drives is...is essential to our health. And if you get that at home, that's fine. If you don't, I think you shouldn't...shouldn't give people a hard time who find it elsewhere.

Clerk: Your name please?

Mr. Clinchard: I'm sorry. Dan Clinchard & my address, 3167 R Street.

Clerk: Thank you.

Ms. Seng: Dane or John? I think Jeff has a question.

Mr. Fortenberry: Dana, given some of the testimony we've heard today, could our existing ordinance that regulates certain parts of the body are to be covered be unconstitutional if that were pressed in court?

Mr. Roper: Are you talking about the liquor establish...

Mr. Fortenberry: Either one since...

Mr. Roper: Well, I think...well, it makes a difference. I think the liquor...the regulation in the liquor establishment I think I would expect would be upheld. It doesn't prohibit topless dancing. I think those laws that have prohibited topless dancing in liquor establishments have been upheld in Nebraska. And I don't...& I think if we placed it in the liquor establishments, I have...feel strongly that that would be upheld. The ordinance that we had proposed on the touching we have drafted with what precedent there is available in mind. And I, you know, you have no guarantees when you get into litigation in this area & certainly in the First Amendment area it's even more so. But, you know, we drafted it, we signed it & if the Council chooses to pass it, we're prepared to defend it.

Ms. Seng: Call it again.

Clerk: Yes. Anything else in regard to items 6, 7, & 8? Any other comments?

Just certain couple brief comments, Ron Smith, 107 Wagon Train. They show art, entertainment. It's art. What is art? What is entertainment? These are the things that are questioned. (Inaudible) can fight for this country, go to a foreign country, (inaudible) for our country, for their rights, to not come home & have any rights. The activities that go on in these institutions for the year...20-30 yrs., they have a track record. And they have a track record with the appropriate places that monitor these situations. Check the records to see if we're reinventing the wheel or are we opening a can of worms (inaudible) can of worms. The new places that are coming into existence, you know, is this the can opener for this situation? Are we justified in our approach to this situation? What are we doing on a local level that's going to affect us when the national or the Supreme Court decisions are passed down? What are we setting ourselves up for? How are we setting ourselves? I won't argue Church & State except to say we should have a choice, as a free country, we should have a choice. I want to say that we

have a right to legislate these places. Let's look at how we've legislated them in the past &, as a result, what do we have & where we gotta go in the future. Are we going to close the Lied Center? Are we going to tell a gynecologist he can't treat his patients? Are we going to close the parks? Are situations where (inaudible) holiday today (inaudible) to express emotions & then go out & arrest everybody? Just how far do we go? I say we've gone far enough. I say we've got laws on the books that work, let's not destroy everything. You know if we need an amendment, let's make an amendment. Let's keep the freedom of choice. The polls, there's several of them out there, let's look at what other people are thinking. (Inaudible.) That's all I have to say.

My name is Margaret McManus. I've lived in Lincoln almost all of my life. I've E-mailed all of you & I hope you've read my E-mail. I do have something to say in rebuttal to some things that have been said here. I was a single mother of five children due to a divorce up until very recently. And now I am a married mother of six children. I do not have a choice. I do not have a choice to do what I want to do to raise money to support my family. I do not get to sell drugs. I do not get to prostitute. So, these women coming up here & saying that they have the right to raise their children & make...earn...earn money any way that they please is not the case. It is not true. I put myself through school. I have a good paying job. I am not on welfare. My children are very healthy & happy. But to come up & use the argument that you should be entitled as a woman, an adult woman, of 18 & older, to do what you want to raise money is absolutely ridiculous.

Ms. Seng: Thank you.

Clerk: Anything else in regard to Items 6, 7, & 8?

Hi, my name is Doug Barry from 1731 Prairie Lane. I won't keep you very long...a long afternoon I know with a lot of comments back & forth. I came in late & I just missed, by a few minutes, the side in favor of the bans. And I just want to say as a citizen of Lincoln & raised here, about 10 yrs. ago I began to speak publicly & I started to travel around the country as a public speaker. A lot of my work is with adults, family situations, husbands, wives, & men. A lot of struggles I've seen with men with regards to addiction to any form of pornographic situations such as strip clubs or these sorts of gentleman's clubs. And this isn't just in Lincoln 'cause I've traveled from New York to Los Angeles to Houston to Twin Cities, anywhere & everywhere. And what I've seen constantly, even trickling down, even over the last 8 yrs. that I've done this, is young people today are finding that there is no absolute truth, no absolute value. They're seeing too many cases where it's being skewed this way & that way. I do agree with some of the gentleman who were speaking against the ban. Simply saying that if we're going to cover for one, we need to reach out & cover a lot more than just isolating certain cases. But I am in favor that we have some sort of ban on some of this simply because we opened a door a long time ago when we started to allow certain things into our culture. Just cite a couple things, contraception, birth control was illegal in this country. There was law, 1873, the Anthony Comstock(?) law, okay, & that was legalized through the 60's, somewhere in that time period. Shortly after that, abortion became legal. Now, we're fighting assisted suicide. Contraception, which was illegal starting from 1873 on, is now being given out in public schools & other schools all over the country. We've also seen (inaudible) 1955 statistics show that divorce is

at 10%, 1995, it was between 50% & 60%. There is a correlation. I don't think that these gentleman's clubs & bars & strip joints, X-Rated Theaters are the only area. I mean, granted, don't want to get into this situation with the media (inaudible) going on with the WWF & WCW. We know that it's even getting worse in those areas. I don't think any of us are blind to see what's going on in our culture & society. But in our corner of the world, here in Lincoln, where you do have a say so, needs to be some... some strength to stand up & say you know, we've got to start handling some of this. We're not seeing marriage situations improve. And I know the...I've talked to ladies who have been strippers. I've seen them in situations, not in clubs, but in situations outside of the bar, talking with them one to one maybe, met one in an airplane flying back from California, she said she danced at the Grove before. She lives in Denver. She's in a lousy situation. But she keeps living in a certain circumstance & I told her there are ways to get out. I gave her phone numbers, somebody to contact. She chose not to. It isn't just that everybody is penned in & they have no choice. Sometimes it has to do with reaching out a little bit more. And on our part, reaching out for them. But I'm simply saying, you know, if we look at the last hundred years of our country, we seen a lot of things change. The direction doesn't look real positive if we keep letting the door be open on certain areas that can lead to, as studies have shown, addictive situations. You know when the FBI has statistics, & I don't have them off the top of my head, back from the mid-80's, over 80% of rape cases, child abuse cases, whatever you want to call it, domestic violence, battering of women, over 80% of them were in one form or another pornographic related. And, again, not just the magazines, it's the theaters, it's the gentleman's clubs, it's the whole ball of wax. So, I just want...want to stand here & encourage that we do...we do bring about some ban on some of this & try to restore dignity. And to the ladies who are doing the dancing, to the men who are going to the clubs, to the men who are running the clubs, or women running the clubs, dignity for them too to see the human body, to see relationships in a much more valued & much more...much more dignified way with much more integrity. Overall, we're going to find a lot more peace in our community & in our own hearts. So, that's my comment. I'm sorry I didn't get here earlier when you were on that side of it. So...

Ms. Seng: Thank you.

Mr. Barry: Thank you.

Ms. Seng: Paul, let's go on.

Clerk: Go on? Okay.

**\*\* END OF VERBATIM TRANSCRIPT \*\***

This matter was taken under advisement.

**\*\* 3:40 p.m. - Council took a break; Shoecraft left. \*\***

**\*\* 3:52 p.m. - Council Reconvened. \*\***

APPROVING AN AGRMT. BETWEEN THE CITY, MUD, LOWER PLATTE NORTH NRD, LOWER PLATTE SOUTH NRD, & PAPIO-MISSOURI RIVER NRD FOR PROGRAMS THAT INVOLVE PROVIDING EDUCATION & TECHNICAL & FINANCIAL ASSISTANCE IN THE PROTECTION OF WATER QUALITY - Danny Walker, 427 E St.: To me, this is a very vague...I don't have the particulars on the issue. I know there was quite a discussion as to levies & dykes & dams along the Platte River. And I assume that this is part of what that's about but I...I'd like to know for sure what's

going on because I don't want to have someone try to slide something through like they did on this Lincoln Plating situation last week. So, before I go one way or another on it, is that....

