

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD  
MONDAY, NOVEMBER 4, 2002 AT 2:00 P.M.**

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

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

**READING OF THE MINUTES**

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

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

**PUBLIC HEARING**

MANAGER APPLICATION OF MITCHELL A. PHELPS FOR LEVY PREMIUM FOODSERVICE LTD DBA "LEVY RESTAURANTS AT HAYMARKET PARK" AT 403 LINE DRIVE CIRCLE - Mitchell A. Phelps, 2504 N 56th St., Apt. 10, took oath & came forward to answer any questions.

This matter was taken under advisement.

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY; TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050 TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060 TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070 TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247, 02R-207);

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION ORDINANCE) TO AMEND SECTION 26.23.040 TO MODIFY THE REFERENCE TO THE COMPREHENSIVE PLAN AND TO INCREASE THE MINIMUM RIGHT-OF-WAY WIDTH FOR BIKEWAYS FROM A 14-FOOT EASEMENT TO A 20-FOOT EASEMENT; AND TO AMEND SECTION 26.23.160 TO REQUIRE A DEDICATION OF LAND OR PAYMENT OF AN IMPACT FEE FOR NEIGHBORHOOD PARKS AND TRAILS.(IN CONNECTION W/02-160, 02R-247, 02R-207)

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY; TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050 TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060 TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070 TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247, 02R-207);

APPROVING A SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM. (9/30/02 - PLACED ON PENDING TO HAVE PUBLIC HEARING THE SAME DATE AS IMPACT FEES PUBLIC HEARING 11/4/02) (IN CONNECTION W/02-160, 02-161, 02R-247) (11/4/02 - DELAYED ACTION TO 11/18/02, 6-1; SENG DISSENTING);

ADOPTING THE WATER SYSTEM IMPACT FEE, WATER DISTRIBUTION IMPACT FEE, WASTEWATER IMPACT FEE, ARTERIAL STREET IMPACT FEE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULES TO BE USED TO DETERMINE THE AMOUNT OF EACH REQUIRED IMPACT FEE PURSUANT TO THE REQUIREMENT OF THE IMPACT FEE ORDINANCE. (IN CONNECTION W/02-160, 02-161, 02R-207) - Steven

Henrichsen, Planning Dept., came forward to state that the Impact Fee Ordinance proposed has been prepared to fit the circumstances in Lincoln. There is an amendment stating that government jurisdictions that have power of eminent domain by court ruling are not subject to the zoning ordinance and will not be subject to impact fees. Another amendment has been included pertaining to the Lincoln Housing Authority, which was created by the City of Lincoln in 1946 and is chief provider of low income housing, will be exempt from impact fees.

Kent Morgan, Planning Dept., came forward to talk about the Mayor's Infrastructure Financing Committee. The Mayor appointed a 13 member committee to look at the development of a broadly based financial package for the City. This committee has three working groups to look at cost saving and efficiency, finance issues, and legislation. Priority will be given to the older neighborhoods, to projects that have brought community benefit such as the Beltway and Antelope Valley and urban growth. The review will be limited to streets, water, wastewater, storm sewer and to parks. They should also develop a six year CIP & look at longer infrastructure needs and costs as appropriate. They should assume that there will be revenue from impact fees.

Jim Duncan, President of Duncan Associates of Austin, Texas, complimented the Administration and Staff for looking at the "big picture". He stated that local information in terms of infrastructure, the costs, the standards, the level of services was used to determine the fee structure. This program embodies tools and ways to promote Downtown development, affordable housing, economic development while giving additional funding to improve infrastructure.

Allan Abbott, Director of Public Works & Utilities, stated the reason for this ordinance is because of the sizeable gap between funding availability and the funding needed to develop the City in the fashion that the Comprehensive Plan indicated it wanted for the community over the next 25 years. The water rate increase is needed regardless of any action on impact fees.

Charlie Claus, 8411 Pinedale, came forward representing the Lincoln Independent Business Association (LIBA) in opposition.

