

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, OCTOBER 29, 2001 AT 5:30 P.M.**

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

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

**READING OF THE MINUTES**

COOK Having been appointed to read the minutes of the City Council proceedings of October 22, 2001, reported having done so, found same correct.

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

**PUBLIC HEARING**

CREATING PAVING DISTRICT 2622 IN NORTH 67TH STREET FROM Y TO X STREETS AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Rob Predmore, 6701 Y Street, came forward in opposition to the paving district

Alvin Daily, 6270 X Street, came forward in opposition to the paving district.

Dean Witulski, 6634 X Street, came forward in opposition and said he had sent his comments to Council in the form of a letter.

This matter was taken under advisement.

CREATING PAVING DISTRICT 2623 IN N.W. 27TH STREET FROM APPROXIMATELY WEST O STREET NORTH TO THE INTERSTATE BRIDGE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY;

CREATING WATER DISTRICT 1183 IN N.W. 27TH STREET FROM APPROXIMATELY WEST O STREET NORTH TO THE INTERSTATE BRIDGE AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Mark Hunzeker, 530 S. 13th St., Suite B, came forward representing his client, Hampton Development Services. His company is seeking development in this area and needs a 16" water line and paving to access these sites.

Jim Luers, Attorney, 830 Wells Fargo Center, representing Meadowbrook Property and spoke on behalf of William Wallman, who opposes this paving and water district. Mr. Luers suggested a dollar figure that Mr. Wallman would have to pay for this district and that Mr. Wallman is retired and lives on a fixed income.

William Wallman, 221 NW 27th St., came forward and stated he saw no need for this paving district and that they have no use for this new water system.

Nicole Fleck-Tooze of the Public Works Dept. came forward and answered questions posed by the Council regarding whether the Wallman's would be eligible for GDBG funding. She stated that the State would not be required to pave their portion of the assessment.

Council Member, Glenn Friendt suggested that if the state did not pay, then the City subsidy would be larger.

Mr. Hunzeker gave his rebuttal.

This matter was taken under advisement.

CREATING RE-PAVING DISTRICT 152 IN SAUNDERS AVENUE FROM SPRINGFIELD DRIVE TO 12TH STREET FOR AN INCREASE IN WIDTH TO 33' AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - Jim Mastera, Sr. VP of Cornhusker Bank, came forward in favor of this re-paving district.

Doug Westling (address not given) came forward in favor of the paving district. He suggested that this improvement needs to be made all the way to 14th Street.

Nicole Fleck-Tooze, Public Works, came forward to answer Council questions.

This matter was taken under advisement.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 245.09 ACRES

OF PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2;  
DECLARING THE WATER TOWER PROPERTY CONSISTING OF 2.69 ACRES AT 84TH STREET AND  
HIGHWAY 2 AS SURPLUS PROPERTY;  
VACATING SOUTH 91ST STREET BETWEEN PINE LAKE ROAD AND HIGHWAY 2;  
CHANGE OF ZONE 3320 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION FOR  
A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY  
GENERALLY LOCATED EAST OF RELOCATED 91ST STREET AND PINE LAKE ROAD;  
CHANGE OF ZONE 3285 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION FOR  
A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-5 PLANNED REGIONAL BUSINESS ON  
PROPERTY GENERALLY LOCATED BETWEEN 84TH STREET AND RELOCATED 91ST STREET,  
NORTH OF HIGHWAY 2;  
APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND ANDERMATT L.L.C., EIGER  
CORP, WESTCOR L.L.C., REALTY TRUST GROUP, AND DAVID S. OLSON OUTLINING  
CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF  
APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED AT 84TH STREET AND  
HIGHWAY 2;  
ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF APPIAN WAY FOR 28 COMMERCIAL LOTS  
AND 8 OUTLOTS WITH WAIVERS FOR SIDEWALKS, THE RESTRICTION ON TRANSFERRING  
FROM ONE SEWAGE BASIN TO ANOTHER, AND THE REQUIREMENT THAT LOTS FRONT UPON  
AND TAKE ACCESS TO A PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT  
84TH STREET AND HIGHWAY 2;  
USE PERMIT 140 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION TO DEVELOP  
940,000 SQ. FT. OF COMMERCIAL SPACE ON PROPERTY GENERALLY LOCATED AT 84TH  
STREET AND NEBRASKA HIGHWAY 2 - Kent Seacrest, Attorney, Seacrest &  
Kalkowski, 1111 Lincoln Mall, Suite 350, for Eiger Corporation came  
forward in favor. He explained the process and progress of this project  
development.