Ms. Seng: I believe it's on a pesticide study information/education campaign.

Mr. Walker: Okay. This has nothing to do with the flood proofing up there or any of that or the moving those people out of their homes & cabins? Do you know for sure?

Mr. Cook: Doesn't appear to.

Ms. Seng: It doesn't say that but, Roger, maybe you can...

Mr. Walker: Yeah, let's get Roger up here & see what he knows.

Roger Figard, Public Works: I think it's strictly a continuation of the kind of programs that we've done in the past with the NRD's & the other water systems as it would relate to water quality, not quantity or flooding, but water quality, the protection of the groundwater source.

Mr. Walker: Then this, in essence then, this has nothing to do with our wells in Ashland?

Mr. Figard: Yes, it does. Water quality issues as it would relate to the NRD's...

Mr. Walker: Then that...if that's the case, then that would be related to my concerns. I would like to know what the particulars are & what else is involved on the issue before the City Council.

Mr. Figard: I think that the goal is, in this first phase, is to develop the scope & come forward then with the program that would identify what kind of activities & programs & priorities are important to protect water quality.

Mr. Walker: Okay.

Ms. Seng: Danny, why don't you take the material from mine.

Mr. Walker: Okay, Coleen, thank you but I would forewarn the City Council there's a lot involved in this issue & it does include some cabins & some homes. The last I knew on this issue, there was quite a heated discussion as to who was going to do what & the last thing that I seen in the World Herald, the Corps. has not released a final study on the situation yet. So, be forewarned, I don't know what all your paperwork says but that's the last I heard & the latest I heard.

Mr. Figard: Just for those that might be listening in, I don't believe this has anything to do with the Corp. of Engineers, has nothing to do with levies, has nothing to do with dykes, has nothing to do with the flooding issue that's been going on in the Platte in the past. This is a water quality issue as it relates to the chemical composition & the quality & pesticides in the water, not quantity.

Mr. Walker: Okay, well, that's fine. Well, then evidently it don't have anything to do with the water wells either. Any questions?

Mr. Cook: No, thank you.

Mr. Walker: I think we got that clear.

This matter was taken under advisement.

SPECIAL PERMIT 228I - APP. OF JOAN WEEKS, JACK PETERSON, JOHN OTLEY, ANNA HIRSHMAN, & JIM HARMAN TO AMEND THE CAPITAL BEACH WEST C.U.P. TO REDUCE THE FRONT YARD SETBACKS FROM 19.5' TO 4.73', 4.45', 2.25', 5.54', & 4.76' ON PROPERTY GENERALLY LOCATED AT 332 W. LAKESHORE, 412 W. LAKESHORE, 432 W. LAKESHORE, 482 W. LAKESHORE, & 492 W. LAKESHORE, RESPECTIVELY, FOR THE CONSTRUCTION OF CARPORT ADDITIONS - John Nichols, 3126 Kleckner Ct.: I'm

also the owner & President of J.D. Construction Inc. I'm here representing the people at these properties [named the applicants]. I'm their contractor & builder for these sites. I'm here to answer any questions the Council may have. I also have some pictures readily available if anybody would like to see them.

Mr. Cook: I guess the big concern the Planning Commission seemed to have was the visibility issue.

Mr. Nichols: The visibility concern, I believe, was on the garage, not the carports. I could be wrong.

Mr. Cook: Well, there was concern that even though the carports are open at this time, there's a possibility of enclosing some portion of them or putting some kind of lattice work on & then putting plants on that. That would effectively screen visibility & it would be a problem. I just know that came up in discussion I guess. Is there anything that...there was an amendment put on that there not be any siding put on. Is that broad enough to...I guess I'm curious about Planning, is that broad enough to prevent any kind of concerns about this? Or do we need to worry about any kind of lattice work or bushes?

Rick Houck, Planning Dept.: The concern that Planning Commission had as you noticed was the visibility coming out of the carports backing onto the road. It would be difficult to limit the individual property owners from adding lattice-work or plantings or whatever to the sides of the garages...or the carports without actually going out & inspecting each one of them because those are simple items that usually do not require a building permit. It would actually control...the...not putting the problem of not putting any objects which would block visibility actually would relate back to John being the contractor & he recognizes the fact that he cannot add any lattice work or siding of any type to the carports.

Mr. Cook: These carports are close enough to the street that you can't park between...

Mr. Houck: You cannot park between the carport & the street without hanging out into...

Mr. Cook: Most of these are existing carports & you'd be renovating them or adding to them?

Mr. Nichols: Actually, one of them is an existing carport that we'd be redoing that's falling down now. The other one's were existing driveways and/or cement slabs that what they wanted was some shelter for their vehicles over the existing slab. There are several, I mean & I even brought pictures of those if you would care to see them, of existing carports out there new & old. Some have stuff on the sides of them, some don't. Some are falling down & some look absolutely as beautiful as the one's my company's built. But I have brought pictures of both the existing, the non-existing, what you have out there. I've even got shots from the street so you could get a good idea if those of you haven't seen that area or been out there recently what exactly is going on out there & why there would be concerns for those view. If you'd like to see the pictures, I'd more than gladly pass them around. Okay.

Ms. Seng: Do you want to see them?

Mr. Cook: Well, I guess what I'm interested in is this area because it's unusual because essentially there're waivers for all sorts of carports along there. These additional carports basically fit in with the existing is that why...

Mr. Houck: They generally fit in with the existing. There have

been, I think, 8 or 9 other amendments to add carports in this general area along W. Lakeshore Drive. The history & the Staff report spells out exactly what the waivers were down to & it varies in between, I think, 4' to about 7'. I don't remember exactly. But they are all for carports. And the visibility issue has not been raised until this...really raised until this time.

Mr. Cook: If they ever wanted a garage, they'd have to come back in & get another...

Mr. Houck: If they ever want to enclose those carports, build a garage, then we start running into problems. The same issue we had with Special Permit 228H is backing out of a garage when you can't see onto the roadway becomes a dangerous situation.

Mr. Cook: I guess my concern is just will this lead to an interest in, you know, once you get the carport, you say gee, I'd like to enclose this carport someday. It'd still have to come back before the City Council at that time for approval if they wanted a garage.

Mr. Houck: They would have to come back, yes.

Mr. Nichols: Mister Cook, all the carports (inaudible) J.D. Construction has built and/or is wanting to build out there mostly consist of circular columns, structural columns that it would be...I mean you could probably figure out a way but it would be almost impossible to attach walls to them. I know, structurally, there would be big concerns at Building & Safety.

Mr. Cook: I guess that's it. Thank you.

Mr. Camp: Is the main purpose of this request to elongate the existing...these are all existing but this would elongate them, did I understand that?

Mr. Nichols: No. No, the one that is pre-existing is falling down, it's leaking & it's kind of an eyesore. And the other one's that we've built out there are architecturally appealing to the house. We've matched roof pitches and/or styles of the existing structure 'cause a lot of these houses on that side of the street were old cottages & cabins that've been added on to & what we're trying to do is make the house more appealing rather than have it look like it's all put together which the pictures, of course, would show.

Mr. Camp: So, they don't have current facilities to park their vehicles.

Mr. Nichols: Some do, some don't. The one, in particular, that has not been built yet is an existing carport that is in bad condition that needs to be rebuilt. Does that answer your question?

Mr. Camp: Yeah, I was trying to just understand what they had been doing for their vehicle before in these particular four or five properties.

Mr. Nichols: Um, more than likely just parking on the driveway and/or slab with no cover.

Mr. Camp: So, this would just provide cover.