Joe Hampton, came forward representing Lincoln Independent Business Association (LIBA) and himself in opposition.

Mark Allensworth, 1231 S.W. 10th St., came forward representing the Lincoln Independent Business Association (LIBA) and himself in opposition.

Dick Johnson, 3601 S. 17th Street, came forward representing the Lincoln Independent Business Association (LIBA) in opposition. Discussion followed.

Tim Thieje, no address given, Board Member & Executive Committee Member of DLA, came forward representing the Downtown Lincoln Assn. in support of.

Darlene Starman, President of Realtors Assn., came forward representing Lincoln Realtors Assn. in opposition.

Peter Katt, 1045 Lincoln Mall, Ste. 200, came forward representing Lincoln Realtors Assn. in opposition.

**TOOK BREAK 3:18 P.M.**

**RECONVENED 3:29 P.M.**

Maurice Baker, 3259 Starr St., came forward in support of. Discussion followed.

Kevin Burklund, 3930 B Street, came forward in opposition. Discussion followed.

Mike Morosin, Past President Malone Neighborhood Assoc., 2055 S St., came forward in a neutral position & requested this ordinance be put on Pending for further study. Discussion followed.

Bob Van Valkenburg, 7921 Reno Rd., came forward in opposition.

Russell Miller, 341 S 52nd Street, came forward in support of.

Craig Bauer, 5824 Rolling Hills, came forward in opposition. Discussion followed.

Craig Groat, 4935 Huntington Ave., came forward in support of.

John Cederburg, 7425 Meadow Rd., came forward in opposition. Discussion followed.

Steve Larrick, 920 S. 8th Street, came forward in support of. Discussion followed.

John Layman, 2702 Colonial Dr., came forward in opposition. Discussion followed.

**SUPPER BREAK 5:04 P.M.**

**RECONVENED 6:00 P.M.**

Marty Fortney, 1950 SW 112th St., a member of Home Builders Assn.

came forward in opposition.

Ron Ecklund, no address given, a member of Home Builders Assn. & Chairman of LES Board came forward in opposition. Discussion followed.

Duane Hartman, Hartland Homes, Inc., came forward in opposition. Discussion followed.

Karen Kotschwar, 5000 W. Hays, Secretary of Arnold Heights Neighborhood, & member of the Fair Share Alliance came forward in support of.

Larry Zink, 4926 Leighton Avenue, member of University Place Community Organization & Fair Share Alliance came forward in support of. Discussion followed.

Vera May Lutz, 3915 Apple Street, came forward in support of. Discussion followed.

Jennifer Brinkman, 1166 Idylwild Dr., member of the Fair Share Alliance came forward in support of. Discussion followed.

Glen Cekal, 1420 C St., came forward in a neutral position.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, came forward representing Southview Inc., Ridge Development, NEBCO, Inc., Eiger Development, & Don Linscott came forward in support of. Discussion followed.

Doug George yielded his time to Mark Hunzeker.

Mark Hunzeker, 530 S. 13th St., Suite B, representing the Homeowners Builders Association of Lincoln came forward in opposition. Discussion followed.

Peter Katt, 1045 Lincoln Mall, Ste. 200, came forward representing Mt. Olive Church in opposition.

**TOOK BREAK 8:35 P.M.**

**RECONVENED 8:46 P.M.**

Steve Champoux, no address given, came forward representing Prairie Homes in opposition.

Carol Brown, a member of Fair Share Alliance, came forward in support of.

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

Fred Hoppe, no address given, came forward representing the Nebraska Housing Resource Board in opposition.

Rick Krueger, Krueger Development, on the Board of Directors of Nebraska Housing Resource came forward in opposition.

Kandra Hahn, Near South Neighborhood, came forward in support of. Discussion followed.

Steve Fulton, no address given, came forward representing Fulton Construction in opposition. Discussion followed.

Paul Smith, 4300 X Street, came forward representing East Campus Neighborhood Assn. in support of.