Jack Lynch of Olson Associates came forward to share information  
regarding the landscaping that will be involved in this project.

Bob Finley of Finley and Associates came forward to present the  
architectural design themes regarding the project.

Council members asked questions regarding walking distance from  
residences to shopping center; what was the potential in Phase II; what  
types of private roadways would provide access to the center; what would  
happen with the median maintenance?

Rick Peo, City Attorney, came forward to answer questions posed by  
Council.

Jason Reynolds, Planning Staff, came forward to answer questions.

Mark Southwick, 8301 So. 91st, came forward in favor. He suggested  
that the people of Cheney needed answers regarding what will happen to the  
roadway into Cheney, due to the fact that they have not yet been annexed  
into the City. The citizens of Cheney are interested in the entrance of  
Cheney being permanent.

Nicole Fleck-Tooze, Public Works Dept., came forward to address the  
annexation of Cheney. She suggested that the sanitary sewer issues would  
be unmanageable from construction site and maintenance view.

Dennis Bartels, Public Works Dept., came forward to discuss the the  
design of 91st street, when and if the city annexes Cheney.

Councilman Camp suggested that this issue, regarding this road,  
would be best brought to the City County Commons meeting.

Glenn Cekal, 1420 "C" Street, came forward in favor of this project.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood  
Assoc., came forward to point out the potential problem with Antelope  
Creek overflow.

Nicole Fleck-Tooze, Public Works Dept., came forward to answer  
questions posed by Council, stating run off would go in Stevens Creek and  
Beal Slew.

Kent Seacrest, Attorney, came forward to present his rebuttal.  
The developer has promised Cheney good access in the short term, as well  
as the long term.

This matter was taken under advisement.

AMENDING ORDINANCE NO. 17728, PASSED SEPTEMBER 25, 2000, TO AMEND THE AMOUNT OF  
CITY CONTRIBUTION TO THE CONSTRUCTION OF A PUBLIC WATER MAIN IN 98TH  
STREET WITHIN THE GARNER INDUSTRIES PUD - Mark Hunzeker, 530 S. 13th St.,  
Suite B, came forward to answer any questions that Council may have.

This matter was taken under advisement.

SPECIAL PERMIT 1934 - APPLICATION OF THE FRATERNAL ORDER OF EAGLES STAR CITY  
AERIE #4111 FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON  
THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2112 CORNHUSKER HIGHWAY;

APPROVING A WAIVER OF DESIGN STANDARDS FOR THE PARKING LOT SURFACING REQUIREMENT ON PROPERTY GENERALLY LOCATED AT 2112 CORNHUSKER HIGHWAY - Michael Johnson, Attorney, 1045 Lincoln Mall, Representing Star City Eagles, came forward in favor of the special permit and waiver of design standards, and to answer questions posed by Council members.

This matter was taken under advisement.

**\*\* 7:19 P.M. TOOK BREAK \*\***

**\*\* 7:45 P.M. RECONVENED \*\***

ENCOURAGING THE GOVERNOR AND STATE LEGISLATORS, THE U.S. PRESIDENT AND LEGISLATORS IN CONGRESS TO ENACT AND ADOPT LEGISLATION IMPOSING A MORATORIUM ON EXECUTIONS UNTIL POLICIES AND PROCEDURES CAN BE IMPLEMENTED TO ENSURE THAT DEATH PENALTY CASES ARE ADMINISTERED FAIRLY AND IMPARTIALLY AND TO PREVENT THE EXECUTION OF PERSONS UNDER THE AGE OF 18 AT THE TIME OF THEIR OFFENSE - Councilman Jon Camp expressed his opinion that this bill is not in the Council's best interest to address.

Councilman Ken Svoboda, suggested that alternating debates would be the most fair to those present and wishing to testify. He asked that Council suspend the rules and allow such.

Councilman Glenn Friendt suggested that this was not the appropriate place to discuss this issue.

Councilman Terry Werner suggested his fellow council members were coming into this with closed minds.

Bob Valentine, 2660 Park Ave., came forward in opposition to the death penalty.

Josef Moore, 3821 NW 52nd St., came forward in favor of the moratorium.

Rachel Pakora, (no address given), came forward in favor of the moratorium.

Andy Herd, Director of Community Outreach for Village of Hope, came forward in favor of the moratorium.

Former Governor Frank Morrison, 128 N. 13th St., came forward in opposition to the moratorium.

Bill Crawford, 108 N. 8th St., came forward in favor of the moratorium.

LeRoy Stokes, NAACP, came forward in favor of the moratorium.