Mr. Nichols: (Inaudible) vehicles. Something else I wanted to bring up too was that the setbacks all seem a little different but if you stood on the side of the road & you eyed down even the existing carports that are there, not one of these that we propose sticks out beyond anything that's existing already and/or longer than the other. I mean even though these setbacks are all different & everything seems like it's

in a straight line, when you start hitting City plot maps & stuff, the property line varies in such a way that you have these strange setbacks. If you stood up like this & you looked down them, there's not one that we built and/or want to built that would stick out farther than anything that's out there already.

Ms. Seng: Okay, thank you.

Mr. Cook: Sidewalks along here...I'm sorry, I don't remember. There's no sidewalk that runs along the side of the street & never will be?

Mr. Houck: There is no sidewalk along the east side of W. Lakeshore. There is a sidewalk & trail system on the west side of W. Lakeshore through the open space.

Glen Cekal, 1420 "C" St.: I'm not sure I understand what this says here but if I do, why is this allowed when it's not in any other place in the City of Lincoln that I know of? Do I under...maybe I don't understand. A two & a quarter foot setback from the front property line? Is that correct? On one of these? Now, this doesn't make sense. You talk about line of sight &, well, I don't know. I guess it makes a difference who you are & when you try. But if this...good planning & how it was ever allowed to begin with when Mr. Copple or whoever laid this out. Assuming I'm understanding it correctly. Now, any other place in the City of Lincoln, about 99.9% of the time, I would assume you would not allow this. Is that correct?

Mr. Houck: The Capital Beach West area is under what's known as a community unit plan. It is there by Special Permit. This is why these variances actually have to come to you through the Planning Commission. The Community Unit Plan allows innovative design. It allows you to reduce setbacks. It allows you to adjust yard areas. There're a number of items that are actually...number of waivers & items that are actually allowed to be changed from the normal zoning issues. Under normal circumstances, no, a 2.5 ft. or 2.25 ft. setback would not be allowed in a straight residential area. But under the Community Unit Plan & the Special Permit, you can adjust those setbacks.

Danny Walker, 427 E St.: I assume this is in the floodplain & if that's correct, there are special provisions as far as upgrading & installing additions. I believe, if I recall correctly, you can't expend more than 40% of the value of the existing structure. Now, I wonder if the City has taken this into consideration. I'm fairly certain that that is in the floodplain. If not, I would stand corrected.

Mr. Houck: The Lakeshore portion of these lots are within the floodplain. Recognizing the fact that building permits were issued or will be issued for all of these units, the carport addition cannot exceed 50% of the market value of the dwelling unit itself. Seeing these carports, not actually knowing the value, of them or talking to the builder about the value of them, I doubt very much whether they exceed 50% of the market value of those dwelling units.

Mr. Cook: Don't build them out of gold brick...

Mr. Walker: I believe actually...

Ms. Seng: I was calling on Annette.

Mr. Walker: Oh, okay.

Annette McRoy, Council Member: I just had a comment for Rick. What's different about Capital Beach & the C.U.P. is that the backyard is actually a lake so there's really nowhere else to go to put...you know,

there's no extra room I guess.

Mr. Houck: Correct.

Ms. McRoy: There's no alternatives because their backyard is...so I guess I don't...it being in northwest Lincoln (inaudible) have a problem with this since it's kind of a unique situation in that it's already built, it's an older residential area. You might not think so but it is an older residential area that really there's not a lot of alternatives to it whereas we may require &, you know, Mr. Glen's right, in different areas, we may require, you know, we may not let these waivers go through but considering that their backyard's a lake, you know, there's nothing else you can do.

Mr. Houck: That's absolutely correct. And if we all have (inaudible) memory or remember back to the late 60's & early 70's when this area was first developed, this was developed as an area of "vacation" cottages. The area was not actually subdivided. There were no lot lines. There was a private roadway allowed in there by a special permit & it was not actually subdivided & the community unit plan placed on it until, I believe, the earlier to mid-80's. So, this is a very unique situation out in the Capital Beach area & I wish we could extend the community unit plan into other areas out in the Capital Beach, especially along the east side where the Board of Zoning Appeals is getting so many or has gotten several waivers for encroachment into the rear yard setback.

Mr. Walker: I believe, actually, the way the rules reads it's the existing structure, not the levying facilities. I went through this on my garage & that's what I was told & that's what I was given copies of out of Building & Safety. It specifically says the existing structure. It does not say anything at all about living quarters.

This matter was taken under advisement.

COMP. PLAN AMENDMENT 94-42 - AMENDING THE LAND USE PLAN & ADDING TEXT TO THE COMPREHENSIVE PLAN REGARDING LAND USE, INFRASTRUCTURE, & RESOURCES FOR THE WILDERNESS PARK SUBAREA PLAN - Mike Dekalb, Planning Dept.: I was the project manager for this project. (Inaudible) sitting right behind me is the author of this document. This is the document I think you all received in the last couple months. To give you a quick overview on this, you may recall that you had adopted an amendment to the Comprehensive Plan in 1998 asking for a subarea plan that be done reflecting Wilderness Park & the area around it. This report commenced right after that. This proposal, as a subarea plan, includes five different sections where it (inaudible) into the current Comp. Plan. It's in the subarea list environmentally sensitive areas, the Trail section, the floodplain section & the parks system section all have references to this subarea plan. It incorporates better than a year & a half's work by hundreds of people, literally, that participated in the program. Lots of effort, lots of (inaudible) that people stuck all the way through. It incorporates four major studies, a number of minor studies & a lot of critiques & subpieces that were studied during that process. It meets the timeline that we'd originally laid out in 1998 that by this last December it would be in-process as a Comp. Plan Amendment. That was done. The Planning Commission recommended approval, 7-0, on Dec. 15th. They'd had a meeting prior to that & continued it for one meeting to allow more members to participate in the vote. We had testimony at that time from the public utilities requesting an amendment relative to clarification that public

utilities could, in fact, extend across the park if done in an environmentally sensitive way. And that package was three amendments that staff supported & Planning Commission recommends to you. And then County Board had public hearing & acted on it, recommended approval, 4-0, on Jan. 18th, including the Planning Commission's amendments. That's what's before you. I think we'd also given a briefing to Commons in the January Commons. So, between (inaudible) & myself, we'd be happy to answer any questions.

Ms. Seng: I don't know that we have any. We may.

Phyllis Hergenrader, 5701 Yankee Hill Rd., representing the Yankee Ridge Neighborhood Assoc., read a statement in support, which was placed on file with the legislation in the City Clerk's Office.

Moni Usasz, 3340 S. 41st St., representing Friends of Wilderness Park, read a statement in support, which was placed on file with the legislation in the City Clerk's Office.

Mr. Fortenberry: Summarize the (inaudible) of the entire process very well, that there were a lot of people who seemed to have incompatible ends & yet a lot of common ground was found. It's not necessarily perfect, it doesn't achieve everybody's ideal but, at the same time, it definitely moves us in a direction that I think is very positive. So, I appreciate all of your hard work & impact on this because I think you really did individually impact this considerably. (Inaudible) Planning, Mike Dekalb for your oversight will appreciate...I'm not finished, Mike. Has the Friends of Wilderness Park, cause this one of the ideas that was discussed or at least batted about a little bit, looked at other private sources for money such as maybe the nature conservancy that we might partner with as a community rather than simply turning always & automatically to government to look at funds for these purposes, has any of that discussion taken place?

Ms. Usasz: I think there's been some discussion but as far as any specifics...I think to a certain extent, we've been waiting until this process was done & had hoped that the Science Advisory Committee that there'd be some possibility there that they might search some of those kinds of...

Mr. Fortenberry: It's been my experience since being in government if there's not somebody specifically heading an initiative in that direction, it sort of languishes so I don't want to be presumptuous but if Friends of Wilderness Park would want to...

Ms. Usasz: I take your suggestion. Okay.

Mr. Fortenberry: The other is how much interface have you had with the County Ecological Advisory Committee 'cause this is another concern 'cause that's out there so we don't want to duplicate an effort that maybe going on. And they may have the type of expertise already sitting on that committee that might address some of your concerns regarding members from the scientific community that would be directed toward this new proposal to managing the park. Are you aware of that?