Bill Newstrom, 2701 Kipling Circle, came forward in opposition. Discussion followed.

Michael Corneilus, 3149 R Street, came forward as President of the Hartley Neighborhood Assn. in support of.

Bob Benes, no address given, came forward as a small developer in opposition.

Dan Marvin, 2523 Woods Blvd., came forward in support of. Discussion followed.

John Kramer, no address given, came forward in opposition. Discussion followed.

Gregg Schwinn, 3707 Timberland Court, Planning Commission Chairman came forward in opposition.

Doug George, Main Street Homes, came forward in opposition. Discussion followed.

Steve Henrichsen, Planning Dept., came forward to answer questions & stated that Planning Dept. recommends approval.

Allan Abbott, Public Works & Utilities, came forward to answer questions

Jim Duncan, Duncan Association, came forward to answer questions.

This matter was taken under advisement.

Councilman Werner moved to waive the rules to not have an open forum due to the late hour.

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

#### **MISCELLANEOUS BUSINESS**

Frank Delgado, 3325 P Street, came forward to encourage participation in the 4th Annual Veteran's Day Walk from Memorial Stadium

to Memorial Park in observance of Veteran's Day.  
This matter was taken under advisement.

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

## COUNCIL ACTION

### LIQUOR RESOLUTIONS

MANAGER APPLICATION OF MITCHELL A. PHELPS FOR LEVY PREMIUM FOODSERVICE LTD DBA "LEVY RESTAURANTS AT HAYMARKET PARK" AT 403 LINE DRIVE CIRCLE - CLERK read the following resolution, introduced by Ken Svoboda, who moved its adoption for approval:

A-81790 WHEREAS, Levy Premium Foodservice LTD dba "Levy Restaurant at Haymarket Park" located at 403 Line Drive Circle, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Mitchell A. Phelps be named manager;

WHEREAS, Mitchell A. Phelps appears to be a fit and proper person to manage said business.

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

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Mitchell A. Phelps be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Ken Svoboda

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

### ORDINANCES - 2ND READING

AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE (ZONING ORDINANCE) TO ADD A NEW SECTION 27.82.010 TO PROVIDE A TITLE, AUTHORITY AND APPLICABILITY; TO ADD A NEW SECTION 27.82.020 TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE; TO ADD A NEW SECTION 27.82.030 TO PROVIDE INTENT; TO ADD A NEW SECTION 27.82.040 TO PROVIDE DEFINITIONS; TO ADD A NEW SECTION 27.82.050 TO PROVIDE FOR IMPOSITION OF IMPACT FEES; TO ADD A NEW SECTION 27.82.060 TO PROVIDE EXEMPTIONS FROM IMPACT FEES; TO ADD A NEW SECTION 27.82.070 TO PROVIDE FOR THE CREATION OF AN IMPACT FEE FUND AND IMPACT FEE ACCOUNTS; TO ADD A NEW SECTION 27.82.080 TO PROVIDE FOR REFUNDS OF IMPACT FEES PAID; TO ADD A NEW SECTION 27.82.090 TO PROVIDE FOR POST-ORDINANCE DEVELOPER AGREEMENTS REGARDING IMPACT FEE FACILITIES; TO ADD A NEW SECTION 27.82.100 TO PROVIDE FOR DEVELOPER REIMBURSEMENT FOR PRE-ORDINANCE PARTICIPATION IN FINANCING OR CONSTRUCTING IMPACT FEE FACILITIES; AND TO ADD A NEW SECTION 27.82.110 TO PROVIDE FOR MISCELLANEOUS PROVISIONS. (IN CONNECTION W/02-161, 02R-247, 02R-207) - PRIOR to reading:

CAMP Moved to delay Bill No. 02-160 indefinitely.