Allen Peterson, Attorney, 233 S. 13th St., came forward in favor.

Paul Olson, Turn Off the Violence Group, came forward in favor.

Rapunzel Drake, 1801 South 24th St., came forward in favor of the moratorium.

Bob Evnen, Attorney, 301 So. 13th St., came forward in opposition.

Hugh Bullock, 4210 N. 73rd St., came forward in favor of the moratorium.

Danny Walker, 427 E St., came forward in opposition to the moratorium being on the Council's agenda.

Professor Nelson Potter, 1737 B St., came forward in favor of the moratorium.

Tim Butts, 6803 Summerset, representing the ACLU, came forward in support of the death penalty moratorium. He also had sent a letter to Council for the record.

Glen Cekal, 1420 C St., came forward in opposition to the death penalty moratorium.

Lela Shanks, 2761 Randolph St., came forward in in favor of the moratorium.

Milo Mumgaard, Attorney and representing the Nebraska Appleseed Center, came forward in favor of the moratorium.

Tom Marley, 2510 B St., came forward in favor of the moratorium.

Ken Winston, Attorney and lobbyist, came forward to encourage the Council to pass this resolution.

Jim Johnson, 201 Berkshire Ct. #36, came forward in favor of the death penalty moratorium.

Mike Morosin, 2055 "S" St., came forward, in favor of the moratorium.

Fritz Hudson, 7901 Lake St., came forward in favor of the death penalty moratorium.

This matter was taken under advisement.

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

**MISCELLANEOUS BUSINESS PUBLIC HEARING**

Mike Morosin, 2055 "S" St. came forward to discuss his concerns

that the long-term residents of the Malone area have not been contacted regarding the potential relocation of their homes. He has spoken with the house mover from York, Nebraska and he has specific addresses and photos of houses, however only approximately 7 were listed. Mr. Morosin believes that at one time there were approximately twelve homeowners were on the list. The cost per house for moving depends on the number of houses moved and the location moved to. It would be lower if more houses were moved on the same day, etc.

This matter was taken under advisement.

## COUNCIL ACTION

### LIQUOR RESOLUTIONS - NONE -

### ORDINANCES - 2ND READING

CREATING PAVING DISTRICT 2622 IN NORTH 67TH STREET FROM Y TO X STREETS AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Paving District No. 2622, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING PAVING DISTRICT 2623 IN N.W. 27TH STREET FROM APPROXIMATELY WEST O STREET NORTH TO THE INTERSTATE BRIDGE AND ASSESSING THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Paving District No. 2623, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING WATER DISTRICT 1183 IN N.W. 27TH STREET FROM APPROXIMATELY WEST O STREET NORTH TO THE INTERSTATE BRIDGE AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Water District No. 1183, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

CREATING RE-PAVING DISTRICT 152 IN SAUNDERS AVENUE FROM SPRINGFIELD DRIVE TO 12TH STREET FOR AN INCREASE IN WIDTH TO 33' AND ASSESSING A PORTION OF THE COST THEREOF AGAINST THE BENEFITTED PROPERTY - CLERK read an ordinance, introduced by Ken Svoboda, creating Re-paving District No. 152, defining the limits thereof, establishing the width of the roadway to be re-paved and re-curbed, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the second time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROXIMATELY 245.09 ACRES OF PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2. (**IN CONNECTION W/01-155, 01-156, 01-157, 01-158, 01R- 277, 01R-278, 01R-279**) - CLERK read an ordinance, introduced by Ken Svoboda, amending

Section 10 of Ordinance No. 8730, passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17787, passed February 5, 2001, prescribing and defining in corporate limits of the City of Lincoln, Nebraska; and repealing Section 10 of Ordinance No. 8730 passed May 17, 1965, as last amended by Section 1 of Ordinance No. 17787, passed February 5, 2001, as hitherto existing, the second time.

DECLARING THE WATER TOWER PROPERTY CONSISTING OF 2.69 ACRES AT 84TH STREET AND HIGHWAY 2 AS SURPLUS PROPERTY. **(IN CONNECTION W/01-164, 01-156, 01-157, 01-158, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, declaring approximately 2.69 acres of City-owned property generally located at South 84th Street and Highway 2 as surplus and authorizing the sale thereof to Andermatt L.L.C., the second time.