Ms. Usasz: Yes, yes. And it really was because of the ecological advisory committee that some of the original ecosystems study was done. I mean, they were the one's that started out looking for the funds for that. So, yeah. And I know there's lots of folks that have lots of expertise. We've talked to individuals & I know there's some work right now with the committee (inaudible) plans for Wilderness. So, yes, there definitely needs to be a way to work...

Mr. Fortenberry: Perhaps we can continue to bring that up at the City-County Common Meetings to make sure that we're not duplicating an effort there or that we're utilizing an existing resource most appropriately so we'll do that on our end.

Ms. Usasz: Okay. Thanks.

Tim Knotts, no address given: Representing (inaudible) Audubon Society here in Lincoln, a local audubon society in Southeast Nebraska & I'll make my comments short here. I just wanted to say we're very supportive & pleased with the way the Wilderness Park Subarea Plan turned out. And we support that very strongly. And we think that the mediation process, in spite of the fact that it was long & arduous, as they say, was a good process & it seemed to remove some of the disagreements that existed & generally got a pretty unified approach & I think that's great. I have three areas that I particularly & I think the Audubon Chapter support in the subarea plan proposal. One is that it makes major improvements in recommendations for maintenance of the park. And that's suffering in the last few years because of lack of money. I think more attention to maintenance is very important not only for repair of bridges but there were other areas. Number two, it establishes or, I should say, it calls for the establishment of a science advisory committee to develop the best management plan for the park & I think that's very important because there's some areas out there that are kind of sensitive & are sensitive & they should use the best science available when determining how those areas should be managed. And, number three, & maybe most important, it recommends a support or supports extending the park southward & providing buffering strips adjacent to the park & interconnected corridors to reach other stream corridors. And that's pretty critical, I think, because Lincoln's going to continue to grow rapidly & I think as it grows areas like Wilderness Park are going to be more & more valuable. And I think the question Mr. Fortenberry had of how to fund this addition to Wilderness Park is a critical one & I encourage all of you to be thinking about how that might be accomplished. We've got some ideas & I hope we can work together to see how that might be accomplished. So, we definitely support the proposal. Thank you.

Danny Walker, 427 E St.: I'm in favor of the proposal. However, like Councilman Fortenberry, I'm concerned about funding. We all know we're getting thin as far as expenses & money growing on trees in the City of Lincoln for various projects. But what I wish that someone would consider supposedly we're going to wind up spending approx. \$15 million plus in the Beal Slough area. Well, my concerns are this is going to add additional stress on this Wilderness Park area. There's no doubt about it. And in my opinion, I think that should be included in this Beal Slough upgrade. There's already 40 to 60% increase in runoff in the Salt Creek out of that Beal Slough area & I'm sure once that area gets superflowed, it's going to be even worse. I have a copy of a letter here, it was a story by Moni, inserted in the Wilderness Park Newsletter. [A copy of this was placed on file with the legislation in the Office of the City Clerk.] My opinion in reading the letter, it seems like now all of a sudden Parks & Rec. is real concerned about Wilderness Park. And I think that's awful strange when the park has sat there for years & become downgraded, next to worthless, in some respects. Parks & Rec. had control of it then. Where were they then when all of this run-down...running down was allowed to occur? I didn't see them stepping forward then &, you

know, wanting to muscle in on everything. And I would appreciate it if the Council would, if at all possible, make sure that this is an unbiased committee. I think that's very, very important. These people that sat on this mediation process went through a lot, believe me. I went through one & it's not pleasant, not pleasant at all. And I think if anything could diminish & ruin that whole process would be to have a political committee in regards to this Wilderness Park upgrade. I think it would just tear the whole thing apart.

Glen Cekal, 1420 "C" St.: I'm reminded of a couple words in a prayer that I know. Let's see how's that go? Accepting hardships is the pathway to peace. And to me, this problem that come up as to why we...there was a Wilderness Park to start with & how some of the things were done, some very wrongly. In fact, that's an understatement. But I think we have a chance to kind of come together here now & turn a negative into a positive. I think it can be the type of thing that if you're interested in trying to get some high-class type of business to come to Lincoln & we get this show on the road & get the little manicuring done, this can be the difference between you're being able to attract that type of a business & not being able to get it. We don't have mountains, we don't have oceans, we don't have a lot of things but we have a lot...all we need if we utilize it. I'm very proud of the Wilderness Park people in spite of the fact that our petition failed because of a, well, technicality. But it's caused a tension to something that needed attention & it's caused a lot of trouble in many areas which need to be caused so that we could address these problems. To finish up, I...well, first, I'm so proud of these people like just spoke with Wilderness Park, which I'm very pleased to say they let me a member of. I believe they have big hearts & buy & large are so right & they need...they have deserved the right to be given a big seat at the table to follow this thing through & any other way would be wrong. I think the...they say the devil's in the details & the management. Who's on this board is very important & this should not be done on the basis of a "political appointees". It should be people that are qualified because of their interests & abilities & dedication. It's an idealistic endeavor & it will give us the quality of life that can make people become the envy of Lincoln, Nebraska in many ways. And this is all things money can't buy. We have a chance to get together, work together here, &, you know, benefit from our mistakes & some of the good things that are done around other parts of the country. So, I hope you're really alert & sensitive to the fact that to get this thing properly launched with the right management board is absolutely mandatory. Otherwise, it will fail like a number of other things that we've tried & failed at.

This matter was taken under advisement.

ACCEPTING THE REPORT OF NEW & PENDING TORT CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JAN. 16 THRU 31, 2000 - Ms. McRoy: I do have a question on Item 11 on the claims. I don't know if someone can come forward & answer that but I think either Law or Police can answer it maybe. Regarding the stolen car & how it's handled. It appears that we recovered the car & then it was stored...

Ms. Seng: That'd be law.

Ms. McRoy: Whoever can answer it. I was just curious about how it...yeah, number...\$54 one, David A. Henry, on how's that work with the recovered car. Does it go in this tow lot & then we charge them to get

their car back if it's been stolen?

Ms. Seng: It's on line 11 is what she's talking about, not #11.

Ms. McRoy: Line 11, excuse me.

Mr. Roper: I think this one involved, & I would want to do some more checking, I think the claimant is saying he was not notified soon enough to get his car out & I would want to...& I think that's the dispute. We would take the car, notify them & then if they didn't pick them up then they would be responsible for the storage charges. I can verify that & I think that's the issue here but I would want to pull that file & make sure that that's a correct statement.

Ms. McRoy: Okay. Yeah, 'cause it just seems a little odd that, you know, you have a traumatic experience as having your car stolen & then you're paying to get it back from once it's been recovered & so, I know it's only a small amount but I would like to look into that because it doesn't quite seem right or seem...doesn't sit well with me that to get your car back after it's been stolen you have to pay for it.

Mr. Roper: Sure.

Ms. McRoy: And, you know, what's reasonable...if it's a reasonable amount of time, you know, if he waited a month after he was notified then I can understand why we denied it but I guess I would like to first know what was the reasonable amount of time he had to come get his car.

Mr. Roper: Okay, we can do that.

Ms. Seng: You want to pull that one out?

Clerk: Till next...

Ms. Seng: You want to make a motion right now to pull that out?

Clerk: Please.

Ms. McRoy: I move that we pull that particular \$54 item out for further research by the City Attorney's Office.

Ms. Seng: Is there a second?

Mr. Cook: Second.

Ms. Seng: Call for that vote.

Clerk: Okay.

Mr. Camp: Can I ask a question?

Ms. Seng: Just a moment.

Mr. Camp: Why don't we just pay it & not...we'll waste more than \$54 in time.

Ms. McRoy: I would rather we pay it but I was just concerned that it just didn't seem right. That's why...

Ms. Seng: The motion on the floor right now is to pull it out.

Clerk: Yes, we'll have till next week. You ready for the vote?

Ms. Seng: Yeah.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

#### ORDINANCES - 3RD READING

CHANGE OF ZONE 3182 - APP. OF THE B & J PARTNERSHIP & THE PLANNING DIRECTOR FOR A CHANGE FROM R-2 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & FROM R-2 RESIDENTIAL TO P PUBLIC ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. (IN CONNECTION W/00-17, 00R-27) - PRIOR to reading:

COOK Moved to delay action on Bill 00-16 for one week to 2/22/00.