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

CLERK Read an ordinance, introduced by Jon Camp, amending Title 27 of the Lincoln Municipal Code relating to zoning by adding a new section 27.82.010 to provide a title, authority and applicability; to add a new Section 27.82.020 to provide legislative findings and purpose; to add a new Section 27.82.020 to provide intent; to add a new Section 27.82.040 to provide definitions; to add a new Section 27.82.050 to provide for imposition of impact fees; to add a new Section 27.82.060 to provide exemptions from impact fees; to add a new Section 27.82.070 to provide for the creation of an impact fee fund and impact fee accounts; to add a new Section 27.82.080 to provide for refunds of impact fees paid; to add a new Section 27.82.090 to provide for post-ordinance developer agreements regarding Impact Fee Facilities; to add a new Section 27.82.100 to provide for developer reimbursement for pre-ordinance participation in financing or constructing Impact Fee Facilities; and to add a new Section 27.82.110 to provide for miscellaneous provisions, as hitherto existing the second time.

AMENDING TITLE 26 OF THE LINCOLN MUNICIPAL CODE (LAND SUBDIVISION ORDINANCE) TO AMEND SECTION 26.23.040 TO MODIFY THE REFERENCE TO THE COMPREHENSIVE PLAN AND TO INCREASE THE MINIMUM RIGHT-OF-WAY WIDTH FOR BIKEWAYS FROM A 14-FOOT EASEMENT TO A 20-FOOT EASEMENT; AND TO AMEND SECTION 26.23.160 TO REQUIRE A DEDICATION OF LAND OR PAYMENT OF AN IMPACT FEE FOR NEIGHBORHOOD PARKS AND TRAILS.(IN CONNECTION W/02-160, 02R-247, 02R-207) - PRIOR to reading:

CAMP Moved to delay Bill No. 02-161 indefinitely.  
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.

CLERK Read an ordinance, introduced by Jon Camp, amending Section 26.23.040 of the Lincoln Municipal Code to amend Table 26.23.040 to modify the reference to the Comprehensive Plan and to increase the minimum right-of-way width for bikeways from a 14-foot easement to a 20-foot easement; amending Section 26.23.160 of the Lincoln Municipal Code to require a dedication of land or payment of an impact fee for neighborhood parks and trails; and repealing Sections 26.23.040, 26.23.160 of the Lincoln Municipal Code as hitherto existing the second time.

AMENDING THE PAY SCHEDULE FOR A CERTAIN EMPLOYEE GROUP PREFIXED BY THE LETTER "E" BY CHANGING THE PAY RANGE OF PERSONNEL CLERK FROM E01 TO X11 - PRIOR to reading:

CAMP Moved to continue Public Hearing w/action to 11/18/02.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18048 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E", and Section 1 of Ordinance No. 18053 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "X" by moving the job classification "Personnel Clerk" from the Excluded Pay Plan, E Ranges, to the Excluded Pay Plan, X Ranges, the second time.

AMENDING THE PAY SCHEDULE FOR CERTAIN EMPLOYEE GROUPS PREFIXED BY THE LETTERS "A" AND "C" TO CREATE THE CLASSIFICATIONS OF "SOLID WASTE OPERATIONS SUPERVISOR" AND "UTILITY ENGINEERING SPECIALIST" - PRIOR to reading:

CAMP Moved to continue Public Hearing w/action to 11/18/02.  
Seconded by Werner & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read an ordinance, introduced by Jon Camp, amending Section 1 of Ordinance No. 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by creating the job classification of "Solid Waste Operations Supervisor"; and amending Section 3 of Ordinance No. 18047 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "C" by creating the job classification of "Utility Engineering Specialist", the second time.

#### RESOLUTIONS

APPROVING A SCHEDULE FOR WATER USE CHARGES TO INCREASE REVENUES FOR THE LINCOLN WATER SYSTEM. (9/30/02 - PLACED ON PENDING TO HAVE PUBLIC HEARING THE SAME DATE AS IMPACT FEES PUBLIC HEARING 11/4/02) (IN CONNECTION W/02-160, 02-161, 02R-247) - PRIOR to reading:

WARNER Moved to delay action to 11/18/02.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Svoboda, Werner; NAYS: Seng.