VACATING SOUTH 91ST STREET BETWEEN PINE LAKE ROAD AND HIGHWAY 2. **(IN CONNECTION W/01-164, 01-155, 01-157, 01-158, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, vacating South 91st Street between Pine Lake Road and Highway 2, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 3320 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED EAST OF RELOCATED 91ST STREET AND PINE LAKE ROAD. **(IN CONNECTION W/01-164, 01-155, 01-156, 01-158, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

CHANGE OF ZONE 3285 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO B-5 PLANNED REGIONAL BUSINESS ON PROPERTY GENERALLY LOCATED BETWEEN 84TH STREET AND RELOCATED 91ST STREET, NORTH OF HIGHWAY 2. **(IN CONNECTION W/01-164, 01-155, 01-156, 01-157, 01R-277, 01R-278, 01R-279)** - CLERK read an ordinance, introduced by Ken Svoboda, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the second time.

AMENDING ORDINANCE NO. 17728, PASSED SEPTEMBER 25, 2000, TO AMEND THE AMOUNT OF CITY CONTRIBUTION TO THE CONSTRUCTION OF A PUBLIC WATER MAIN IN 98TH STREET WITHIN THE GARNER INDUSTRIES PUD - CLERK read an ordinance, introduced by Ken Svoboda, amending Ordinance No. 17728 adopted September 25, 2000, by amending condition 2.d set forth in the Development Plan (Attachment "A") to increase the City's contribution for reconstruction of the 54" water main in 98th Street from \$40,000 to \$56,000, the second time.

#### RESOLUTIONS

APPOINTING BLANCA RAMIREZ-SALAZAR TO THE COMMUNITY DEVELOPMENT TASK FORCE FOR A THREE-YEAR TERM EXPIRING AUGUST 31, 2004 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81176 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Blanca Ramirez-Salazar to the Community Development Task Force for a three-year term expiring August 31, 2004 is hereby approved.

Introduced by Terry Werner

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

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF OCTOBER 1 - 15, 2001 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81177 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated October 1, 2001, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>	
Gloria Ellis	NAS*	Charlene Dawn Mathews-Forke	\$ 387.00
Stephanie J. Fisher	\$ 80.00	William Volkmer	2,230.75
Elizabeth Havens	100.00	Michelle Ferguson	774.91
Corrie Svehla	70.00	Jolene Thomas	314.65
Robert & Kathie Mommens	NAS*	Tamera L. Brown	213.70
George Ayoub	70.00	Linda Kats	101.00

\* No Amount Specified.

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

Introduced by Terry Werner

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

APPROVING AN ANNEXATION AGREEMENT BETWEEN THE CITY AND ANDERMATT L.L.C., EIGER CORP, WESTCOR L.L.C., REALTY TRUST GROUP, AND DAVID S. OLSON OUTLINING CERTAIN CONDITIONS AND UNDERSTANDINGS WITH REGARDS TO THE ANNEXATION OF APPROXIMATELY 245 ACRES OF PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

SENG Moved to delay action on Bill No. 01R-277 one week to 11/5/01.

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

ACCEPTING AND APPROVING THE PRELIMINARY PLAT OF APPIAN WAY FOR 28 COMMERCIAL LOTS AND 8 OUTLOTS WITH WAIVERS FOR SIDEWALKS, THE RESTRICTION ON TRANSFERRING FROM ONE SEWAGE BASIN TO ANOTHER, AND THE REQUIREMENT THAT LOTS FRONT UPON AND TAKE ACCESS TO A PRIVATE ROADWAY, ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND HIGHWAY 2 - PRIOR to reading:

SENG Moved to delay action on Bill No. 01R-278 one week to 11/5/01.

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

USE PERMIT 140 - APPLICATION OF ANDERMATT L.L.C. AND EIGER CORPORATION TO DEVELOP 940,000 SQ. FT. OF COMMERCIAL SPACE ON PROPERTY GENERALLY LOCATED AT 84TH STREET AND NEBRASKA HIGHWAY 2 - PRIOR to reading:

SENG Moved to delay action on Bill No. 01R-279 one week to 11/5/01.

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

SPECIAL PERMIT 1934 - APPLICATION OF THE FRATERNAL ORDER OF EAGLES STAR CITY AERIE #4111 FOR AUTHORITY TO SELL ALCOHOLIC BEVERAGES FOR CONSUMPTION ON THE PREMISES ON PROPERTY GENERALLY LOCATED AT 2112 CORNHUSKER HIGHWAY -

CLERK Read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81178 WHEREAS, the Fraternal Order of Eagles Star City Aerie #4111 has submitted an application designated as Special Permit No. 1934 for authority to sell alcoholic beverages for consumption on the premises generally located at 2112 Cornhusker Highway, legally described as:

Lot 56 I.T., in the Southeast Quarter of Section 12,  
Township 10 North, Range 6 East of the 6th P.M.,  
Lincoln, Lancaster County, Nebraska; and