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

Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

CLERK Read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

DECLARING APPROX. 0.9 ACRES OF PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVE. & W. "A" ST. AS SURPLUS & AUTHORIZING THE SALE THEREOF. (IN CONNECTION W/00-16, 00R-27) - PRIOR to reading:

COOK Moved to delay action on Bill 00-17 for one week to 2/22/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

CLERK Read an ordinance, introduced by Jon Camp, declaring a tract of City-owned property generally located at S. Coddington Ave. & W. "A" St. as surplus & authorizing the sale thereof to B & J Partnership, the third time.

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "A" BY DELETING THE JOB CLASSIFICATION OF "CIVIL ENGINEER II" - CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 1 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classification of "Civil Engineer II", the third time.

COOK Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

The ordinance, being numbered **17606**, is recorded in Ordinance Book 24, Page

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "M" BY DELETING THE JOB CLASSIFICATION OF "CIVIL ENGINEER III" - CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 5 of Ord. 17539 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by deleting the job classification of "Civil Engineer III", the third time.

COOK Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

The ordinance, being numbered **17607**, is recorded in Ordinance Book 24, Page

AMENDING PAY SCHEDULES OF EMPLOYEES WHOSE CLASSIFICATIONS ARE ASSIGNED TO THE PAY RANGE PREFIXED BY THE LETTER "N" BY CREATING THE CLASSIFICATIONS OF "PARKS WELDER II", "PARKS PLUMBER I", & "PARKS PLUMBER II"; BY CHANGING THE CLASS TITLE OF "WELDER" TO "PARKS WELDER I"; & BY DELETING THE JOB CLASSIFICATION OF "PRINT MACHINE OPERATOR" - CLERK read an ordinance, introduced by Jonathan Cook, amending Sec. 5 of Ord. 17394 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "N" by creating the job classifications of "Parks Welder II", "Parks Plumber I" & "Parks Plumber II"; by changing the current job classification of "Welder" to "Parks Welder I"; & by deleting the job classification of "Print Machine Operator", the third time.

COOK            Moved to pass the ordinance as read.  
                  Seconded by Johnson & carried by the following vote:    AYES: Camp,  
                  Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.  
The ordinance, being numbered **17608**, is recorded in Ordinance Book 24, Page

APPROVING THE QUE PLACE NOTCH REDEVELOPMENT AGREEMENT BETWEEN THE CITY & CONCORD HOSPITALITY INC.; WHICH AUTHORIZES THE SALE OF PROPERTY & THE DEVELOPMENT OF A RESTAURANT AT LOT 1, QUE PLACE ADD. TO BLOCK 36 - CLERK read an ordinance, introduced by Jonathan Cook, accepting & approving the Que Place Notch Redevelopment Agreement ("Redevelopment Agreement") between the City of Lincoln & Concord Hospitality, Inc. ("Concord"), the third time.

COOK            Moved to pass the ordinance as read.  
                  Seconded by Johnson & carried by the following vote:    AYES: Camp,  
                  Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.  
The ordinance, being numbered **17609**, is recorded in Ordinance Book 24, Page

VACATING W. "E" ST. BETWEEN S.W. 6TH & S. FOLSOM STS. - PRIOR to reading:

COOK            Moved to delay action on Bill 00-27 for 1 week to 2/22/00.  
                  Seconded by Camp & carried by the following vote:    AYES: Camp, Cook,  
                  Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

CLERK           Read an ordinance, introduced by Jonathan Cook, vacating W. "E" St. between SW 6th & S. Folsom Sts., & retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

AMENDING TITLE 26 OF THE LMC TO ADD A SECTION TO DEFINE "MINIMUM FLOOD CORRIDOR", TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN, TO ESTABLISH A REQUIREMENT FOR THE REMOVAL OF SEDIMENT FROM STREETS, ALLEYS, SIDEWALKS, PUBLIC WAYS, OR PUBLIC GROUNDS, & PROVIDING A PENALTY FOR FAILURE TO DO SO. (IN CONNECTION W/00-29, 00-30, 00R-38) - PRIOR to reading:

CAMP            Moved to delay action on Bill 00-28 for 1 week to 2/22/00.  
                  Seconded by McRoy & carried by the following vote:    AYES: Camp,  
                  Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

CLERK           Read an ordinance, introduced by Jonathan Cook, amending Title 27 of the LMC, the Land Subdivision Ordinance, by amending Chapter 26.07 of the LMC by adding a new section numbered 26.07.126 to provide a definition of "minimum flood corridor"; amending Secs. 26.11.038, 26.15.020, 26.19.031, 26.23.105, 26.23.120, 26.23.190, & 26.27.060 of the LMC to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; amending Chapter 26.31 of the LMC to add a new section numbered 26.31.040 to establish a requirement for the removal of sediment from streets, alleys, sidewalks, public ways or public ground & providing a penalty for failure to do so; & repealing Secs. 26.11.038, 26.15.020, 26.19.031, 26.23.105, 26.23.120, 26.23.190, & 26.27.060 of the LMC as hitherto existing, the third time.

CHANGE OF ZONE 3216 - AMENDING TITLE 27 OF THE LMC TO PROVIDE GRADING & LAND DISTURBANCE REGULATIONS FOR THE AG, AGR, R-1 THROUGH R-8, O-1 THROUGH O-3, R-T, B-1 THROUGH B-5, H-1 THROUGH H-4, & I-1 THROUGH I-3 ZONING DIST.. (IN CONNECTION W/00-28, 00-30, 00R-38) - PRIOR to reading:

CAMP            Moved to delay action on Bill 00-29 for 1 week to 2/22/00.  
                  Seconded by McRoy & carried by the following vote:    AYES: Camp,

Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Title 27 of the LMC by adding new sections numbered 27.07.075, 27.09.075, 27.11.075, 27.13.075, 27.15.075, 27.17.075, 27.18.075, 27.19.075, 27.21.075, 27.23.075, 27.24.075, 27.25.065, 27.26.075, 27.27.065, 27.28.075, 27.29.075, 27.31.085, 27.33.075, 27.35.065, 27.37.055, 27.39.065, 27.41.075, 27.43.075, 27.45.065, 27.47.065, 27.49.075, 27.51.085 to provide grading & land disturbance regulations for the AG, AGR, R-1 through R-8, O-1 through O-3, R-T, B-1 through B-5, H-1 through H-4, & I-1 through I-3 Zoning Dists., respectively; amending Sec. 27.81.010 of the LMC to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; & repealing Sec. 27.81.010 of the LMC as hitherto existing, the third time.

AMENDING CHAPTER 20.12 OF THE LMC TO ADOPT THE POLICY RECOMMENDATION RELATED TO THE COMPREHENSIVE STORMWATER MANAGEMENT PLAN. (IN CONNECTION W/00-28, 00-29, 00R-38) - PRIOR to reading:

CAMP Moved to delay action on Bill 00-30 for 1 week to 2/22/00.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

CLERK Read an ordinance, introduced by Jonathan Cook, amending Chapter 20.12 of the LMC, the Lincoln Building Code, by amending Sec. 20.12.090 to adopt the policy recommendations of the Mayor's Stormwater Advisory Committee related to the Comprehensive Stormwater Management Plan; & repealing Sec. 20.12.090 of the LMC as hitherto existing, the third time.