ADOPTING THE WATER SYSTEM IMPACT FEE, WATER DISTRIBUTION IMPACT FEE, WASTEWATER IMPACT FEE, ARTERIAL STREET IMPACT FEE, AND NEIGHBORHOOD PARK AND TRAIL IMPACT FEE SCHEDULES TO BE USED TO DETERMINE THE AMOUNT OF EACH REQUIRED IMPACT FEE PURSUANT TO THE REQUIREMENT OF THE IMPACT FEE ORDINANCE. (IN CONNECTION W/02-160, 02-161, 02R-207) - PRIOR to reading:

CAMP Moved to delay Bill No. 02R-247 indefinitely.  
Seconded by Svoboda & **LOST** by the following vote: AYES: Camp, Svoboda; NAYS: Cook, Friendt, McRoy, Seng, Werner.

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SETTING HEARING DATE OF MONDAY, NOVEMBER 18, 2002 AT 1:30 P.M. FOR MAN. APP. OF JAMES P. MADSEN FOR MADSEN BOWLING & BILLIARD CENTER COMPANY LOCATED AT 1316 N. 47<sup>TH</sup> STREET - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81792 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 18, 2002, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of James P. Madsen for Madsen Bowling & Billiard Center Company located at 1316 N. 47th Street.

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

Introduced by Glenn Friendt

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

SETTING HEARING DATE OF MONDAY, NOVEMBER 25, 2002 AT 5:30 P.M. FOR MAN. APP. OF JOHN A. LOSITO FOR BOWLING ASSOCIATES LIMITED PARTNERSHIP DBA SUN VALLEY LANES LOCATED AT 321 VICTORY LANE - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81793 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Mon., November 25, 2002 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the Man. App. of John A. Losito for Bowling Associates Limited Partnership dba Sun Valley Lanes located at 321 Victory Lane.

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

Introduced by Glenn Friendt

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

**PETITIONS & COMMUNICATIONS**

PETITION TO VACATE PUBLIC WAY THE SOUTH ½ OF R STREET ABUTTING BLOCK 29, ORIGINAL PLAT, LINCOLN, FROM THE EAST RIGHT-OF-WAY OF 9<sup>TH</sup> STREET TO THE WEST RIGHT-OF-WAY OF 10<sup>TH</sup> STREET SUBMITTED BY WILLIAM K. JOHNSTON, PRESIDENT OF LINCOLN JOURNAL STAR -CLERK presented said petition which was referred to the Law Dept.

PETITION TO VACATE PUBLIC WAY THE NORTH ½ OF R STREET ABUTTING BLOCK 22 FROM THE EAST RIGHT-OF-WAY LINE OF 9<sup>TH</sup> STREET TO A POINT 15' WEST OF THE SOUTHEAST CORNER OF THE REMAINING PORTION OF LOT 6, BLOCK 22, ORIGINAL PLAT, LINCOLN SUBMITTED BY WILLIAM K. JOHNSTON, PRESIDENT OF LINCOLN JOURNAL STAR AND WILLIAM E. HENKLE, TRUSTEE OF GILES C. HENKLE TRUST - CLERK presented said petition which was referred to the Law Dept.

**REPORTS OF CITY OFFICERS**

CLERK'S LETTER AND MAYOR'S APPROVAL OF ORDINANCES AND RESOLUTIONS PASSED BY COUNCIL OCTOBER 28, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS FOR OCT. 21 THRU OCT. 25, 2002 - CLERK read the following resolution, introduced by Glenn Friendt, who moved its adoption:

A-81791 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed and approved, and the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council.