WHEREAS, the real property adjacent to the area included within the site plan for this permit to sell alcoholic beverages on the premises will not be adversely affected; and

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

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

That the application of the Fraternal Order of Eagles Star City Aerie #4111, hereinafter referred to as "Permittee", to sell alcoholic beverages for consumption on the premises on property legally described above be and the same is hereby granted under the provisions of Section 27.63.680 of the Lincoln Municipal Code upon condition that operation of said licensed premises be in strict compliance with said application, the site plan, and the following additional express terms,

conditions, and requirements:

1. This permit approves the sale of alcoholic beverages for consumption on the premises only.

2. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

3. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Terry Werner

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

APPROVING A WAIVER OF DESIGN STANDARDS FOR THE PARKING LOT SURFACING REQUIREMENT ON PROPERTY GENERALLY LOCATED AT 2112 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81179 WHEREAS, the Fraternal Order of Eagles has requested a waiver of the surfacing requirements for a parking lot located on property generally located at 2112 Cornhusker Highway and legally described as:

Lot 56 I.T., located in the Southeast Quarter of Section 12, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska;

WHEREAS, the City Council finds that:

a) The parking lot for which the waiver of the surfacing requirement is requested is to be used in conjunction with a nonprofit, religious, educational, or philanthropic institution;

b) Alternate materials or techniques shall be utilized which provide reasonable control of dust, runoff, and safe circulation; and

c) The location of the parking lot is sufficient distance from surrounding uses that it will not adversely affect the surrounding uses, and the frequency of use of the parking lot is so low that compliance with the surfacing requirements at the present time would cause undue economic hardship upon the owner as compared with minimal impact upon the surrounding land uses.

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

In consideration of the findings made above, the requirement for the paving of the parking lot for the Fraternal Order of Eagles located at 2112 Cornhusker Highway on property legally described above is hereby waived pursuant to § 27.67.100(c) of the Lincoln Municipal Code under the following conditions:

1) If it is later found that dust or noise, created by the use of the parking lot exceeds the maximum levels set forth in Title 8 of the Lincoln Municipal Code, then such waiver may, after notice and hearing by the City Council, be revoked.

2) This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

Introduced by Terry Werner

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

ENCOURAGING THE GOVERNOR AND STATE LEGISLATORS, THE U.S. PRESIDENT AND LEGISLATORS IN CONGRESS TO ENACT AND ADOPT LEGISLATION IMPOSING A MORATORIUM ON EXECUTIONS UNTIL POLICIES AND PROCEDURES CAN BE IMPLEMENTED TO ENSURE THAT DEATH PENALTY CASES ARE ADMINISTERED FAIRLY AND IMPARTIALLY AND TO PREVENT THE EXECUTION OF PERSONS UNDER THE AGE OF 18 AT THE TIME OF THEIR OFFENSE - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81180 WHEREAS, the death penalty is an extreme, irreversible act of violent punishment carried out by the representatives of our government; and

WHEREAS, the American Bar Association has called for a moratorium on the death penalty; and

WHEREAS, every nation in Europe and the vast majority of the democratic nations of the world have abolished the death penalty and now the United Nations Human Rights Commission has called for an

international moratorium on executions; and

WHEREAS, in 1999 the Nebraska Legislature passed, by a vote of 27-21, a bill that would halt executions for two years, commissioned a study of Nebraska's death penalty and became the first legislature in the United States to do so; and

WHEREAS, socioeconomic status determines who lives and who dies:

- The Nebraska 2001 Death Penalty Study concluded that death-eligible defendants who kill people defined as having "high socioeconomic status" were nearly four times as likely to receive death sentences as defendants whose victims have low socioeconomic status; and
- Nationally about 90 percent of all people facing capital charges cannot afford an attorney; and
- No state, including Nebraska, has met standards developed by the American Bar Association for appointment, performance and compensation of counsel for indigent prisoners; and

WHEREAS, nationally, prisoner appeals have been severely curtailed, increasing the risk of imprisonment and execution of innocent people:

- Between 1973 and September 2001, ninety-eight death row inmates have been released as innocent (Death Penalty Information Center Webpage, [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org) 2001); and
- On August 3, 2001, the Nebraska Supreme Court overturned part of the State's method of sentencing, commuting two death row inmate's sentences to life in prison; and
- In the past six months, one Nebraska death row inmate was released from prison; and
- At least 23 persons were executed in the United States between 1900 and 1999 only to have their innocence proven after their deaths (Resolution #8584 City of Durham, North Carolina); and
- On August 18, 2001, the Lancaster County District Court resentenced a death row inmate to life in prison; and