#### **SPECIAL PERMITS & USE PERMITS**

SPECIAL PERMIT 228H - APP. OF RODGER HEMPEL TO AMEND THE CAPITOL BEACH WEST C.U.P. TO REDUCE THE FRONT YARD SETBACK FROM 19.5' TO 14' FOR THE CONSTRUCTION OF A GARAGE ADDITION AT 252 W. LAKESHORE DR. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

#38-4326 WHEREAS, Russell Semm, has submitted an application designated as Special Permit 228H for authority to amend the Capitol Beach West Community Unit Plan to reduce the front yard setback in order to construct a new dwelling unit with a garage which projects into the existing front yard setback on property located at 252 W. Lakeshore Dr., & legally described to wit:

Lot 19, Block 1, Capitol Beach West, & Lot 175 I.T. (abutting said Lot 19) located in the Northeast Quarter of Sec. 21, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this dwelling unit with a garage will not be adversely affected; &

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

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

That the application of Russell Semm, hereinafter referred to as "Permittee", to construct a new dwelling unit with a garage on the

property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.320 & Chapter 27.65 of the LMC upon condition that construction & operation of said dwelling unit & garage be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves a reduction in the front yard from 19.5' to 14' for the dwelling unit & garage.
2. The construction plans must conform to the approved plans.
3. Before constructing the dwelling unit & garage at 252 W. Lakeshore Dr. all development & construction must conform to the approved plans.
4. All privately owned improvements must be permanently maintained by the Permittee.
5. The site plans approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.
6. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittee, its successors, & assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Camp & **LOST** by the following vote: AYES: McRoy; NAYS: Camp, Cook, Fortenberry, Seng; ABSENT: Johnson, Shoecraft.

SPECIAL PERMIT 228I - APP. OF JOAN WEEKS, JACK PETERSON, JOHN OTLEY, ANNA HIRSHMAN, & JIM HARMAN TO AMEND THE CAPITAL BEACH WEST C.U.P. TO REDUCE THE FRONT YARD SETBACKS FROM 19.5' TO 4.73', 4.45', 2.25', 5.54', & 4.76' ON PROPERTY GENERALLY LOCATED AT 332 W. LAKESHORE, 412 W. LAKESHORE, 432 W. LAKESHORE, 482 W. LAKESHORE, & 492 W. LAKESHORE, RESPECTIVELY, FOR THE CONSTRUCTION OF CARPORT ADDITIONS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80014 WHEREAS, J.D. Construction, on behalf of Joan Weeks, Jack Peterson, John Otley, Anna Hirshman, & Jim Harman, the property owners of 332, 412, 432, 482, & 492 W. Lakeshore Dr. respectively, has submitted an application designated as Special Permit 228I for authority to amend the Capitol Beach West Community Unit Plan to reduce the front yard setbacks in order to construct carport additions on the properties located at 332, 412, 432, 482, & 492 W. Lakeshore Dr., & legally described to wit:

Lot 27, Block 1 & Lot 182 I.T.; Lot 35, Block 1 & Lot 190 I.T.; Lot 37, Block 1 & Lot 192 I.T.; Lot 42, block 1 & Lot 197 I.T.; & Lot 43, Block 1 & Lot 198 I.T., Capitol Beach West, located in the Northeast Quarter of Sec. 21, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the

site plan for these carport additions will not be adversely affected; &

WHEREAS, said site plan together with the terms & conditions hereinafter set forth are consistent with the intent & purpose of Title 27 of the LMC to promote the public health, safety, & general welfare.

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

That the application of J. D. Construction on behalf of the above property owners, hereinafter referred to as "Permittees", to authorize carport additions on the property legally described above, be & the same is hereby granted under the provisions of Sec. 27.63.320 & Chapter 27.65 of the LMC upon condition that construction & operation of said carports be in strict compliance with said application, the site plan, & the following additional express terms, conditions, & requirements:

1. This permit approves the following reductions in the front yard setback:

- a. 332 W. Lakeshore from 19.5' to 4.73' for an existing carport;
- b. 412 W. Lakeshore from 19.5' to 4.45' for an existing carport;
- c. 432 W. Lakeshore from 19.5' to 2.25' for an existing carport;
- d. 482 W. Lakeshore from 19.5' to 5.54' for an existing carport; &
- e. 492 W. Lakeshore from 19.5' to 4.76' for a proposed carport.

2. No siding materials shall be added to the carports.

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

4. Before constructing the carport at 492 W. Lakeshore Dr. all development & construction must conform to the approved plans.

5. All privately owned improvements must be permanently maintained by the respective Permittee.

6. The site plans approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking & circulation elements, & similar matters.

7. The terms, conditions, & requirements of this resolution shall be binding & obligatory upon the Permittees, their successors, & 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. Each Permittee shall sign & 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 & the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittees.

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

LOCATED AT S. CODDINGTON AVE. & W. "A" ST. (IN CONNECTION W/00-16, 00-17)  
- PRIOR to reading:

COOK Moved to delay action on Bill 00R-27 for one week to 2/22/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

#### PETITIONS & COMMUNICATIONS

##### THE FOLLOWING WERE REFERRED TO THE PLANNING DEPT:

Change of Zone 3232 - App. of Mike Rierden for a text change to LMC Sec. 27.63.700.

Change of Zone 3236 - App. of Patterson Estates, Inc. for a change from AG Agricultural to I-1 Industrial on property generally located at 98th & Hwy. 6.

Change of Zone 3237 - App. of Jon Carlson for a text change to LMC Secs. 27.17.090, 27.19.080(d)(1)(3), 27.19.080(a), 27.19.090, 27.21.080(a), 27.21.080(e), 27.21.090, 27.23.080(a), 27.23.090, 27.24.080(a) & 27.24.090.

Special Permit 1818 - App. of L. Vince Cornell to park & display vehicles in sideyard & display vehicles in front yard for existing auto sales on property generally located at 700 W. "O" St.

Special Permit 1823A - App. of NEBCO, Inc. to amend Sp. Permit 1823 to exceed the max. height permitted in the district on property generally located at 6th & Charleston.

Special Permit 1829 - App. of Westminster Presbyterian Church to increase bldg. footprint for Church at 2110 Sheridan Blvd.

Special Permit 1830 - App. of Richard Speidell for a new community unit plan on property generally located at Mandarin Cir., near Pioneers & 84th St.

APP. OF ST. PATRICK'S FESTIVAL AT 6126 MORRILL TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN - CLERK request a motion to set the hearing date for Tues., Feb. 22, 2000, at 6:30 p.m.

CAMP So moved.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

FORMAL PAVING PETITION FOR 72ND ST. FROM HAVELOCK AVE. TO MORRILL AVE. SUBMITTED BY GERTRUDE & MERLIN DANA - CLERK presented said petition which was referred to the Law Dept.

#### REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON JAN. 31, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80021 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln,

Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 02/04/00)

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE AS FOLLOWS: **OCT. - DEC., 1999:** ZENEX LONG DISTANCE; **NOV., 1999:** MCI TELECOMMS. CORP. (AMENDED RETURN); **JAN., 2000:** ONE CALL COMMS.; **APRIL THRU DEC., 1999:** NEBRASKA TECHNOLOGY & TELECOMMS., INC. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ACCEPTING THE REPORT OF NEW & PENDING TORT CLAIMS AGAINST THE CITY & APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF JAN. 16 THROUGH 31, 2000 - PRIOR to reading:

MCROY Moved to remove the claim of David A. Henry for further consideration on 2/22/00.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

A-80019 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 February 1, 2000, of various new & 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>	
Eleanor S. Stratton	\$427.00	Robert L. Cockson, P.R.	
<del>David A. Henry</del>	<del>54.00</del>	of the Estate of Laura	
Steven S. & Cheryl Roberts	NAS*	Marie Cockson	\$310,000.00
Lisa Mischke	NAS*	Sara E. Cockson	150,000.00
Realty Center	NAS*	Sylvia Cisneros	127.59
Bonnie J. Kimble	109.95		

\* 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 Annette McRoy

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

ACCEPTING THE REPORT OF THE REALTY CENTER TORT CLAIM FILED AGAINST THE CITY & APPROVING THE DISPOSITION OF SAID CLAIM - CLERK read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-79995A 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 January 18, 2000, of various new & 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>
Realty Center	\$5,884.52

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 Jonathan Cook

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

#### OTHER RESOLUTIONS

APP. OF LAN SIU WONG DBA THAI BINH FOR A RETAIL CLASS I LIQUOR LICENSE AT 1309 L ST. - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-80012 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, & the pertinent City Ordinances, the City Council recommends that the App. of Lan Siu Wong dba Thai Binh for a Class I Liquor License at 1309 L St., Lincoln, Nebraska, for the license period ending April 30, 2000, be approved with the condition that the premise complies in every respect with all city & state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Fortenberry & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