Introduced by Glenn Friendt

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

REPORT OF LINCOLN WATER & WASTEWATER SYSTEM RECAPITULATION OF DAILY CASH RECEIPTS FOR SEPT. 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (8-71)

REQUEST OF PUBLIC WORKS TO SET A HEARING DATE OF MONDAY, NOVEMBER 25, 2002, AT 5:30 P.M. & PLACE ON THE FORMAL CITY COUNCIL AGENDA THE FOLLOWING:

- 02-171 To provide authority to construct a 6-inch water main in NW 23rd Street, West Q to West O Streets and assess the cost thereof against the benefitted property.
- 02-172 To provide authority to construct a 6-inch sanitary sewer in NW 23rd Street, West Q to West O Streets and assess the cost thereof against the benefitted property.
- 02-173 To provide authority to design and construct a 16-foot wide paved alley at 26th Street to 27th Street, Q to R Streets and assess the costs thereof against the benefitted properties.
- 02-174 To provide authority to pave Frontage Road which parallels North Highway 77 from Holland Road south approximately 1,375 feet and assess the cost thereof against the benefitted property - CLERK requested a motion to set the hearing date of the above requests.

SENG So moved.

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

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM TIME WARNER CABLE FOR THE QUARTER ENDING SEPT. 30, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (41-2518A)

REPORT FROM CITY TREASURER OF FRANCHISE FEES FROM AQUILA FOR THE QUARTER ENDING SEPT. 30, 2002 - CLERK presented said report which was placed on file in the Office of the City Clerk. (16-1)

REPORT FROM CITY TREASURER OF TELECOMMUNICATION TAX FOR THE MONTH OF SEPTEMBER, 2002: MCI WORLDCOM, GUARANTEED PHONE SERVICE, ALLTEL NEBRASKA, ALLTEL SYSTEMS OF THE MIDWEST, SPRING SPECTRUM, TELIGENT SERVICES, NETWORK BILLING SYSTEMS, NORSTAN NETWORK, SPRINT, TELCO DEVELOPMENT GROUP DE INC., WESTERN UNION, WORLDCXCHANGE, TRANS NATIONAL, CRICKET COMM., EXCEL - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

#### ORDINANCES - 1ST READING

VACATING THE WEST 60.15 FEET OF WAGON LANE FROM THE SOUTH LINE OF OUTLOT B TO THE NORTH LINE OF OUTLOT C, FRONTIER ACRES, GENERALLY LOCATED AT S. 62ND STREET AND WAGON LANE. (IN CONNECTION W/02-170, 02R-276, 02R-277) (REQUEST TO HAVE 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 11/18/02) - CLERK read an ordinance, introduced by Glenn Friendt, vacating the west 60.15 feet of Wagon Lane from the south line of Outlot B to the north line of Outlot C, Frontier Acres Addition, located in the Northwest Quarter of Section 16, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, and retaining title thereto in the City of Lincoln, Lancaster County Nebraska, the first time.

VACATING A PORTION OF O'HANLON DRIVE, REQUESTED BY DON JOHNSON HOMES INC., DAVID AND SYDNEY RICHARDS, RIDGE DEVELOPMENT COMPANY AND SOUTHVIEW, INC., GENERALLY LOCATED ¼ MILE NORTH OF THE INTERSECTION OF S. 27TH STREET AND YANKEE HILL ROAD - CLERK read an ordinance, introduced by Glenn Friendt, vacating a portion of O'Hanlon Drive located approximately one-fourth mile north of the intersection of South 27th Street and Yankee Hill Road, and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the first time.

CHANGE OF ZONE 3370 - APPLICATION OF CONNIE HEIER AND PATRICIA SLAUGHTER FOR A CHANGE OF ZONE FROM AG AGRICULTURE TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF S. 112TH STREET AND OLD CHENEY ROAD. (IN CONNECTION W/02R-263)- CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3376 - APPLICATION OF RON AND ROSE MCMAHAN FOR A CHANGE OF ZONE FROM R-2 RESIDENTIAL TO H-3 HIGHWAY COMMERCIAL ON PROPERTY GENERALLY

LOCATED 330 FEET NORTH OF WEST O STREET AND N.W. 14TH STREET - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3380 - APPLICATION OF THE PLANNING DIRECTOR FOR A CHANGE OF ZONE FROM B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO R-3 RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT S. 79TH STREET AND PIONEERS BLVD. - CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