WHEREAS, there is ample evidence that the death penalty is applied in a biased and discretionary manner in Nebraska:

- In Nebraska since 1973, out of 177 defendants convicted of death-eligible homicides, only 27 actually received the death sentence; and
- Nebraska's 13 of 27 people sentenced to death committed murders with circumstances that often resulted in lesser sentences; and
- The study also found that non-white death-eligible defendants statewide are less likely than their white counterparts to be offered plea agreements due to a tendency by urban prosecutors to pursue the death penalty, putting a disproportionate disadvantage on minorities; and
- The study found that urban judges were less likely to impose the death sentence than their rural counterparts; and

WHEREAS, there is ample evidence that the death penalty is applied in a racist manner:

- Nationally, in 82% of the studies (reviewed) race of the victim was found to influence the likelihood of being charged with capital murder or receiving the death penalty (U.S. General Accounting Office, Death Penalty Sentencing, February 1990); and
- Nationally, about 84% of the victims in death penalty cases are white, even though only 50% of the murder victims are white (NAACP Legal Defense Fund September 1, 1999); and
- Nationally, persons executed for interracial murders from 1976 to December 13, 1999: White Defendant/Black Victim - 11, Black Defendant/White Victim - 141 (NAACP Legal Defense Fund, September 1, 1999); and
- Nationally, approximately 90% of those on death row could not afford to hire a lawyer when they were tried (Tabak, in Loyola of Los Angeles LAS Review 1989); and
- A sample size in Nebraska's study was too small to positively conclude that the death sentence is not applied in a racist manner, however, the study did find consistently higher death sentencing rates when the defendant was a minority with a white victim, and two of the three executed in Nebraska since 1973 were African-American; and

WHEREAS, the death penalty is many times more expensive than life without parole:

- "Two recent studies, one from North Carolina and one from Kansas, indicate that the availability of the death penalty as a sentencing option adds significant financial costs to a state's criminal justice system . . . It is significant that, although the

costs were broken down in slightly different ways, these two studies both found an annual additional expense for death penalty cases of four million dollars." (Cost of the Death Penalty: An Introduction to the Issue, Nebraska Legislature 1995, p.23); and WHEREAS, studies show the death penalty not to be a deterrent:

- A survey of experts from the American Society of Criminology, the Academy of Criminal Justice Sciences, and the Law and Society Association showed that the overwhelming majority did not believe that the death penalty is a proven deterrent to homicide. Over 80% believe the existing research fails to support a deterrence justification for the death penalty. Similarly over 75% of those polled do not believe that increasing the number of executions or decreasing the time spent on death row before execution would produce a general deterrent effect. (M. Radelet and R. Akers, "Deterrence and the Death Penalty? The Views of the Experts", 1995); and

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

That the City of Lincoln, Nebraska calls on the Nebraska Governor and our State legislators, and the United States President and our legislators in Congress, to enact and adopt legislation imposing a moratorium on executions at least until this State and the Nation implement policies and procedures which ensure that death penalty cases are administered fairly and impartially, without racial bias, and in accordance with basic due process; eliminate the risk that innocent persons may be executed; and prevent the execution of persons under the age of 18 at the time of their offenses.

BE IT FURTHER RESOLVED that copies of this Resolution shall be forwarded to Governor Johanns, the Lincoln delegation to the Unicameral, President Bush, United States Senators Hagel and Nelson, and United States Representative Bereuter.

Introduced by Terry Werner

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

ASSESSMENT RESOLUTION FOR DOWNTOWN BUSINESS IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 5, 2001, AT 10:00 A.M. - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81183 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Business Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and construction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Business Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$240,401.75; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Business Improvement District.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to record this resolution in the minutes of the City Council

with the vote thereon by yeas and nays.

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2001 at 10:00 a.m. with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Terry Werner

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

ASSESSMENT RESOLUTION FOR DOWNTOWN MAINTENANCE IMPROVEMENT DISTRICT FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 5, 2001, at 10:00 A.M. - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81184 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Downtown Maintenance Improvement District including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of and contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Downtown Maintenance Improvement District", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$175,839.73; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Downtown Maintenance Improvement District.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2001 at 10:00 a.m. with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Terry Werner