APPROVING AN AGRMT. BETWEEN THE CITY, MUD, LOWER PLATTE NORTH NRD, LOWER PLATTE SOUTH NRD, & PAPIO-MISSOURI RIVER NRD FOR PROGRAMS THAT INVOLVE PROVIDING EDUCATION & TECHNICAL & FINANCIAL ASSISTANCE IN THE PROTECTION OF WATER QUALITY - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80013 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached Interlocal Agreement on a Pesticide Study Information\Education Campaign for the Lower Platte River Corridor between the City of Lincoln, Metropolitan Utilities Dist., Lower Platte South Natural Resources Dist., Lower Platte North Natural Resources Dist., & Papio-Missouri River Natural Resources Dist. to cooperatively undertake an information & education campaign of various target audiences in the basin to convey the findings of the United States Geological Survey related to the presence, distribution, & sources of pesticides in the Lower Platte River basin & to encourage the adoption of better management practices. The one year Agreement is intended to develop the scope & schedule for the campaign, to develop the roles for the parties, to provide coordination with the parties & other state & federal agencies, & to provide funding &

in-kind services to conduct the program. The cost of the entire project is budgeted at \$79,550 of which the City of Lincoln would be responsible for a \$9,510 cash contribution & a \$1,000 in-kind service contribution. The Agreement is hereby approved & the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit a certified copy of the executed original Interlocal Agreement to Jerry Obrist, Lincoln Water System, for transmittal to the Lower Platte South NRD.

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

COMP. PLAN AMENDMENT 94-42 - AMENDING THE LAND USE PLAN & ADDING TEXT TO THE COMPREHENSIVE PLAN REGARDING LAND USE, INFRASTRUCTURE, & RESOURCES FOR THE WILDERNESS PARK SUBAREA PLAN - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80015 WHEREAS, the Planning Director has made application to amend the Lincoln City-Lancaster County Comprehensive Plan (1994) Land Use Plan to add text to the Comprehensive Plan regarding land use, infrastructure, & resources for the Wilderness Park Subarea in an area generally located from approximately Hwy. 77 on the west to S. 48th St. on the east, from Van Dorn St. on the north to Saltillo Rd. on the south (& further to the Roca area); &

WHEREAS, the Lincoln City - Lancaster County Planning Commission has recommended approval of said proposed amendment.

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

That the Lincoln City-Lancaster County Comprehensive Plan (1994) be amended as follows:

(1) Add the 1999 Wilderness Park Subarea Plan, a copy of which is attached hereto, marked as Attachment "A" & made a part hereof by reference, to the list of "Approved Subarea Plans" found in Appendix A, Part I of the Plan.

(2) Amend Chapter III, Land Use Plan, Section I. Natural Environmentally Sensitive Areas (dark green) by adding to Strategies, on page 75 of the Plan, the following Strategies:

└ Make any necessary utility crossings in an ecologically sensitive manner & any necessary disturbance which is caused by such crossings should be reasonably mitigated to minimize disturbance of natural systems.

└ Implement the Wilderness Park Subarea Plan.

(3) Amend Chapter IV, Transportation, Section G. Trails, by amending the first paragraph at the top of page 119 of the Plan to read as follows:

The Lincoln area trails network contributes significantly to the quality of life in the community. The Lincoln Area Trails Master Plan (1989) as supplemented by the State of the Trails Report (1992) & the MoPac East Recreational Trail Master Plan (1992) are hereby incorporated as subarea plans of this Comprehensive Plan (see Figure 38). Additional trails are found in the Wilderness Park Subarea Plan.

(4) Amend Chapter V, Public Utilities, Section D. Stormwater

Management & Control by adding to Strategies on page 145 of the Plan the following Strategy:

Implement the recommendations of the Wilderness Park Subarea Plan as they relate to the flood plain & stormwater quality & quantity issues.

(5) Amend Chapter VI, Community Facilities, Section A.3c. Park, Recreation & Open Space Improvement Plan, by amending the last bullet on page 161 of the Plan to read as follows:

- Implement the ~~develop a~~ subarea plan for Wilderness Park which ~~will~~ addresses land use, stormwater, transportation & park use issues in & around the park. ~~Involve abutting owners, developers & the public in the study process to enhance communication & ensure discussion of all issues. Encouraging~~ Encourage recommended mitigating measures to respect the sensitivity of the natural environment. (Amendment 9423)

BE IT FURTHER RESOLVED that any other references in said plan which may be affected by the above-specified amendments be, & they hereby are amended to conform with such specific amendments.

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

APPOINTING OF JOHN HENRY "JACK" ZOHNER TO THE HEATING, VENTILATING, & COOLING EXAMINERS BOARD FOR A TERM TO EXPIRE APRIL 4, 2002 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80016 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of John Henry Zohner to the Heating, Ventilating, & Cooking Examiners Board for a term expiring April 4, 2002 is hereby approved.

Introduced by Annette McRoy

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

APPOINTING DIANA PASCO TO THE COMMUNITY DEVELOPMENT TASK FORCE TO FULFILL AN UNEXPIRED TERM THROUGH 8/31/2000 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80017 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Diana Pasco to the Community Development Task Force to fill an unexpired term expiring August 31, 2000 is hereby approved.

Introduced by Annette McRoy

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

APPOINTING JAMES R. "JIM" JOHNSON TO THE CABLE ADVISORY BOARD TO FULFILL AN UNEXPIRED TERM THROUGH 7/1/2001 - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80018 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of James R. Johnson to the Cable Advisory Board to fill an unexpired term expiring July 1, 2001 is hereby approved.

Introduced by Annette McRoy

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

ADOPTING THE STORMWATER DRAINAGE DESIGN STANDARDS & RELATED CITY OF LINCOLN DRAINAGE CRITERIA MANUAL AS PART OF THE DESIGN STANDARDS FOR SUBDIVISION REGULATIONS. (IN CONNECTION W/00-28, 00-29, 00-30) - PRIOR to reading:

CAMP Moved to delay action on Bill 00R-38 for 1 week to 2/22/00.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

SETTING HEARING DATE OF MON., FEB. 28, 2000 AT 1:30 P.M. ON THE MAN. APP. OF DANIEL C. SMITH FOR B & R STORES, INC. DBA RUSS'S BISHOP HEIGHTS IGA AT 4200 S. 27TH ST. - CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80020 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Feb. 28, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Daniel C. Smith for B & R Stores, Inc. dba Russ's Bishop Heights IGA at 4200 S. 27th St.

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

Introduced by Annette McRoy

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

#### ORDINANCES - 1ST & 2ND READING

AMENDING SEC. 25.03.190 OF THE LMC TO INCREASE THE FEES FOR A HVAC JOURNEYMAN EXAMINATION FROM \$30.00 PER TEST TO \$50.00 PER TEST - CLERK read an ordinance, introduced by Annette McRoy, amending Chapter 25.03 of the LMC (the Uniform Mechanical Code) by amending Sec. 25.03.190 to increase the fee for a HVAC Journeyman examination from \$30.00 per test to \$50.00 per test; & repealing Sec. 25.03.190 of the LMC as hitherto existing, the first time.

RENAMING S. 22ND ST. BETWEEN RIDGELINE DR. & HAZEL SCOTT DR. AS "SHADOW RIDGE RD." - CLERK read an ordinance, introduced by Annette McRoy, changing the name of S. 22nd St. to Shadow Ridge Rd. located between Ridgeline Dr. & Hazel Scott Dr., the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 50.51 ACRES OF PROPERTY GENERALLY LOCATED AT N. 33RD ST. & FOLKWAYS BLVD. (IN CONNECTION W/00R-55, 00R-56, & 00-41) - CLERK read an ordinance, introduced by Annette McRoy, amending Sec. 18 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17536, passed 7/2/99; amending Sec. 20 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17597, passed 1/24/2000; repealing Sec. 18 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17536, passed 7/2/99; & repealing Sec. 20 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17597, passed 1/24/2000,

as hitherto existing, the first time.