CHANGE OF ZONE 3382 - AMENDING SECTIONS 27.63.130 AND 27.63.680 OF THE LINCOLN MUNICIPAL CODE ZONING ORDINANCE TO ALLOW THE SALE OF ALCOHOL FOR CONSUMPTION ON THE PREMISES AT GOLF COURSES AND COUNTRY CLUBS AS AN ALLOWED ACCESSORY USE BY SPECIAL PERMIT.(TO BE ACTED ON PRIOR TO 02R-257)- CLERK read an ordinance, introduced by Glenn Friendt, amending Section 27.63.130 of the Lincoln Municipal Code relating to permitted special uses for recreational facilities and Section 27.63.680 of the Lincoln Municipal Code relating to the sale of alcoholic beverages for consumption on the premises as a special permit use to allow the sale of alcohol for consumption on the premises at golf courses and country clubs as an allowed accessory use by special permit; and repealing Sections 27.63.130 and 27.63.680 of the Lincoln Municipal Code as hitherto existing, the first time.

CHANGE OF ZONE 3375 - APPLICATION OF CARL SJULIN AND WEST GATE BANK FOR A CHANGE OF ZONE FROM AGR AGRICULTURAL RESIDENTIAL TO O-3 OFFICE PARK ON PROPERTY GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF OLD CHENEY ROAD AND HIGHWAY 2. (IN CONNECTION W/02-164, 02R-276, 02R-277) (REQUEST 2<sup>ND</sup> & 3<sup>RD</sup> READINGS 11/18/02)- CLERK read an ordinance, introduced by Glenn Friendt, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

#### ORDINANCES - 3RD READING

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

SVOBODA Moved to pass ordinance as read.  
Seconded by Friendt & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Werner; NAYS: Svoboda.  
The ordinance, being numbered **#18085**, is recorded in Ordinance Book 25, Page

AMENDING TITLE 6 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS BY ADDING A NEW CHAPTER 6.02 RELATING TO ANIMAL CONTROL DEFINITIONS WHICH CONSOLIDATES THE DEFINITIONS PREVIOUSLY FOUND IN CHAPTERS 6.04, 6.08, 6.10 AND 6.12 AND REVISES THE DEFINITION OF REVISED DEFINITIONS FOR "HOBBY KENNEL" OR "CATTERIES," "KENNEL," AND "FOWLS," AND ADDS NEW DEFINITIONS FOR "ANIMAL RESCUE ORGANIZATION," "ANIMAL SHELTER," "FOSTER HOMES," "ROOSTER," "COMMERCIAL BOARDING KENNEL," "COMMERCIAL BREEDING KENNEL," "DOG KENNEL," "INDOOR HOUSING FACILITY," "MULTI-DOG HOUSEHOLD," "MULTI-CAT HOUSEHOLD," "OUTDOOR HOUSING FACILITY," AND "WRITTEN CONSENT"; AND; BY AMENDING CHAPTER 6.04 RELATING TO ANIMAL CONTROL REGULATIONS IN GENERAL TO PROHIBIT ROOSTERS WITHIN THE CITY OF LINCOLN, TO REGULATE ANIMAL RESCUE ORGANIZATIONS, AND TO MODIFY PERMIT FEE PROVISIONS; BY AMENDING CHAPTER 6.08 RELATING TO DOGS TO SET MINIMUM PENALTY AMOUNTS FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO