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

ASSESSMENT RESOLUTION FOR CORE BUSINESS IMPROVEMENT DISTRICT OVERLAY FOR BOARD OF EQUALIZATION MONDAY, NOVEMBER 5, 2001, at 10:00 A.M. - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81185 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the cost of providing for the development of public activities and the promotion of public events in the Core Business Improvement District Overlay including management and promotion and advocacy of retail trade activities or other promotional activities in the district area; enhancement of the enforcement of parking regulations and the provision of security within the district area; the improvement of parking availability; the provision of physical improvements for decoration and security purposes; the maintenance, repair, and

reconstruction of improvements of other facilities authorized by the Business Improvement District Act not otherwise subject to maintenance, repair, or reconstruction under or within another business improvement district; any other projects or undertakings for the benefit of the public facilities in the district area; the employment of or contracting for personnel, including administrators, to provide for any service as may be necessary or proper to carry out the purposes of the Business Improvements District Act and cost incidental thereto, be and the same is hereby assessed upon the property in said district described in the proposed Distribution of Assessment attached to this resolution, marked "Proposed Distribution of Assessment of the Core Business Improvement District Overlay", and made a part hereof; that the cost of said public activities and promotion of public events is the sum of \$135,161.18; that the property set forth in the proposed Distribution of Assessment is specially benefitted by such activities and improvement; that each piece and parcel of property described is specially benefitted in the amount set forth therein, and no property is taxed more than the special benefits accruing thereto by reason of said activities and improvements; that the cost of said activities and improvements is hereby apportioned and assessed upon the several pieces and parcels of property in said district in the manner and amount set forth in the proposed Distribution of Assessment of the Core Business Improvement District Overlay.

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

AND BE IT FURTHER RESOLVED that the City Council sit as Board of Equalization for the purpose of equalizing said assessments on the 5th day of November, 2001, at 10:00 a.m. with adjournments from day to day until the work of equalizing said assessments shall be completed.

Introduced by Terry Werner

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

#### PETITIONS & COMMUNICATIONS

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

- Change of Zone 3344 - An ordinance amending Title 27 of the LMC relating to Lincoln Design Standards; Airport Environs Noise Dist. and Map and repealing other sections.
- Change of Zone No. 3345 - App. of Whitehead Oil Co. from H-1 to H-4, on location of N. 56th & Alvo Rd.
- Change of Zone No. 3346 - App. of Chameleon & Company, Inc. from I-1 Industrial to H-3 Highway Commercial on location of North 1st Street and Charleston Street.
- Special Permit No. 1944 - App. of Best Buy Auto to be able to park my business cars up front to be exposed to customers.
- Special Permit No. 1942 - App. of Mark A. Whitehead for a convenience store with gas and Class D Liquor License at 2700 Porter Ridge Road.
- Special Permit No. 1943 - App. of Lincoln Plating Company for a parking lot pursuant to 27.63.170 LMC in the R-2 Zoning District abutting I-1 Zoning District, located at Folsom & E Streets.
- Special Permit No. 1944 - App. of Cricket Nebraska Property company to construct, operate and maintain a Wireless PCS Communications Facility.

#### REPORTS OF CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON OCT. 15, 2001 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

INVESTMENT OF FUNDS FOR OCTOBER 15 - 19, 2001 - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption:

A-81181 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments for October 15 - 19, 2001.)

Introduced by Terry Werner

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

APPROVING DISTRIBUTION OF FUNDS REPRESENTING INTEREST EARNINGS ON SHORT-TERM INVESTMENTS OF IDLE FUNDS FOR THE MONTH ENDED SEPTEMBER 30, 2001 FOR \$282,060.24 - CLERK read the following resolution, introduced by Terry Werner, who moved its adoption:

A-81182 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That during the month ended September 30, 2001, \$282,060.24 was earned from short-term investments of "IDLE FUNDS". The same is hereby distributed to the various funds on a pro-rate basis using the balance of each fund and allocating a portion of the interest on the ratio that such balance bears to the total of all fund balances.