CHANGE OF ZONE 3200 - APP. OF NORTH 33RD STREET L.L.C. FOR A CHANGE FROM R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & I-3 EMPLOYMENT CENTER ON PROPERTY GENERALLY LOCATED AT N. 33RD ST. & FOLKWAYS BLVD. (IN CONNECTION W/00R-55, 00R-56, & 00-40) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

CHANGE OF ZONE 3231 - APP. OF REGAL BUILDING SYSTEMS, INC. FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 24TH & DODGE STS. (IN CONNECTION W/00R-51, 00R-52, 00R-53) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

CHANGE OF ZONE 3233 - APP. OF HAMPTON DEVELOPMENT SERVICES FOR A CHANGE FROM R-3 TO R-4 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT N. 23RD ST. & FLETCHER AVE. (IN CONNECTION W/00R-54) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

CHANGE OF ZONE 3221 - APP. OF THE CITY FOR A CHANGE FROM P PUBLIC TO I-1 INDUSTRIAL & FROM I-1 INDUSTRIAL TO P PUBLIC ON PROPERTY GENERALLY LOCATED AT N. 6TH & CHARLESTON STS. (IN CONNECTION W/00-45, 00-46, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61) - CLERK read an ordinance, introduced by Annette McRoy, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the first time.

APPROVING A BALLPARK FACILITIES LEASE AGRMT. BETWEEN THE CITY & THE BOARD OF REGENTS OF THE UNIVERSITY OF NEBRASKA & NEBCO, INC. AS TENANTS FOR CITY OWNED PROPERTY IN THE LINCOLN BALLPARK ADD. FOR A PERIOD OF 35 YEARS WITH AN OPTION TO EXTEND THE LEASE FOR 7 ADDITIONAL TERMS OF 5 YEARS EACH. (IN CONNECTION W/00-44, 00-46, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61)

APPROVING THE TRANSFER OF APPROPRIATIONS RELATED TO THE LINCOLN BALLPARK PROJ. IN THE AMOUNT OF \$871,585 FROM RELOCATION OF ENGINEERING SERVICES TO CITY TOW-IN LOT (\$200,000) & 901/1001 STORM SEWER (\$671,585); CHANGING FUNDING DESCRIPTIONS TO ELIMINATE REVENUE BONDS AS A FUNDING SOURCE; & TRANSFERRING \$270,000 IN APPROPRIATIONS FROM PROJECT CONTINGENCY TO ADDITIONAL ROAD & ACCESS NEEDS. (IN CONNECTION W/00-44, 00-45, 00R-57, 00R-58, 00R-59, 00R-60, 00R-61) - CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of \$200,000 in appropriations from the Baseball Partnership Proj. Subproject E, number 701090 (Relocation 1001 N. 6th St. Engineering Services) to Subproject F, number 701100 (Relocation, City Tow-in Lot); & approving the transfer of \$671,585 in

appropriations from the Baseball Partnership Proj. Subproject E, number 701090 (Relocation 1001 N. 6th St. Engineering Services) to a newly created Subproject G for the 901/1001 storm sewer; changing the funding description of the Baseball Partnership Subproject A, number 701050 (Charleston St. & Salt Creek Bridge) from (RB) revenue bonds to (OF) Other Funds; changing the funding description of the Baseball Partnership Subproject B, number 701060 (Additional Bridge & Road Access Needs for the Baseball Site & 901 Site) from (RB) revenue bonds to (SO) Highway Allocation Funds; & approving the transfer of \$270,000 in appropriations from the Baseball Partnership Project Subproject C-4, number 701090 (Relocation 1001 N. 6th St. Engineering Services) to Baseball Partnership Subproject B, number 701060 (Additional Bridge & Road Access Needs for the Baseball Site & 901 Site), the first time.

AMENDING CHAPTER 5.38 OF THE LMC TO INCLUDE CONDOMINIUMS FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE MINIMUM HOUSING STANDARDS - PRIOR to reading: FORTENBERRY Moved to continue Pub. Hearing w/3rd Reading on Bill 00-31 to 2/22/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, McRoy, Seng, Shoecraft; NAYS: None; ABSENT: Johnson.

CLERK Read an ordinance, introduced by Jeff Fortenberry, amending Chapter 5.38 of the LMC to include condominiums for the purpose of ensuring compliance with the minimum housing standards, the second time.

CHANGE OF ZONE 3224 - AMENDING TITLE 27 OF THE LMC TO ADD A NEW SEC. 27.71.095 TO PERMIT LIGHT WELLS & EGRESS WINDOWS IN REQUIRED YARDS - CLERK read an ordinance, introduced by Jeff Fortenberry, for Change of Zone 3224 amending Title 27 of the LMC to add a new Sec. 27.71.095 to permit light wells & egress windows in required yards, the second time

CHANGE OF ZONE 3225 - APP. OF RIDGE DEVELOPMENT CO., SOUTHVIEW, INC., & THE LARGE PARTNERSHIP FOR A CHANGE FROM R-3 RESIDENTIAL TO O-3 OFFICE PARK & FROM O-3 OFFICE PARK TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED SOUTHEAST OF S. 14TH ST. & YANKEE HILL RD. - CLERK read an ordinance, introduced by Jeff Fortenberry, for Change of Zone 3225 application of Ridge Development Company, Southview, Inc. & the Large Partnership for a change from R-3 Residential to O-3 Office Park & from O-3 Office Park to R-3 Residential on property generally located southeast of S. 14th St. & Yankee Hill Rd., the second time.

ACCEPTING THE STREET RIGHT-OF-WAY FOR THE EAST HALF OF S. 91ST ST. ABUTTING VINTAGE HEIGHTS 6TH ADD. - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting the street right-of-way for the east half of S. 91st St. abutting Vintage Heights 6th Add., the second time.

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY" & TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY OR FOR AN EMPLOYEE OR PERFORMER TO HAVE ANY PHYSICAL CONTACT WITH ANY PATRON. (IN CONNECTION W/00-35, 00-36) - CLERK read an ordinance, whereas, the City Council recognizes & believes the public health, safety, & welfare of the community to be adversely effected by public nudity, not only as an offense to the protection of order & morality in the community but also due to secondary adverse effects of public nudity including, but not

necessarily limited to, prostitution, assaultive behavior, & other related criminal behavior, the second time.

AMENDING SEC. 9.16.230 OF THE LMC TO DEFINE "NUDITY", TO MAKE IT UNLAWFUL FOR A PERSON TO APPEAR IN ANY PUBLIC PLACE IN A STATE OF NUDITY, & PROVIDING EXCEPTIONS THERETO - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Sec. 9.16.230 of the LMC to define "nudity", to make it unlawful for a person to appear in any public place in a state of nudity, & providing exceptions thereto, the second time.

AMENDING CHAPTER 9.16 OF THE LMC TO ADD SEC. 9.16.240 BANNING SEXUAL CONTACT IN BUSINESSES - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Chapter 9.16 of the LMC to add Sec. 9.16.240 banning sexual contact in businesses, the second time.

#### **MISCELLANEOUS BUSINESS**

#### **PENDING LIST -**

CAMP            Moved to extend the Pending List for 1 week.

                  Seconded by McRoy & carried by the following vote:    AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

**UPCOMING RESOLUTIONS -**

CAMP            Moved to approve the resolutions to have Public Hearing on Feb. 22, 2000.

                  Seconded by McRoy & carried by the following vote:    AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

**ADJOURNMENT**

**4:55 P.M.**

CAMP            Moved to adjourn the City Council Meeting of Feb. 14, 2000.

                  Seconded by McRoy & carried by the following vote:    AYES: Camp, Cook, Fortenberry, McRoy, Seng; NAYS: None; ABSENT: Johnson, Shoecraft.

So ordered.

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Paul A. Malzer, Jr., City Clerk

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Teresa J. Meier-Brock, Office Assistant III