INCREASE LICENSING FEES FOR DOGS, TO REQUIRE DISPOSAL OF DOG FECES OR MANURE IN A SANITARY MANNER, TO PERMIT AND REGULATE MULTI-DOG HOUSEHOLDS, TO PERMIT AND REGULATE COMMERCIAL BREEDING KENNELS, AND TO EXEMPT COMMERCIAL BREEDING KENNELS AND MULTI-DOG HOUSEHOLDS FROM THE PROHIBITION OF MAINTAINING A DOG KENNEL; BY AMENDING CHAPTER 6.10 RELATING TO DANGEROUS DOGS TO ALLOW THE USE OF MICROCHIPS FOR MARKING SUCH DOGS AND TO SET MINIMUM PENALTIES; BY AMENDING 6.12 RELATING TO CATS TO SET MINIMUM PENALTIES FOR REPETITIVE VIOLATIONS OF LICENSING REQUIREMENTS, TO PLACE A LIMIT ON THE NUMBER OF CATS A PERSON MAY OWN WITHOUT A MULTI-CAT HOUSEHOLD, CATTERY OR HOBBY KENNEL PERMIT, TO INCREASE LICENSE FEES FOR CATS, TO INCREASE LICENSE FEES FOR CATTERIES AND HOBBY KENNELS, TO PERMIT AND REGULATE MULTI-CAT HOUSEHOLDS, TO ALLOW CURRENT CAT OWNERS OR THOSE WHO ARE SUBSEQUENTLY ANNEXED INTO THE CITY WHO OWN MORE THAN 15 CATS TO RETAIN ALL THEIR CATS UNTIL DEATH OR TRANSFER OF OWNERSHIP OF THE CAT; IN ORDER TO IMPLEMENT THE RECOMMENDATIONS OF THE ANIMAL CONTROL BOARD - PRIOR to reading:

WERNER Moved to continue action on Bill No. 02-157 to 11/18/02.  
Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.

CLERK Read the following ordinance introduced by Terry Werner, amending title 6 of the Lincoln Municipal Code relating to animals by adding a new chapter 6.02 relating to animal control definitions which consolidates the definitions previously found in Chapters 6.04, 6.08, 6.10 and 6.12 and revises the definition of revised definitions for "hobby kennel" or "catteries," "kennel," and "fowls," and adds new definitions for "animal rescue organization," "animal shelter," "foster homes," "rooster," "commercial boarding kennel," "commercial breeding kennel," "dog kennel," "indoor housing facility," "multi-dog household," "multi-cat household," "outdoor housing facility," and "written consent"; and; by amending chapter 6.04 relating to animal control regulations in general to prohibit roosters within the City of Lincoln, to regulate animal rescue organizations, and to modify permit fee provisions; by amending Chapter 6.08 relating to dogs to set minimum penalty amounts for repetitive violations of licensing requirements, to increase licensing fees for dogs, to require disposal of dog feces or manure in a sanitary manner, to permit and regulate multi-dog households, to permit and regulate commercial breeding kennels, and to exempt commercial breeding kennels and multi-dog households from the prohibition of maintaining a dog kennel; by amending chapter 6.10 relating to dangerous dogs to allow the use of microchips for marking such dogs and to set minimum penalties; by amending 6.12 relating to cats to set minimum penalties for repetitive violations of licensing requirements, to place a limit on the number of cats a person may own without a multi-cat household, cattery or hobby kennel permit, to increase license fees for cats, to increase license fees for catteries and hobby kennels, to permit and regulate multi-cat households, to allow current cat owners or those who are subsequently annexed into the city who own more than 15 cats to retain all their cats until death or transfer of ownership of the cat; in order to implement the recommendations of the animal control board, the third time.

#### MISCELLANEOUS BUSINESS

##### PENDING -

CAMP Moved to extend the Pending List to November 18, 2002.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS; None.

CAMP Moved to approve the resolutions to have Public Hearing on November 18, 2002.  
Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS; None.

#### ADJOURNMENT

REGULAR MEETING  
NOVEMBER 4, 2002  
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11:39 P.M.

CAMP            Moved to adjourn the City Council meeting of November 4, 2002.  
                  Seconded by McRoy & carried by the following vote: AYES: Camp,  
Cook, Friendt, McRoy, Seng, Svoboda, Werner; NAYS: None.  
                  So ordered.

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Joan E. Ross, City Clerk

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Judy Roscoe, Office Assistant III