Introduced by Terry Werner

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

REPORTS FROM CITY TREASURER OF TELECOMM OCC. TAX FOR THE MONTH OF JULY, 2001: Opex Comm., OneStar, Netifice, Matrix; August, 2001: Vartec; Opex Comm., OneStar, Netifice, Matrix, Vartec; Sept., 2001: Opex, OneStar, Netifice, Matrix, Telco, Comdata, Glyphics, GTC, NOSVA, RSI COM USA, NOS, XO Long Distance, Excel, TRI-M, Lightyear, Assoc. Adm., Western Union, Single Billing Services, Affinity, Nextel, Working Assets, Trans Nat'l, Touch America, Teligent, Primus, Qwest, LCI Int'l., Atlas; Opex Communications, Inc.; OneStart Long Distance, Inc.; Netifice Communications; Matrix Telecom; Telco Development Group De Inc.; Comdata Telecommunications Services, Inc.; Glyphics Communications Inc.; GTC Telecom, Inc.; Nosva Limited Partnership; RSL Com USA, Inc.; NOS Communication Inc.; XO Long Distance Services, Inc.; Excel Telecommunications, Inc.; Tri-M Communications, Inc.; Lightyear Communications, Inc.; Association Administrators, Inc.; Western Union Communications, Inc.; Single Billing Services, Inc., dba Asian American Association; Affinity Networks, Inc.; NPCR, Inc., dba Nextel; Working Assets Funding Service, Inc.; Trans National Communications International, Inc.; Touch America Services, Inc.; Teligent Services, Inc.; Primus Telecommunications, Inc.; Qwest Communications, Corp.; LCI International Telecom Corp.; and Atlas Communications. Ltd. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

AFFIDAVITS OF MAILING FOR BOARD OF EQUALIZATION SPECIAL ASSESSMENT GROUP II TO BE HELD ON MONDAY, NOVEMBER 19, 2001 AT 10:00 A.M. - CLERK presented said report which was placed on file in the Office of the City Clerk.

REPORT FROM CITY TREASURER OF FRANCHISE TAX FOR THE MONTH OF SEPTEMBER, 2001: UTILICORP UNITED - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

#### ORDINANCES - 1ST READING

CHANGE OF ZONE 3336 - APPLICATION OF REX ANDERSON FOR A CHANGE OF ZONE FROM I-1 INDUSTRIAL TO R-4 RESIDENTIAL AND R-7 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT 19TH AND DUDLEY STREETS - CLERK read an ordinance, introduced by Terry Werner, for a change of zone from I-1 Industrial to R-4 Residential and R-7 Residential on property generally located at 19th and Dudley Streets, the first time.

CHANGE OF ZONE 3342 - APPLICATION OF JOHN RALLIS FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 98TH STREET AND OLD CHENEY ROAD - CLERK read an ordinance, introduced by Terry Werner, for a change of zone from AG Agricultural to AGR Agricultural Residential on property generally located at S. 98th Street and Old Cheney Road, the first time.

AMENDING ORDINANCE NO. 17887, PASSED BY CITY COUNCIL ON JULY 30, 2001, TO AMEND THE LEGAL DESCRIPTION TO INCLUDE THE LOT UPON WHICH THE UNIVERSITY PARK CONGREGATION OF JEHOVAH'S WITNESSES IS LOCATED GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH 84TH AND HOLDREGE STREETS - CLERK read an ordinance, introduced by Terry Werner, amending Ordinance No. 17887, passed by the City Council on July 30, 2001, to amend the legal description to include the lot upon which the University Park Congregation of Jehovah's Witnesses is generally located at the northeast corner of North 84th and Holdrege Streets, the first time.

**ORDINANCES - 3RD READING**

VACATING A PORTION OF N. 60TH ST. FROM SEWARD AVE. SOUTH 142 FT. - PRIOR to reading:

COOK Moved to place Bill No. 00-177 on pending indefinitely.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Cynthia Johnson, vacating North 60th Street from Seward Avenue south 142 feet, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

CHANGE OF ZONE 3341 - APPLICATION OF JERRY CONIGLIO FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY LOCATED AT SOUTH 14TH STREET AND VACATED DAIRY DRIVE - CLERK read an ordinance, introduced by Coleen Seng, for Change of Zone 3341 - Application of Jerry Coniglio for a Change of Zone from AG Agricultural to H-3 Highway Commercial on property generally located at South 14th Street and vacated Dairy Drive, the third time.

SENG Moved to pass ordinance as read.  
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

The ordinance, being numbered **#17923**, is recorded in Ordinance Book 24, Page

**MISCELLANEOUS BUSINESS**

COOK Moved to place the Alternate maps on Council District on the 11/5/01 agenda.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

COOK Moved to waive Council rules to have 2nd and 3rd reading on the Council Redistricting on 11/19/01.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

**PENDING LIST -**

CAMP Moved to extend the Pending List for 1 week and approve the resolutions to have Public Hearing on Nov. 5, 2001.  
Seconded by Seng & carried by the following vote: AYES: Cook, McRoy, Seng, Werner; NAYS: Camp, Friendt, Svoboda.

**ADJOURNMENT**

**10:45 p.m.**

CAMP Moved to adjourn the City Council meeting of October 29, 2001.  
Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
So ordered.

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Joan E. Ross, Deputy City Clerk

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Glenna Graupmann, Office Assistant III

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